
Somerset, James

(c. 1741–after 1772),

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slave who challenged his status in an English court and in the process undermined the legality of slavery in Great Britain, was born in Africa. Captured as a young boy, he was taken to America on a British slaver, arriving sometime in the spring of 1749. In August, Charles Stewart or Steuart purchased Somerset, who was between eight and ten years old. Stewart, a Scottish-born merchant, later became the chief of customs for all of Britain's North American colonies from Virginia to Canada. Somerset lived in America for about two decades and then was taken to England in November 1769. Unlike most bondsmen in Virginia, Somerset did not work in the tobacco fields. Rather, he was Stewart's personal servant and valet. Stewart purchased fine clothing for Somerset, including silk stockings, and gave him some spending money. Scattered records suggest that Stewart had some affection for Somerset, treating him kindly, even generously, as a trusted servant and valet. Stewart owned a few other slaves in Virginia, but Somerset was the only one he took with him when he traveled to Massachusetts and other colonies.

In November 1769 Stewart moved to England, taking Somerset with him. Somerset continued as Stewart's servant and valet. There is no indication that Stewart mistreated Somerset or physically abused him. In February 1771 Somerset was baptized under the name of James Summersett, but he later adopted the more conventional spelling, Somerset. The church records described him as an "adult black" aged "about thirty."

What appeared to Stewart as a harmonious master-servant relationship ended abruptly in October 1771, when Somerset left Stewart and refused to return. On 26 November 1771 Stewart had Somerset seized, planning to ship him to the British Caribbean, where he would have been sold. However, this never happened. Friends of Somerset contacted the British abolitionist Granville Sharp, who sought a writ of habeas corpus from the Court of King's Bench. This case raised, for the first time, the status of the fifteen thousand or so slaves then in Great Britain. Most were servants, like Somerset, brought to the mother country by colonial officials like Stewart, by slave traders, or by absentee sugar planters who owned lands and slaves in the Caribbean but lived in Britain.

Chief Justice William Murray, Lord Mansfield, strenuously urged the parties to settle the case. In the May 1772 term of court Mansfield noted that half a dozen or so similar cases had been brought before the British courts, but they had always been settled. Mansfield reminded both sides that "on its [Somerset's case] first coming before me, I strongly recommended it here. But if the parties will have it decided, we must give our opinion." Mansfield was strongly hinting that it was time for the case to be settled. He warned, "Compassion will not, on the one hand, nor inconvenience on the other, be to decide; but the law." Mansfield noted that in England "contract for sale of a slave is good," but this case was different because "the person of the slave himself is immediately the object of enquiry." The

legal question was whether British courts should enforce a status created by “American laws.” Mansfield noted the great “difficulty of adopting the relation, without adopting it in all its consequences.” If a slave could be held in England, then all the consequences of slavery might follow, including whippings, jailing of runaways (like Somerset), and, although he did not say so, sexual abuse of slaves by masters. Giving the lawyers one more chance to settle the case, Mansfield declared, “If the parties will have judgment, fiat justitia, ruat coelum [let justice be done though the heavens may fall] let justice be done whatever the consequence.” He noted the complications of former slaves suing for wages, hinted at the social problems of fifteen thousand recently freed blacks living in Britain, and noted the potential lost of some £700,000 sterling for the slave owners. It was clear that Mansfield thought the smartest course was for Stewart to end the litigation by letting Somerset leave. Mansfield concluded this phase of the litigation by noting: “In these particulars, it may be matter of weighty consideration, what provisions are made or set by law. Mr. Stewart may end the question, by discharging or giving freedom to the negro.”

Stewart did not take the hint. His lawyers were paid for by wealthy Britons connected to the sugar trade who wanted to resolve the status of the slaves they brought to England. However, their lawyers should have understood that Mansfield was not likely to decide in their favor, because he ended the May hearing by urging Stewart to free Somerset. Perhaps the elite lawyers for the sugar interests simply did not believe a group of reformers would actually beat them in this case. It is also likely that Stewart was not interested in settling the case in any way that would help Somerset. Stewart was a kindly master, and he had apparently convinced himself that Somerset was happy in his status and owed Stewart his gratitude and affection. He, after all, had virtually raised Somerset. Perhaps he had raised Somerset too well, given him ideas that he was entitled to the same measure of happiness and self-direction that Stewart had. Somerset felt he was entitled to his liberty—he had given Stewart more than two decades of faithful service, and Stewart was not entitled to his life; Stewart doubtless felt Somerset owed him gratitude for raising him and protecting him from the burdens of field work as a slave.

At the June term Mansfield reviewed the case and reduced the issue to the simple and narrow question: Could a slave owner maintain control of a slave in England, against the will of the slave? Mansfield concluded he or she could not. The chief justice wrote:

So high an act of dominion must be recognized by the law of the country where it is used. The power of a master over his slave has been extremely different, in different countries. The state of slavery is of such a nature, that it is incapable of being introduced on any reasons, moral or political; but only positive law, which preserves its force long after the reasons, occasion, and time itself from whence it was created, is erased from memory, it's so odious, that nothing can be suffered to support it, but positive law. Whatever inconveniences, therefore, may follow from a decision, I cannot say this case is allowed or approved by the law of England; and therefore the black must be discharged.

With this opinion Somerset was set free, and he walked out of the courtroom and out of the historical record. Presumably he melted into London's growing community of slaves and free blacks, who lived among other members of the city's working and servant class.

Scholars know little about Somerset's life before or after the case. But his life illustrates two enduring aspects of slavery. First, that even the most pampered and well-treated slaves wanted their liberty, and many, like Somerset, were willing to sacrifice material well-being and some security for freedom.

Second, Somerset's life illustrates Frederick Douglass 's observation half a century later that if a master gave someone a little bit of freedom, he or she would only want more. Somerset doubtless had substantial physical mobility in England and probably when living in America as well. It enabled him to make friends with free people, to find people to help him when he left Stewart, and ultimately to believe he could fend for himself as a free person.

The meaning of Somerset's case has been contested. It did not lead to an immediate end to slavery in Britain, and for the next half a century some slaves were taken there. But the case did give slaves in Britain a legal claim to freedom if they were savvy enough to make the claim. The case also created a powerful precedent for the idea that slavery could only exist where positive law created it. Many American states adopted the *Somerset* precedent, freeing slaves that entered their jurisdiction. However, the U.S. Supreme Court rejected it in *Dred Scott v. Sandford* (1857).

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See also

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