

## CHAPTER 23

### The Somerset Case and the Anti-Slavery Controversy, 1772

In 1772 the case of James Somerset went before England's highest common law court, the King's Bench. When the chief justice rendered his decision following five days of testimony, Somerset was free—literally—from the laws that had enslaved him for years.

James Somerset, an American slave, was sold to a customs official named Charles Stewart. Stewart bought Somerset in Virginia and took him to Massachusetts, where Stewart worked for the British government. In 1769 Stewart sailed to England on business and took his slave with him. Somerset used the trip as an opportunity to escape, but he was recaptured. Stewart decided the best thing to do with a rebellious slave was to sell him back into slavery, and he made plans to ship Somerset to Jamaica.

At this point, British abolitionists learned of Somerset's plight, and an outspoken advocate of manumission, or freedom for slaves, Granville Sharp, contacted Somerset. With the abolitionist's help, the slave petitioned the court for his freedom. The chief justice, in ruling that Somerset must be set free, said, "[N]o Master ever was allowed here to take a Slave by Force to be sold...therefore the Man must be discharged."<sup>1</sup> The decision to free Somerset was handed down not because slavery was illegal, but because England had no laws that pertained to his particular situation.<sup>2</sup>

Even though the decision did not end slavery in Britain and its colonies, many in England and America believed that the Somerset verdict

was the beginning of the end for slavery in the English-speaking world. As a writer in the *London Chronicle* noted on June 20, 1772,

Some generous humane persons subscribed to the expence of obtaining liberty by law for Somerset the Negro.—It is to be wished that the same humanity may extend itself among numbers; if not to the procuring liberty for those that remain in our Colonies, at least to obtain a law for abolishing the African commerce in slaves, and declaring the children of present Slaves free after they become of age.

The trial of James Somerset coincided with a movement in America toward ending slavery. As Benjamin Franklin, who was in London during the hearing, wrote in a letter following the decision, “I am glad to hear that the Disposition against keeping Negroes grows more general in North America. . . . I hope therefore you and your Friends will be encouraged to proceed.”<sup>3</sup> Most Americans who favored manumission lived in New England or in Pennsylvania, the colony founded by the religious group known as the Society of Friends. Friends, or Quakers as they were known to many, were the first in America to call for the end of slavery. For nearly 100 years before the Somerset decision, Quakers publically opposed slavery, and they began publishing anti-slavery tracts in 1700 with Samuel Sewell’s *Selling of Joseph*.

The Quaker call for the abolition of slavery in the first two-thirds of the eighteenth century went unheeded for a number of reasons. Principally, slaves were seen as necessary for the survival of the British colonies, and they had been viewed in such a way almost from the beginning of colonization. As a letter to Massachusetts Bay Governor John Wintrop pointed out in 1645, “The colony will never thrive untill we gett . . . a stock of slaves sufficient to doe all our business.”<sup>4</sup> The Southern colonies depended upon slaves to work the fields of large plantations. In the Middle and New England colonies, slaves filled any number of positions, but for New England merchants and shippers, the slave trade was a prime source of revenue. In fact, two-thirds of Rhode Island’s ships and sailors directly took part in the slave trade,<sup>5</sup> and profits from the slave trade grew by more than 321 percent from the beginning of the century to 1740.<sup>6</sup> Slaves entered America at all ports; more than 35 percent of the immigrants coming to America through New York from the 1730s to the 1760s were Africans destined for slavery.<sup>7</sup> More than a quarter of a million Africans were sold into American slavery during the eighteenth century.<sup>8</sup>

The American dialogue on slavery had its roots in religion and the concepts of freedom and liberty. Americans of the 1770s were seeking both from England, and some saw a natural corollary in their own plight and that of the slaves. But curtailing such a popular and profitable practice as slavery would not be easy. In 1775 Rhode Island became the first

colony to prohibit the importation of slaves, and by 1800 all New England states had outlawed slavery. Still, it took the Civil War to end slavery in all parts of America.

The anti-slavery section of this chapter begins with a pair of letters related to the Somerset trial. The first says that African slaves now had achieved equality in Great Britain. The second recommends sending all Africans back to Africa. These letters are followed by Rhode Island's "An ACT for prohibiting the Importation of Negroes into this Colony, and asserting the Right of Freedom of all those hereafter born or manumitted within the same," America's first governmental outlawing of slavery. The next selection is the first anti-slavery essay to appear in newspapers, George Whitefield's letter to the Inhabitants of the Southern colonies, written in 1740. After it comes an essay that points out the hypocrisy of white Americans demanding liberty while enslaving Africans. The last anti-slavery entry is a rare letter from a Southern newspaper opposing bondage and servitude for Africans. The letter writer, who used a pseudonym, is unknown.

The first pro-slavery entry, a reaction to the Somerset decision, declares that the repercussions from it will be greater than the reaction to the Stamp Act in America. Two pro-slavery letters, which are unsigned, follow. They outline the religious foundations used in colonial America to support slavery. Even though these letters sound like pro-slavery arguments, they were in reality printed to demonstrate what their authors—and probably the printers—saw as the foolishness of the pro-slavery argument. Identical arguments, however, appeared in pamphlets printed during the period but were not presented as parody. The arguments on both sides of the issue were the same as those used by abolitionists in the nineteenth century. The third letter, which is signed with a pseudonym, comes from the *Virginia Gazette*. It specifically uses the book of Genesis to legitimize slavery.

## ANTI-SLAVERY DIALOGUE

### AN ANONYMOUS WRITER: "THE GREAT NEGRO CAUSE"

*American newspapers did not discuss in great depth the Somerset trial. Instead, papers concentrated more on the overall debate on the validity of slavery. In this letter from an unknown Londoner, the writer thinks that freedom for African slaves was greatly enhanced by the Somerset decision.*

*New-York Journal; or, the General Advertiser, 3 September 1772*

*Extract of a letter from London, dated July 2.*

The great Negro cause was determined a few days ago, and the con-

sequence was, the negro obtained his freedom. The poor fellow was present in the court at the decision, as were likewise a great many other blacks, all of whom, as soon as Lord Mansfield had delivered the opinion of the court, came forward, and bowed first to the Judges, and then to the bar, with symptoms of the most extravagant joy. Who can help admiring the genius of that government, which thus dispenses freedom to all around it? No station or character is above the law, nor is any beneath protection. The Monarch and the Beggar are alike subject to it...are equally guarded by it.

#### AN ANONYMOUS WRITER: "SEND ALL NEGROES BACK TO THEIR OWN COUNTRY"

*Any time slaves or issues surrounding slaves appeared in newspapers, reports of slave problems increased. This letter from an anonymous New Jersey writer, written while news of the Somerset trial was still occasionally being printed, suggests that the best thing for white America would be to send all slaves back to the point of their origin. The letter is not an anti-slavery one as are many of the readings in this section of the chapter; instead, it proposes freedom for slaves as a means to protect white Americans.*

*New-York Journal; or, the General Advertiser, 5 November 1772*

AN anonymous correspondent who dates his letter in East New-Jersey, has sent money to pay for an advertisement, signifying his apprehensions, of a conspiracy among the Negroes, which he supposes has been long in agitation, to set themselves free: He grounds this conjecture on speeches that he has heard, were made by two Negroes...“That it was not necessary that they should endeavour to please their masters, for, that they should not have any masters long.” He therefore hopes all the Colonies will take proper measures for their security, and particularly, that they will put in execution the laws which prohibit Negroes, who are become vastly numerous, from meeting together in companies. And tho’ he has 7 of his own, he prays that the King and parliament would make a law, to send all Negroes back to their own country, at the expense of their owners; and he desires, that this caution may not seem to any, as coming *from one that mocketh!*

#### GENERAL ASSEMBLY OF RHODE ISLAND: “AN ACT PROHIBITING THE IMPORTATION OF NEGROES”

*The Revolution had begun, and Rhode Island’s legislature took a bold step to end slavery there with this act. Now, it was against the law to*

*import slaves to Rhode Island. The act also talked in terms of freedom and liberty for slaves.*

*Providence Gazette; and Country Journal*, 9 September 1775

An ACT for prohibiting the Importation of Negroes into this Colony, and asserting the Right of Freedom of all those hereafter born or manumitted within the same.

WHEREAS the inhabitants of America are generally engaged in the preservation of their own rights and liberties, among which that of personal freedom must be considered as the greatest; and as those who are desirous of enjoying all the advantages of liberty themselves, should be willing to extend personal liberty to others:

Therefore be it enacted by this General Assembly, and by the authority thereof it is enacted, that for the future no Negro or Mulatto slave shall be brought into this colony; and in case any slave shall hereafter be brought in, he or she shall be, and are hereby, rendered immediately free, so far as respects personal freedom, and the enjoyment of private property, in the same manner as the native Indians.

Provided nevertheless, that this law shall not extend to servants of persons travelling through this colony, or that come to settle within the same, provided the masters of such servants do not presume to sell or alienate them as slaves. And to prevent any slave or slaves from being clandestinely brought into this colony, in order that they may be free, and liable to become chargeable, be it further enacted by the authority aforesaid, that all persons so offending shall be liable to and pay a fine of One Hundred Pounds lawful money, for each and every one so brought in, to and for the use of the colony, to be recovered in the same manner that other fines and forfeitures usually are by the laws of this government; and also all persons who shall be convicted of receiving, harbouring or concealing any such Negro or Mulatto slave within this colony, he or they so offending shall be liable to the like penalty, to be recovered and applied in the same manner; and such Negro or Mulatto shall be sent out of the colony as other poor persons are by law.... And whereas by the charter of this colony, and by the declarations of our rights at sundry times since asserted, all persons born within this colony are as free, to all intents and purposes, as though born within the realm of England, where the laws expressly exclude personal slavery; be it further enacted by this General Assembly, and by the authority thereof it is hereby enacted, that for the future all Negroes, as well as other persons, hereafter born within this colony, be, and they are hereby, declared free, and intitled to the same personal privileges as the native inhabitants at the usual age of twenty-one years, and usage or custom to the contrary in any wise notwithstanding.... And to prevent he public becoming chargeable, by reason of the master or mistress of any slave or slaves (not

manumitted as aforesaid) being unable to support them, be it enacted by the authority aforesaid, that in such case the preceding possessor; of such slave or slaves shall be liable to and pay the whole expence of such Negro or Mulatto, if of ability, and there be any such to be found, and so back, or the preceding master or mistress shall be liable, until there be a former possessor found (if any) who may have estate sufficient to indemnify and free the town (where such indigent Negro or Mulatto may fall) from said expence.

GEORGE WHITEFIELD: "A LETTER TO THE INHABITANTS OF MARYLAND, VIRGINIA, NORTH AND SOUTH-CAROLINA"

*George Whitefield (see Chapter 8) rarely backed down when he believed in an issue, and the itinerant minister from England thought slavery was wrong. He spent a considerable amount of time during his first preaching tour in the Southern colonies and wrote this open letter to the inhabitants of them on the sins of slavery.*

*Pennsylvania Gazette (Philadelphia), 17 April 1740*

"A Letter from the Rev. Mr. GEORGE WHITEFIELD, to the Inhabitants of Maryland, Virginia, North and South-Carolina."

As I lately passed through your Provinces, in my Way hither, I was sensibly touched with a Fellow-feeling of the Miseries of the poor Negroes.... Whatever be the Event, I must inform you, in the Meekness and Gentleness of christ, that I think God has a Quarrel with you for your Abuse of and Cruelty to the poor Negroes. Whether it be lawful for Christians to buy Slaves, and thereby encourage the Nations from whence they are brought, to be at perpetual War with each other, I shall not take upon me to determine; sure I am, it is sinful, when bought, to use them as bad nay worse than as though they were Brutes; and whatever particular Exceptions there may be.... I fear the Generality of you that own Negroes, are liable to such a Charge; for your Slaves, I believe, work as hard if not harder than the Horses whereon you ride.... Your Dogs are caress'd and fondled at your Tables—But your Slaves, who are frequently stiled Dogs or Beasts, have not an equal Privilege. They are scarce permitted to pick up the Crumbs which fall from their Masters Tables.... I have wondered, that we have not more Instances of Self-Murder among the Negroes, or that they have not more frequently rose up in Arms against their Owners.... For God is the same to Day as he was Yesterday, and will continue the same forever. He does not reject the Prayer of the poor and destitute, nor disregard the Cry of the meanest Negroes! The Blood of them spilt for these many Years in your respective Provinces, will ascend up to Heaven against you.

## AN ANONYMOUS WRITER: "THE SHAMEFUL, SHOCKING SLAVETRADE"

*Americans during the tumultuous period from the Stamp Act crisis of 1765 to the beginning of the Revolution in 1775 looked at a number of issues through the lens of their own situation. Patriots used the rhetoric of their rights to freedom and liberty juxtaposed against their own oppression and slavery to England. As a result, some Americans realized that within America some groups were just as depressed because of their religion (see Chapter 22) or because of their station—they were slaves. In this anonymous letter, the writer uses liberty and religion to criticize the slave trade.*

*New-London Gazette, 10 August 1770*

A prognostic of the loss of Liberty, is, the shameful, shocking Slave-Trade, so long carried on by a nation that makes her boast of Liberty, that calls herself Protestant and Christian!—It is said England supplies her American colonies yearly with more than 100,000 slaves. In order to procure such, they encourage the African princes to go to war with one another, and to spread wretchedness among their own humane, innocent well-disposed subjects. What adds to the horrid barbarity, no less than 10,000 of these unhappy humans creatures die in the voyage, and one fourth of an hundred thousand, in, what is called, the seasoning. It is affirmed of Liverpool, that her vessels alone import to America more than 30,000 slaves yearly.

## ASSOCIATOR HUMANUS: "SLAVERY IS LIKE MINISTERIAL TYRANNY"

*Anti-slavery literature in Southern newspapers was rare, but in this anonymous letter published in the Virginia Gazette, the writer suggests that Americans despise tyranny by the ministry of England. But America's condoning of slavery, he says, is tyranny, too, and it should be stopped.*

*Virginia Gazette (Williamsburg, Purdie and Dixon), 18 July 1771*

GENTLEMEN,

I HAVE often thought that we should have been more strenuous in our Opposition to ministerial Tyranny, spoken out with more Boldness against it, and manifested a more genuine Abhorrence of Slavery, had we not been too familiar with it, or had we not been conscious that we ourselves were absolute Tyrants, and held Numbers of the poor Souls in the most abject and endless State of Slavery.... Let us endeavour to discourage a Practice which must for ever prevent our Country from flour-

ishing as the northern Colonies have done, a Practice which is a neverfailing Source of Ignorance and Vice, of Indolence and Cruelty, amongst us; in short, a Practice which Prudence should guard against and Humanity forbids, and which, above all, is directly contrary to the fundamental Principles of our holy Religion. Let us endeavour to make the Lives of those we are unfortunate enough to have already among us as comfortable as we can. Let us treat them as unfortunate Men; but let us never heighten their Misfortune by Cruelty, nor aggravate it by Insult. Let us not even mention the Name of Slavery before them. And let us never shock them with the dreadful Sight of free born Men dragged from their native Country, and forced to work among them. Let us beware how we remind them that this was once their Case. If we will resolve to import no more, and determine to treat those we have humanely, so that they cannot perceive the Yoke of Slavery, nor accuse us of Tyranny, then, and then only, may we, with Confidence, step forth and boldly assert our own Liberty and Independence.

I am, your humble Servant,  
ASSOCIATOR HUMANUS.

## PRO-SLAVERY DIALOGUE

### AN ANONYMOUS REPORT: "THE SOMERSET DECISION WILL CAUSE PROBLEMS"

*When Lord Mansfield ruled that Somerset was free, some feared the repercussions for England's American and Caribbean colonies would be worse than the reaction to the Stamp Act. Although that was not the case, this London writer passed on that report.*

*New-York Journal; or, the General Advertiser, 27 August 1772*

The late decision with regard to Somerset the Negro, a correspondent assures us, will occasion a greater ferment in America (particularly in the islands) than the Stamp Act itself; for the slaves constituting the great value of (West-Indies) property (especially) and appeals lying from America in all cases of a civil process to the mother-country, every pettifogger will have his neighbour entirely at his mercy, and by applying to the King's Bench at Westminster, leave the subject at Jamaica or Barbados wholly without a hand to cultivate his plantations.

### AN ANONYMOUS WRITER: "SCRIPTURE FORETOLD SLAVERY OF AFRICANS"

*Scripture was used by colonial writers to support or refute a number of issues. It was central to the dialogue on slavery. In this anonymous*



*letter, the writer states all the usual scriptural rationales for accepting slavery. The letter, as included here, sounds very much like the pro-slavery pamphlets that circulated during the era. In reality, the letter ended with refutation to the argument. It is included here because it contains the standard pro-slavery argument, which generally appeared in publications other than newspapers.*

*Connecticut Journal, and New-Haven Post-Boy, 6 July 1770*

IT is strange that any persons should be so infatuated, as to deny the right of enslaving the black inhabitants of Africa. I cannot look on silently and see this inestimable privilege, which has been handed down inviolable from our ancestors, wrenched out of our hands, by a few men of squeamish consciences, that will not allow them, or others peaceably to enjoy it. I therefore engage in the dispute and make no doubt of proving to every unprejudiced mind, that we have a natural, moral, and divine right of enslaving the Africans.... It is positively foretold in the scriptures, that the children of Ham, should be servants of servants to their brethren. Now if our adversaries will but allow these two points, that a prophecy concerning any thing that shall be done, may be construed into a permission for the doing of it, and that the Africans are the children of Ham, which is plain from their being servants of servants to their brethren; the controversy is brought to a point, and there needs nothing further to be said upon the subject.

Besides, was not the slave trade carried on exactly in the same manner, by Abraham and several other good patriarchs, whom we read of in antient history? Those Gentlemen will doubtless be allowed to have been perfect patterns and examples.... The whole world is the property of the righteous; consequently the Africans, being infidels and heretics, may rightly be considered as lawful plunder.

I come now to the most weighty part of the argument.... Is not the enslaving of these people the most charitable act in the world? With no other end in view than to bring those poor creatures to christian ground, and within hearing of the gospel, we spare no expence of time or money, we send many thousand miles across the dangerous seas, and think all our toil and pains well rewarded.

#### AN ANONYMOUS WRITER: "AFRICANS ARE BROUGHT HERE TO CHRISTIANIZE"

*Slaves were brought to America for their own welfare, according to some pro-slavery advocates. In this letter, the writer outlines the basic reasons why Africans are slaves. Three main ones are used: Slaves are bought with rum money; slaves are descended from the biblical Ham and are,*

*therefore, to be slaves, and slaves are enslaved and brought to America to be Christianized.*

*Connecticut Gazette; and the Universal Intelligencer* (New London), 6 January 1775

Mr. GREEN,

Almost every person who has ingenuity enough to form into a combination half a dozen ideas, has communicated them to the public on the favorite theme of slavery—Among the rest, I think I have a right to say something on the matter, and if the world will be at the trouble of reading these remarks, I promise never to trouble them with any thing more on the topic.

Scarcely one, amidst all the performances on this popular subject, has been written with a proper degree of candor. It is a sure mark of an imperious mind, when it has the advantage in any contest, to behave with insolence, or cast unpolite reflections on its adversary.... I have ever been an avowed enemy to enslaving the Africans, till a few days since meeting with a remarkable champion for the cause of slavery, the very weighty suggestions and reasons which he introduced in support of it, broke through every objection, and struck so clear a conviction of truth in my mind, as over-powered the prejudices and prepossessions which along and (as I supposed) a warrantable opinion would naturally create; and now instead of opposing him, I am become the most enthusiastic abetter of his sentiments.

In vindication of slavery he argued copiously and pertinently. The three most striking and ingenious intimations were—That the Africans were purchased with Rum—That they were descendants of Ham, and therefore by divine decree ought to be reduced to a state of servitude—That bringing them into a land of civilization and religion contributed to moralize and christianize them. These were his principal, these his most penetrating and invincible arguments.... Slaves are frequently purchased with RUM—with Rum—with New-England Rum—with New-England rum suitably attempered and molified, that I may not prove detrimental to their constitutions.... Can perpetual and horrid wars, can final and the most abject kind of servitude, can quitting their native country and all the comforts which result from friends, from relations and from acquaintance, be too great reprisals on the part of Negroland, for so excellent a commodity as rum?—Even Liberty itself is to be disdained in competition with it—Place them both upon the same parallel and Rum would share the amplest company of votaries. Don't then complain of African slavery, nor charge its encouragers with barbarity or injustice.

The next, and a still more powerful argument, is deducible from the denunciation of Noah upon Canaan. We may take for granted that the

Negroes are the descendants of Ham. It is also an incontestible fact that curses were denounced against them—And by a kind of inspiration we are induced to believe we are authorized to put them in execution, as the Jews were to accomplish the prophecies concerning the crucifixion of our Saviour. It is no less our duty to enslave the Africans, than it was the Jews to crucify Christ.—We may expect a reward for it . . . If an negro were manumitted by his master, any person by virtue of Noah's prediction may as rightly enslave him as the first man might, and so on *ad infinitum*; for no human institution ought to violate the decrees of God. It is too plain to need any more said on this head.

Here comes the capital, the irresistable argument.—The Africans are brought here to be christianized.—Let us here pause and admire!—We are to judge of Christians by their fruits. Negroes are Arminians, to be saved by their works.—In what set of men are many of the moral and some of the christian virtues so illustriously exhibited?

A CUSTOMER: "THE BEASTS OF ETHIOPIA SHALL BOW DOWN TO THEE"

*As the attack on slavery increased, the arguments in support of it endeavored to find biblical support. In this anonymous letter, the writer postulates that the book of Genesis validates the enslavement of Africans in this strained interpretation of Genesis 1:28–30. The writer's quote of the verses, however, does not agree with the King James version of scripture.*

*Virginia Gazette* (Williamsburg, Purdie and Dixon), 2 December 1773

SIR,

IN looking over the latter Part of the first Chapter of Genesis, I find an Account of God's having granted to Adam, and his Posterity, not only a Dominion over "the Fish of the Sea, the Fowl of the Air, Cattle and every Thing that *creepeth* upon the Earth," but likewise, in a particular Manner, over the Negroes of Africa.\* I beg therefore you would mention this, in your Paper, to silence those Writers who insist upon the Africans belonging to the same Species of Men with the white People, and who will not allow that God formed them in common with Horses, Oxen, Dogs, &c. for the Benefit of the white People alone, to be used by them either for Pleasure, or to labour with their *other* Beasts in the Pasture of Tobacco, Indigo, Rice, and Sugar. A CUSTOMER.

\* "And the Beasts of Ethiopia shall bow down to thee, even those [with] Figure and Speech are like unto thine own."

## NOTES

1. *Virginia Gazette* (Williamsburg, Dixon and Purdie), 22 August 1772, 3.
2. David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770–1823* (Ithaca, N.Y.: Cornell University Press, 1975), 498.
3. “To Anthony Benezet,” in *Benjamin Franklin, Writings*, ed. J. A. Leo Lemay (New York: Library of America, 1987), 876.
4. Quoted in Lorenzo J. Greene, *The Negro in Colonial America, 1620–1776* (New York, 1942), 60.
5. Steven Deyle, “‘By farr the most profitable trade’: Slave Trading in British Colonial North America,” *Slavery & Abolition* 10 (1989): 112.
6. James F. Shepherd and Gary M. Walton, *Shipping, Maritime Trade, and the Economic Development of Colonial North America* (Cambridge: Cambridge University Press, 1972), 42, note 2.
7. David Brion Davis, “The Comparative Approach to American History: Slavery,” in *Slavery in the New World: A Reader in Comparative History*, ed. Laura Foner and Eugene D. Genovese (Englewood Cliffs, N.J.: Prentice-Hall, 1978), 62.
8. David Hackett Fischer, *Albion’s Seed: Four British Folkways in America* (New York: Oxford University Press, 1989), 810.