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‘Uncle Somerset’s’ freedom: liberty in England for black sailors

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With his 1772 decree in *Somerset v. Steuart* that slavery was ‘so odious that nothing can be suffered to support it [in England] but positive law’, Lord Mansfield altered the legal landscape regarding black rights in England. While earlier judicial decisions had implied that slaves who came to England were free, prior to the Somerset decision there was no judicial consensus on the issue. The Somerset decision did not decree that slavery was illegal in England. Yet many blacks believed it ‘emancipated’ any slave who reached the shores of England. This understanding, combined with the British military welcoming runaways into its ranks during the American Revolution, led to several thousand former slaves reaching England, a considerable number of whom were mariners. Although the Royal Navy was not isolated from the racism or harsh legal treatment of blacks, naval personnel often assisted ex-slaves to obtain freedom in England. The freedom black mariners found in England was fairly limited; they remained subject to re-enslavement, had limited legal protections over employment conditions and were often homeless and poor. Despite such conditions, life in England was a considerable improvement over enslavement in the Americas for many former slave mariners. Slave mariners on the sloop *Lawrence* illustrate the means black mariners took to obtain freedom, the Royal Navy’s role in ex-slave mariners becoming free and the limits of freedom in England.

Keywords: Atlantic history; black mariners; maritime fugitives; maritime history; Royal Navy; Somerset case

In 1772, when Lord Mansfield declared slavery ‘so odious that nothing can be suffered to support it but positive law’, the justice’s decree did not liberate England’s slaves. The ruling merely held that slave masters in England lacked the power to detain and deport their slaves. Notwithstanding the narrowness of the ruling, blacks cheered the decision. Their celebration involved more than crowding into pubs to toast Mansfield. Soon after the decision, John Riddell’s slave Dublin ran away in Bristol Wells telling Riddell’s servants he had ‘rec[eive]d a letter from his Uncle Somerset acquainting him that Lord Mansfield had given them their freedoms’.¹ Throughout the Atlantic world slaves shared Dublin’s belief that Mansfield had freed all slaves, causing many to ‘endeavor to get ... to Britain, where they imagine they will be free’. British American slave masters understood this belief to be ‘prevalent among the[ir] Negroes, including those who spoke limited English’. To reach England slaves in the Americas passed themselves off as free mariners.²

The confusion as to the exact ruling by Lord Mansfield resulted in two Somerset opinions: that read in court and the opinion as understood by blacks. This disconnection between what Mansfield intended and how his decision was perceived has been intensively analysed.³ What has not

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been considered is how the Somerset decision affected black mariners and was perceived by Royal Navy personnel. The case of four black mariners on the merchant ship *Lawrence* in 1776 provides the opportunity to engage in an analysis of how slave mariners employed the Somerset decision to obtain freedom, how an increasingly compassionate humanitarianism among British Navy personnel enabled slaves to obtain freedom in England and the nature of 'Unkle Sommerset's' freedom in England itself.⁴

I

Prior to the Somerset case there had been rulings that declared 'Negroes were free as soon as they set on English Ground'.⁵ There was, however, no judicial consensus on the matter. To avoid significant losses for British property owners, Lord Chief Justice Mansfield had previously declined to rule that slavery was illegal in England. In 1770 when Thomas Lewis, an ex-mariner, was bound and gagged on the Chelsea waterfront by his former master, Captain Stapylton, and three watermen, Mansfield avoided addressing slavery's legal status. Instead, Mansfield believed that the ex-seafarer's property status had 'changed' due to Lewis having been captured by a Spanish privateer and then recaptured before coming to England. He therefore directed the jury to issue a special verdict on whether Lewis was or was not Stapylton's property. In response the jury declared 'No property, No property!' and Lewis was freed from his enslavement without Mansfield ruling on whether slavery was legal in England.⁶

Two years later, when Mansfield issued the Somerset decision, its ambiguities were not a matter of concern for slaves in the Americas. It was the lack of such a decision restricting slavery in Britain's American colonies that reinforced for many bondsmen their belief that England was a 'land of liberty'. Knowledge of the Somerset decree quickly spread among American slaves. Its impact spurred freedom suits in Massachusetts and a substantial increase in the number of runaway slaves who escaped via the sea. Between Mansfield's decision and the commencement of the American Revolution almost 150 references to runaways fleeing via the sea appeared in North American newspapers, more than tripling the number of such advertisements in the prior three years. These maritime fugitives included men such as the African-born 19-year-old slave Bacchus in 1773 and a 30-year-old slave, also known as Bacchus, the following year, each of whom sought to reach England. They did so because, as 'Freeman' wrote in a 1774 pamphlet published in Philadelphia, slaves believed 'setting foot on that happy Territory where slavery is forbidden to perch' was sufficient to free them.⁷ It was, however, the commencement of the American Revolution and the issuing of Dunmore's Proclamation that broadened what had been a handful of maritime fugitives crossing the Atlantic into a migration of 'hundreds' of black seamen to England.⁸

Seeking both to undermine the American rebels and to obtain additional men for his beleaguered forces, on 14 November 1775 Lord Dunmore, Royal Governor of Virginia, issued a proclamation freeing 'all indented Servants, Negroes . . . that are and willing to bear Arms' against the American rebels. At the time not only were southern slaves aware of the Somerset decision, but they had also been told by respected leaders, such as the free black preacher David Margrett, that black men were treated with respect in England.⁹ Although runaways faced many practical hardships, including finding Lord Dunmore's small fleet, leaving friends and family behind, and avoiding hostile whites, the promise of freedom and the hope of a good life in England proved enticing to many slaves.

Opportunities to find freedom in England expanded in the years after Lord Chief Justice Mansfield's Somerset decision and the Dunmore Proclamation. In the aftermath of Lord Dunmore's proclamation the Royal Navy had to contend with hundreds of refugee slaves and decide how to treat black mariners among both the refugees and captured enemy ships. The

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experience of HMS *Brune* illustrates well the navy's approach to both groups. While the *Brune* was anchored off Virginia in February and March 1777, 55 'refugee Negroes' entered the ship, including a number of families. Getting the refugees off the ship quickly was important as large numbers of women and children undermined naval efficiency. The refugees were soon thereafter discharged in New York. In ferrying these refugees to freedom, the *Brune* was part of a British effort that resulted in several hundred southern slaves being transported north. While some of these refugees went to Nova Scotia when British forces evacuated New York in 1783, a number of these fugitives served on British privateers, and some made their way to England. Captured enemy black seamen presented a different set of issues for the *Brune's* officers. How best to exploit their maritime skills was the primary concern for the Royal Navy. Thus, when Pedro, Augustine and ten other black mariners from the prize brig *Friendship* entered into HMS *Brune* in 1777, all received slop clothes and wages, an indication that the British naval officers wanted and expected these men to help fill the ship's complement.¹⁰

A number of captured black sailors and fugitive slave seamen chose to remain in His Majesty's Service for extended periods, including Anthony Mingus, who continued to serve on British men-of-war on both sides of the Atlantic until the end of the American Revolution.¹¹ Although an exact accounting of how many maritime fugitives served in the Royal Navy is unobtainable, a sense of the considerable numbers of such men can be gleaned from Admiralty records. A sampling of musters for navy ships on the North American station during the revolution indicates that blacks comprised almost 3 per cent of these crews, confirmation of N.A.M. Rodger's assessment that in America there were 'many black seamen, slave and free' in the Royal Navy. As Benjamin Quarles noted, some naval ships were 'chiefly manned with runaway Negroes'. In March 1776, when British forces withdrew from Rhode Island, among the black naval seamen were 30 slave runaways who served on British naval vessels. Thus, although the number of blacks in the eighteenth-century Royal Navy, free or former slaves, never came close to 'a quarter' of naval seamen, as Paul Gilroy has claimed, maritime fugitives did comprise a noticeable presence both on the decks of naval ships during the American Revolution and on the streets of London thereafter.¹²

Some Royal Navy officers believed Dunmore's decree and the 1779 Philipsburgh Proclamation, which offered freedom to all rebel-owned slaves who fled to the British, whether they took up arms or not, required the freeing of any slave on a captured rebel vessel. This resulted in slave mariners, such as Romeo, a cook on the privateer *Mercury*, being 'Set at Liberty being a Slave' after their ships were captured by the Royal Navy. Whether Romeo was among the estimated 3000 black seamen who were evacuated to England at the end of the revolution is not known. What can be said with certainty is that the dramatic increase in London's black population after the war was a direct result of thousands of black mariners being discharged in England, including the West Indian James Davis and hundreds of other former slaves who received their freedom through service in the Royal Navy during the war.¹³

Regulations prohibiting slaves enlisting on naval ships as seamen reflected the view of naval officials that a man-of-war was 'a little piece of British territory in which slavery was improper', although slaves such as Olaudah Equiano could be employed as servants and stewards. Despite such regulations, in the decades before the American Revolution the Admiralty on several occasions took steps to protect black seamen and permit former slave sailors to enter the service. In 1751, for example, William Castillo, a slave sailor on a merchant vessel at Boston, suspected he might be sold on shore. Castillo convinced Captain James Jones to purchase him, as Castillo preferred life at sea. Captain Jones promised to emancipate Castillo when the sailor's wages equalled his purchase price. Five years later, and not wishing to wait any longer, Castillo fled. In 1758, while in Portsmouth, Castillo ran into Captain Jones, who had him arrested, put in an iron collar and threatened to sell the black mariner in the West Indies.

Being literate and knowledgeable about English culture, Castillo was able to write to the Admiralty seeking its intervention. The Admiralty's reaction was to tell Admiral Holburne, Portsmouth's commanding officer:

the laws of this country admit no badges of slavery, therefore the Lords hope and expect whenever he discovers any attempt of this kind he should prevent it; and that the Lords desire to be informed how Castillo is rated on the ship's books.¹⁴

Holburne's unwillingness to assist Castillo, and his apparent belief that Jones could re-enslave the mariner, may have been due to the Admiral's links to the West Indian planter class through his marriage to the daughter of a Barbadian planter.¹⁵ His conduct is also a reminder that naval personnel were not of one mind regarding blacks and that at times individuals could subvert Admiralty policy regarding slavery.

While the Royal Navy's assistance was critical in many slave mariners obtaining freedom, in its treatment of black seamen the Royal Navy was neither an island of liberty nor separate from larger forces within the British Empire.¹⁶ The Admiralty's desire to keep slavery off the decks of its ships did not prevent its officers benefiting from slave labour. Naval officers such as Admiral James Douglass were known to have used slave mariners in their private ventures. When Douglass, commander of the West Indies fleet during the Seven Years' War, was short of seamen for his private sloops in the Leeward Islands, he employed slaves, some of whom were free black seamen captured as prisoners of war and condemned by British Vice-Admiralty Courts as prize goods. The Royal Navy also returned runaway slave mariners to their masters when in the Americas. In the early 1760s, New York slave John Incobs fled his master and made his way to England. In 1763 the black mariner entered into HMS *Garland* as an able-bodied seaman and sailed west to Canada and then to New York. When the vessel arrived at New York Incobs was discharged, presumably into the hands of his former master, for 'being a slave'. The Incobs case stands as a reminder that the Royal Navy respected and felt bound by different customs and legal treatment of blacks within the British Empire. While Incobs may have been 'free' in England, the navy did not oppose his being re-enslaved on returning to New York.¹⁷

II

When the New England-built sloop *Lawrence* left St Thomas in the West Indies on 10 March 1776 bound for Copenhagen, its crew under Captain Aaron Martin comprised two English men and four blacks.¹⁸ A ship from the Americas having a largely black crew was not unusual: a 1743 census of North American ships in Kingston found 41 black mariners among the complement of 135 sailors; and the 1773 Bermuda census found 481 black seamen among 1053 sailors working on 86 Bermudian vessels.¹⁹ Their employment as merchant seamen, privateersmen, European naval sailors and crew on slave ships evidenced blacks' expertise and value to the Atlantic maritime system.²⁰ The widespread desertion of white mariners in the West Indies enabled many slaves with maritime experience to take advantage of small labour pools in Caribbean ports to obtain berths to Europe or North America. This movement of slaves was so prevalent that officials and merchants complained of their cities 'filling up with foreigners' seeking employment as mariners.²¹ British colonial officials believed 'woolly haired' sailors constituted an 'evil which demand[ed] ... most serious consideration' by the Admiralty. Colonial legislatures enacted laws barring ferrymen and ships' captains from assisting or employing runaway slaves. These measures proved largely ineffective. The pressing need for seamen, especially during wartime, led the Admiralty, other nations' colonial officials and

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ships' captains of all nationalities to close their eyes to the 'evil' of blacks circulating the Atlantic world.²²

In contrast to the anonymity of most eighteenth-century black mariners, the *Lawrence's* four slave mariners – John Harman, Abraham Delaney, Duke Argyle and John Draper – left a record of their lives in affidavits provided to English authorities.²³ John Harman, a 'Native of the County of Somerset in North America', had crewed on the *Lawrence* on a previous voyage between St Thomas and Copenhagen. With a Dutch surname, it is likely this black tar not only spoke 'good English' but also some Dutch, a useful skill for an Atlantic mariner, particularly on a vessel owned by a Dutchman, Guerts de Wintz of New York.²⁴ The 1776 voyage between St Thomas and Copenhagen was the third that Duke Argyle, a 'native of Calabar on the coast of Guinea', and Abraham Delaney, 'a native of St Thomas', had experienced on the vessel. During a voyage in 1774–5, Argyle and Delaney had helped smuggle tea, and possibly ammunition, into New York. As a native of Calabar, a bustling slave centre, Duke Argyle was probably familiar with the slave trade and 'cosmopolitan in the fullest sense'.²⁵ The West Indies-born John Draper was characterised as speaking 'good English'. Unlike the *Lawrence's* other three black mariners, Draper did not sail on either the 1774 or 1774–5 voyage to Copenhagen. It is uncertain whether John Draper was a landsman or one of the many West Indian slaves experienced in the maritime trade. Notwithstanding a possible lack of maritime experience, Draper's actions when he reached England are evidence that he probably had an understanding of the opportunity Lord Chief Justice Mansfield's words provided and demonstrate the extent to which the decision was known within the Atlantic world.²⁶

In April 1776, in the middle of the Atlantic, the *Lawrence's* rudder broke.²⁷ Shortly afterwards the *Lawrence* was spotted by HMS *Greyhound* sailing in a convoy as the merchant ship struggled eastward in the North Atlantic. Captain Martin's heart must have sunk when he spotted the convoy's sails, knowing that the Royal Navy would determine which port the *Lawrence* would be brought into, the ship's black mariners would be able to bring to the attention of British authorities the *Lawrence's* smuggling activities, and the enslaved mariners would be likely to trade that information for their freedom. Although Martin attempted to flee, compelling the *Greyhound* to chase the sloop, the merchant ship was quickly brought round when the naval ship fired four nine-pounders. With the *Greyhound's* placement of British sailors on board the *Lawrence*, the merchant vessel's black mariners found themselves under the Royal Navy's jurisdiction more than a thousand miles from England.²⁸

The eighteenth-century Atlantic was a 'place of multiple legalities'. This multiplicity depended not merely on which side of the Atlantic one lived, but also where one encountered the Royal Navy and where one came ashore in the United Kingdom. For the *Lawrence's* black mariners the presence of HMS *Greyhound* represented an extension of English authority far out into the Atlantic. The *Greyhound* presented them with access to English courts where they could assert rights under the Somerset decision, a remedy not available to thousands of American slaves.²⁹ The loss of a functioning rudder caused the *Lawrence* not to proceed north of Scotland, as it had done on its prior voyages, but to come 'through the Channel in order to put into some English port' for repairs. British officials believed Captain Martin had avoided the English Channel on earlier voyages because he had engaged in 'illicit trade'. Aaron Martin's alteration of the ship's course was fortunate for the *Lawrence's* black mariners. Had Captain Martin proceeded to a Scottish port, the black sailors would not have had access to a judicial system that held slavery to be illegal. Scotland's legal system was separate from England's and the Somerset decision had no binding effect north of the border. Although the decision caused Scottish slaves to follow Somerset's example and sue for freedom, it was not until 1778 that the Court of Session ruled slavery did not exist in Scotland.³⁰

For three weeks, while under naval command, the *Lawrence* struggled across the Atlantic before docking at Portsmouth. Based upon documents in the *Lawrence*, Captain Stiles of the Royal Navy believed the sloop had engaged in trade with the American rebels. Initially, British officials focused on the role Captain Martin and his ship played in assisting the Americans, rather than on the enslavement of the *Lawrence*'s black mariners. Captain Stiles and his colleague, Captain William Cooley, believed that examination of the *Lawrence*'s two English seamen would result in 'some discoveries of consequence' regarding the sloop's trading with American rebels. British authorities saw the possible condemnation of the *Lawrence* as a means of striking at the upstart Americans. Despite Stiles and Cooley's sense that the *Lawrence*'s English seamen would prove to be useful in their investigations, it was the ship's slave mariners who detailed the smuggling activities for British officials.³¹

In the year prior to the *Lawrence* docking at Portsmouth, port officials had several instances in which they were unable to seize neutral ships suspected of smuggling munitions to the Americans. Captains Cooley and Stiles received information in August 1775 from a former naval officer, who had visited the Dutch man-of-war *Princess Maria Luisa*, that there were '4 Brass Cannon in the Hold'. After conferring with Admiral Douglas, the commander of Portsmouth, the officials agreed the situation 'was a delicate matter' as the ship was a neutral bound on a foreign voyage; they let the Dutch ship proceed. The following year, British officials at Dover received 'most positive information' that Danish merchant ships were carrying munitions for the Americans. Due to a lack of corroborating evidence, and the Danish minister strongly assuring British officials the ships were not smuggling, the Danish vessels were released.³² Having directly experienced the difficulty in seizing ships smuggling munitions, and undoubtedly aware of the Danish cases, Stiles and Cooley understood at once the benefit of testimony from crew members reporting that their ship was engaged in illicit activities.

III

Officials' search for corroborating evidence meshed with the desires of the *Lawrence*'s slave mariners to find freedom in England. Spurred by the efforts of John Draper to flee the *Lawrence*, British naval personnel would come to play a key role in the sloop's four slave mariners obtaining their freedom. Within several days of the ship docking at Portsmouth, Draper found his way ashore. In response, Captain Martin placed a fugitive slave advertisement seeking the slave's return. Draper was not successful in reaching the Custom House to seek official assistance, but was captured shortly after running away. Official records do not indicate how Draper was recaptured. While Captain Martin and his two English seamen may have recaptured Draper on their own, it is more likely that a reward precipitated Draper's quick return.³³ Draper was restrained 'in steerage' on the *Lawrence* by 'a chain with one end of it clinched to the Hoop, and the other secured to the Deck'. By shackling Draper on his sloop, Captain Martin sought to prevent the mariner from gaining access to the English judicial system and obtaining his freedom as Thomas Lewis had done six years earlier. Ironically, although the *Greyhound* had asserted British authority over the *Lawrence* hundreds of miles west of England, Draper found himself within sight of the dock gates of Portsmouth (see Figure 1) and treated no differently than slaves in the Americas.³⁴ In contrast to the West Indies, where officials endeavoured to keep Thomas Lewis and other blacks enslaved, in England government representatives, from the lowliest seaman to the colonial secretary, undertook to assist Draper in his quest for freedom.

The first government officials to encounter the four black seamen upon their entry into Portsmouth harbour were Captains Cooley and Stiles. As customs officials, their initial focus was on the *Lawrence*'s illicit trade with American rebels. However, their attention quickly shifted to

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Figure 1. Gabriel Bray, 'A View of the Dock Gates of Portsmouth taken from the Navy Coffee House window, Dec. 74', National Maritime Museum, Greenwich, PAJ1994.

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Captain Martin's treatment of John Draper. Believing that Draper was 'emancipated from his Slavery now he is in this Country' the captains saw it as 'our Duty' to bring to the attention of their superiors the fact that Draper was 'now chained in steerage'. They were far from alone in believing slaves who reached England would be deemed free. The year after the Somerset decision, attorneys and a judge of the Prerogative Court evidenced the same misunderstanding. In a contest over whether a black servant should have been included among an estate's inventory as part of the deceased's property, attorneys for both parties agreed that the Somerset ruling held 'Negroes were declared to be free in England', and simply argued whether Lord Mansfield's 1772 decision was applicable to an estate of someone who died in 1769. The judge believed, as did countless other Englishmen, that the question had been resolved. In other words, Mansfield *had* 'declared free' all Negroes in England. The view of Cooley and Stiles that John Draper was entitled to freedom in England and this freedom included not being 'seized and Arrested when he was on shore' indicated their concern that Captain Martin's forcible arrest and detention of Draper was contrary to English customs, practice and legal precedent as to the rights of English subjects. It was this concern for the legal rights of Englishmen that appears to have been the primary factor in their acting to protect the slave mariner. However, they also expressed 'our opinion [that Draper was] an object of very great compassion'. This concern for their fellow human's suffering would, over the course of the ensuing days, cause the captains and other naval men to take measures that abolitionists such as Granville Sharp would have approved of and that would be critical to all four of the *Lawrence's* slave mariners obtaining freedom in England.³⁵

Two British seamen played a pivotal role in the slave sailors obtaining freedom. To secure the sloop, pending the Admiralty's determination as to the appropriate measures to take, James List and Robert Parnell were placed as guards on the *Lawrence*. List and Parnell observed Draper, who they characterised as 'a poor Negro', with a hoop around his body that 'so pinches and confines his bowels' they were certain it would soon cause his death. If, like many British seamen, List and Parnell had served with black seamen and formed personal relations with them, or observed the cruelty towards blacks in the Caribbean that merchant ship captain Nicholas Pocock characterised as 'not uncommon', this may have been the reason they were incensed by Martin's 'outrageous' treatment of Draper. But whether or not they felt empathy towards the chained black sailor, the guards, like Stiles and Cooley, were also offended that an English subject was 'deprived of his liberty'.³⁶

While shackled, Draper told Robert Parnell 'that if he could be released from his confinements he would come to the Custom house, and relate all he knew about the said Sloop'. In return, Draper sought government protection 'that he not be carried out of the Realm'. Draper's actions illustrate his knowledge that the British desired to cripple American war efforts, that the Admiralty was suspicious of vessels from Danish and Dutch West Indian islands, and his belief that once on English soil he would be able to assert his freedom under the Somerset decision. Draper's conversation with Parnell was quickly transmitted to Captains Cooley and Stiles, who informed officials in London of the slave mariner's circumstances.³⁷

Officials in London spoke in cool, dry, bureaucratic language when opining upon Draper's plight. But notwithstanding the flatness of their language, Lord George Germain and the Admiralty quickly directed Portsmouth officials to 'take the proper legal steps for obtaining the release of the Negroe confined in Irons on board the [*Lawrence*]', and to detain Captain Martin's ship until that could be accomplished. Despite these instructions, Draper's liberty was far from certain. Captain Martin did not accept that blacks were free if in England. Rather, he believed, as did many in Britain's American colonies, a slave remained a slave wherever in the British Empire his master might take the bondsman. To Captain Martin, his property rights in John Draper entitled him to 'run any Person through the body that should attempt to release [Draper] from his Confinement'.³⁸ Thus, the assertion of his legal rights alone might not have freed Draper or saved him from perishing in chains. It was the expeditious and assertive actions of naval representatives in Portsmouth that proved critical to the black mariner being released from chains and obtaining freedom in England.

Captain Martin's intent violently to resist any removal of John Draper galvanised Stiles, Cooley, List and Parnell quickly to act on the slave's behalf. Confined by a metal hoop so 'uncommonly thick' it required several men to bend, Draper was in such poor shape within three days of his confinement that the navy men believed that if the black mariner was 'not released, he cannot survive many days'. Moved by Draper's plight, Stiles and Cooley took the unusual step of attempting to obtain a warrant for his release from Portsmouth's mayor on Sunday 19 May 1776. In the absence of the mayor, however, the officers contacted Portsmouth's tide surveyor, to intercede. The tide surveyor, who was responsible for all merchant ships in Portsmouth harbour, went to the *Lawrence* to persuade Captain Martin to release Draper. Whether by cool argument or by pointing out the massive firepower of the Royal Navy arrayed about the harbour, somehow he prevailed upon Captain Martin 'to take off the Iron Hoop round [Draper's] body'. Stiles and Cooley understood that this constituted only a temporary measure and might not be sufficient to ensure that Draper would survive on board the *Lawrence*.³⁹

Draper's confinement on the *Lawrence* ended on the following day when Cooley and Stiles obtained a warrant from Portsmouth's mayor for Draper's release, predicated upon the affidavits of List and Parnell detailing the abuse the seaman had endured. Within two days Draper provided British authorities with a statement concerning the *Lawrence*'s delivering tea to New York on its

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1774 voyage. Not having crewed on the *Lawrence's* 1774 or 1775 voyages, Draper had no firsthand knowledge of the alleged smuggling, leading British officials to determine it would be necessary to examine the other slave mariners. In affidavits in which they vividly described unloading lead-lined chests in New York 'weighing so much as four men could well lift or carry', Abraham Delaney, Duke Argyle and John Harman implicated Captain Martin in smuggling tea and ammunition.⁴⁰ In an ironic twist, although the four black mariners were taken from the *Lawrence* and freed from enslavement, the Admiralty declined to prosecute the *Lawrence* and permitted it to proceed on its voyage to Copenhagen.⁴¹

IV

Just what did the four black mariners achieve by asserting their rights under the Somerset decision? If, as Jack Greene argues, the essence of being an Englishman was attaining Blackstone's four principal legal rights – personal security of body, well-being and reputation; the power to move where one wanted; freedom from imprisonment without cause; and the 'free use, enjoyment, and disposal of all property' – Draper, Harman, Delaney, Argyle and other black refugees did not enter a country in which all blacks had these rights.⁴² England was a land in which slavery had not been abolished. Although Somerset's lawyers sought to 'keep slavery an ocean away' from England, a master's right to service by a bondsman continued after Somerset to include the master's right to enforce that service. Somerset imposed only one restriction on the exercise of that right: the prohibition against forcible transportation from England.

Black refugees in England found that each of the four foundations of English liberty was circumscribed for persons without property. Masters still had the right under English law to subject their servants to corporal punishment, if not whip them like slave owners in the Americas. Rather than being discharged from service when they misbehaved, 'Negro Boys' such as William Boston could be sentenced to hard labour in the Southwark House of Correction. Such practices limited the rights of blacks to their most important 'property', themselves. Blacks also found that their power over their services was limited. English judges held that former slaves had no rights to wages without an express contract of employment. Into the nineteenth century, ships' captains imprisoned black sailors in English jails for alleged debts as a means to keep the seamen from seeking court orders establishing their freedom. When combined with courts generally not accepting a servant's testimony against his or her master, former slaves had little recourse in employment disputes in England.⁴³

The details of *Lawrence's* black sailors' lives after their release from Captain Martin's control are uncertain. We can, however, arrive at a general understanding of the nature of their lives as free men in England. The four men entered a society that experienced a steady flow of black mariners through its ports, a good number of whom had previously been enslaved sailors. Prior to the Somerset decision, blacks had entered England both as servants and as seamen. Black sailors, such as Captain John Gallway's 'Negro Boy', could be found in English ports. By the 1770s black enclaves existed in Liverpool, Bristol, Portsmouth and London. Black mariners such as Scipio, Venetian Jack, Frank and Argyle were commonplace in these enclaves. The *Lawrence's* black sailors were therefore likely to find kindred spirits among the approximately 10,000 blacks in England during the American Revolution. Black sailors would have found well-developed black communities in English ports. At the same time they faced racial hostility, with some whites urging their expulsion from the country. What was the shape of the life these men had in England?⁴⁴ Were they able to continue working as seamen, or, like William Spencer, enter into long military service that enabled them to create financially stable lives? Did they join black tars such as Billy Waters (see Figure 2), the one-legged busker, using their

Figure 2. Sir David Wilkie, 'Billy Waters, 1815', National Maritime Museum, Greenwich, ZBA2427.

wits to survive on the streets of London? Or, like many eighteenth-century mariners, did the four men turn to employment on shore as they got older?⁴⁵

Unfortunately, the historical record of these men ends with their affidavits concerning the *Lawrence*. There is no evidence of them remaining in Portsmouth.⁴⁶ A review of payroll

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records for the Portsmouth dockyard indicates that their maritime skills did not enable them to join the more than 2000 labourers, sawyers, caulkers, carpenters and other assorted maritime workers in the shipyard. Nor is there any record of the black mariners being in a Royal Navy ship at Portsmouth. Still, with their maritime experience and linguistic skills, these men each stood a good chance of obtaining employment on ships sailing from England, such as Captain Peter's vessel the *Maria and Jacob* that sailed for St Malo. Had they remained in England, the men could have joined black communities in ports that included entertainment clubs as well as social networks for those in need.⁴⁷ These communities offered solace to black seamen who were often homeless, lacking financial resources and facing what could, at times, be a hostile environment. Lord Chief Justice Alvanley may have held that a black slave in England was 'as free as any one of us', but as Williams, a Grenadian slave could attest, into the nineteenth century English courts continued to rule that a slave's mere presence in England did not confer upon them any free status once they left English soil. Williams, having fled from his owner, went to England and subsequently returned to Grenada. He was forced to negotiate an agreement with his former master to continue to work for him for three years at less than the normal seaman's wages. Believing his first visit to England had made him free, Williams sued for full wages when he returned to England. The court rejected Williams's lawsuit. In doing so, the court held that he was 'as free as any of us while in England', but on returning to Grenada he was a 'runaway slave'.⁴⁸ With blacks in England facing possible re-enslavement up until the end of the English slave trade, freedom for former slaves in England could be a tenuous proposition. Thus, while in the mid-1770s England was a 'land of liberty' offering freedoms not possible for most blacks in the Americas – choices as to residence, occupation and marriage partners – black sailors who landed in England still faced considerable restrictions, both legal and economic, on their lives.

Black mariners living in England, such as John Thomas, who entered into the *Hawk* in June 1783, or Jonathan Adam Parker, who in May 1784 indentured himself as an apprentice seaman with Captain Turner on a voyage to Honduras, exposed themselves to possible recapture by Britain's enemies. Captain Turner may have promised Granville Sharp he would treat Parker 'well', yet the young sailor and all other black mariners by the 'misfortune' of their 'darker complexion' remained subject to re-enslavement until the abolition of slavery. Freedom for black mariners often depended upon their remaining in England as movement back into the Atlantic could cause them to be once again treated as enslaved individuals. In this regard, their freedom was as tenuous as the free black mariners captured and sold as prize goods in North American ports earlier in the eighteenth century.⁴⁹ Thus, the very maritime skills that assisted runaway slaves to obtain freedom could cause them to be re-enslaved. This was hardly the right of movement wherever 'one's own inclination may direct' that Blackstone saw as one of the liberties central to being an Englishman. The irony of this was surely not lost on these men and caused some to decline to go back to sea.

Black sailors who escaped slavery in the Americas and reached Britain were not certain of continued freedom. John Thomas and other former slaves understood that liberty in England would remain fragile as long as slavery was practised in regions to which English ships travelled. When African-born Harry Harper stowed away on Captain Alleyn's ship the *Levant*, leaving Dominica in 1796, he hoped to establish a new life in Great Britain. Having worked 'as one of the Sailors' during the transatlantic voyage and proving himself a tar by 'going up aloft, day and night, with all diligence', Harper must have felt certain that liberty would soon be his. Captain Alleyn and the *Levant's* shipowners had other plans. Two days after arriving in Bristol, the captain 'forcibly directed' Harry to put his mark on 'a piece of parchment'. Being illiterate, he did not know what he had signed. In response to enquiries by Bristol abolitionists, Alleyn would claim that Harry was an indentured servant whom he had fed and clothed and under the

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laws of Dominica was required to return to the island. Although the record is unclear as to Harry's status or his ultimate fate, the case does illustrate that decades after the Somerset ruling British ships' captains were still believed to take illicit measures to enslave black fugitives and mariners. When ten black seamen imprisoned on a Portuguese vessel in Turo sought freedom in 1812, they discovered that not every English judge was willing to grant haven to escaping slaves. The men claimed that their having been in England should serve as the basis to permit them to remain, but the judge denied the mariners a writ of habeas corpus.⁵⁰

V

These stories illustrate that some slave mariners, through assertion of the Somerset ruling, good fortune and the intercession of the Royal Navy, were able to find freedom in England. They also show that the opportunities for freedom for slave mariners were often closed off as ships' captains and others prized these men's labour and economic value more than they did freedom for black sailors. In contrast, those mariners who were able to use the Atlantic as a highway to England found a degree of liberty, albeit limited, not possible in the Americas. The *Lawrence's* black seamen were but four of the 'hundreds of slaves' who fled to Great Britain in three decades after the Somerset decision. Like indentured servants who hoped to find new opportunities in the Americas, immigrants escaping religious persecution and sailors on privateers seeking riches, slave maritime fugitives saw the ocean as an avenue to opportunities not available to them in their communities. The enslaved status of the *Lawrence's* black seamen may not have provided the same opportunities available to others in the Atlantic world. But through the use of their maritime skills, their knowledge of the Atlantic world and the timely assistance of the Royal Navy, these men could take advantage of unexpected good fortune when the forces of nature broke the *Lawrence's* rudder, ultimately allowing them to obtain 'Unkle Sommerset's' freedom. For other slave mariners, the sea gods did not bestow the same blessing. The line between enslavement and obtaining freedom in England sometimes came down to no more than a broken piece of wood.

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Notes

1. *London Chronicle*, 22 June 1772; Weiner, 'Evidence on Somerset's case', 125; Wiecek, 'Somerset: Lord Mansfield and the legitimacy of slavery', 86, 144.
2. *Pennsylvania Gazette*, 26 Apr. 1775 and *Newport Mercury*, 28 Sep. 1772; *Virginia Gazette* (Purdie and Dixon), Williamsburg, 30 Sep. 1773; *Virginia Gazette* (Rind), Williamsburg, 30 June 1774.
3. Forum, 'Somerset's case revisited', *Law and History Review* 24, no. 3 (2006): 601–71; Morgan, 'Black experiences in Britain's maritime world', 132, n. 30; Brown, *Moral capital*, 97–8; Oldham, 'New light on Mansfield and slavery', 45, 54; Cotter, 'Somerset case and abolition'; Wiecek, 'Somerset', 87, 146.

4. Most of the archival records in the Gloucester Monmouth and New York.
5. Brown, *Drayton and the nation's end*.
6. TNA C 9.
7. Harris, *when*.
8. TNA A 11.
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11. TNA A 11.
12. Clark, vol. IV.
13. Quarles, G.W. 11.
14. Elisha, faulty.
15. Rodge, Brand.
16. Rodge, TNA A 11.
17. TNA A 11.
18. TNA A 11.
19. TNA A 11.
20. TNA A 11.
21. Hall, 109–11.
22. L. Gre, 306, T.
23. 'Seeki, blacks, Teresa.
24. Black, the pa.
25. TNA A 11.
26. TNA A 11.
27. TNA A 11.

4. Most of the relevant records concerning the *Lawrence's* black mariners can be found at The National Archives, Kew [TNA] CO 5/148. I want to thank Christopher Leslie Brown for having brought these records to my attention.
5. Gloucester Records Office, United Kingdom [GRO], Granville Sharpe Papers, Granville Sharp Commonplace Book C, 1768, 106.
6. New York Historical Society [NYHS], Granville Sharpe Papers, *Lewis v. Stapylton*.
7. Brown, *Moral capital*, 99; *Virginia Gazette* (Purdie and Dixon), 30 Sep. 1773 and 30 June 1774; Drayton, *Some fugitive thoughts*. Slaves from British colonies also fled via the sea to foreign colonies and nations where they obtained freedom. 'Marroonage en Saint Domingue', www.marronnage.info/en/index.html (accessed 10 Dec. 2010); *Journal of the Assembly of Jamaica* VIII (1804): 457.
8. TNA CO 152/79, fo 63, Duke of Portland to Preston Thompson, Oct. 1800.
9. Harris, *Hanging of Thomas Jeremiah*, 98.
10. TNA ADM 36/7756, HMS *Brune* Muster Roll, 1777–8. Some maritime fugitives were re-enslaved when captured by American privateers. Foy, 'Eighteenth-century prize Negroes', 385–8.
11. TNA ADM 36/7756, HMS *Brune* Muster Roll, 1777–8; Mingus's naval career can be followed in TNA ADM 36/8576, HMS *Lizard* Muster Roll, 1778–9; TNA ADM 36/8309–8310, HMS *Courageux* Muster Rolls, 1779–80; TNA ADM 34/189–190, HMS *Courageux* Pay Book, 1780; TNA ADM 36/8727, HMS *Courageux* Muster Roll, 1781–3.
12. Clark, *Naval documents of the American Revolution*, vol. I, 615; vol. II, 452; vol. III, 278, 865, 902; vol. IV, 230; *Newport Mercury*, 7 Aug. 1776; Gilroy, *Black Atlantic*, 13; Rodger, *Wooden world*, 159; Quarles, *The Negro in the American Revolution*, 153–5.
13. G.W. Blunt White Library, Mystic Seaport, VFM 405, Louis F. Middlebrook, Biographical sketch of Elisha Lathrop, n.d.; TNA ADM 36/1999, HMS *Monk*, Muster Rolls 1781–2; Pybus, 'Jefferson's faulty math', 263–4.
14. Rodger, *Wooden world*, 161; TNA ADM 1/927, Holbourne letters, 17, 22 and 29 Dec. 1758.
15. Brandow, *Genealogies of Barbados families*, 143, 378.
16. Rodger, *Wooden world*, 159–60.
17. TNA ADM 36/7390, HMS *Garland* Muster Roll, 1757–66. In contrast, in 1758 when a Maryland slave owner claimed the naval sailor William Stephens as his property the Admiralty refused to release Stephens from naval service, perhaps an indication of the seamen's value during a time of war. Rodger, *Wooden world*, 113–37.
18. TNA CO 5/148, fos 92–3, Affidavit of John Harman, 21 May 1776; TNA CO 5/148, fo 41, Captain Stiles to Collector of Portsmouth, 11 May 1776.
19. TNA ADM 1/3917, Edward Trelawny to Lords of Admiralty, 21 Dec. 1743; Bernhard, *Slaves and slaveholders in Bermuda*, 247.
20. *The New York Gazette*, 23 Sep. 1732; NYHS, McDougall Papers, reel 1, 'List of men belonging to the Privateer *Tyger*'; TNA ADM 1/306, Thomas Franklin to John Cleveland, 28 Apr. 1757; TNA CO 318/3, fo 365, Board of Trade to Crown, 10 Feb. 1758; TNA ADM 36/7910, HMS *Racehorse* Muster Roll, 1776; TNA HCA 32/454/12, *Speedwell* (New York Vice-Admiralty Court, 1777); and TNA HCA 32/454/2, *Speedwell* (New York Vice-Admiralty Court, 1781).
21. Hall, 'Maritime maroons', 490; Clayton, 'Life at sea in colonial Spanish America', 22.
22. L. Greene, *The Negro in colonial New England*, 116; Fitts, *Inventing New England's slave paradise*, 109–12; TNA ADM 1/3917, Edward Trelawny to Lords of Admiralty, 21 Dec. 1743; TNA ADM 1/306, Thomas Franklin to John Cleveland, Antigua, 28 Apr. 1757; Hall, 'Maritime maroons', 912; Foy, 'Seeking freedom in the Atlantic'. Cuba's governor acknowledged 'without those of "broken" color, blacks and Indians ... I do not know if we could arm a single corsair'. Landers, 'Gracia Real del Santa Teresa de Mose', 609.
23. Black sailors' anonymity is the result of many being illiterate, their mobility, often dying young, and the paucity of eighteenth-century crew lists.
24. TNA CO 5/148, fo 92, Affidavit of John Harman, 21 May 1776; TNA CO 5/148, fo 41, Captain William Stiles to Collector and Comptroller of Portsmouth, 11 May 1776.
25. Berlin, 'From Creole to African', 254; Eltis, *Trans-Atlantic slave trade*.
26. TNA CO 5/148, fo 41, Captain William Stiles to Collector and Comptroller of Portsmouth, 11 May 1776; TNA CO 5/148, fos 78–9, Affidavit of James List and Robert Parnell, 18 May 1776.
27. TNA CO 5/148, fo 41, Captain William Stiles to Collector and Comptroller of Portsmouth, 11 May 1776; National Maritime Museum, Greenwich [NMM], ADM/L/G/140A, Log of HMS *Greyhound*, 15 Apr. 1776.

28. NMM ADM/L/G/140A, Log of HMS *Greyhound*, 18 Apr. 1776. Given that the *Lawrence*'s black mariners undoubtedly understood the significance of HMS *Greyhound*'s presence, one must wonder how quickly they responded when their captain did not accede to the *Greyhound*'s authority. With or without the black mariners' best efforts, the *Lawrence* was unable to escape.
29. Gould, 'Zones of law, zones of violence'. The *Lawrence* case demonstrates that Eliga Gould's division of the British Atlantic into western and southern 'zones of war, chaos and brutality' and eastern and northern zones of law is too tidy a division. Mary Sarah Bilder's view that 'a colony's laws could not be repugnant to the laws of England, but could differ according to the people and place' is a more accurate statement of the legal system at play in the British Atlantic in the early 1770s. Bilder, *Transatlantic constitution*, 1.
30. *Pennsylvania Chronicle*, 27 Sep. 1773; Whyte, *Scotland and the abolition of black slavery*, 16, 32.
31. TNA CO 5/148, fo 41, Captain William Stiles to the Collector and Comptroller of Portsmouth, 11 May 1776; TNA CO 5/148, fo 61, W. Cooley and W. Stiles to Commissioners of Customs, 13 May 1776. As Collector and Deputy Collector, Cooley and Stiles were responsible for the running of Portsmouth's port and oversaw the harbour's customs staff. Carson, 'Smugglers and revenue officers', 3–4. In these roles the officers would have been familiar with the large-scale smuggling of tea in Britain and its colonies.
32. TNA T 1/516, fos 332–5, 339–40, 344–5, 355–7, 372–4, 386–93, 401–5, Letters from Customs, Dover, 20 Nov.–20 Dec. 1775; TNA T 1/523, fos 9–25, Letters from Customs, London, Mar.–Apr., 1776; NMM [Rodger –] Douglas Papers, DOU/9, James Douglas to Admiralty, 18 Dec. 1775.
33. TNA CO 5/148, fo 39, W. Cooley and W. Stiles to Commissioners of Customs, Portsmouth, 10 May 1776; TNA CO 5/148, fo 65, W. Cooley and W. Stiles to Commissioners of Customs, 16 May 1776; *Hampshire Chronicle*, 20 May 1776. A review of Portsmouth area newspapers – *Hampshire Chronicle*, *Sussex Weekly Advertiser* and *Salisbury and Winchester Chronicle* – did not disclose any fugitive slave advertisement for John Draper. It may be that when British authorities spoke of Draper 'being advertised by the [*Lawrence*'s] Master', they were referring to Captain Martin's use of handbills. English watermen were also known to be willing, for compensation, to kidnap black men to be sold back into slavery. Scobie, *Black Britannia*, 54–5.
34. NYHS, *Lewis v. Stapleton*.
35. TNA CO 5/148, fos 70–1, W. Cooley and W. Stiles to the Commissioners of Customs, 17 May 1776; NYHS, Prerogative Court, BV Slavery, *Cay v. Crighton*.
36. Portsmouth City Record Office [PCRO] 11/1/16/827, Affidavit of James List and Robert Parnell, 18 May 1776; Bristol Record Office [BRO], Champion Family Letter Books, no. 973612, letter from Nicholas Pocock, 7 Mar. 1783.
37. TNA CO 5/148, fo 71, W. Cooley and W. Stiles to the Commissioners of Customs, 17 May 1776.
38. TNA CO 5/148, fo 72, William Knox to Edward Stanley, 18 May 1776; TNA CO 5/148, fos 78–9, Affidavit of James List and Robert Parnell, 18 May 1776.
39. *ibid.*; TNA CO 5/148, fo 76, W. Cooley and W. Stiles to Commissioners of Customs, 19 May 1776.
40. TNA CO 5/148, fos 86d and 88, W. Cooley and W. Stiles to Commissioners of Customs, 21 May 1776; TNA CO 5/148, fos 91–2, Affidavit of John Harman, 21 May 1776.
41. TNA CO 5/148, fos 122–23d, William Knox to Commissioners of Customs, 7 June 1776. The Admiralty's determination may have been in part due to the intercession of the Danish ambassador and Advocate General James Marriot's indication he thought Captain Martin 'an honest man and not in American interest'. TNA CO 5/148, fo 88, W. Cooley and W. Stiles to William Howe; TNA CO 5/148, fos 283–84d, James Marriot to Lord George Germain, n.d.
42. J.P. Greene, *Exclusionary empire*, 3.
43. Hulseboch, 'Nothing but liberty', 647; Van Cleve, 'Somerset's case and its antecedents', 602–3.
44. TNA PROB3/34/133, Inventory of John Gallway, 24 Nov. 1735; TNA BT 98/36–37, Liverpool Crew Lists, 1776–7; BRO, SMV/9/3/1/6–8, Bristol Muster Rolls, 1768–83; Lane, *Liverpool*, 117; Pybus, *Epic journeys*, 82, 238, n. 13.
45. TNA T/1/508/139–144, Papers Regarding the Estate of William Spencer.
46. Among the records reviewed to determine if the four slave mariners remained in Portsmouth were muster rolls of Royal Navy ships in Portsmouth in 1776 (TNA ADM 36); PCRO, Mortgages, Deeds and Indentures; PCRO X/11/A/A, Portsmouth Poor Law Records; PCRO PL 2/1 and 6/10–11, Portsmouth Parish Registers, 1779, 1780–1800; PCRO C/1CP/4 and 8/HP/3/21/2, Portsmouth Common Rate Books, 1775, 1785–90; PCRO CH 2/1A/3–4, 7, St Thomas's Church, Portsmouth, Registers of Marriages, 1776–83 and Register of Baptisms and Burials, 1770–83; PCRO CH

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47. TNA ADM 1113-1115, Portsmouth Yard Pay Books, 1776-9; *Hampshire Chronicle*, 29 Apr. 1782. In 1773 when two black beggars were imprisoned more than 300 blacks supplied money for the men's maintenance. Shyllon, *Black people in Britain*, 80-5.
 48. Wieck, *Somerset*, 110; Pybus, *Epic journeys*, 84; *Williams v. Brown* in Catterall, *Judicial cases*, vol. 1, 5-6, 23-5.
 49. GRO, Granville Sharp Commonplace Book D; Foy, 'Eighteenth-century prize Negroes', 379-85.
 50. GRO, D3549/1/G2, Henry Gandy to Granville Sharpe, 4 Aug. 1796; Paley, 'After Somerset', 165, 178-81.

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