

Forced Labor and the Land of Liberty:  
Naval Impressment, the Atlantic Slave Trade, and the British Empire in the Eighteenth  
Century

by  
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## Abstract

British naval impressment and slavery were two major social issues in the British Empire in the long-eighteenth century. Scholars have explored each issue separately, however little has been done comparing both at length. Secondary sources, political theorem, and laws, frame the role of naval impressment and slavery in the eighteenth century British Empire. The two court cases, *Rex versus Tubbs* and *Rex versus Knowles*, exemplify each issue in the governmental realm of the eighteenth century. As such, naval impressment and slavery became major imperial issues throughout the eighteenth century, and although social reformer challenged the problems associated with the growth of each institution, the necessity to the empire blocked any far-reaching changes.

The study of slavery and naval impressment is divided into three sections. The first section is the introduction, which presents a survey of the scholarly work already done on this work. The second section is comprised of chapter one and two. The overall theme of this section is that the slavery and naval impressment differed in its earlier manifestations and its later ones. The first chapter establishes Britain's long histories of slavery and impressment. The second chapter concentrates on the growth of the empire and provides a solid comparison of early and later forms of impressment. The third section of this thesis looks at the legal standings of each institution in the eighteenth century. The third chapter contends that leading up to the 1770s the judicial system chipped away at the institution of slavery, while impressment was continually supported. The last chapter argues that the main cases of social reform of each institution, occurring in the 1770s, achieve relative success in Britain, but ultimately with their narrow scopes do very little to change the institutions throughout the empire.

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## Introduction

James Thomson's 1736 work *Liberty, A Poem* chronicles a history of the world as seen from the eyes of the Goddess of Liberty. Thomson directed part of this poem at the history and future of Britain. In the form of an epic narrative, the Goddess of Liberty commented on contemporary Britain:

And now behold! exalted as the Cope  
That swells immense o'er many-peopled Earth,  
And like it free, MY FABRICK stands compleat,  
The PALACE OF THE LAWS. To the four Heavens,  
Four Gates impartial thrown, unceasing Clouds,  
With Kings themselves in the hearty Peasant mix'd,  
Pour urgent in. And tho' to different Ranks  
Responsive Place belongs, yet equal spreads  
The sheltering Roof o'er all; while Plenty flows,  
And glad Contentment echoes round the Whole.  
Ye Floods descend! Ye Winds, *confirming*, blow!  
Nor outward Tempest, nor corrosive Time,  
Nought but the felon undermining Hand  
Of dark CORRUPTION, can its Frame dissolve,  
And Lay the Toil of Ages in the Dust.<sup>1</sup>

In many respects the Goddess of Liberty lauded Britain correctly as a place of liberty in the eighteenth century. However, the British government did not equally distribute “contentment,” “equality,” and “abundance” throughout the British Empire. People, like the “dispossessed commoners, transported felons, indentured servants, religious radicals, pirates, urban laborers, soldiers, sailors, and African slaves,” all stood on the outside fringes of society.<sup>2</sup> Although Britain modernized under the banner of liberty, it stifled the lives of the people living in these fringe groups.

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<sup>1</sup> James Thomson, “Liberty: Part IV: Britain,” *Liberty, The Castle of Indolence, and Other Poems*, ed. James Sambrook (Oxford: Clarendon Press, 1986), 125, lines 1177-1191.

<sup>2</sup> Peter Linebaugh and Marcus Rediker. *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston, MA: Beacon Press, 2000), 4.

The growth of the British Empire in the eighteenth century had some of its greatest effects on sailors and African slaves. The practices of enslavement and naval impressment procured necessary laborers for an exponentially growing empire. Slaves and sailors had very limited freedoms, counter to the principles of “contentment,” “equality,” and “abundance.” Yet, slavery and impressment had historic roots in the empire. The Anglo-Saxons used slavery as a form of punishment. The Normans disposed of the Anglo-Saxon practice; however, they established feudalism and the subset practice of villeinage. Villeinage was a system of forced labor not based upon criminal offenses, yet masters still controlled the villeins’ right to choose the way they spent their labor. Similar to Anglo-Saxon slavery, villeins had limited legal rights derived only from their masters. Naval impressment began in the thirteenth century. At the same time King John signed the *Magna Charta*, he began to expand England’s ports and vessels. Since he did not obtain the necessary number of sailors by volunteer, King John began to impress or recruit sailors. Moreover life at sea differed for seamen prior to the seventeenth century than it did after. Fleets were much smaller and were semi-domestic. As the role of the navy changed so did the life of the sailor.

The fifteenth, sixteenth, and seventeenth centuries began to set Britain’s wheels of modernization and expansion in motion. The Royal Navy and maritime commerce became entwined, so that as one began to grow so did the other. By the mid-1760s, Britain held one of the largest commercial and military empires in the world. However, this rapid change in growth required a lot of the British people. As colonies grew so did the need for laborers. Indentured servants and Native America slaves were amongst the first to be used as laborers. However, masters found that diseases, desertion, and neglect

of work made using white and Native American workers too difficult. So slaves from Africa became the New World's labor. The New World produced agriculture and resource goods, ensuring that these slaves from Africa did the same type of work as their English ancestor, although treatment, the condition of labor, and the exact goods produced all differed. Since the Royal Navy supported commerce and the nation's many wars, its amount of vessels grew, as did its need for sailors. However, there were only a limited number of sailors who volunteered for naval service. The navy reinstituted on the old standby of naval impressment. However, because the Royal Navy had to make up an ever growing gap between sailors needed and sailors had; they had begun to rely heavily on a more drastic form on impressment. Press-gangs used more dastardly tactics to recruit men. So by the late eighteenth and early nineteenth centuries, Britain had impressed more men and transported more slaves throughout the Empire than ever before.

Scholars have produced an overwhelming number of histories of slavery, naval impressment, and general studies of Britain's Atlantic Empire. British naval impressment is a rather new subject in historiography. Therefore there are only three modern major secondary works solely concentrate on naval impressment. Daniel Ennis's 2002 book, *Enter The Press-Gang: Naval Impressment in Eighteenth-Century British Literature*, looks at the theme of naval impressment in British novels, plays, literature, sea songs, and autobiographies. In this study, Ennis argues that popular culture often over-exaggerated the effects of impressment and created a horrific common conception of the institution. Denver Brunzman's 2004 dissertation from Princeton University, "The Evil Necessity: British Naval Impressment in the Eighteenth-Century Atlantic World,"



discusses the role of naval impressment in empire-building. The main contention of this work is that naval impressment played a necessary part in building the British empire; however, it also created a lot of the tensions that later led to its downfall, especially in its North American colonies. This dissertation has the most contemporary and extensive examinations of primary and secondary sources on naval impressment. In February 2008, Hambledon & London will publish Nicholas Roger's *Press Gang: Naval Impressment and Its Opponents in Georgian Britain*. The effects of this work on naval impressment is yet to be seen; however, because it is one of three contemporary works it is assumed that this will be a major force in impressment studies.

These works all have been influenced by one major work from the early twentieth century. J.R. Hutchinson's 1914 book *The Press-Gang: Afloat and Ashore* stands as one of the most important overviews of British naval impressment. Although the book traces impressment from its earliest roots, its main thrust covers the period from 1740 to 1815. Hutchinson tends to emphasize the oppressive nature of impressment. Hutchinson was the first historian to synthesize and analyze naval impressment after the practice came to an end in the mid-nineteenth century.

On top of these works, scholars have reinvigorated general studies of Britain's Royal Navy and its Atlantic Empire, most discuss naval impressment. Christopher Lloyd's 1968 book, *The British Seamen 1200-1860: A Social Survey*, was among the first of the modern works to concentrate on Britain's Atlantic Empire. Lloyd devoted nearly a third of the book to the issue of British naval impressment. Lloyd argues that life at sea, especially after factoring in naval impressment, was harsh but slowly became better throughout the nineteenth century. Furthermore, Lloyd's statistical analysis created a

large framework for future historians to expound upon. N.A.M. Rodger advanced a different point of view in his 1986 book, *The Wooden World: An Anatomy of the Georgian Navy*. Rodger focuses on the makeup of the Royal Navy, arguing that life at sea was not as terrible as earlier thought. His 2004 work, *The Command of the Ocean: A Naval History of Britain, 1649-1815*, presented a very similar take on life in the Royal Navy. Though, like Lloyd's, this book contains a great amount of statistical study. Marcus Rediker's 1987 book, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700-1750*, and the 2000 book, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*, which he co-authored with Peter Linebaugh present similar views on life at sea. The essential arguments of these books are that the capitalistic expansion taking place at sea in the eighteenth century was at the expense of the commoners. As a result commoners, especially mariners, adapted to their situations and attempted to advance themselves.

The works of Rediker, Brunsmann, and Rodger outline the basic historiographic debate on naval impressment. Rediker accepted naval impressment as a horrible practice that destroyed the rights of British people. Brunsmann, on the other hand, argued that naval impressment was both a horrible and necessary institution. Naval impressment enabled the Royal Navy to grow to epic proportions and to compete with any navy in the world. N.A.M. Rodger held that naval impressment was important to the Royal Navy, allowing it to expand. He argued that in the grand scope of things naval impressment did not really matter to the common sailor; in fact it provided some with the opportunity for social advancement.

Primary source material on this subject is generally biased. Impressed sailors were mostly from uneducated backgrounds, so they did not necessarily know how to write, nor might they have had the time to do so. Therefore, there are very few first hand accounts on naval impressment from British sailors. American sailors produced a number of first-hand accounts about British naval impressment. However, they tended to be produced around the War of 1812 and seem to be part of propaganda to motivate Americans about the war. Yet, these sailors sometimes gave accounts of impressment dating well back into the colonial period, when the sailors in question would have been British subjects.

Naval impressment was a popular point of debate in government. Therefore there is a great amount of primary source material featuring the opinions of members of parliament, aristocrats, theorists, and jurists. Historical figures such as Granville Sharp and James Edward Oglethorpe became activists of many causes in the eighteenth century, including slavery and naval impressment. Looking to promote change Oglethorpe created a pamphlet entitled *The Sailors Advocate*. Throughout the eighteenth century, Oglethorpe released many different editions of this work. Granville Sharp contributed to this pamphlet in the 1777 edition. Officials tied to the military were the traditional protagonists of reform to the institution of naval impressment. While they may have felt sorry for naval impressment, they typically supported the institution. On the whole agreeing with the theorists like Charles Butler, who posited the question “*How would you otherwise man our fleet?*”<sup>3</sup>

The most effective debate about naval impressment played out in the halls of government. Monarchs had various opinions of the practice. Members of Parliament

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<sup>3</sup> Charles Butler, *An Essay on the Legality of Impressing Seamen* (London: Printed for T. Cadell, 1777), 2.

attempted to enact legislation limiting the practice, always with little effect. Britain's courts ruled in cases regarding the practice. The courts, more so than any other branch of government, showed the true barometer of opinion and governmental policy. Two important court cases arose in the eighteenth century to challenge impressment, *Rex v. Broadfoot* and *Rex v. Tubbs*. The judges theorized in these two legal cases that as long as the Royal Navy practiced impressment according to the limited nature of the law, the courts had no basis for revoking the practice. Furthermore, in these cases, especially *Rex v. Tubbs*, the judges refused to step out of the parameters of the case to address the much larger issue of naval impressment.

Slavery, on the other hand, is one of the largest historiographic themes ever. There are countless secondary sources discussing various aspects of slavery. Typically historiography on slavery breaks down into studies of national slavery, transnational slavery, the Atlantic slave trade, and means of enslaving. These topics again divide into various themes and ideas. In comparison to the legal study of naval impressment, Anglo-Saxon slavery, villeinage, and the Atlantic slave trade, each one's effect on the nation and empire, and legislative movements surrounding slavery are most specifically applicable to the study of British slavery.

In regard to the history of domestic British slavery, three historiographic themes need to be addressed: Anglo-Saxon slavery, villeinage, and the Atlantic slave trade and its infiltration into Britain. Historians produced a number of works discussing the purposes of Anglo-Saxon slavery and villeinage in early England. Works like Paul Vinogradoff's *English Society in the Eleventh Century: Essays in English Medieval*

*History* (1908), G.G. Coulton's *Medieval Village, Manor, and Monastery* (1960), R.H. Hilton's *The Decline of Serfdom in Medieval England* (1969), Paul R. Hyams's *King, Lords and Peasants in Medieval England: The Common Law of Villeinage in the Twelfth and Thirteenth Centuries* (1980), and David A.E. Pelteret's *Slavery in Early Mediaeval England: From the Reign of Alfred Until the Twelfth Century* (1995) outline the basic premises of England's earliest forms of forced labor. These authors basically argued that slavery and, later, villeinage placed people in precarious situations. Anglo-Saxon slavery was a legal punishment and likewise, any person could technically be enslaved as a result of criminal offenses. The Normans replaced Anglo-Saxon slavery with feudalism and villeinage. Villeins were not slaves in the classic sense; however, they did not control their own labor and only had rights derived from their masters. In both institutions, slaves had rights and to an certain extent had the same rights as any other person in England, yet the master still controlled the slave.

Historians also produced more general studies on slavery in the twentieth century. Works like Eric Williams's *Capitalism and Slavery* (1944), David Brion Davis's *The Problem of Slavery in Western Culture* (1966) and *The Problem of Slavery in the Age of Revolution, 1770-1823* (1975), David Richardson's "The British Empire and the Atlantic Slave Trade, 1660-1807" in *The Oxford History of the British Empire*. (1998), and Herbert S. Klein's *The Atlantic Slave Trade* (1999) attacked the study of slavery from various angles. These works connected earlier slavery to the Atlantic slave trade, yet these historians mainly focused on the Atlantic slave trade. They produced works that discussed the growth of the trade, outlined how the trade affected Britain, and the trade's connection to the reintroduction of slavery to Britain. While there is no unanimous

opinion about these issues, historians tend to agree that the Atlantic slave trade was important, Britain comprised a main portion of the slave trade, and the trade had effects both on the slaves and the empire.

Britain really began to get into the slave trade by the seventeenth century. In the first few decades of their entrance into the slave trade, the king chartered companies that monopolized the Atlantic slave trade. George Zook's *The Company of Royal Adventurers Trading into Africa* (1919) and K.G. Davies's *The Royal African Company* (1957) most directly addressed the rise and fall of the charter companies. For the most part they held that political infighting and debt hindered these companies, so that by the early eighteenth century the slave trade opened to the free market.

When the slave trade became a free market enterprise, traders moved slaves in numbers ever greater than before. As slaves began to mass in Britain's colonies, masters also began bringing African slaves back to Britain. Works like James Walvin's *Black and White: The Negro in English Society, 1555-1945* (1973) and F.O. Shyllon's *Black Slaves in Britain* (1974), among other things accounted the role of slaves in Britain. The type of labor slaves did changed drastically, very few labored in agriculture. In Britain most slaves ended up being some type of house servant. Some people took offense to the new influx of African slaves. Others took offense to the institution that allowed the slavery to re-enter Britain. Altogether this resulted in an abolitionist movement in Britain that first aimed to stop domestic slavery and then the slave trade.

Steven Wise's *Though The Heavens May Fall: The Landmark Trial That Led to the End of Human Slavery* (2005) is the study that overlaps all of the previous research and expands upon the legal works of the abolitionist movement. Wise asserted that until

the Somerset Case in 1777, Britain supported slavery throughout the empire. In the case of James Somerset, a runaway slave won the right to habeas corpus. In effect, he also won the right to be legally viewed as a British citizen. Wise argued that this case in fact set off a chain of events that eventually led to the abolition of human slavery throughout the entire world.

Like naval impressment, there are generally two types of primary source documents that apply to British slavery: personal accounts and government documents. Aside from Olaudah Equiano, whose participation itself is doubtful, few slaves wrote about their experience in the slave trade. Slavocrats, captains of the slave trade and masters of plantations, often overshadowed the works by slaves and ex-slaves. The slavocrats produced essays, such as William Snelgrave's *A New Account of Some Parts of Guinea and The Slave-Trade* (1734), that resoundingly supported the institution of slavery. Yet the slavocrats themselves became important as the impetus behind counter-abolitionist movements. They created an interest group that obtained political support and attacked any legislation against the institution of slavery. In fact they played an intricate part in one of the most important judicial matters of the eighteenth century, The Somerset Case. The slavocrats financed Charles Stewart's defense against James Somerset. Yet their efforts were in vein, the verdict freed some fourteen to fifteen thousand African slaves in Britain.

On the opposite side of these slavocrats were the abolitionists. Reformers, like James Edward Oglethorpe and Granville Sharp again took up the cause for the oppressed. Oglethorpe, also the founder of Britain's Georgia Colony, attempted to outlaw slavery in his newfound land. Sharp became the benefactor that pushed several court cases in the

1770s that challenged slavery in Britain, including The Somerset Case. These men also produced a number of works that described events relevant to their actions. The Somerset case banned slavery in Britain, and led later abolitionists to try to stop Britain's participation in the Atlantic slave trade. Men like William Wilberforce and Thomas Clarkson fought against the slave trade in the beginning of the nineteenth century and successfully fought the slavocrats attempts to block it. These authors not only commented on their own work, they also were well aware of the political framework that their predecessors had set.

The overarching theme relative to British slavery and naval impressment is the role of government and its effects on common people more precisely, how commercial and maritime development affected individuals and how the justifications for each overlapped. Maritime theorists such as Hugo Grotius, in *Mare Liberum* (1609), John Selden in *Mare Clausum* (1652), and Sir Philip Medows in *Observations Concerning The Dominion and Sovereignty of the Seas: Being an Abstract of the Marine Affairs of England* (1689) outlined the debate that occurred in England concerning the role of the Royal Navy during the early modern era.

Hugo Grotius's *Mare Liberum* argued that regardless of power and competition, there were somethings on earth that no one could or should have domain over, including the seas, land surrounding said seas, and the air. Grotius supported his assertion with legal and political theory. This work was an important piece of political theory that stressed the importance of competition and the freedom of international commerce. However, the theories were largely rejected by British maritime actions in the eighteenth



century. John Selden and Sir Philip Medows wrote works that stated the British government's arguments as why to they should reject Grotius' theorem. Like Grotius, the authors included legal precedence buttressing their views. In essence, they argued that those that can exert dominion over the seas and the surrounding seashores had the right to do so – in essence, that might made right.

This debate has become a hot historiographic topic also. David Armitage and John Brewer conceptualized the growth of Britain's maritime empire in terms of this debate. In David Armitage's *The Ideological Origins of the British Empire*, he outlined the basic issues that defined Britain throughout the early modern era: the fact that the nation became Protestant, maritime, free, and commercial. As such, he provides excellent analysis of growth, especially in regard to commerce and navy. John Brewer's *The Sinews of Power: War, Money and the English State, 1688-1783* mainly discussed the growth of the British Empire after the Glorious Revolution of 1689. Brewer theorized that the British government, in the effort to build up the navy, developed a fiscal-military state that allowed the nation to grow to epic proportions throughout the eighteenth century. Together these works assert the dominance of growth and expansion. Furthermore, they help to explain how the practices of naval impressment and slavery can be supported in the face of serious efforts to block their expansion.

Importantly the political theory behind each institution was very similar. Naval impressment had been a prerogative of English monarchs, since the thirteenth century. The claim behind naval impressment is implicit in the political works of Thomas Hobbes and his rival Jean-Jacques Rousseau. The crown operated in the principle that national security superseded the rights of any individuals. Until the nineteenth century, naval

impressment ran with this justification. British government reasoned colonial slavery upon the same exact principle: although slavery was not a admirable condition, it was necessary in the development of empire.

This work synthesizes all of the scholarly work that has gone into the study of naval impressment and slavery in the eighteenth century. For the purposes of keeping the work at a digestible level, the study is mainly limited to the comparison of the legal history of each institution in Britain. This study differs from all others, in that it is more of a direct comparison of two of the most important themes in the British Atlantic. To examine slavery and impressment it is necessary to frame each institution with the roots of its historic forerunners in England, Anglo-Saxon slavery, villeinage, and *imprestare* impressment.

## Chapter 1: Forced Labor and British History

Paul Vinogradoff argued that because of the constant threat posed by invaders, King Ethelred the Unready established the country's first official navy in 1012. King Ethelred created his navy by accepting forty-five defecting Danish vessels from the King Swegen's fleet, and their corresponding sailors.<sup>4</sup> Thus started England's navy. Even in its earliest period, the monarchy used the navy to secure the island's shores and its shipping. Norman invaders emerging from across the English Channel still usurped Anglo-Saxon rule in England, in 1066. At the time of this Norman Conquest, the Anglo-Saxons had an already established form of slavery. While this system died a few years after the conquest, they replaced it with the Norman system of forced labor, referred to as villeinage. By 1200, the Normans also instituted a system of forced labor to man their Royal Navy, termed impressment. These institutions were staples of English national life until the seventeenth century, when the country came to depend on more drastic manifestations of forced labor.

Commissioned by William the Conqueror on Christmas 1085, the *Domesday Book* was an overall census of England's people, land, and resources. It revealed that as of the Norman Conquest there was already a system of chattel slavery in place. This system allowed masters to own slaves as property. *The Domesday Book* catalogued that "between ten and twenty-five percent of Anglo-Saxons were [outright] slaves."<sup>5</sup> The presence of slaves in *The Domesday Book* showed that slavery had been apart of Anglo-

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<sup>4</sup> Paul Vinogradoff, *English Society in the Eleventh Century: Essays in English Medieval History* (Oxford: Clarendon Press, 1908), 17-18.

<sup>5</sup> Steven Wise, *Though The Heavens May Fall: The Landmark Trial That Led to the End of Human Slavery* (Cambridge, MA: Da Capo Press, 2005), 15.

Saxon life and although the Normans changed their ruling regime, they did not immediately erase slavery.

David Pelteret contended that in this society “one group stands out unambiguously as being viewed as chattels and as having both the fewest rights and heaviest obligations.” The term for males in this group was *þeow* and “the Anglo-Saxon translators equated him with the Roman *seruus*, the Latin word most widely used to denote a slave.”<sup>6</sup> The Anglo-Saxons viewed the *þeow* as things, as opposed to beings; therefore, these slaves were chattel or property. However, the line between slave and free in Anglo-Saxon England was blurred. Slaves held a precarious legal situation in England. These slaves most often came from inside Anglo-Saxon society, itself. Slavery was often a punishment for criminal offenses. Society enslaved people for working on Sundays, committing adultery, and committing a homicide. In the cases of masters convicted of such offenses, who owned slaves; they lost ownership of these slaves.<sup>7</sup> Anglo-Saxon slaves often worked in some type of agricultural production. Masters frequently used slaves as ploughmen. Since plowing was labor intensive, even with an ox, it required two men to control the plough. Their use as ploughmen slaves was so common that slaves outnumbered the number of ploughs nearly two to one.<sup>8</sup> Anglo-Saxon slavery in England tied slaves to agricultural production, an institution similar to African slaves employment in the Atlantic slave trade.

Anglo-Saxon slaves had a mixture of rights while all the while remaining unfree.

David Brion Davis held that these slaves were:

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<sup>6</sup> David A.E. Pelteret, *Slavery in Early Mediaeval England: From the Reign of Alfred Until the Twelfth Century* (Rochester, NY: The Boydell Press, 1995), 3.

<sup>7</sup> Pelteret, *Slavery in Early Mediaeval England*, 32, 93-94.

<sup>8</sup> Wise, *Though The Heavens May Fall*, 15.

Legally no more than chattel goods, these people could apparently be killed by their owners without penalty; if a freeman killed someone else's slave he was liable only for the man's market value. And yet the slaves of Domesday were entitled by Anglo-Saxon law to specified annual rations and by custom were apparently accorded certain rights to property and free time.<sup>9</sup>

This early form of slavery gave some rights to the slave, yet the masters held unmatched control over these *þeow*. Lords even had the right of consent over slaves marriages too.

Yet in many cases, the Church erected no barriers between marriage of free and non-free. David A.E. Pelteret said that in fact "in the case of marriage between a freeman and bondswoman entered into with the consent of both partners the husband was not permitted to desert her later, thereby protecting the rights of the slave against the claims of the free spouse."<sup>10</sup> This form of marriage is evidence that slaves were not completely defenseless in the eyes of the law and furthermore they had limited right to contract. Moreover, this marriage statute shows that slaves had protection against incursion of their rights by free people. Pelteret further argued, however, marriages between free and unfree often led to "difficulties over the status of the children." He stated that Anglo-Saxons never resolved this issue; different legal tracts outlined dissimilar ideals. In the *Leges Henrici Primi* the status of slavery came from the father. The "Scrift boc" derived the rank of the children from their mother.<sup>11</sup> This issue was never fully resolved. Anglo-Saxon slaves had certain rights and gained more as the Normans came into power. This system of semi-freedom directly compared to England's medieval institutions of villeinage and impressment.

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<sup>9</sup> David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, NY: Cornell University Press, 1966), 38.

<sup>10</sup> Pelteret, *Slavery in Early Mediaeval England*, 103-104.

<sup>11</sup> Pelteret, *Slavery in Early Mediaeval England*, 104.

The Normans had no history of slavery prior to their conquest. Feeling that they could gain capital with emancipation, they freed Anglo-Saxon slaves throughout the kingdom. In one case, *The Domesday Book* showed a drop from eighty-two slaves to twenty-five in a matter of twenty years in a single manor.<sup>12</sup> The only remaining bastion of slavery in England became the Catholic Church. However in 1102, the Church followed suit outlawing slavery in the Council of Westminster stating “No one is henceforth to presume to carry on that shameful trading whereby heretofore men used in England to be sold like brute beasts.”<sup>13</sup> The Normans phased out Anglo-Saxon slavery in England within the first century of their arrival in England. G.G. Coulton argued that although slavery proper had become a non-factor in England, it was prevalent in other countries throughout Europe in the fourteenth century.<sup>14</sup> While England began to phase out slavery, it replaced it with villeinage, an extremely similar system of forced labor.

The next manifestation of forced labor in England came under the mantle of feudalism. In this feudal state serfs comprised the basic peasant class. These serfs were both free and unfree. R.H. Hilton held that these “servile peasants were broadly divided into those who were the descendants of slaves (*servi*) and those whose ancestry was not servile in the strictest sense of the word, but whose subordination to their lords was hardly distinguishable in type from that of the true serf.”<sup>15</sup> This latter group, Hilton classifies as villein or villain. In this new system of forced labor, G.G. Coulton argued “the lord tried, naturally enough, to get out of the serf what he had previously got from

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<sup>12</sup> G.G. Coulton, *Medieval Village, Manor, and Monastery* (New York: Harper Torchbook, 1960), 10.

<sup>13</sup> Ann Williams and G.H. Martin, eds., *Domesday Book: A Complete Translation* (London: Penguin Books, 1992), vii; Wise, *Though the Heavens May Fall*, 15.

<sup>14</sup> Coulton, *Medieval Village, Manor, and Monastery*, 10.

<sup>15</sup> R.H. Hilton, *The Decline of Serfdom in Medieval England*, 2<sup>nd</sup> ed. (London: The Economic Historical Society, 1969; Hong Kong: The Macmillan Press, 1983), 14.

the slave.”<sup>16</sup> The feudal system flourished in England and so did villeins and their masters. Yet, similarly to their Anglo-Saxon predecessors, villeins had odd statuses in England defined by their legal rights.

Unlike Anglo-Saxon slaves, villeins claimed more responsibility for the use of their own time and labor. Yet, Villeins were the lords’ chattel. Laws bound slaves to their lords or the land that they cultivated. All rights and freedoms came down to villeins from their lords. This legal reasoning became so prevalent that that the lord even owned everything that the villein inherited, owned, or produced. In essence the lord had the right to do anything to his villein and the villein had no recourse of action. The lord had the privilege to sell the villein, his family, or the villein’s property. The lord even had the power to defeat legal actions brought forth by his villein because laws viewed the villain as chattel of the lord. Paul Vinogradoff holds that although lords had no legal basis to enslave people, the lords used their leverage to consolidate privileged, unprivileged, free and unfree people into their subjects.<sup>17</sup> While the laws were supposed to be supporting the rights to freedom for all, it allowed for the abuse of power which created a slave-like status for many.

In most cases lords held power over the villein, in theory villeins had power. As the practice progressed, villeins theoretically were equal to all others.<sup>18</sup> From the earliest stages of villeinage, villeins held power in society. Lords also ensured the villeins a certain measure of security too, however.<sup>19</sup> As laborers, it was in the best interest of lords to protect villeins. The church upheld villeins by sanctifying their marriages,

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<sup>16</sup> Coulton, *Medieval Village, Manor, and Monastery*, 10-11.

<sup>17</sup> Vinogradoff, *English Society in the Eleventh Century*, 474.

<sup>18</sup> Paul R. Hyams, *King, Lords and Peasants in Medieval England: The Common Law of Villeinage in the Twelfth and Thirteenth Centuries* (Oxford: Clarendon Press, 1980), 3, 17, 38, 95.

<sup>19</sup> Hyams, *King, Lords and Peasants in Medieval England*, 49.

similar to the way the church supported Anglo-Saxon slave marriages.<sup>20</sup> In many respects the status of the villein depended on the benevolence of the lord. In certain instances lords treated their villeins no more than chattel slaves, killing or chaining their villeins for minute instances of disobedience.<sup>21</sup> Yet, this was the exception not the norm. For the most part, lords recognized the importance of villeins and respected their rights.

Yet throughout the early modern era, England began to stop the practice of villeinage. Manumission of villeins began out of the church. Both lords and villeins were Christians and it became a conflict of interest to hold those deemed brothers as their slaves.<sup>22</sup> The common-law courts also picked up the cause of the villein. Coulton argued that “common-law courts were always inclined to decide in favor of manumission when they found the least cause for it does not rest solely on humanitarian and religious grounds; on the contrary, it was partly due to the harshness of the legal theory of villeinage.”<sup>23</sup> Legal actions began to combat villeinage by the sixteenth century, so that by the seventeenth century villeinage began to become a dying practice. Together manumission and court cases dried up England’s pool of villeins by the early seventeenth century, and the institution fell into disuse.<sup>24</sup> Although there were great strides against villeinage, the means to create villeins remained a legal prerogative until the nineteenth century. Furthermore, chattel slavery did not die with villeinage. In fact villeinage, according to David Brion Davis, “was the vehicle, so to speak, which served to transmit legal notions of total subordination to the early modern era.”<sup>25</sup> Much of the legal

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<sup>20</sup> Davis, *The Problem of Slavery in Western Culture*, 39.

<sup>21</sup> Coulton, *Medieval Village, Manor, and Monastery*, 107, 132-133.

<sup>22</sup> W.R. Brownlow, *Lectures on Slavery and Serfdom in Europe* (Burns and Oates, 1892; New York: Negro University Press, 1969), 89-90.

<sup>23</sup> Coulton, *Medieval Village, Manor, and Monastery*, 372.

<sup>24</sup> Wise, *Though The Heavens May Fall*, 16.

<sup>25</sup> Davis, *The Problem of Slavery in Western Culture*, 40.



framework used to support villeinage, came to support England's next manifestation of slavery, the Atlantic slave trade.

Naval impressment, similarly to slavery, had a long and complex history in Britain. Its most important characteristic, like slavery, was that its earliest forms differed greatly from its practice in the eighteenth century. The history of naval impressment in Britain stretched all the way back to 1216, shortly after King John signed *The Magna Carta*. J.R. Hutchinson argued King John, the "uneasy king," established ports, built ships and forced men to serve on them. This "led to almost incessant pressing."<sup>26</sup> From the very beginning impressment caused a moral dilemma. King John engaged in pressing in a way that countered his promises in *The Magna Carta*. In particular it violated the clause that stated:

No free man shall be taken, imprisoned, disseised, outlawed, banished, or in any way destroyed, nor will We Proceed against or prosecute him, except by lawful judgment of his peers and by the law of the land; To no one will We sell, to none will We deny or delay, right or justice."<sup>27</sup>

The recruiting practice that was naval impressment in many ways negated that principle. It also gave rise to the debate of what was the country's duty to its people and what were the people's duties to the country. In early England there was little room for dissension. However, with the drastic changes that England underwent in the early modern era, debate over impressing and governing rose to the forefront of society.

Naval impressment was a privilege tied to the monarch. Denver Brunzman articulated "as a royal prerogative, impressment did not require the approval of

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<sup>26</sup> J.R. Hutchinson, *The Press-Gang: Afloat and Ashore* (London: E. Nash, 1913; New York: Bibliobazaar, 2007), 11.

<sup>27</sup> A.E. Howard, ed., *Magna Carta: Text and Commentary* (Charlottesville, VA: University Press of Virginia), 43.

Parliament... Instead, the navy's administrative body, the Board of Admiralty, made up of a First Lord and six subordinates, requested authority from the crown to press sailors, usually at the beginning of wars."<sup>28</sup> The power to impress sailors structurally operated under the monarch and his or her advisors. From the monarch and his or her advisors the authority to impress disseminated to the Royal Navy. Within the Royal Navy, the admiralty sent out individual press warrants to vessels and press gangs. Brunsmann further articulated:

The press gang was the basic unit of the navy's recruiting system. After it received authority to press, the Admiralty distributed press warrants to ship captains, who in turn gave them to officers in press gangs. A lieutenant, often accompanied by a mate or midshipman, led anywhere between one and ten additional men in each gang; few numbered above a dozen in total. Lieutenants preferred to fill their gangs with sailors, but the navy's manning demands often made them resort to hiring local toughs on land. At sea, the press gang typically belonged to the crews of individual navy ships. In addition to press warrants, the other essential tools of the impressment were cudgels (and sometimes pistols and cutlasses) and ready sources of alcohol.<sup>29</sup>

As late as the mid-eighteenth century, Judge Michael Foster held that the crown's prerogative to impress superseded all others to check the practice.<sup>30</sup> While Foster's opinions on impressment did not dictate actuality, they are evidence of the debate raging by the eighteenth century. Regardless, naval impressment remained a prerogative of the crown until the nineteenth century, although there were parliamentary and judiciary actions that looked to limit its use.

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<sup>28</sup> Denver Alexander Brunsmann, "The Evil Necessity: British Naval Impressment in the Eighteenth-Century Atlantic World" (PhD diss., Princeton University, 2004), 22.

<sup>29</sup> Brunsmann, "The Evil Necessity," 23.

<sup>30</sup> Michael Foster, "The Case of Alexander Broadfoot," *A Report of Some Proceedings on the Commission for the Trial of the Rebels in the Year 1746, and of other Crown Cases: To Which Are added Discourse upon a Few Branches of the Crown Law*, 3<sup>rd</sup> ed. (London: E & R Brooks, 1792), 159.

Daniel James Ennis in *Enter the Press-Gang: Naval Impressment in Eighteenth-Century British Literature* argued that impressment had two distinct root words. The linguistic differences in the two words related the nature of impressment. The root of the earlier, more benign form came from the Latin word *imprestare*. It meant to loan or advance.<sup>31</sup> The Latin term *imprestare* incorporated the all-important theme of money into impressment. Recruiters advanced *Imprest* (or *prest*) money to sailors as payment for entry into a contract for service. Ennis elaborated “by accepting the shilling (i.e., *imprest* money)” the recruit entered into a particular contract “to join a particular unit of the army or ship of the navy.”<sup>32</sup> Prior to the eighteenth century, *imprestare* impressment was important for the Royal Navy. This type of recruitment or conscription provided the Royal Navy with the necessary manpower to staff its ships. Furthermore, sailors had the right to volunteer their services to the crown under the system of *imprestare* impressment. *Imprestare* impressment was so casual Denver Brunzman argued that “until the late 1600s, *prest* men made their own way to port after taking the king’s shilling.”<sup>33</sup> Yet this system was prone to abuse by sailors and the navy. Sailors abused this practice by accepted money and refused to show up for service. The navy revoked the privilege of making’ ones way to port after recruitment as manpower became increasingly important. The Royal Navy manipulated payments to drastically change the nature of impressment in the eighteenth century.

This earlier, more benign form of impressment was not without its abuses too. The Royal Navy transformed the act of accepting the King’s shilling in times of need.

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<sup>31</sup> *Merriam-Webster’s Collegiate Dictionary*, 10th ed., s.v. “Imprest.”

<sup>32</sup> Daniel James Ennis, *Enter the Press-Gang: Naval Impressment in Eighteenth-Century British Literature* (Newark, NJ: University of Delaware Press, 2002), 28.

<sup>33</sup> Brunzman, “The Evil Necessity”, 26.

Dudley Pope related a story, in which “by putting it into an unsuspected man’s tankard of ale so that when he next reached out to gulp his drink he took possession of the shilling” and the sailor then could be “hauled off to fight the King’s enemies in distant parts.” As a consequence, patron-serving tavern owners of the era started to provide customers with glass mugs.<sup>34</sup> While the relation between glass mugs and impressment may not be a simple as Pope stated. This story revealed a common perception of average citizens, when the Royal Navy needed manpower it recruited by any means necessary. However in later practices of impressment, the Royal Navy came to use the King’s shilling as an afterthought of recruiting. Likewise, in the eyes of the common person naval impressment turned into an evil of the British government.

The most important theme in the history of naval impressment was growth. In the thirteenth century, it became a prerogative of the crown to promote a strong navy. By the fifteenth and sixteenth centuries, England began to engage in international competition and warfare waged on the high seas and in far off lands. Throughout the seventeenth and eighteenth centuries, Britain grew to become Europe’s main Atlantic power. To secure these changing roles, Britain again and again relied on a strong navy, strong commercial trading, and its colonial holdings. In the early modern British Empire, growth only compounded growth. As the Royal Navy grew, so did its manning problem and naval impressment moved into a more central position in the empire.

Up to the late-seventeenth century, *imprestare* impressment dominated the period. There were four major reasons why *imprestare* impressment was more benign than the later form of impressment, *premere* impressment, and all were relative to the navy and warfare. First, England’s navy remained relatively small during the period. King

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<sup>34</sup> Dudley Pope, *Life in Nelson’s Navy* (Annapolis, Md: Naval Institute Press, 1981), 97.

Ethelred's navy comprised of forty-five ships and up to the day of Oliver Cromwell this number remained relatively unchanged; in 1633 England had only fifty vessels.<sup>35</sup> This number obviously varied in time of war, with the commandeering of merchant ships, and with technological changes in seafaring; nonetheless, the lack of growth shows that the Royal Navy remained relatively small from the twelfth to the early seventeenth century.

Second, the Royal Navy was mostly a domestic force. It was only in the fifteenth century that England increasingly began an empire and secure worldwide trade. Even then England's monarchs reluctantly used their vessels to protect international trade. The main purpose of the Royal Navy was to provide security of the homeland; with such a small number of ships, England could ill afford to spread out its power.

Thirdly, naval warfare in the Northern Atlantic was a seasonal occurrence before 1689. Brunsman articulated "The naval fighting season was between April and September, after which the navy discharged men for the winter."<sup>36</sup> Winters in the Northern Atlantic were not conducive to seafaring and especially warfare. Therefore, Royal Navy sailors had the winters off. As the empire, commerce, and the navy grew, the seasonal nature of warfare vanished.

Lastly, the nature of seafaring and the practices of the royal navy differed during this early period. With such a small navy and little need for sailors the Royal Navy was not that strong of a social institution. If the Royal Navy did impress a sailor, the sailor could expect to be close to home, with the chance of returning home in the navy's off-season. Because there were few ships and little need for men, the Royal Navy impressed

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<sup>35</sup>Paul Vinogradoff, *English Society in the Eleventh Century*, 17-18; Linebaugh and Rediker. *The Many-Headed Hydra*, 146.

<sup>36</sup>Brunsmann, "The Evil Necessity," 27.

fewer men. As naval power changed in the seventeenth century, the locality, the practices, and the seasonality of the Royal Navy also transformed.

In some regards, sailing in the Royal Navy was advantageous in comparison to other types of service. Seafaring provided sailors of the era with a way to make money, see the world, the possibility of social mobility, and depending whether or not the sailors fought in time of war, certain rewards not afforded to the common sailor. Denver Brunzman contended “naval service had several advantages to working on merchant ships: the chance of prize money (also a perk of privateers), a pension, compensation for disabilities, less chance of being taken by an enemy, less rigorous work (because of larger crews), and more dependable food supplies.”<sup>37</sup> In many instances sailing in the Royal Navy was more beneficial, yet it was not without its drawbacks. Merchant sailing provided seamen with a certain degree of stability and freedom, especially when compared to the life of an impressed sailor. Each institution in the early modern era had comparable advantages and disadvantages; however, in merchant service sailors had much more direct control over their own labor.

Regardless of the type of service, sailing in the age of sail was a harsh existence. Samuel Johnson, the eighteenth century English critic argued, “[a] ship is worse than a gaol. There is, in a gaol, better air, better company, better conveniency of every kind; and a ship has the additional disadvantage of being in danger.”<sup>38</sup> The joint forces of nature, living and working conditions, and the treatment by other seafarers all weighed heavily on sailors of the early modern era, regardless of age, rank, class, or nationality.

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<sup>37</sup> Paul A. Gilje, *Liberty on the Waterfront: American Maritime Culture in the Age of Revolution* (Philadelphia: University of Pennsylvania Press, 2004), 76; Samuel Pepys, *Samuel Pepys and the Second Dutch War: Pepys's Navy White Book and Brooke House Papers*, edited by Robert Latham (London: Scholar Press for the Navy Records Society, 1995), 205; Brunzman, “The Evil Necessity”, 35.

<sup>38</sup> Samuel Johnson, *Boswell's Life of Johnson*, ed. George Hill (Oxford: Clarendon Press, 1934), 2:438.

Marcus Rediker argued that the “deep-sea sailor labored on a frail vessel surrounded by omnipotent forces of nature.”<sup>39</sup> Shipwrecks were common occurrences of the early modern era. Vessels had the possibility of being pounded by natural and human forces. Therefore early modern sailors constantly lived in peril. Furthermore, the nature of work and life aboard vessels was hazardous. Edward Barlow, a British mariner of the late seventeenth century, related:

at night when we went to take our rest, we were not still above four hours; and many times when it blew hard were not sure to lie an hour, yea, often (we) were called up before we had slept half an hour and forced to go up into the maintop or foretop to take in our topsails, half awake and half asleep, with one shoe on and the other off, not having time to put it on: always sleeping in our clothes for readiness.<sup>40</sup>

Injury and disease easily resulted from running around on a crowded ship half-clothed and half- awake. Rigging, ammunition, weapons, and cargo stowed on vessels also created hazards for sailors at sea. Simon P. Newman did a study of five hundred American applicants for protections, a passport to prevent impressment, found “434 (86 percent) were scarred or disfigured” and that these “injuries bore witness to the occupational hazards of life at sea.”<sup>41</sup> This scarring and disfiguring was not distinctly an American occurrence, injury transcended nationality. Furthermore, injuries of that period often caused death. Michael Lewis argued that individual accidents and injuries prompted by foundering, wreck, fire and explosion caused 2160 deaths, 41.7 percent of

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<sup>39</sup> Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700-1750*, (New York: Cambridge University Press, 1987), 94.

<sup>40</sup> Edward Barlow, *Barlow's Journal of His Life At Sea in King's Ships, East & West Indiamen & Other Merchantmen From 1659-1703*, ed. Basil Lubbock (London: Hurst and Blackett, 1934), 60.

<sup>41</sup> Simon P. Newman, “Reading the Bodies of Early American Seafarers,” *The William and Mary Quarterly*, 3<sup>rd</sup> Ser., 55, (1998), 67.

deaths aboard Royal Navy vessels in 1810.<sup>42</sup> Life at sea compounded by injury posed a serious threat to sailors' lives of the early modern era.

Yet, accidents did not pose as grave of threat as disease. Christopher Lloyd argued that some of the biggest problems for sailors were "scurvy, typhus, and yellow fever."<sup>43</sup> Diseases in the early modern era devastated sailors. Lewis maintained that 50 percent of all deaths in the Royal Navy in 1810, or 2592, came from disease.<sup>44</sup> Deaths caused by accidents and disease in 1810 were not isolated incidents. Disease and injury were serious forces sailors contended with at sea.

The treatment by peers and superiors compounded the harshness of life at sea. Although nothing was uniform across the board, sailors often related stories of abuse. Narratives of British naval impressment chronicled how unjust and cruel naval life could be. American James M'Lean related a story in which his commander blamed him for tearing the topsail and gave him a dozen lashings by the cat-o'-nine-tails, without any debate just for being "a sulky rascal."<sup>45</sup> While the navy stabilized order with such punishments, sometimes the conditional nature of employment enraged sailors. Complaints about treatment were not limited to American sailors; criticisms permeated British military and merchant stories. John Newton, the author of the hymn "Amazing Grace," related a story about how horrible service at sea was in his book *Out of the Depths*. The Royal Navy impressed John Newton. Sailors and superiors attacked Newton, so that he resorted to his connections to transfer to a slave ship. His accounts of the slave ship were more extreme than in the navy; yet he preferred the former. The slave

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<sup>42</sup> Michael Lewis, *A Social History of the Navy 1793-1815* (London: Allen & Unwin, 1960), 420.

<sup>43</sup> Christopher Lloyd, *The British Seaman: A Social Survey, 1200-1860* (London: Collins, 1968), 259.

<sup>44</sup> Lewis, *A Social History of the Navy*, 420.

<sup>45</sup> James M'Lean, *Seventeen Years' History of the Life and Sufferings of James M'Lean* (Hartford, CT: The Author, 1814), 7-8.



ship captain chained him and did not feed him, leaving him in a deplorable state, so much so that he was “relieved by strangers, even by slaves in chain” who brought him food.<sup>46</sup> While there was nothing uniform across the board, life at sea had the potential to be very hard.

The hierarchy of vessels compounded the treatment of sailors. Vessels in the early modern era had a strict hierarchy in order to insure overall safety on the ship; even in pirate ships, the bastions of democracy “in an undemocratic age,” captains exerted unquestionable authority during battles.<sup>47</sup> Merchant ships were also pretty-democratic; yet, monies and comforts were not equally distributed. The Royal Navy maintained hierarchy at all times. N.A.M Rodger argued “everything depended, however, on the discriminating judgment of the captain in bestowing encouragement, and punishment, on those who really deserved them.”<sup>48</sup> Although order depended on the discriminating judgment of captains; when they often acted indiscriminately towards their sailors and tensions ensued.

With the compounding forces of the sea, disease, injury, and commander and peer tensions, the British Navy became an extremely tough place to work. *Imprestare* impressment only exacerbated the situation. Yet, *imprestare* impressment was more democratic than its latter form because of the contractual nature of the practice. In a very similar way the two earliest manifestations of slavery in England were also democratic because the law afforded slaves and villeins the basic rights of humans, even if it was derived from their masters. However both naval impressment and slavery became

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<sup>46</sup> John Newton, *Out of the Depths* (London: Letters to Rev. T. Haweis, 1764; Chicago: Moody Press, 1965), 50-51.

<sup>47</sup> Peter Linebaugh and Marcus Rediker. *The Many-Headed Hydra*, 162.

<sup>48</sup> N.A.M. Rodger, *The Command of the Ocean: A Naval History of Britain, 1649-1815* (New York: W.W. Norton Paperback, 2004), 322.

instruments of empire and changed drastically. *Imprestare* impressment turned into *premere* impressment, whereby coercion replaced consent. In the next manifestation of slavery, the Atlantic slave trade, slaves turned into mechanisms of commerce. However, the drastic changes of the seventeenth and eighteenth centuries in British commerce, colonies, and military organization changed both the scope and practice of naval impressment and slavery.

## Chapter 2: The Growth of the Fiscal-Military State

James Edward Oglethorpe was an eighteenth century British general, philanthropist, and founder of the American Georgia colony. Oglethorpe championed many causes during the eighteenth century including the abolition of slavery, the discontinuance of naval impressment, and prison reforms. In his work outlining the aims for the government of Georgia, Oglethorpe stated that it was amongst the colony's aims to "prohibit with in their Jurisdiction that abominable and destructive Custom of Slavery, by which labouring Hands are rendered useless to the Defense of the State."<sup>49</sup>

Identifying the "abominable and destructive custom of slavery," Oglethorpe wanted to make sure it did not seep into his colony. For Oglethorpe slavery and naval impressment were analogous. He posited the question "How comes it then, that so very useful part of his Majesty's subjects as the Sailors are, should be prest into the Service, denied their liberty, and turned into slaves?" Oglethorpe went on to say that "*Slavery is nothing but service by force.*"<sup>50</sup> In the eyes of Oglethorpe, and some his contemporaries, impressment became an analogous institution to slavery by the eighteenth century. Oglethorpe was one of a set of trailblazing reformers, theorists, and policymakers whose positions allowed them to measure the pulse of the people and the government in the eighteenth century. Earlier reformers commented on the emerging clash of naval power and commerce internationally, and had first addressed the similarities between naval impressment and slavery.

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<sup>49</sup> James Edward Oglethorpe, "An Appeal for the Georgia Colony (1732)," *The Publications of James Edward Oglethorpe*, ed. Rodney M. Baine, forward by Phinizy Spalding (Athens, Ga: The University of Georgia Press, 1994), 165.

<sup>50</sup> Oglethorpe, "The Sailors Advocate (1728)," 22.

Critical of naval impressment and slavery, Oglethorpe was well aware of the problems related to both. He also picked up how important these institutions were to international affairs. In his 1728 tract *The Sailors Advocate*, he argued:

It is the *Royal Navy* and the *Trade* of BRITAIN which makes it a powerful and envy'd State; Were either of these lost, we should be as despicable Slaves as some of our Neighbours; yet by opposing those by whom our *Liberties* are preserved, and our *Riches* increased, we take effectual methods to destroy both.<sup>51</sup>

While Oglethorpe realized the importance of trade and the military, he was critical of the way in which Britain supported each practice, by enslaving people. He felt that there were better ways to promote the British Empire. While Oglethorpe was amongst the first reformers to bring the discussion of naval impressment and slavery to Britain's national spotlight; he was not the first to discuss the role of commerce, the navy, international affairs, and the rights of people.

Europe had always been a continent of turmoil and struggle since the fall of the Roman Empire. However by the sixteenth and seventeenth centuries, rivalries between European states began to be played out in the international arenas of the colonies and the seas. Contemporaries like Hugo Grotius, John Selden, and Sir Philip Medows, who were privy to these changes debated the dominion of government and international order. England and its rivals began to promote commerce and the military, especially the navy, as the central institutions of the new world order. In chronicling the growth of the maritime empire, critics captured the essential differences between governmental theory and practice and individual rights. As a part of this maritime development, England started to lay the framework for the institutions of slavery and naval impressment.

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<sup>51</sup> Oglethorpe, "The Sailors Advocate (1728)," 19.

Amidst this turmoil, King James “issued a proclamation banning unlicensed foreigners (meaning, particularly, the Dutch) from the coastal fisheries around Britain and Ireland,” in 1609.<sup>52</sup> The king asserted dominion over the sea and closed it to non-licensed vessels, championing the Latin term *mare clausum*. While the fishing rights around Britain were important in international affairs, the underlying meaning of claiming dominion over the seas had more far-reaching implications. Acceptance of *mare clausum* meant a country had the right to assert hegemonic power over the seas, and likewise the world. So, as the English navy began to assert *mare clausum*, it was meant with international resistance. Hugo Grotius produced a work called *Mare Liberum* aimed at debunking the assertion of *mare clausum* by any one nation. In this work, Grotius held:

all those things which are so ordained by nature that anyone using them they may nevertheless suffice others whomsoever for the common use are at this day (and perpetually ought to be) of the same condition whereof they were when nature first discovered them.<sup>53</sup>

He maintained that all things in nature were meant for all humanity’s enjoyment and exploitation. Thus no country could assert full authority over any part of nature and things such as the air, sea, and shores around needed to remain free.<sup>54</sup> In a Europe defined by political and military rivalries, Grotius’s work was extremely radical and created a theoretical hailstorm.

England was one of the countries particularly opposed Grotius’s theories. English statesmen and theorists like John Selden and Sir Philip Medows, led the movement

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<sup>52</sup> David Armitage, *The Ideological Origins of the British Empire* (Cambridge: Cambridge University Press, 2000), 109.

<sup>53</sup> Hugo Grotius, *The Free Sea*, translated by Richard Hakluyt (Indianapolis, In: Liberty Fund, Inc., 2004), 24.

<sup>54</sup> Armitage, *The Ideological Origins of the British Empire*, 109.

against Grotius. With burgeoning commerce and naval prowess, adhering to the principles Grotius set out was not feasible for Britain in the seventeenth and eighteenth centuries. One of the most famous responses to *Mare Liberum* was John Selden's *Mare Clausum, or Of the Dominion, or Ownership of the SEA*. Selden presented staunch opposition to Grotius's claim that objects of nature needed to be available to anyone who wanted to use them. Selden contended:

For, seeing it is in the power of an Owner, so to use and enjoy his Own, that without some Compacts of Agreement, Covenants or some Special Right Supervening, hee may lawfully restrain any others whatsoever, it cannot bee amiss for any one to say, that the Seas, which might pass into the Dominion of any person, are by the Law of Dominion shut to all others who are not Owners or that do not enjoy such a peculiar Right<sup>55</sup>

Selden supported his *mare clausum* theory with legal doctrines that dated back to the Roman Empire. Contemporarily to Selden, England picked up upon the idea of *mare clausum* and began to advance its maritime empire. With theory in hand and a navy to back it up, the country almost reached the apex of *mare clausum* in the nineteenth centuries, becoming Europe's hegemonic imperial power.

In many regards, the theoretical debate made little difference. Neither Britain, nor any other country, had been able to exert complete authority over the seas in the three centuries after these works. The debate, however, was important. It not only shed light on the pan-European rivalries of the time but also became the mantle by which Britain advanced both its commercial and military complexes at sea in the seventeenth and eighteenth centuries. Under Britain's near-hegemonic power, it forged the modern order of the western world.

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<sup>55</sup> John Selden, *Of the Dominion, Or, Ownership of the SEA* (London: William Du-Gard, 1652; Clark, New Jersey: The Lawbook Exchange, 2004), f2.

John Brewer argued that, while the primary steps of change began in the sixteenth century “only after 1650 did the government have both the desire and the capacity to pursue a bellicose policy of commercial development.”<sup>56</sup> The growth of commerce and navy began in the era of Oliver Cromwell. In the mid-seventeenth century, England, Scotland, and Ireland were in a period of internal chaos and rebellions that threatened to overthrow the established order in the countries. Adding to this internal struggle, pan-European rivalries over dominion of the seas also began during this time period. Riding the wave of rebellion, a military and parliamentarian man, Oliver Cromwell, rose to a place of importance in England; by December 16, 1653 he became Lord Protector of England, Ireland, and Scotland.

As a military man, Cromwell recognized “that governance of the nation was dependent on regaining the cooperation, compliance and collaboration of a much broader coalition than the narrow military backing” on which he rode into power.<sup>57</sup> After deposing and beheading King Charles I, it became a prerogative of Cromwell to facilitate change in government and commerce. He defended the country’s most basic needs, keeping it protected from the overthrown monarchy and international forces. Cromwell also made major changes to the navy and commerce. During his reign, Cromwell committed the government to attacking royalist factions at sea and went to war with competitive European navies, especially the Dutch.<sup>58</sup> Cromwell augmented the Royal Navy by adding ships and sailors. From 1646 to 1659, Cromwell led an expansion of 217 vessels, of which 111 were captured and 106 were newly commissioned, nearly

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<sup>56</sup> John Brewer, *The Sinews of Power: War, Money and the English State, 1688-1783* (Boston, MA: Unwin Hyman, 1989), 11.

<sup>57</sup> J.C. Davis, *Oliver Cromwell* (London: Arnold Publishing, 2001), 200.

<sup>58</sup> Linebaugh and Rediker, *The Many-Headed Hydra*, 145

quintupling England's navy.<sup>59</sup> However, this came at an expensive cost for Cromwell, stagnating domestic growth and alienating his regime from some of the anti-military sentiment that led to the civil wars under King Charles I. J.C. Davis furthered this argument, by stating that Cromwell's "need to provide for an expensive naval and military establishment [became] ... his Achilles heel."<sup>60</sup> Therefore, after he died in 1658 the government he established quickly crumbled. So that by 1660, King Charles's son, also named Charles, reestablished himself as the King of England, Scotland, and Ireland.

Upon sitting on the Restoration throne, Charles II continued Cromwell's practices. Peter Linebaugh and Marcus Rediker argued that Samuel Pepys initiated Charles first order of business, setting "about reorganizing the English navy in other respects, professionalizing the officer corps and building more, even bigger, and ever more powerful ships."<sup>61</sup> This reorganization strengthened the Royal Navy to compete against the Dutch in the Anglo-Dutch Wars. In the vein of international rivalries dating back to the Cromwellian era, Charles II pursued national hostilities against the Dutch in a series of wars in 1665-1667, 1672-1674, and 1680-1684. These wars pushed the limits of sea politics and international rivalries. Charles II ultimately lost the Anglo-Dutch Wars. Yet, the Dutch changed its tactics towards colonization and militarization, abandoning both to become more commercially-centered, and leaving Britain as the sole hegemonic power in the Atlantic.<sup>62</sup> Although Britain had become a naval power with the defeat of the Spanish Armada in the 1588, the end result of the Anglo-Dutch Wars marked Britain's arrival as the European power.

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<sup>59</sup> John Brewer, *The Sinews of Power*, 11; Linebaugh and Rediker, *The Many-Headed Hydra*, 145.

<sup>60</sup> J.C. Davis, *Oliver Cromwell*, 200.

<sup>61</sup> Linebaugh and Rediker, *The Many-Headed Hydra*, 146.

<sup>62</sup> Linebaugh and Rediker, *The Many-Headed Hydra*, 146.



During the reign of Charles II, the Royal Navy became the foremost institutional mechanism of the state. Peter Linebaugh and Marcus Rediker held that by the 1690s, “the Royal Navy had become England’s greatest employer of labor, its greatest consumer of material, and its greatest industrial enterprise.”<sup>63</sup> The expansion of the navy also had a profound effect on the commercial standing of the nation. As Paul Kennedy stated sea-power was:

desirable not only to ensure ‘the Defence of the Kingdom’, but also because [of] the benefits brought in terms of trade, colonial acquisitions, and embarrassment to the foe...whereas the Tudor fleet was basically a water-borne home defence squadron, the navy under the later Stuarts saw nothing unusual in escorting convoys through the Mediterranean, or in destroying distant privateer bases: it was simple the military corollary of the Navigation Acts.<sup>64</sup>

Charles II continued to apply the principles of naval maintenance and growth set forth by Oliver Cromwell. The Royal Navy became the lynchpin in the growth of commerce, defense, and colonialism in the emerging British Empire. The monarchs succeeding Charles expanded upon his practices of commerce and military support, thereby propping up slavery and naval impressment as central institutions of the empire throughout the eighteenth century.

Charles II and James II successfully nurtured overseas commerce and the Royal Navy, but the turmoil of the English Civil War did not abate as they built up their militaries. In steps towards absolutism, or heavy-handed monarchical control of the government, James II pushed for a stronger army and the eligibility of Catholics for public office.<sup>65</sup> Leaders of Parliament ousted James and replaced him with King William III and Mary II, James’ Protestant daughter. As William and Mary took the crown, they

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<sup>63</sup> Linebaugh and Rediker, *The Many-Headed Hydra*, 148.

<sup>64</sup> Paul Kennedy, *The Rise and Fall of British Naval Mastery* (New York: Charles Scribner’s, 1976), 53, 66.

<sup>65</sup> J.R. Jones, *The Revolution of 1688 in England* (New York: W. W. Norton, 1972), 1-5.

were required to accept the “Act for declaring the right and liberties of the subject” that limited their powers and recognized the political rights of their English subjects.

Historians term this replacement of monarchs and acquiescence of power as the English Revolution, also known as the Glorious Revolution. Scholars, such as John Brewer argue that the importance of the Glorious Revolution is that it marked the beginning of a “transformation in British government...which put muscle on the bones of British body politics.” Brewer added that this process included “a radical increase in taxation, the development of the public deficit finance (a national debt) on an unprecedented scale, and the growth of a sizable public administration devoted to organizing the fiscal and military activities of the state.”<sup>66</sup> This growth allowed Britain to fund its continually expanding maritime ventures, including colonization and waging war.

Over the next two years, James II attempted to rally support and reclaim the throne. Contemporaries termed this movement Jacobitism. James II, his son, and his grandson led a series of five popular uprisings in England, Scotland, and Ireland between 1689 and 1745 (See Table 1 below). While these rebellions did not recapture the crown for the Stuarts; the 1715 Jacobite rebellion posed a serious threat to the government in London when the last Stuart queen, Anne, died and passed the throne on to the Hanoverian King George I. The Forty-Five also posed a bit of a threat to the union of Scotland and England. Yet, on the whole these rebellions did not pose that serious of a threat to Britain. However, since countries hostile to England also supported the Jacobite cause it added to the ever mounting pressures against England and its empire.

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<sup>66</sup> Brewer, *The Sinews of Power*, xvii.

*Table 1: Jacobite Rebellions*

Dates	Rebellion
1689-1691	Williamite War in Ireland
1689-1692	Viscount Dundee's Rebellion in Scotland
1715-1716	The Fifteen
1719	Spanish Sent to Scotland
1743-1746	The Fourty-Five

The Jacobite rebellions occurred during an era when Britain engaged in a series of international wars during the late-seventeenth and eighteenth centuries. The era is often referred to as “The Second Hundred Years War,” in that the British found themselves pitted against France in each of these wars (see Table 2 Below). These pan-European conflicts also posed a serious threat to England and later to Great Britain, as Scotland and England unified into it in 1707. The effects of the various wars and Jacobite rebellions forced Britain to adapt to the changing political climate of the time. The government emphasized the development of a strong army and navy for both the security of the nation and to protect its commercial ventures.

*Table 2: Britain's Major Wars in the Long Eighteenth Century*

<i>European Name</i>	<i>American Name</i>	<i>Years</i>	<i>Peace</i>
<i>War of the League of Augsburg</i>	<i>King Williams War</i>	<i>1689-1697</i>	<i>Ryswick</i>
<i>War of Spanish Succession</i>	<i>Queen Anne's War</i>	<i>1702-1713</i>	<i>Utrecht</i>
<i>War of Jenkin's Ear, merging with War of Austrian Succession</i>	<i>War of Jenkin's Ear</i>	<i>1739-1744</i>	<i>Aix-la-Chapelle</i>
		<i>1744-1748</i>	
	<i>King George's</i>		

	<i>War</i>		
<i>Seven Years' War</i>	<i>French and Indian War</i>	<i>1756-1763</i>	<i>Paris</i>
<i>War of American Independence</i>	<i>Revolutionary War</i>	<i>1775-1783</i>	<i>Paris</i>
<i>French Revolutionary Wars</i>	<i>French Revolutionary Wars</i>	<i>1793-1802</i>	<i>Amiens</i>
<i>Napoleonic Wars, including the American War</i>	<i>War of 1812</i>	<i>1803-1815</i>	<i>Vienna</i>
		<i>1812-1815</i>	<i>Ghent</i>

Source: Denver Alexander Brunsman, "The Evil Necessity: British Naval Impressment in the Eighteenth-Century Atlantic World." (PhD diss., Princeton University, 2004), 28.

Commercial seafaring and the Royal Navy grew throughout the eighteenth century. The three greatest catalysts for naval growth in all countries were technological competition, warfare, and debts. These catalysts greatly effected Britain in the eighteenth century. There were also other issues that caused great changes in the Royal Navy. The obsolescence of old technology, the damaging affects of warfare, and the commandeering of merchant vessels caused the Royal Navy to fluctuate in strength continuously. Technology and the standards for ships changed drastically throughout the eighteenth century. The Royal Navy deemed ships effective one year, but the technological advancements might render them obsolete, so they might be deemed antiquated and were not included in the yearly totals of naval strength the next year.<sup>67</sup> The Royal Navy justified this exclusion by tonnage totals, although it did not mean they stopped using the old vessels.

Warfare was also a catalyst for change during the seventeenth and eighteenth centuries. During wars the Royal Navy generally expanded. In times of peace its naval growth stagnated. However, throughout the eighteenth century Britain engaged itself in

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<sup>67</sup> Rodger, *The Command of the Ocean*, 609.

more consuming wars and as a general trend the navy in the end of the century was much larger than in the beginning of the century. Debt also contributed to decisions about the amount of vessels used by the Royal Navy. A ship required sailors, captains, goods, and weaponry, all demanding vast amounts of capital. As the Royal Navy grew so did its fiscal commitments and likewise its debts. While eighteenth century Britain was amongst the first countries to champion debt-financing, in certain instances the navy accumulated huge debts that threatened the government's financial stability. As debt grew, Parliament and the Admiralty grew more aware of the limitations that needed to be placed upon the navy, especially in terms of its size (see Appendix A).

Nonetheless, throughout the seventeenth and eighteenth centuries Britain's Royal Navy grew drastically. In 1547, England's Royal Navy consisted of fifty-three vessels. The amount of vessels in the Royal Navy hovered around fifty until the era of Cromwell. The restoration monarchs continued to fund the Royal Navy, so that by 1688 it had one hundred seventy-three ships.<sup>68</sup> By the beginning of the War of Spanish Succession in 1702, England had 272 ships. In 1714, after the war had ended this number fell to 247. At the outset of the War of Jenkins' Ear in 1739, Britain's Royal Navy had 228 vessels. This war merged in to the War of Austrian Succession and when it ended in 1748, this number had again jumped to 334. The Royal Navy again grew during the Seven Years' War to 432 vessels in 1762. During the American Revolution in 1783 the number of vessels again rose to 617. The apex of the Royal Navy's growth came during the Napoleonic and American Wars, where the navy maintained near one thousand vessels.<sup>69</sup>

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<sup>68</sup> Paul Kennedy, *The Rise and Fall of British Naval Mastery*, 24, 65; Linebaugh and Rediker, *The Many-Headed Hydra*, 146.

<sup>69</sup> Lloyd, *The British Seaman: A Social Survey, 1200-1860*, 286-289.

On the whole this growth was rather drastic, adding 800 vessels in nearly a century. This growth facilitated Britain's power to wage its ever consuming wars throughout the world.

Maritime commerce followed the same patterns of growth as the Royal Navy throughout the long-eighteenth century. Similar to the Royal Navy, warfare was a huge factor in determining the growth of commercial shipping. Ralph Davis argued, "the needs of the state for naval power reinforced the demands of the merchants and shipowners ...and so...preserved naval power and the colonies; and colonial monopoly was one of the bases...for industrial expansion."<sup>70</sup> Throughout the eighteenth century, warfare brought more colonies into the British Empire and a greater need to supply them (see Appendix B). Prior to the Glorious Revolution, English-owned vessels shipped 340,000 tons in 1686. This number rose to nearly 500,000 tons by the end of the Seven Years' War in 1763. This number again jumped so that after the American Revolution, in 1786, English-owned ships transported 752,000 tons. In another two years it jumped another 303,000 tons, so that they shipped 1,055,000 tons of goods. Ralph Davis argued, "When colonial monopoly was broken after 1776 the work was done; the wealth had been accumulated, and the dependence of the American economy on England established too firmly to be undone in less than another century."<sup>71</sup> At the turn of the nineteenth century, not even the American War of Independence had stagnated the growth of the English shipping industry.

One of the areas of the maritime economy that experienced the highest rates of shipping growth was the Atlantic slave trade. In 1588, Queen Elizabeth granted a limited trade monopoly to English merchants, without any direct benefit from the company.

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<sup>70</sup> Ralph Davis, *The Rise of the English Shipping Industry: In the Seventeenth and Eighteenth Centuries* (Newton Abbot: David & Charles, 1972), 394.

<sup>71</sup> Davis, *The Rise of the English Shipping Industry*, 394.

According to George Zook these merchants had exclusive trade rights to a particular “portion of West Africa lying between the Senegal and Gambia rivers.”<sup>72</sup> However, other merchants still legally had the right to trade in Africa, on the Gold Coast and this early trade especially concentrated on the exchange of English for African goods. Yet in the especially by throughout the seventeenth century, England began to dabble in the slave trade. Although Britain abandoned its African trade then they reignited their trade to Africa later and began to enslave Africans as part of this trade. Yet Eric Williams argued, “The English slave trade remained desultory and perfunctory in character until the establishment of British Colonies in the Caribbean and the introduction of the sugar industry.”<sup>73</sup> British colonization of the Caribbean coincided with the political turmoil that defined England in the late seventeenth century. The Atlantic slave trade grew to support Britain’s ever expanding commercial ventures in its colonies in the eighteenth century.

In 1660, Charles II chartered ‘The Company of the Royal Adventurers into Africa’ with a one-thousand-year monopoly of English trade to Africa. This charter continued the practice of granting monopolies to companies for exclusive trade privileges with Africa set by Queen Elizabeth I. The 1660 charter of ‘The Company of the Royal Adventurers into Africa’ changed the state of trade to Africa. While the charter company had the right to trade goods, the charter did not say anything about slaves. Furthermore, in this charter the king directly benefit from the trade, receiving two-thirds of all gold

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<sup>72</sup> George Zook, *The Company of Royal Adventurers Trading into Africa* (New York: Negro University Press, 1919), 5.

<sup>73</sup> Eric Williams, *Capitalism and Slavery* (Chapel Hill, NC: University of North Carolina Press, 1944; Chapel Hill, NC: University of North Carolina Press, 1994), 30.

procured there.<sup>74</sup> The company's main purpose was to conduct trade with England; however, by the 1660s English, and later British, colonial holdings began to emerge with a desperate need for laborers. Zook held that in those conditions "the slave trade with the English colonies in the West Indies was destined to absorb the company's attention."<sup>75</sup> However by the 1670s, the company's debts grew too large and Charles II transferred the charter to another company.

In 1672, Charles II granted the African trade monopoly to the Royal African Company. Unlike the earlier charters, this one explicitly mentioned the slave trade in the company's objectives.<sup>76</sup> This company became the main force in English slave trading for the next half century. According to K.G. Davies, the events of the Glorious Revolution and the beginning of subsequent wars "hastened the process of decay" for the charter company.<sup>77</sup> In 1698, Parliament opened the African trade with a fourteen year Ten Per Cent Act. This act opened the trade to any merchant, providing they paid a ten percent duty to the Royal African Company on goods shipped from Africa.<sup>78</sup> Slave traders simply refused to pay the tax and illegally traded slaves, undercutting the Royal African Company's grip on the slave trade. In 1712, Parliament allowed the act to expire, the Royal African Company lost its monopoly and officially opened the African trade to the free market.

After 1712 the African slave trade truly exploded. David Richardson stated "the English remained the major shippers of slaves from Africa to America until 1807, when

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<sup>74</sup> Cecil T. Carr, "Company of Royal Adventurers into Africa, 18<sup>th</sup> Decemeber, 1660," *Select Charters of Trading Companies, 1530-1707* (New York: Burt Franklin, 1913; New York: Burt Franklin, 1970), 177.

<sup>75</sup> Zook, *The Company of Royal Adventurers Trading into Africa*, 5.

<sup>76</sup> K.G. Davies, *The Royal African Company* (London: Longmans, Green and Co, 1957), 98.

<sup>77</sup> Davies, *The Royal African Company*, 346.

<sup>78</sup> David Richardson, "The British Empire and the Atlantic Slave Trade, 1660-1807," P.J. Marshall ed., *The Oxford History of the British Empire* (Oxford: Oxford University Press, 1998), 2:445.



Parliament outlawed British participation in slave-carrying.”<sup>79</sup> During the era of private-ownership of the Atlantic slave trade, merchants brought roughly a quarter million people to the Americas every decade for nearly a century. On the whole, merchants transported nearly 2.5 million slaves to the Americas after 1712 (see Table 3 below). Richardson argued that the large growth in the slave trade occurred in the late-eighteenth century because both the French and Dutch trades fell during that period.<sup>80</sup> Furthermore as part of the settlement of Queen Anne’s War in 1713, the British won the right to supply the Spanish-American colonies with slaves. Yet on the whole the British displaced some 3.4 million people from their homes in Africa to become slaves in the Americas.

*Table 3: Slave Exports from Africa and arrivals in America in British and British-Colonial ships, 1662-1807 (nearest 00)*

	Exports	Exports	Exports	Arrivals
	British Ships	Colonial Ships	Total	Total
1662-70	59,900	-	59,900	47,900
1671-1680	71,300	-	71,300	57,000
1681-1690	106,800	-	106,800	84,700
1691-1700	91,600	-	91,600	73,300
1700-09	125,600	-	125,600	100,500
1710-19	203,000	5,000	208,000	166,400
1720-29	269,000	7,000	276,000	242,100
1730-39	276,000	20,000	296,000	236,800
1740-49	194,600	14,000	208,600	179,400

<sup>79</sup> Richardson, “The British Empire and the Atlantic Slave Trade, 1660-1807”, 440.

<sup>80</sup> Richardson, “The British Empire and the Atlantic Slave Trade, 1660-1807”, 442.

1750-59	251,300	22,000	273,300	235,000
1760-69	391,200	33,000	424,200	364,800
1770-79	339,600	23,000	362,600	326,300
1780-89	303,200	3,600	306,800	276,100
1790-99	346,000	3,500	349,500	332,000
1800-07	255,200	100	255,300	242,500
1662-1807	3,284,300	131,200	3,415,500	2,964,800

Source: David Richardson, "The British Empire and the Atlantic Slave Trade, 1660-1807." ed. P.J. Marshall. *The Oxford History of the British Empire*. vol. 2 (Oxford: Oxford University Press, 1998), 442.

Similar to Anglo-Saxon slaves, and to an extent, villeins, masters owned African slaves as chattel. However unlike earlier systems of slavery, the Atlantic slave trade transformed the African slave into capital. The profitability of the Atlantic slave trade has been a great historical debate since Eric Williams's *Capitalism and Slavery* came out in 1944. Williams claimed that the Atlantic Slave Trade provided the capital for Britain's Industrial Revolution. Scholars to this day debate the degree to which the Atlantic slave trade fed Britain's industrial revolution. At its very base, Herbert Klein stated, "there is little question that the thousands of ships that sailed for Africa to engage in the slave trade did so because it was profitable."<sup>81</sup> Even if the slave trade was negligibly profitable, slaves provided their masters with essential labor that often made plantations extremely lucrative, especially in the West Indian sugar plantations. Monies generated in Britain's colonies provided the homeland with important revenue. All parts of this trade were equally essential to the whole process of profit-making.

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<sup>81</sup> Herbert S. Klein, *The Atlantic Slave Trade* (New York: Cambridge University Press, 1999), 98.

Many contemporaries had mixed views of the slave trade. In reality public opinion did not really rise against the slave trade in Britain until the turn of the nineteenth century when abolitionists arguments began to take shape. One contemporary, William Snelgrave wrote in his 1734 book, *A New Account of Some Parts of Guinea and The Slave-Trade*:

That tho' to traffick in human Creatures, may at first appear barbarous, inhuman, and unnatural; yet the Traders herein have as much to plead in their own Excuse...First, It is evident, that abundance of Captives, taken in War, would be inhumanly destroyed, was there not an Opportunity of disposing of them to the Europeans. So that many Lives are saved, and great Numbers of useful Persons kept in being. Secondly, when they are carried to the Plantations, they generally live much better there, than they ever did in their own Country; for as the Planters pay a great price for them, 'tis their interest to take care of them. Thirdly, By this means the *English* Plantations have been much improved, that 'tis almost incredible, what great Advantages have accrued to the Nation thereby...the *Negroes* are fitter to cultivate the Lands there, than the white People...In a word, from this Trade proceed Benefits, far outweighing all, either real or pretended Mischiefs and Inconveniencies.<sup>82</sup>

Snelgrave spoke from a very top-down position, arguing that slavery helped the empire.

Yet his opinion grossly misstated the effects of the slave trade and the slave ship on the slaves themselves. Life aboard a slave ship was horrid. Slaves lived in retched conditions, under harsh treatment. Treated like commodities slaves were important; however, they were not the bottom line. Mortality rates onboard ships soared.

Comparing the number of exports to the number of arrivals, between 15,000 and 40,000 slaves died in transport each decade of the eighteenth century (See Table 3). Counter to Snelgraves's opinion, the loss of nearly three hundred seventy thousand slaves in transport warrants more than "real or pretended Mischiefs and Inconveniencies," whether monetary or human.

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<sup>82</sup> William Snelgrave, *A New Account of Some Parts of Guinea and The Slave-Trade* (London: James, John, and Paul Knapton, 1734; London: Frank Cass, 1971), 160-161.

Slave life in the colonies differed from that in Britain. Masters in the colonies used slaves for a variety of things; like villeins and Anglo-Saxon slaves, slaves in the colonies tended to be used for agriculture. In the colonies, African slaves often outnumbered their owners. In England conditions were different. Slaves came to England with their masters, typically as body-servants. F.O. Shyllon argued, “black servants in eighteenth-century England served as an ‘Index of Rank or Opulence supreme’, and conferred ‘an air of luxurious well-being’ upon their masters and mistresses.”<sup>83</sup> As such, African slaves in Britain differed from their historic and colonial counterparts.

The growth of commerce created a serious manning problem for the Royal Navy as both grew throughout the seventeenth and eighteenth centuries. Merchant ships needed more men to operate in their ventures and took away able sailors from the Royal Navy. The Royal Navy did not readily secure enough men to operate their vessels. The ready-made solution to this manning problem was the longstanding practice of impressment. Although impressment had been a constant in Britain throughout the early modern era, the nature and quantities of naval impressments changed drastically throughout the seventeenth and eighteenth century. As the Royal Navy incorporated more ships into its fleets, it needed more men to staff these ships (see Appendix C). Throughout the eighteenth century, the Royal Navy kept between 6,000 and 140,000 men in their service. In times of war, especially during the Seven Years War and the Napoleonic Wars, the number of sailors tended to be towards the larger number. With the growing marine commerce, sailors were in short supply. The Royal Navy relied on

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<sup>83</sup> F.O. Shyllon, *Black Slaves in Britain* (New York: Oxford University Press, 1974), 4.

its old tactic of impressment, but with the increasingly stretched limits of the workforce, *imprestare* impressment did not provide the proper amount of sailors.

Overtime *imprestare* impressment began to be replaced. The Latin root word *premere*, meant to press or crowd upon, replaced *imprestare* in defining impressment.<sup>84</sup> This root word change was important because it shows how radically different impressment became during the eighteenth century. The press gang began to use more force to conscript seamen. As the navy grew, so did its need for sailors, and impressment became a forcible form of recruitment. The Royal Navy hustled men off of ships, in the colonies, and off of the land and put them aboard their own vessels. The common perception of naval impressment changed during this period, also. James Oglethorpe stated:

The prest person is assaulted and seized on the King's high way, and hurried into a floating prison, without being allowed time to spark or write his friends. The Crew forces him along, as Bailiffs do those who resist upon being arrested for debt, often insulting them, and knocking them down before they seize them: sometimes if the unhappy man has money to give, the Gang will let him go; but if he has not, he is infallibly put on board the smack, which is a vessel fit up like a prison, with iron gates and bolts.<sup>85</sup>

The semantic differences in the two roots of impressment directly correlated to the radicalization of naval impressment. What made impressment particularly stand out in this later form was that in certain cases turned into state sponsored kidnapping. This type of impressment compared directly to African enslavement, in the way in which both the navy and slavers procured people.

*Premere* impressment changed the notion of wages tied to *imprestare* impressment. The Royal Navy did not always pay men as they hustled them off to

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<sup>84</sup> Ennis, *Enter the Press-Gang*, 28.

<sup>85</sup> Oglethorpe, "The Sailors Advocate (1728)," 22.

vessels. Mariners, with any hope of an appeal, did not take their *prest* money when they entered into the Royal Navy. Wages and contracts became important factors which said a lot about impressment and its function in the Royal Navy. Some sailors did not accept the enlistment bounty or any wages in an effort to bolster the claim that the impressment was illegal. Otherwise, sailors appeared on the navy's bookkeeping. With their names as part of the official ship's records, sailors severely hampered their legal grounds that they were no part of the Royal Navy. Likewise, entering the vessel's records severely damaged their chance for legal appeal to a particular impressment.<sup>86</sup> Once impressed seamen accepted wages, they fell into the faceless rabble of the Royal Navy's bookkeeping and became inseparable to separate from the common sailor. The interaction of sailors, wages, and the official payroll caused distorted statistics in the Royal Navy. Brunsmann suggested "that between 1700 and 1815 the Royal Navy kept on balance at least 20,000 impressed sailors in each of Britain's wars with a high of 70,000 in the Napoleonic Wars." (See Appendix C)<sup>87</sup> Brunsmann, therefore had to base his statistics on impressment from various compiled estimates. *Premere* impressment became defined by both the lack of wages, the more drastic means of impressing, and the larger number of sailors being impressed. Combining with the harshness of the sea, life for impressed sailors during the eighteenth century was rough. These conditions drastically affected the mortality rates at sea. Marcus Rediker argued "almost half of those pressed in the seventeenth and eighteenth century died at sea."<sup>88</sup> Impressment radically changed the status of impressed sailors, making sailing an extremely cruel existence.

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<sup>86</sup> Brunsmann, "The Evil Necessity", 32.

<sup>87</sup> Brunsmann, "The Evil Necessity", 31.

<sup>88</sup> Rediker, *Between the Devil and the Deep Blue Sea*, 33.

In the eighteenth century, Britain emerged as the dominant maritime nation. Britain's Royal Navy grew drastically. The nation's maritime commerce exponentially developed. As part of both institutions, naval impressment and slavery also expanded to support this growth. However, the conditions of impressed sailors and slaves also changed radically, and for the worse. Merchants transported more and more slaves throughout the empire and unlike the earlier slaves, these chattel essentially had no rights. Likewise, the Royal Navy impressed many more sailors as its wars dragged on and sailors increasingly lost control over their own labor.

As the institutions of impressment and slavery changed, so did the perceptions of British citizens, giving rise to a group of activists in opposition to both. By the seventeenth century, political debate rose about each of these practices. In the eighteenth century, this debate led to proposed laws and judicial cases aimed at limiting each institution. Reformers achieved some restrictions on slavery and naval impressment; yet, they remained relatively intact throughout the eighteenth century. By the 1770s, even the abolitionist lawyer Francis Hargrave refused to attack colonial slavery, arguing "a concurrence of unhappy circumstances has caused it to be established as necessary."<sup>89</sup> Even in the 1770s, British abolitionists had no hope of effecting worldwide change. At the same time the naval theorist Charles Butler argued "it is impossible to point [to] the time when it [naval impressment] did not exist."<sup>90</sup> Because Butler did not remember how long impressment had been practice, like other theorists could not imagine an alternative to its practice.

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<sup>89</sup> Capel Lofft, "Somerset against Stewart." *Reports of Cases Adjudged in the Court of King's Bench from Easter Term 12 Geo. 3. to Michaelmas 14 Geo. 3.* (London: W. Owen, 1776), 2.

<sup>90</sup> Butler, *An Essay on the Legality of Impressing Seamen*, 51.

### Chapter 3: Forced Labor and Negative Law

On the morning of February 20, 1771, a press-gang attempting to impress Thomas Lewis burst into a coffee house in London. Lewis, however, was no ordinary man; he was an ex-slave, who had an important case related to English slavery pending in the courts. The court case dealt with the habeas corpus rights of manumitted slaves, stemming from the supposed illegal detention of Lewis at the hands of his master, Robert Stapylton. February 20 was supposed to be Lewis's first day in court. His lawyers, also present at the coffee house, stopped the press-gang from seizing Lewis and the Court of King's Bench to postpone the court case until the next day.<sup>91</sup>

Approaching the 1770s, both slavery and naval impressment were lively institutions in the British Empire. The institution of British slavery began to show cracks in its level of acceptance in British political opinion, but simultaneously the British Atlantic slave trade rose to epic proportions. Legislation tightened the limitations on the practice of naval impressment but at the same time, the practice grew exponentially. So while public opinion, legislation, and court cases rose during the eighteenth century to check the force of these two institutions, both were as strong as they ever were in the empire.

Slavery was as an awkward institution in Britain, the original home of individual rights as defined in the *Magna Charta*. Its practice stretched back past the Norman Conquest, with slaves serving in the important process of agricultural production. Laws supported Anglo-Saxon slavery and villeinage, proscribing the means of enslaving people in writing. There was no similar legal precedent for the Atlantic slave trade. Anglo-Saxon slavery died with arrival of the Normans as movements toward manumission came

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<sup>91</sup> Edward Lascalles, *Granville Sharp* (London: Oxford University Press, 1928), 28.



from the church. Instead, slavery was replaced by the practice of villeinage, binding peasants to lords whom they served as agricultural laborers in return for protection. The church and English courts even supported villeinage in its heyday. By the nineteenth century villeinage was still technically legal, although people just stopped using the practice two centuries earlier.

The Atlantic slave trade differed from its predecessors. The government did not support this practice with any single piece of legislation outlining the legal means to enslave Africans. Legislation that strictly allowed practices is considered by legal theorists as positive law. Whereas positive law created Anglo-Saxon slavery, the Atlantic slave trade grew with no such support. The practice only grew under laws that gave The Company of Royal Adventurers Trading to Africa and its succeeding company, the Royal African Company, trading privileges to parts of Africa. By the time the company folded, in 1712, the enterprise was a huge private entity. The slave trade flourished and engulfed all parts of the British Empire. Although important court cases rose in the 1770s to challenge domestic African slavery in England; reformers did not stifle the Atlantic slave trade until 1807, when Britain formally ended its participation in the practice.

While positive law supported institutions; negative laws limited the practice of institutions. Negative laws counteracted both lawful institutions and ones with no legislation pertaining to them. Negative law was the type of legislation especially relevant Britain's Atlantic slave trade and its gradual abolition. Though villeinage was a dead practice in Britain by the eighteenth century, the legal support system and reasoning still existed. The reasoning behind villeinage, that people can be subjugated for mutual benefit of society and the person, still existed and was implicit in the institutions of

slavery and naval impressment. While the British did not establish the Atlantic slave trade, the commercial growth of the empire made it an essential practice of British colonies. Through this process, slavery began to seep back into the Britain; however, it was in a much different form than the earlier institutions. Major political debate rose to challenge the limitations of slavery within the homeland. In a series of cases decided throughout the eighteenth century, the British court system defined that slavery was not a universally legal institution throughout the empire.

The first major legislative case against the institution of slavery came in 1569. This case stood as the major bulwark against the institution of slavery in England. In this case, a slave immigrated with his master from Russia. Upon coming to England, the question arose as to whether the master-slave relationship should remain the same from one kingdom to another. The decision of the courts freed the slave. The dramatic wording in the verdict compounded the case's importance. In it the judge cited, "That England was too pure an Air for Slaves to breath in."<sup>92</sup> The strong language of this verdict rang through much of the political debate on slavery throughout the British Empire in the eighteenth century.

The 1677 case of *Butts v. Penny*, however, established an important legal precedent against the rights African slaves. The entire abolition movement of the eighteenth century attempted to counteract legal maxims set forth by this case and other cases early in the century. In this case a slaveowner sued for the recovery of wrongfully seized property for the loss of 100 slaves. This type of suit was termed trover. By the eighteenth century trover also referred to the illegal taking of property. In the cases that

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<sup>92</sup> John Rushworth, "Cartwright's Case," *Historical Collections*, 2:468, quoted in Helen Catterall ed., *Judicial Cases concerning American Slavery and the Negro* (Buffalo, NY: William S. Hein, 1998), 1:9.

emerged in the eighteenth century, masters used trover to recover slaves or their worth through legal actions. While the Court of King's Bench entered no official judgment, it laid the opinion, "that Negroes being usually bought and sold among Merchants, so Merchandise, and also being Infidels, there might be a Property in them sufficient to maintain Trover."<sup>93</sup> More than anything else, this case presented two general legal conceptions that defined slavery as it entered the eighteenth century: slaves were chattel and being not Christianized made slaves more "slavish".

While religion was previously an instrument of emancipation in Britain, for African slaves in the eighteenth century it became a double-edged sword. In a special corollary to *Butts v. Penny* the court held the slaves become "Infranchised" as "they become Christians."<sup>94</sup> This contention depended on the idea that the civilizing power of baptism created worth in the lowliest of people. By the early eighteenth century, baptism grew as a commonly accepted medium by which slaves in Britain forced emancipation from their owners. However, this legal maxim did not carry throughout the empire, it was struck down in the Joint Opinion of 1728 and the statutes governing colonial Virginia.

Around the turn of the eighteenth century one of the first court cases, related to the Atlantic slave trade, to discuss the relation of colonial laws and those of the mother country surfaced. In the case of *Smith v. Brown and Cooper*, Smith sued Brown and Cooper in a trover case at the Court of King's Bench, to recover a payment for a slave that Brown and Cooper withheld after the sale of said slave. Lord Chief Justice John

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<sup>93</sup> Creswell Levinz, "Butts v. Penny," *The Reports of Sir Creswell Levinz, Knt. (King's Bench)*, 2:201, quoted in *Judicial Cases concerning American Slavery and the Negro*, 9.

<sup>94</sup> Joseph Keble, "Butts v. Penny," *The Reports in the Court of King's Bench at Westminster, from The XII to the XXX year of the Reign of our late Sovereign Lord King Charles II* (London: Rawlins, Roycroft, and Flesher, 1685), 3:785.

Holt presided as the judge in this case. He went outside the scope of regular law and attacked domestic slavery in Britain. He held “One may be a Villein in *England*, but not a Slave.”<sup>95</sup> While this strong verdict hindered the Atlantic slave trade’s encroachment onto British soil, later legal actions challenged this legal maxim.

The true importance of this case was that it created duality in legislation about slavery. In his verdict, Holt told Smith “you should have averred in the Declaration, that the Sale was in *Virginia*, and by the Laws of the Country, Negroes are Saleable; for the Laws of *England* don not extend to *Virginia*.”<sup>96</sup> Striking down Smith with this verdict, Holt suggested that slavery was a colonial institution, not British, and that English laws had no precedence over colonial ones. Later, abolitionists and slaves picked up on the principles of trover and the municipality of laws to challenge slavery throughout the later half of the eighteenth century.

In 1729, two of the most powerful legal and governmental theorists presented a legal opinion striking down the idea that baptism freed slaves. This action was called the Joint Opinion. Together the Attorney-General Sir Philip York[e] and the Solicitor-General Charles Talbot argued:

We are of the opinion, that a slave, by coming from the West Indies, either with or without his master, to Great Britain or Ireland, doth not become free; and that his master’s property or right in him is not thereby determined or varied; and baptism doth not bestow freedom on him, nor make any alteration in his temporal condition in these kingdoms. We are also of the opinion, that the master may legally compel him to return to the plantations.<sup>97</sup>

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<sup>95</sup> William Salkeld, “Smith v. Brown and Cooper,” *Reports of Cases adjudged in the Court of King’s Bench* (Dublin: James Moore, 1791) 2:666; Steven Wise, *Though The Heavens May Fall*, 29.

<sup>96</sup> Salkeld, “Smith v. Brown and Cooper,” 2:666.

<sup>97</sup> William Morrison, “Opinion of Sir Philip York[e], then Attorney-General, and Mr. Talbot, Solicitor-General,” *Decisions of the Court of Session* (1729) 33:14547, quoted in *Judicial Cases concerning American Slavery and the Negro*, 12.

Essentially the Joint Opinion created a legal maxim that slaves were chattel and as such remained the property of their masters no matter what the municipality within the British Empire. The Joint Opinion smashed the perception that baptism civilized slaves. The opinion, also, created a strong bulwark against British meddling in the imperial institution of slavery. Slaves and their abolitionist allies had to change their means of attack to force emancipation in Britain. Concurrent to the Joint Opinion, two legal theories arose in the eighteenth century to challenge slavery and also paved the way for the emancipation of British slaves, later in the century: the municipality of laws and the issue of trover.

The most retrogressive legal verdict in the eighteenth century drew on *Smith v. Brown and Cooper* and the Joint Opinion. In the High Court of the Chancery in 1749, Sir Philip York, also known as Lord Hardwicke, decided the case of *Pearne v. Lisle*. In this case, Pearne's agent rented fourteen slaves to Lisle in Antigua; however, after the terms of the agreement had ended, Lisle refused to pay the money or return the slaves. Therefore, Pearne sued for the return of the slaves and the pay for two years of slave rental. In his verdict, Sir Philip York essentially drove the Joint Opinion into legal precedence. He promoted the view of slaves as chattel, arguing "The Negroes...wear out with labour, as cattle or other things."<sup>98</sup> On top of this, Sir Philip York cited the Joint Opinion, holding that even with baptism slaves could not become anything more than chattel. What truly made this case important was that the verdict also contained a piece of double-edged legal reasoning. York held, "The person of the defendant is amenable, for he is a native of Antigua; he is going to Antigua: his effects, and likewise the Negroes, are there, and have been used in that place. It is a colony subject to England,

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<sup>98</sup> Charles Ambler, "Pearne v. Lisle," *Reports of Cases argued and determined in the High Court of Chancery*, 77, quoted in *Judicial Cases concerning American Slavery and the Negro*, 12.

and the plaintiff may have justice done him in the Courts there.”<sup>99</sup> In this opinion, York deferred legislative precedence to colonial Britain. In effect, this practice showed Britain’s commitment to the empire by allowing slave cases to be decided in the home lands. Through York’s reasoning, colonies subservient to Britain are also obedient to their laws; however, by necessity their system of laws might vary. Following this vein of logic, any precedent established in Britain needed to be followed by its colonies. While York’s verdict was slightly hazy regarding the municipal relevance of laws, he presented a clear judicial support of slavery, which placed into legal precedents the Joint Opinion of 1729.

In the mid-eighteenth century a man named Granville Sharp rose to challenge British slavery. In 1735, Sharp was born to an ecclesiastic family in Durham. Being the twelfth child born in his family, Sharp was not afforded the educational opportunities of the rest of his family. His parents pulled him out of grammar school and pushed him into an apprenticeship at an early age. Through his connections, Sharp eventually found himself working in the Ordnance Office.<sup>100</sup> Driven by a religious zeal, Sharp supported reform in the British Empire, including abolition of slavery and attacks on impressment.<sup>101</sup> His initial fame came from the slaves he championed in court cases in the 1760s and 1770s. Thomas Clarkson, one of the principal actors in the abolition of the Atlantic slave trade, held that Granville Sharp “[wa]s to be distinguished from those who preceded him by this particular, that, whereas these were only writers, he was both a

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<sup>99</sup> Ambler, “Pearne v. Lisle”, 77, quoted in *Judicial Cases concerning American Slavery and the Negro*, 12.

<sup>100</sup> Lascalles, *Granville Sharp*, 5-7.

<sup>101</sup> Wise, *Though The Heavens May Fall*, 34.

writer and an actor in the cause... In fact he was the first labourer in it in England.”<sup>102</sup>

His rise as the premier abolitionist came in 1765 with his acquaintance of Jonathan Strong.

Jonathan Strong had been the slave of David Lisle, a lawyer from Barbados. Sharp held that Strong was treated so barbarously by his master that he became useless and was released to the streets of London. When Sharp met Strong, the swelling of the ex-slave’s head from the beating had abated; however “a disorder fell on his eyes, which nearly occasioned the loss of his sight...this was followed by an ague, fever, and lameness in both feet,” to which Strong looked for relief to Sharp’s brother William, a surgeon.<sup>103</sup> Granville and William restored Strong’s health. David Lisle found out about Strong’s recovery and attempted to recapture and sell him back into slavery. Granville Sharp found out about this plot and spearheaded a legal campaign to free Strong. Sharp published his *A Representation of the Injustice and the Dangerous Tendency of Tolerating Slavery; or of Admitting the Least Claim of Private Property in the Persons of Men, in England* in 1769, as a partial response to Strong and other slaves and ex-slaves statuses. In this work Sharp set out the basic premise for legal arguments against slavery. The case accomplished very little for Strong himself because after the first court case concluded, Lisle countersued. Jonathan Strong died without any resolution of his status.

However, the case did elevate Granville Sharp to the position of the preeminent abolitionist in London. In 1768, a man by the name of John Hylas approached Sharp

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<sup>102</sup> Thomas Clarkson, *The History of the Rise, Progress, and Accomplishment of the Abolition of the African Slave-Trade by the British Parliament* (London: R. Taylor, 1808; London: Frank Cass, 1968), 1:66-67.

<sup>103</sup> Prince Hoare, *Memoirs of Granville Sharp Composed from His Own Manuscripts and Other Authentic Documents in the Possession of His Family and or the African Institution* (London: Henry Colburn, 1820), 32; F.O. Shyllon, *Black Slaves in Britain*, 30-39.

because of said fame. John Hylas and his wife Mary were black slaves from Barbados. Accompanying their respective masters to England, they met each other and were married with the consent of their owners. John Hylas's master emancipated him, but Mary's owners, the Newtons, did not emancipate her. After eight years of marriage in England, the Newtons recaptured Mary and attempted to sell her back into slavery in the West Indies. Hylas wanted to pursue legal action to save his wife. Sharp felt that Hylas's case needed to attack the Newtons on grounds of trover and habeas corpus.<sup>104</sup> The writ of habeas corpus in its basic sense was a writ "issued to bring a party before a court or judge." By the eighteenth century this specifically became a right "of a citizen" to claim "protection against illegal imprisonment."<sup>105</sup> As a right of the Average British citizens, though, this issue did not necessarily apply to blacks in Britain. Theorists related that since African slaves were chattel and therefore the rights of British subjects did not apply to them. Yet, Hylas won the court case. However, the verdict rejected Hylas's grounds of habeas corpus.<sup>106</sup> In the verdict the court rewarded Hylas damages and demanded that the masters return his wife with the threat of a monetary fine. The most important part of this court case was that it flipped trover from an instrument of the masters to a tool of African slaves. From Hylas's case on, slaves and former slaves used trover to attack their status of servitude.

As the Hylas case ended, Sharp moved onto his next cause, Thomas Lewis. Thomas Lewis was a former slave; however he had been manumitted for some years when his former master Robert Stapylton decided to sell him back into slavery. Stapylton hired a couple of watermen to seize Lewis and resell him as a slave in Jamaica.

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<sup>104</sup> Hoare, *Memoirs of Granville Sharp*, 47; F.O. Shyllon, *Black Slaves in Britain*, 40-43.

<sup>105</sup> Merriam-Webster's Collegiate Dictionary, 10th ed., s.v. "habeas corpus"

<sup>106</sup> Shyllon, *Black Slaves in Britain*, 42.



In July 1770, the watermen seized Lewis and attempted to flee as quickly as possible. In a last minute effort, Granville Sharp secured a writ of habeas corpus, which called for the immediate return of Thomas Lewis.<sup>107</sup> This court case went before the Court of King's Bench in 1771. Stapylton claimed, without any proof, that Lewis was still his slave, although he had been manumitted years before. Therefore, Stapylton argued that he had the right to seize Lewis and do what he wanted with him. Sharp again drew very close to drawing a decisive blow for slavery based on the grounds of habeas corpus. Sharp's lawyers argued that Lewis was a freeman and therefore was not to be denied the right to habeas corpus. The case broke down as to whether Stapylton's claim of Lewis being his slave was valid. Dependent on that determination, the Court of King's Bench needed to decide if habeas corpus applied to Lewis. F.O. Shyllon argued, "Lord Mansfield charged the jury to consider whether Lewis was Stapylton's slave and property, and, if they thought so, to bring in a special verdict: 'and that will leave it for a more solemn discussion concerning the right of such property in England'; if not, it would be the verdict of guilty."<sup>108</sup> The court did not find any merit in Stapylton's claim to ownership and therefore ruled that he violated Lewis's liberties as a free man. This more careful examination came a year later in the Somerset Case.

Concurrently to the abolitionist movements against slavery, naval impressment rose to the grand stage of politics in the eighteenth century. While the theory behind subjugating slaves and sailors remained the same, the legal precedence for each institution differed greatly. Anti-impressment sentiment grew by the seventeenth

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<sup>107</sup> Shyllon, *Black Slaves in Britain*, 43-44.

<sup>108</sup> Shyllon, *Black Slaves in Britain*, 52.

century. Unlike Atlantic slavery, there were laws that legalized naval impressment in time of warfare, although impressment was not expressly part of the *Magna Charta*.

The main currents against naval impressment came from reformers pushing legislation to limit its use. While positive law established naval impressment, by the eighteenth century its practice had become increasingly defined by negative law.

The first movement against impressment came in 1696, in the form of Parliament's "Act for the Registration of Seamen." The bill created a volunteer registry system for seamen. In this system, sailors only had to report when called. The government, in turn, supplied volunteer sailors with "a bounty of two pounds per year, double share of prize money, public support for their wives and children should they die, exclusive right of promotion to warrant and commissioned rank, and use of the new Greenwich hospital."<sup>109</sup> In effect this registry attempted to destroy the need for impressment. However, the state and the sailors failed to live up to their ends of the contract. The government failed to pay the sailors two pounds bounty and did not take care of their children and widows; likewise, sailors never put their faith in the system and few joined the registry. Altogether this procured too few sailors needed for the large naval expansion taking place in the eighteenth century. Consequently, Parliament repealed "The Registry Act" in 1710.<sup>110</sup> Despite its failure, "The Registry Act" showed a conscious effort by government to abandon the practice of impressment because of its oppressive nature.

During that period, legislators passed another important piece of anti-impressment legislation, "An Act for the Encouragement of Trade to America" commonly known as

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<sup>109</sup> Parliament, *An Act for the Increase and Encouragement of Seamen* (London: Charles Bill and Executrix of Thomas Newcomb), 1696, quoted in Brunsman, "The Evil Necessity", 79.

<sup>110</sup> Brunsman, "The Evil Necessity", 79-81.

the “Sixth of Anne,” in 1708. This law had major ramifications in Britain’s colonies. It forbade impressment in British colonies except for in the case of desertion. For colonists this legislation showed a commitment to abandon the practice of impressment. However, because the vagueness of what constituted desertion, the question arose as whether or not the law could legally be continued after the War of Spanish Succession. Later repealed in 1713, “The Sixth of Anne” created many tensions in British colonies for the next century.<sup>111</sup> Naval impressment in the American colonies created tensions between the Royal Navy and colonial citizens; the Royal Navy often impressed unconnected citizens, ransoming them for their missing sailors. This also created tension between the admirals who issued the press warrants and the governors of the colonies who felt they had jurisdiction over the entire situation. Altogether naval impressment outside of the England, Ireland, and Scotland created serious problems for the British Empire in both the eighteenth and nineteenth centuries.

In 1714, the Royal Navy attempted to stop impressing dockyard workers. Yet in certain instances they still impressed landmen, men not directly tied to the seas.<sup>112</sup> In his dissertation, “The Evil Necessity: British Naval Impressment in the Eighteenth-Century Atlantic World”, Denver Brunzman argued that limiting the scope of impressment served an important function for the navy. Focusing in on impressing established sailors meant that the Royal Navy did not have to train men for service. This showed two things about the practice. For one, the navy needed sailors with experience. Secondly, Britain’s government was attempting to distance itself from such oppressive practices. However,

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<sup>111</sup> Brunzman, “The Evil Necessity”, 98-107.

<sup>112</sup> Brunzman, “The Evil Necessity”, 29.

much work needed to be done to fully stop the practice. British reformers recommitted themselves to the cause.

By the early eighteenth century, reformers appeared to be gaining headway in London. In 1728, King George II stated:

I should look upon it as a great happiness, if, at the beginning of my reign, I could see the foundation laid of so great and necessary a work as the Increase and Encouragement of our Seamen in general, that they may be invited, rather than compelled by force and violence, to enter into the service of their country, as often as occasion shall require it.<sup>113</sup>

During George II's reign, he saw more measurements to check impressment. In 1740 and 1741, a bill backed by Sir Charles Wager attempted to create a system to cap the wages of the merchant sailing service. By limiting merchant sailors' wages to 35 shillings a month and offering an extra 5 shillings to volunteers to the registry, the First Lord of the Admiralty wished to make naval service more attractive.<sup>114</sup> However, Parliament shot down this attempt at limiting wages, enforcing the status quo and supporting naval impressment.

The first major court case of the eighteenth century to challenge naval impressment was the case of Alexander Broadfoot, in 1743. At face value this proceeding was a murder case. Alexander Broadfoot was a sailor on board *The Bremen Factor*, "within the county of the city of *Bristol*, but some leagues from Kingroad," when a press-gang from the *Mortar Sloop* boarded his ship.<sup>115</sup> However, this press-gang was not legal formed. In 1743, the Lords of Admiralty sent out an order stating "That the captain shall not instruct any person with the execution of it, but a commissioned-officer;

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<sup>113</sup> William Cobbett, *The Parliamentary History of England from the Earliest Period to 1803* (London: His Majesty's Stationary Office, 1806-1820), 8:635.

<sup>114</sup> Cobbett, *The Parliamentary History of England*, 11:412-35.

<sup>115</sup> Foster, "The Case of Alexander Broadfoot," 155.

and shall insert the name and office of the person instructed on the back of the warrant’.”<sup>116</sup> Aside from the captain, there was only one commissioned officer aboard the *Mortar Sloop*, but, he stayed aboard the ship while the press-gang went out to impress sailors. Without the composition ordered by the press warrant, the illegal gang boarded *Bremen Factor*. While the men attempted to press Alexander Broadfoot, he fired into the crowd killing a member of the press-gang, Cornelius Calahan. While the case revolved around naval impressment, with the killing of Cornelius Calahan it turned into a case dealing with murder. Because the press-gang was illegal, the court charged Broadfoot with the lesser sentence of manslaughter.

Sir Michael Foster, the presiding judge in *Rex vs. Broadfoot*, used the case to expand upon the practice of naval impressment. In his decision Foster supported naval impressment resoundingly. He argued that naval impressment was essential to the Royal Navy and that in very limited practice, it was completely justifiable. Foster stated that Britain “can never be long in a state of safety, our coast defended and our trade protected, without a naval force equal to all the emergencies which may happen.”<sup>117</sup> Like other theorists of the time, Foster was of the opinion that this safety needed to toe a thin line between freedom and oppression. This line not only referred to the personal liberties of the British people, it also reflected the rights of the British people as a whole. Foster stated, “keeping up the same naval force in time of peace, which will be absolutely necessary for our security in time of war, would be an absurd, a fruitless, and a ruinous expence.”<sup>118</sup> Instead, Foster felt that naval impressment was perfectly suited to Britain.

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<sup>116</sup> Foster, “The Case of Alexander Broadfoot,” 155.

<sup>117</sup> Foster, “The Case of Alexander Broadfoot,” 158.

<sup>118</sup> Foster, “The Case of Alexander Broadfoot,” 158.

Foster argued that if the Royal Navy practiced impressment as it was supposed to be in his day, there was no question as to “Whether people may be taken from their lawful occupations at home, and sent against their wills into a remote and dangerous service; into a service they are utterly unacquainted with, and possibly unfit for.”<sup>119</sup> As of 1714, it was the Royal Navy’s rule to solely impress from sailors at sea. Foster argued that the true crux of impressment was “Whether mariners, persons who have freely chosen a sea-faring life, persons whose education and employment have fitted them for the service, and inured them to it,- Whether such persons may not legally be pressed into the service of the Crown, whenever publick safety requireth it.”<sup>120</sup> As naval impressment supposedly was restricted to merchant sailors, it was justified. Supporting the classic philosophical ideal, laid out by Hobbes and Rousseau, that national security was more important than the rights of individuals; like other theorists, Foster advanced that naval impressment was good for the British Empire.

The Royal Navy preferred the limited scope of impressing merchant sailors because they did not have to train new recruits. In this way, Michael Foster argued “trade of the nation becometh a nursery for her navy.”<sup>121</sup> Foster held that, for their parts, sailors were like merchant vessels in that both should be commandeered “whenever the publick service required it.”<sup>122</sup> Because the government compensated both ship owners and sailors, there was no wrong in either practice. Going completely beyond the realm of the regular court case, Foster presented a strong support of naval impressment. While the case of *Alexander Broadfoot* was not the last case concerning impressment, it was the last

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<sup>119</sup> Foster, “The Case of Alexander Broadfoot,” 157.

<sup>120</sup> Foster, “The Case of Alexander Broadfoot,” 157-158.

<sup>121</sup> Foster, “The Case of Alexander Broadfoot,” 158.

<sup>122</sup> Foster, “The Case of Alexander Broadfoot,” 160.

case in which the judge overstepped the regular jurisdiction of court cases to comment on said practices.

In 1758, a law was passed to make naval service more attractive. The work was called The Navy Act of 1758. This act advanced volunteer naval seamen two months' wages before they went to sea.<sup>123</sup> This type of legislation looked to recruit more sailors for the navy without having to resort to impressment. However, these types of measures did not stop impressment. By the middle of the eighteenth century Britain had been in the midst of international wars for a full seventy-five years, which required a large military establishment. To support the Royal Navy, the government had to allow naval impressment and its exponential growth throughout the century, despite of growing concerns about this practice.

Reform movements related to naval impressment and slavery came from two principles. In the early stages of both the Atlantic slave trade and naval impressment, the dire need for people caused the growth in each practice. Even in the Somerset case, the slave lawyer Francis Hargrave argued that colonial slavery was a necessity to the empire, although he was not a fan of the practice itself. The same principle was behind naval impressment. People like Samuel Pepys and King George II knew impressment was wrong, it went against the laws of Britain, and was not the ideal way to man the navy. Therefore, in both slavery and naval impressment, reformers looked to alleviate the humanitarian concerns of the institutions. By the later half of the eighteenth century, it was apparent that were in need of reform in order to marry it to the principles of British liberties.

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<sup>123</sup> Stephen Gradish, "Wages and Manning: The Navy Act of 1758," *English Historical Review*, 93 (1978): 56-7.

While the practices of the Atlantic slave trade and naval impressment grew throughout the empire, two separate movements grew to limit each of the oppressive institutions. By 1772, domestic slavery was beginning to lose traction in Britain, even as the slave trade exploded and colonial governments became bulwarks of the slavery. On the other hand, the movement to regulate naval impressment met with a tepid response in government. The Royal Navy tried to regulate the practice more strictly, yet landmen, dockworkers, and others continued to be impressed. In 1772 and 1776, two court cases rose to challenge slavery and naval impressment, respectively.



Chapter 4: *Somerset against Stewart* and *Rex v. Tubbs*

Fresh off his fight for the rights of African slaves, Granville Sharp took up the cause of naval impressment, and became a staunch opponent of the naval press-gang. Sharp, even, reunited with an old abolitionist friend, James Oglethorpe. Sharp contributed to the 1777 preface of Oglethorpe's *The Sailors Advocate*. In a letter to Oglethorpe, Sharp argued in regard to naval impressment:

The end or purpose of all good government is liberty, with protection from personal injuries, and the security of private property. But when a very large part of the community, not only mariners, but inferior orders that earn their bread by labour, are deprived of their liberty and protection, not for a short time only, but regularly and constantly, whenever the nation is at war (however unjust and unpopular the war may be); in such a case, I say, the end or true purpose of government is defeated and destroyed.<sup>124</sup>

By the time Oglethorpe's pamphlet emerged, two important court cases had already defined the institutions of domestic British slavery and naval impressment. In the prototypical naval impressment case, *Rex v. Tubbs*, the Court of King's Bench upheld naval impressment as an imperial practice, despite legal precedence. While the slave case, "*Somerset (Sommerset) against Stewart*", destroyed domestic slavery in Britain, the limited scope of the verdict allowed the practice to survive in the empire until the nineteenth century. It took the Napoleonic Wars of the early nineteenth century to truly stop these institutions.

On November 26, 1771, Captain John Knowles captured an American runaway slave in England, James Somerset. On insistence of the owner, Charles Steuart (or Stewart in other cases), Knowles was to capture the runaway, take him to Jamaica, and resell him as a slave. Within a couple of days of Somerset's recapture, Lord Mansfield issued a writ of *habeas corpus*, at the demand of James Somerset's three godparents. A

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<sup>124</sup> Granville Sharp to Unknown, Date Unknown, *Memoirs of Granville Sharp*, 161.

writ of habeas corpus dictated the production of evidence – in this case, Somerset himself – before the courts. While in general this writ was vague by the seventeenth century, *habeas corpus* actions mainly protected people from unlawful detention.<sup>125</sup> Although Lord Mansfield had the power to block the writ of *habeas corpus* and the subsequent legal action, he did not oppose it.<sup>126</sup> The writ of *habeas corpus* detained both Knowles and Somerset, preventing the slave from being hustled away into Jamaica and subsequently sold back into slavery, regardless the court case. In the initial ruling on the writ, Somerset’s lawyers made a legal misstep, registering the fact that the slave came with his master from Virginia. In actuality, they lived in Massachusetts for a couple of years prior to their travel to England. As a slave state, laws in Virginia were less lenient on slaves, while many similar court cases in Massachusetts had manumitted slaves in similar legal circumstances.<sup>127</sup> By allowing this misinformation to prevail, Somerset’s lawyer lost an easier road to winning their case.

In May and June 1772, this *habeas corpus* case played out in England’s Court of King’s Bench. The fact that this case dealt with *habeas corpus* set great precedent. In the case of Thomas Lewis the courts used *habeas corpus*; however Lewis was a freeman. Somerset was a runaway slave. If *habeas corpus* applied to Somerset, it implied that African slaves had the rights of any person in Britain and became a subject not property.

William Murray, Lord Mansfield, was the Lord Chief Justice of the Court of King’s Bench from 1756 to 1788. He was thus the most powerful judge in England. During his tenure, Lord Mansfield led the court in important cases dealing with the British Empire. American Chief Justice John Marshall argued that Mansfield was “one

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<sup>125</sup> "habeas corpus" *Encyclopædia Britannica*, *Encyclopædia Britannica Online* (2007).

<sup>126</sup> Wise, *Though The Heavens May Fall*, 114-115.

<sup>127</sup> Wise, *Though The Heavens May Fall*, 130-131.

of the greatest judges who ever sat on any bench” doing “more than any other to remove those technical impediments which grew out of a different state of society, and too long continued to obstruct the course of substantial justice.”<sup>128</sup> While lauded as a great reforming judge, Mansfield at times was also conservative. His main contributions to Britain were in the realm of commercial law.

From the outset of legal actions concerning James Somerset, the stakes were very high. One of the things both the defense and prosecution agreed on was that between 14,000 and 15,000 black slaves lived in Britain at the time of the court case. The number was considerably higher in the colonies.<sup>129</sup> Depending on the outcome of the case, “*Somerset against Stewart*” had the opportunity to change the path of both domestic and colonial slavery. Sensing the importance of this court case, the West Indian slavocrats usurped Stewart’s defense, paying for the court costs. With the slavocrats’ help, Stewart procured two of the most distinguished lawyers of the latter-half of the eighteenth century: John Dunning, who previously worked for Granville Sharp in the Thomas Lewis case, and James Wallace.<sup>130</sup> On the opposing side, Granville Sharp procured Francis Hargrave, one of the most prominent legal advocates of the eighteenth century, Mr. J. Alleyne, and Serjeant William Davy. While both sides were competent, Stewart’s team contained two of the most prominent lawyers of the eighteenth century and was stronger. However, as it turned out their legal position was harder to advance.

Somerset’s lawyers opened the case. Francis Hargrave was the first lawyer to speak. Hargrave argued two points, summarizing his argument as stating “the grounds from which Mr. *Stewart*’s supposed right arises; and then offer, as appears to me,

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<sup>128</sup> *Livingston v. Jefferson*, 15 U.S. 660, 664 (1811).

<sup>129</sup> Lofft, “*Somerset against Stewart*,” 1-19.

<sup>130</sup> Wise, *Though The Heavens May Fall*, 155-156.

sufficient confutation to his claim over the negro, as property.”<sup>131</sup> Through this Hargrave theorized that Stewart’s supposed rights came from the ownership of Somerset as a chattel slave. Hargrave then put forth the position that slavery had no legal basis in Britain at the time and to accept chattel slavery in Britain the laws of the colonies had to take precedence over domestic legislation. Diffusing this in the conclusion of his argument, Hargave posited the question “In England where the freedom is the grand object of the laws, and dispensed to the meanest individual, shall the laws of an infant colony, *Virginia*, or the barbarous nation, *Africa*, prevail?”<sup>132</sup> This question was meant to hammer home the overall opinion of the prosecutors, who wanted to limit the case’s purveyance to domestic slavery in Britain. To do so, they questioned whether the laws of the colonies dictated practices in the mother country.

Continuing in this vein, Mr. Alleyne spoke. He again touched on the conclusion that “slavery is not a natural, ‘tis a municipal relation; an institution therefore confined to certain places, and necessarily dropt by passage into a country where such municipal regulations do not subsist.”<sup>133</sup> Despite advancing this theory, Alleyne’s main point was to quiet some of the peripheral concerns of emancipating slaves. He discussed whether or not emancipation was fair to British commerce and whether this case would cause a great slave exodus to Britain to procure emancipation. Mr. Alleyne argued that emancipation of slaves in Britain would have no affect on the colonial slave trade and slave codes in the colonies would prevent slaves from coming in droves to Britain.<sup>134</sup>

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<sup>131</sup> Lofft, “*Somerset against Stewart*”, 2.

<sup>132</sup> Lofft, “*Somerset against Stewart*”, 5.

<sup>133</sup> Lofft, “*Somerset against Stewart*”, 6.

<sup>134</sup> Lofft, “*Somerset against Stewart*”, 7.

Stewart's defense team countered on multiple grounds. The entire defense relied on the Joint Opinion of 1729. Mr. Wallace, the first defense lawyer, argued that villeinage was still legal in Britain, contracts from one part of the empire ought to be transferable, christianization had no effect on the state of chattel, and that the slave trade was an essential part of Britain's commercial empire. Based on the legal precedence of previous court cases on slavery, Mr. Wallace set a strong framework for the defense.

Unlike Wallace, Dunning made sure to touch on the practical while arguing the theoretical. While theoretical defenses of slavery were important, they played into the hands of the prosecutors. If the defense team had stayed on the issue of whether or not Knowles and Stewart had the right to seize Somerset and away from a debate on British slavery, the defense would have had an easier job. Furthermore, the court case would have not had that large of implications throughout the empire. Dunning held that Stewart and Knowles had the right to detain Somerset because he was chattel. He continued stating that Stewart, even in Britain, "might kill, nay, might eat him [Somerset], might sell living or dead, might make him and his descendants property alienable, and thus transmissible to posterity" because of his ownership of James Somerset.<sup>135</sup> Dunning then shifted the case. His main contention was that Britain had no legal right to end domestic slavery unless they were to erase slavery everywhere within their empire. In this argument he flipped the 1569 Russian verdict, arguing "neither the air of England is too pure for a slave to breathe in, nor the laws of England have rejected servitude."<sup>136</sup> Dunning held that not only was villeinage and apprenticeship still legal, but so was impressment. In regards to impressment, Dunning stated "In times of public danger he is

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<sup>135</sup> Lofft, "Somerset *against* Stewart", 10.

<sup>136</sup> Lofft, "Somerset *against* Stewart", 12.

forced into the service; the laws from thence forward find him a soldier, make him liable to all the burthen, confer all the rights (if any rights there are of that state) and enforce all penalties of neglect of any duty in that profession, as much and as absolutely, as if by contract he had so disposed of himself.”<sup>137</sup> Connecting all of these, Dunning theorized that if the courts struck down domestic slavery, they had to strike down all of the parallel institutions in Britain.

The last argument came from Serjeant Davy. While he advanced the basic theory of the prosecution, the main thrust of his argument aimed at countering Mr. Dunning. He held that the examples provided by Dunning in regard to the municipality of laws were misleading. He also referred to the 1569 Russian case, arguing that “For the air of *England*; I think, however, it has been gradually purifying ever since the reign of *Elizabeth*.”<sup>138</sup> He then went on to cite the slow deterioration of laws regarding slavery and villeinage since the late sixteenth century. Serjeant Davy also attacked the practical plea of Dunning, holding that even “If the court would acknowledge the relation of master and servant, it certainly would not allow the most exceptionable part of slavery; that of being obliged to remove, at the will of the master, from the protections of this land of liberty, to a country where there are no laws; or hard laws to insult him.”<sup>139</sup> At the end of Davy’s argument, the decision in this case was left in the hands of Lord Mansfield.

Cognitive of all the issues at play, Lord Mansfield’s verdict in the case mainly summarized the arguments of the prosecution and defense. Mansfield stated the case boiled down to a single question: “if the owner had the right to detain the slave, for the

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<sup>137</sup> Lofft, “*Somerset against Stewart*”, 14.

<sup>138</sup> Lofft, “*Somerset against Stewart*”, 16-17.

<sup>139</sup> Lofft, “*Somerset against Stewart*”, 16.

sending of him over to be sold in *Jamaica*.”<sup>140</sup> He also noted that the resolution of this question might possibly extend emancipation possibly all black slaves in Britain. In the May 14<sup>th</sup> version of the verdict, Mansfield suggested that he might not be favorable toward Stewart’s claim. He chastised Mr. Stewart for not producing a contract, which would have legitimized slavery (showing slaves to have command over their own labor). He also concluded “Mr. Stewart may end the question, by discharging or giving freedom to the negro.”<sup>141</sup> However, the court case dragged on without Stewart bending to Mansfield’s request. On June 22, Mansfield discharged Somerset.

While this court case was an important piece of legislation, the decision had a very limited scope. Mansfield essentially set Somerset free over the lack of a contract. Unlike *Rex v. Broadfoot*, the judges did not step beyond their case to comment on the practice as a whole. After the *Somerset Case*, domestic slavery without a contract became illegal. The court case did not touch colonial slavery. Even Somerset’s lawyers refused to touch upon it. Francis Hargrave argued “The question on that is not whether slavery is lawful in the colonies, (where a concurrence of unhappy circumstances has caused it to be established as necessary;) but whether in *England*?”<sup>142</sup> Slaves in England were not immediately emancipated; masters in Britain reworked it so that slaves signed contracts and legally supported slavery. The bonds between slaves and masters took many years to break down in Britain, and even longer in its empire. Although important legislation emerged during the Napoleonic Wars that outlawed Britain’s Atlantic slave trade.

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<sup>140</sup> Lofft, “*Somerset against Stewart*”, 17.

<sup>141</sup> Lofft, “*Somerset against Stewart*”, 18.

<sup>142</sup> Lofft, “*Somerset against Stewart*”, 2.

The fact that the court case did not attempt to end the slave trade allowed it to rise to unprecedented levels before 1807. In the next 25 years, the British transported nearly one million slaves to their colonies. The growth in this Atlantic slave trade gave rise to a new group of abolitionists in Britain. It was this latter group that effected more far-reaching change in the empire. These abolitionists included Thomas Clarkson, William Wilberforce, and Olaudah Equiano, among others. Although each individual's contribution is often the subject of debate; these abolitionists were successful as a collective. Through boycotts, pamphlets, and creation of public outcry, in 1807 the abolitionists forced a law through Parliament that banned the Atlantic slave trade. David Brion Davis argued that it was not until after the abolition of the slave trade that Britain became the leading state in the abolitionist movement, forcing rebellious colonies under Spanish and French control to abolish slavery in exchange for support in their wars of rebellion.<sup>143</sup> While the Somerset Case was an important piece of legislation, it left a great amount of work left to be done in the decades succeeding it.

Another important legal ruling under Lord Mansfield on the Court of King's Bench was the case of *Rex v. Tubbs*, in 1776. John Tubbs was a waterman for the city of London. He possessed a certificate from the Lord Mayor of London, similar to American protections at the end of the eighteenth century. The certificate stated:

There are to certify to whom, &c. that *John Tubbs* is duly admitted a *waterman of the city of London*, to attend upon the lord mayor and alderman of the said city, *when and as often as he shall be required*; of which *all persons, empowered to impress men into his Majesty's Service, are desired to take notice*; for that by such admission *he is exempted* from

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<sup>143</sup> David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (London: Cornell University Press, 1975), 67.



being impressed, or compelled to such service. Signed W. Dawson water-bailiff.<sup>144</sup>

This certificate in its basic sense was supposed to protect essential workers from impressment. Moreover, by the 1770s impressment of dockworkers was supposedly a practice of the past. However, neither point protected John Tubbs from being impressed by the Royal Navy. The crown prosecuted Tubbs, who claimed immunity from impressment. This court case broke down to the issue of exemptions to impressment and who held the authority to distribute them. The crown argued exemption was an exclusive right and could only be authorized by Parliament. The justices upheld the claims of the crown. In the simplest written opinion of the court case, the Ashurst Justice argued “the exemption is not sufficiently proved.”<sup>145</sup> All the other Justices concurred and sided with the crown on this issue.

However what made this court case important was its limitations. Unlike the case of *Alexander Broadfoot*, the justices did not explicitly go beyond the realm of the court case to express their opinions about the practice of impressment. It is not clear why the justices refused to go in-depth on this issue. Possible motives might include the then British involvement in the American War of Independence or that the Royal Navy wanted to expedite the resolution of the issue. Regardless, the ruling stayed within the basic confines of the court case. Yet, Lord Mansfield did shed a little light on the greater issue of impressment. Legally, he felt:

The power of pressing is founded upon immemorial usage, allowed for ages: If it be so founded and allowed for ages, it can have no ground to stand upon, nor can it be vindicated or justified by any reason but the

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<sup>144</sup> Henry Cowper, “Rex versus John Tubbs,” *Reports of the Cases Adjudged in the Court of King’s Bench: From Hilary Term, the 14<sup>th</sup> of George III. 1774, to Trinity Term, the 18<sup>th</sup> of George III. 1778. Both Inclusive*, no. 2 (London: A. Strahan, 1800), 512.

<sup>145</sup> Cowper, “Rex versus John Tubbs,” 522.

safety or the state: And the practice is deduced from the trite maxim of the constitutional law of *England*, ‘that private mischief had better be submitted to, than that public detriment and inconvenience should ensue’<sup>146</sup>

However, Mansfield challenged the legal maxims effects on men. He held that impressment was a horrible fact of life, which was unfair to the common man. He further maintained that as “a legal power, it may like many others be abused in the exercise of it.”<sup>147</sup> Mansfield went as far as saying that the court case itself limited the opinion of justices. In effect, Lord Mansfield implied in this ruling that if it had been a *habeas corpus* case, like *Somerset’s*, then the court ruling may have been different.

Nonetheless, like *Rex v. Broadfoot*, this 1776 ruling further propped up the practice of impressment in Great Britain. Naval impressment continued unimpeded into the nineteenth century despite further efforts to block its practice. A 1777 bill introduced into the House of Commons attempted to enact a voluntary enlistment program in the place of impressment.<sup>148</sup> However, with Britain entering periods of warfare, with large naval increases in ships, the likelihood of any such limitations of impressment became more of an inconvenience than anything else.

British naval impressment did not collapse until the end of the Napoleonic Wars. With no need for large standing navies at the end of Britain’s “Second Hundred Years War”, impressment was no longer enforced. As the Napoleonic Wars ended there was no need for a large Royal Navy and the amount of sailors also fell. However, this did not mean that the navy immediately freed impressed sailors. Moreover the Napoleonic Wars did not end the legal right to impressment. Like villeinage, its practice just fell out of use

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<sup>146</sup> Cowper, “Rex versus John Tubbs,” 517-518.

<sup>147</sup> Cowper, “Rex versus John Tubbs,” 518.

<sup>148</sup> Brunsmann, “The Evil Necessity”, 78.

and it was only well into the nineteenth century that debate over impressment as a legal issue reemerged in the public realm. Scholars point to various dates after 1815 as the points when legislative acts abolished impressment. Yet naval impressment was knocked out in two phases: the Naval Act of 1835 and the Continuous Service Act of 1853. In 1835, “A Bill for the Encouragement of Voluntary Enlistment of Seaman and to Make Regulations for More Effectually Manning Majesty’s Navy,” its provisions directed the Royal Navy against using impressed labor for longer than a set period of time.<sup>149</sup> The second prong of the attack came with the Continuous Service Act of 1853. This act created a standing Royal Navy and in the process destroyed the overwhelming need for sailors at the outset of hostilities.<sup>150</sup> The fact still remains that impressment was on the books and remained a right of the king throughout the first half of the nineteenth century, in spite of the efforts by British reformers.

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<sup>149</sup> Great Britain, Parliament, House of Commons, “A Bill for the Encouragement of Voluntary Enlistment of Seaman and to Make Regulations for More Effectually Manning Majesty’s Navy” (London, 1835).

<sup>150</sup> Brunsmann, “The Evil Necessity”, 73.

### Conclusion:

Despite all the efforts of reformers in the eighteenth century, the British Empire was not a Land of Liberty. Slavery, while outlawed in the homeland after the Somerset case, remained legal in British colonies and caused dissent amongst its citizens.

Furthermore, the masters simply made their slaves sign contracts in Britain to abrogate their status as slaves. Very little changed for slaves in Britain, and the debates only served to stir up worries in the empire about the legality of slavery.

Furthermore, the reforms of the eighteenth century did not effect any change on the Royal Navy's practice of impressment. In fact the court cases of the eighteenth century, in refusing to comment on slavery, only reaffirmed the institution of impressment. At the turn of the nineteenth century, the Royal Navy impressed more sailors than ever before. Britain did not resolve slavery or naval impressment until after the Napoleonic Wars. Yet by that time it was too late, Britain's American colonies had went to war twice over the issue of naval impressment. On the other hand, British abolitionists did decisively strike down British participation in the slave trade in 1807. Yet again, in many instances it was too late, British slavocrats from the initial outset of reform had gravitated to the colonies. In essence, the conservative nature of reform on the issue of slavery and naval impressment, while not stirring the pot immediately, created more headaches for the British in the long run.

William Wilberforce was one of the later members of Britain's abolition movements. Wilberforce himself was credited for fighting for many causes. However, at the turn of the nineteenth century, Wilberforce most actively fought for the abolition of the British Atlantic slave trade. Thus Wilberforce and his contemporaries were attributed

with picking up where activists like Granville Sharp and James Edward Oglethorpe left off. In 1804, John Newton sent a letter to William Wilberforce. Newton wrote congratulating Wilberforce for his work in “the abolition of the slave trade...my thoughts upon the subject have long been gloomy, for I was afraid the mistaken prejudices of the West-India planters would prove an insuperable obstacle.”<sup>151</sup> While Newton was congratulating him, it took a few years for the movement to see actual results.

In 1807, abolitionists attacked British participation in the Atlantic slave trade, which had grown exponentially in the years after Britain banned domestic slavery. To counter this growth, abolitionists pushed a bill through the Parliament that, according to Thomas Clarkson, “decreed the African Slave-trade should cease.”<sup>152</sup> The bill passed and officially ended British participation in the Atlantic slave trade. However, slave traders simply adjusted by moving their business outside of the British colonies.

The British partially regretted their efforts to abolish the slave trade because the government lost a tool with which to attack other nation’s colonial empires. David Brion Davis suggested that along with Britain’s reforming efforts, the government used abolition as the tool to dismantle empires.<sup>153</sup> During the Napoleonic Wars, the British supported French and Spanish colonial revolts from their motherlands with money, military support and weapons, in return for emancipation of their slaves. Thereby Britain assured new trade markets and free-market colonial competition, which they dominated.

Naval impressment, on the other hand suffered a fate very similar to villeinage, it simply stopped being practiced after the Royal Navy deactivated its navy from the

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<sup>151</sup> John Newton to William Wilberforce, 5 June 1805, *The Correspondence of William Wilberforce*, eds. Robert and Samuel Wilberforce (London: Mnemosyne, 1969), 1:302-303.

<sup>152</sup> Clarkson, *The History of the Rise, Progress, and Accomplishment of the Abolition of the African Slave-Trade*, 2:570.

<sup>153</sup> Davis, *The Problem of Slavery in the Age of Revolution*, 65-66.

Napoleonic Wars in the first part of the nineteenth century. Yet, as late as 1833, theorists were not ready to give up the practice. Lord Althorp stated in 1833 that “the day on which the country deprived the Sovereign of the prerogative of impressment, the naval superiority of Great Britain would be at an end.”<sup>154</sup> In the years after this statement Parliament passed acts that limited the service of impressed sailors but did not ban them. Just like villeinage, the British government killed naval impressment in the second half of the nineteenth century. In the case of impressment, the Continuous Service Act of 1853 established a standing navy. With a standing navy and permanent seaman, Britain had no need to impress sailors in time of war.

British practices in regard to slavery and naval impressment drove a wedge between the colonies and the homeland. The Atlantic slave trade had become a great part of Britain’s commercial empire. Yet with the Somerset case, as far back as 1772, slavocrats could see the writing on the wall: Britain did not stand for slavery. Overtaking Stewart’s defense in the case, plantation owners and slave traders created one of the first interest groups in politics. This group rose again to challenge the abolition of the slave trade. With some effect these people repelled abolition and moved their slave-based enterprises outside the jurisdiction of the British Empire.

Naval impressment also created a wedge between British colonies and the homeland. This wedge was no more evident than in Britain’s North American colonies as far back as the 1690s. Americans, rich and poor, fought against the Royal Navy’s press gangs. This led to many riots and uprisings. Furthermore, naval impressment

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<sup>154</sup> Thomas C. Hansard, ed., *The Parliamentary Debates from the Year 1803 to the Present Time* (London, 1833), 20:692.

created dissent between colonial governors, press gangs, and the Admiralty of the Royal Navy. Impressment in the American colonies was common because sailors often deserted as they came to them. To effectively man the ships, the Royal Navy impressed people that often were not connected to the sea. People complained to their Royal Governors, in places such as Massachusetts and New York. The governors typically stood against impressment and attempted to block it, while the press gangs continued to impress on orders from the Admiralty. This created a huge debate over jurisdiction and led to many riots and squabbles.<sup>155</sup> Yet, naval impressment had greater effects on the newly forming United States of America than it did the colonies.

By the 1770s, the American colonies became upset with the oppressive practices of the British Empire. In *the Declaration of Independence*, Americans stated their many grievances with the British government. Amongst the various grievances, Americans attacked naval impressment and made veiled comments at equality. Thomas Jefferson stated “He has constrained our fellow citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends and bretheren, or fall themselves by their hands.”<sup>156</sup> Beyond stating grievances, *the Declaration of Independence* was a work of treason that led American colonies into a war with Britain. Eventually, the United States of America asserted their independence from Great Britain. Yet, the new nation still did not shake the British yoke of impressment. By the time of the War of 1812, impressment became again the beacon call of average Americans, who agreed to another war against Britain. Under the slogan “Free Trade and Sailors Rights,” Americans fought the British. The end of the War of 1812 and the Napoleonic Wars

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<sup>155</sup> Brunzman, “The Evil Necessity”, 86-87, 89-98.

<sup>156</sup> Thomas Jefferson, “The Declaration of Independence,” found in Richard D. Heffner, ed., *A Documentary History of the United States* (Bloomington: Indiana University Press, 1965), 17.

forced a great deactivation of the British Royal Navy. Thereby naval impressment forever slipped into the history books.

Although the reformers of the eighteenth century did not achieve great successes, their work did have long lasting effects throughout the world. In 1856 in the case of *Dred Scott v. Sandford*, the United States Supreme Court re-examined the issue of slave rights and inter-state travel. Counter to the principles set forth by the Somerset Case, American courts rejected the idea that slaves' subjection legally transferred to regions that outlawed slavery. Yet, this court decision was not unanimous. In his dissenting opinion, Justice Mclean harkened back to precedent set forth by Lord Mansfield in the Somerset Case. He stated "The words of Lord Mansfield, in giving the opinion of the court, were such as were fit to be used by the great judge, in a most important case... It is a sufficient answer to all objections of that judgment, that it was pronounced before the Revolution, and that it was considered by this court as the highest authority."<sup>157</sup> Mclean alluded to the fact that the Somerset Case outlawed slavery. Since "it was considered by this court as the highest authority," Mclean felt that thereby slavery had been outlawed in the United States even before it originated. Therefore, he rejected the opinion of the Supreme Court in the Dred Scott case. Mclean's dissenting opinion truly showed the power of the Somerset Case and the efforts of reformers, like Granville Sharp and James Edward Olgethorpe. While such reformers did not achieve the full and immediate freedom for the oppressed in the British Empire, it would take many years to erase the legacy of the early modern era. However, their work has to be attributed as laying the foundation for Britain truly turning into a beacon of liberty.

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<sup>157</sup> Benjamin Howard, *Report of the Decision of the Supreme Court of the United States, and the Opinions of the Judges thereof, in the case of Dred Scott versus John F.A. Sandford, December Term 1856* (Washington D.C.: Cornelius Wendell, 1857; New York: Da Capo Press, 1970), 141.



*Appendix A: Royal Naval Vessels and Expenses, 1688-1815:*

Years	Naval Vessels			Naval Expenses		
	Ships	Ships of the Line	Cruisers	Parliamentary Votes	Actual Naval Debt	Net Expenditure
1688						
1689				£1,198,648	£567,542	£1,766,190
1690		83	26	1,612,976		1,900,608
1691				1,791,694		2,079,326
1692				1,575,890		1,863,522
1693				1,926,516	1,430,439	2,214,148
1694				2,500,000	1,564,856	2,634,417
1695		112	46	2,382,712	1,663,078	2,480,934
1696				2,516,972	1,758,009	2,611,903
1697				2,372,197	2,075,233	2,689,421
1698				1,539,122	2,245,957	1,709,846
1699				1,296,383	1,440,368	490,794
1700		127	49	956,342	1,334,233	850,207
1701	150			1,380,000	1,264,722	1,310,489
1702	272			2,209,314	1,525,522	2,470,114
1703				2,209,314	1,576,694	2,260,486
1704				2,080,000	2,266,865	2,770,171
1705		122	66	2,230,000	2,640,938	2,604,073
1706	277			2,234,711	3,211,937	2,805,710
1707				2,210,000	3,562,751	2,560,814
1708	291			2,210,000	3,628,505	2,275,754
1709				2,200,000	4,969,247	3,540,742
1710	313	123	57	2,200,000	5,655,536	2,886,289
1711				7,862,592	800,961	3,008,017
1712				2,260,000	425,471	1,884,510
1713				1,200,000	1,011,098	1,785,627
1714	247			1,068,700	1,100,040	1,157,642
1715		119	63	1,146,748	696,671	743,379
1716				984,473	1,043,337	1,331,139
1717				947,560	764,038	668,261
1718				910,174	1,072,697	1,218,833
1719				1,003,133	1,450,258	1,380,694
1720		102	52	1,397,734	1,503,688	1,451,164
1721	229			789,250	1,506,581	792,143
1722				1,607,894	777,057	878,370
1723				736,389	1,078,573	1,037,905
1724	67			734,623	721,776	377,826

1725		106	56	547,096	1,255,491	1,080,811
1726				732,181	1,630,794	1,107,484
1727	233			1,239,071	1,937,023	1,545,300
1728				1,495,561	1,188,960	747,498
1729				996,026	1,335,061	1,142,127
1730	238	105	45	863,787	1,396,724	925,450
1731				742,034	1,445,843	791,153
1732				698,885	1,624,101	877,143
1733				748,283	1,873,951	998,133
1734				2,452,670	693,503	1,272,222
1735		107	43	1,768,914	491,361	1,566,772
1736				1,037,436	494,939	1,041,014
1737				799,201	507,555	811,817
1738				1,292,886	346,945	1,132,276
1739	228			856,689	824,684	1,334,428
1740		101	43	2,157,688	1,301,526	2,634,530
1741	228			2,718,786	1,936,571	3,353,831
1742				2,765,574	2,351,843	3,180,846
1743				2,653,764	2,573,509	2,875,430
1744	302			2,521,085	3,349,823	3,297,399
1745		104	67	2,567,084	4,022,328	3,239,589
1746				2,661,535	5,506,144	4,145,351
1747				3,780,911	5,473,374	3,748,141
1748	334			3,640,352	5,459,677	3,626,655
1749				5,179,878	1,866,752	1,586,953
1750		115	79	1,021,521	1,716,923	871,292
1751				1,056,599	1,675,793	1,015,469
1752				1,794,561	944,901	1,063,669
1753				810,207	1,132,206	997,512
1754	296			910,889	1,296,568	1,075,251
1755		117	74	1,714,289	1,688,791	2,106,512
1756	320			3,349,021	2,238,010	3,898,240
1757				3,503,939	3,462,967	4,728,896
1758				3,874,421	4,575,429	4,986,883
1759				5,236,263	5,391,830	6,052,664
1760		135	115	5,609,708	5,228,695	5,446,573
1761	412			5,594,790	5,607,961	5,974,056
1762	432			5,954,292	5,929,125	6,275,456
1763				8,017,186	4,046,899	6,134,960
1764				2,094,800	3,926,915	1,974,816
1765		139	91	4,313,636	2,484,595	2,871,316
1766				2,722,283	1,456,921	1,694,609
1767				1,869,321	1,203,072	1,615,472
1768				1,526,357	1,339,158	1,662,443
1769				1,924,669	1,092,848	1,678,359

1770		126	76	1,622,067	1,497,454	2,026,673
1771				3,082,500	1,195,410	2,780,456
1772				2,070,665	1,535,383	2,410,638
1773				1,885,573	1,886,780	2,236,970
1774				2,104,917	1,886,100	2,104,237
1775	340	117	82	1,684,060	2,698,579	2,496,539
1776				3,227,056	3,624,420	4,152,897
1777				4,210,306	4,003,574	4,589,460
1778	450			5,001,896	5,175,607	6,137,929
1779	490			4,589,069	8,157,878	7,571,340
1780		117	111	7,003,284	10,372,628	9,218,034
1781				8,936,277	11,318,451	9,882,100
1782	600			8,063,206	14,207,414	10,952,169
1783	617			6,483,833	15,510,768	7,787,187
1784				9,099,669	10,792,887	4,381,788
1785		137	133	12,055,309	1,712,490	2,974,912
1786				2,434,327	1,608,204	2,330,041
1787				2,286,000	1,892,650	2,570,446
1788				2,411,407	2,216,651	2,735,408
1789				2,328,570	2,370,439	2,482,358
1790		145	131	2,433,637	1,818,020	1,881,218
1791				4,008,405	2,301,280	4,491,665
1792				4,985,482	2,745,991	5,430,193
1793	411			3,971,915	5,444,366	6,670,290
1794	457			7,432,783	7,108,074	9,096,491
1795	510	123	160	7,806,169	10,788,985	11,487,080
1796	592			11,779,349	4,158,744	5,149,108
1797	633			24,629,202	6,458,490	26,928,948
1798	696			13,499,389	5,556,034	12,546,933
1799	722			13,654,013	5,992,288	14,090,267
1800	757	127	158	13,619,080	8,705,886	16,332,678
1801	771			15,857,037	9,073,071	16,224,222
1802	781			13,833,574	3,103,648	7,864,151
1803	663			10,211,378	4,037,308	11,145,038
1804	703			12,350,606	3,933,099	12,246,397
1805	807	136	160	15,035,630	5,911,588	17,014,119
1806	920			15,864,341	5,520,208	15,472,961
1807	973			17,400,377	4,993,549	16,873,718
1808	1,032			18,317,548	4,625,324	17,949,323
1809	1,061			19,578,467	5,916,401	20,869,544
1810	1,048	152	183	19,829,434	5,591,823	19,504,856
1811	1,019			20,935,894	4,890,774	20,234,845
1812	978			20,442,149	6,057,913	21,609,288
1813	1,009			21,212,012	8,562,291	23,716,390
1814				19,312,071	6,361,076	17,110,856

1815		126	151	19,032,700	3,694,821	16,366,445
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Sources: N.A.M. Rodger, *The Command of the Ocean: A Naval History of Britain, 1649-1815* (New York: W.W. Norton & Company, 2004), 607-608, 642-645; Christopher Lloyd, *The British Seaman: A Social Survey, 1200-1860*, 286-289.

*Appendix B: Tonnage of English-owned Shipping:*

<i>Year</i>	<i>Total</i>	<i>London</i>	<i>Outports</i>
1572	50,000		
1582	67,000		
1629	115,000		
1686	340,000	150,000	190,000
1702	323,000	140,000	183,000
1716			215,000
1723			219,000
1730			235,000
1737			248,000
1751	421,000	119,000	302,000
1752	449,000	131,000	318,000
1753	468,000	132,000	336,000
1754	458,000	120,000	338,000
1755	473,000	131,000	342,000
1763	496,000	139,000	357,000
1764	523,000	135,000	388,000
1765	543,000	134,000	409,000

1766	562,000	133,000	429,000
1767	557,000	139,000	418,000
1768	549,000	123,000	426,000
1769	574,000	128,000	446,000
1770	594,000	150,000	444,000
1771	577,000	133,000	444,000
1772	584,000	133,000	451,000
1773	581,000	136,000	445,000
1774	588,000	133,000	455,000
1775	608,000	143,000	465,000
1786	752,000	186,000	566,000
1788	1,055,000	315,000	740,000

Source: Ralph Davis, *The Rise of the English Shipping Industry: In the Seventeenth and Eighteenth Centuries* (Newton Abbot: David & Charles, 1972), 27.

*Appendix C: Royal Naval Vessels, Sailors, and Estimates of Impressments, 1700-1815:*

Years	Vessels	Sailors				Impressment Estimates		
		Foreign/ Coastal	Inland Navigation	Privateers	Royal Navy	Total Seamen	Lower Est. Impressment	Upper Est. Impressment
1701	150				20,916			
1702	272				38,874		12,945	19,437
1703					43,397		14,451	21,698
1704					41,406		13,788	20,703
1705					45,807		15,253	22,903
1706	277				48,346		16,099	24,173
1707					44,508		14,801	22,254
1708	291				47,138		15,696	23,569
1709					48,344		16,098	24,172
1710	313				48,072		16,007	24,036
1711-13		n/a						
1714	247				49,860			
1715					13,475			
1716					13,827			
1717					13,806			
1718					15,268			
1719					19,611			
1720					21,118			
1721	229				15,070			
1722					10,122			
1723					8,078			
1724	67				7,037			
1725					6,298			
1726					16,872			
1727	233				20,697			
1728					14,917			

1729					14,859			
1730	238				9,686			
1731					11,133			
1732					8,360			
1733					9,684			
1734-35								
1736		30,519	4,334		17,010	51,863		
1737		30,486	4,329		9,858	44,673		
1738		31,566	4,482		17,668	53,716		
1739	228	30,397	4,393	104	23,604	58,498	7,860	11,802
1740		25,920	3,681	157	37,181	66,939	12,381	18,590
1741	228	29,227	4,150	217	43,329	76,923	14,428	21,664
1742		26,266	3,730	293	40,479	70,768	13,479	20,239
1743		30,750	4,367	184	44,342	79,643	14,765	22,171
1744	302	23,887	3,392	6,107	47,202	80,588	15,718	23,601
1745		22,186	3,150	7,792	46,766	79,891	15,573	23,383
1746		29,820	4,234	3,287	51,072	88,418	17,006	25,536
1747		18,736	3,440	4,042	51,191	77,409	17,046	25,595
1748	334	27,637	4,566	3,840	44,861	80,904	14,938	22,430
1749		31,843	4,522		17,501	53,866		
1750		33,040	4,692		11,691	49,423		
1751		34,080	4,839		9,972	48,891		
1752		32,513	4,617		9,771	10,935		
1753		34,441	4,891		8,346	47,678		
1754	296	34,193	4,855		10,149	49,197		
1755		38,710	5,497		33,612	77,819	11,192	16,806
1756	320	25,124	4,514	4,961	52,809	87,408	17,585	26,404
1757		23,430	4,936	8,140	63,259	99,765	21,065	31,629
1758		21,481	4,142	5,133	70,518	101,274	23,482	35,259
1759		33,951	5,176	2,032	84,464	125,623	28,126	42,232
1760		36,213	5,210	255	85,658	127,336	28,524	42,829



1761	412	38,147	5,450	111	80,675	124,383	26,864	40,337
1762	432	33,984	5,343	2,367	84,797	126,491	28,237	42,398
1763		46,911	6,661		75,988	129,560	25,304	37,994
1764		42,034	5,969		17,424	65,427		
1765		38,272	5,435		15,863	59,570		
1766		44,599	6,333		15,863	66,795		
1767		43,111	6,122		13,513	62,746		
1768		38,610	5,483		13,424	57,517		
1769		42,573	6,045		13,738	62,356		
1770		43,243	6,141		14,744	64,128		
1771		43,508	6,178		26,416	76,102		
1772		45,584	6,473		27,165	79,222		
1773		43,897	6,233		22,018	72,148		
1774		45,295	6,432		18,372	70,099		
1775	340	44,529	6,323		15,230	66,082	5,071	7,615
1776		40,989	5,820		23,914	70,723	7,963	11,957
1777		43,500	6,197	28	46,231	95,956	15,394	23,115
1778	450	36,562	6,471	3,545	60,960	107,538	20,299	30,480
1779	490	29,547	5,675	8,740	73,570	117,532	24,498	36,785
1780		39,108	6,861	4,201	91,566	141,736	30,491	45,783
1781		24,618	6,260	8,831	98,269	137,978	32,723	49,134
1782	600	50,066	7,266	590	93,168	151,090	31,024	46,584
1783	617	44,301	6,335	311	54,298	105,245	18,081	27,149
1784		50,664	7,194		39,268	97,126		
1785		50,854	7,221		22,826	80,901		
1786		49,175	6,983		13,737	69,895		
1787		49,307	7,002		14,514	70,823		
1788		55,013	7,812		15,964	78,789		
1789		55,702	7,910		18,397	82,009		
1790		52,802	7,498		20,025	80,325		
1791		52,058	7,392		38,801	98,251		

1792		52,070	7,394		16,613	76,077		
1793	411				69,868		23,266	34,934
1794	457				87,331		29,081	43,665
1795	510				96,001		31,968	48,000
1796	592				114,365		38,083	57,182
1797	633				118,788		39,556	59,394
1798	696				122,687		40,854	61,343
1799	722				128,930		42,933	64,465
1800	757				126,192		42,021	63,096
1801	771				125,061		41,645	62,530
1802	781				129,340		43,070	64,670
1803	663				49,430		16,460	24,715
1804	703				84,431		28,115	42,215
1805	807				109,205		36,365	54,602
1806	920				111,237		37,041	55,618
1807	973				119,855		39,911	59,927
1808	1,032				140,822		46,893	70,411
1809	1,061				141,989		47,282	70,994
1810	1,048				142,098		47,318	71,049
1811	1,019				130,866		43,578	65,433
1812	978				131,087		43,651	65,543
1813	1,009				130,127		43,332	65,063

Sources: Christopher Lloyd, *The British Seaman: A Social Survey, 1200-1860*, 286-289; Denver Alexander Brunzman, "The Evil Necessity: British Naval Impressment in the Eighteenth-Century Atlantic World" (PhD diss., Princeton University, 2004), 379-382.

Brunzman's estimates of impressment come from a mathematical formula. He stated that "The 'Lower Estimate Impressment' is one-third the number of sailors borne for pay in the Royal Navy for any given year. 'Upper Estimate Impressment' on one-half the same number."<sup>158</sup>

<sup>158</sup> Brunzman, "The Evil Necessity," 382.

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