Historiographical Note


Only a handful of eighteenth-century English legal cases touching on slavery are known to scholars. An unreported and apparently unstudied case involving an enslaved man may have come before Lord Hardwicke during his time as chief justice of King’s Bench. According to a newspaper account printed in two London papers in 1735, a black man named Codrington Galway was brought

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before a court sitting in the Guildhall for breach of the peace and “refusing to serve the Remainder of his Time with the Administrator of his former Master, who was lately Dead.” The newspaper accounts said “the Court declared, that though a Negroe he was now a Christian, and in a Christian Country, which allow’d of no Slavery; and thereupon they set him at full Liberty to go where he pleas’d, but withal advised him to get into some honest Employment by Sea or Land, that he might not become a Vagrant.” See the [London] General Evening Post, Dec. 6–9, 1735, [2]; Read’s [London] Weekly Journal; Or, British Gazetteer, Dec. 13, 1735, [4]. Neither the facts of the case nor whether it was Hardwicke sitting at Guildhall who was involved in the case is entirely clear from the short press account. In one newspaper that printed the item, the story on Galway seems linked to a prior item on a decision by Hardwicke. In the second newspaper in which the account of Galway’s case appeared, this link is less pronounced because of the way various paragraphs reporting on court cases were arranged. The reported declaration of the court seems to draw on Holt’s earlier rulings and appears to be at odds with Hardwicke’s views in the much better documented 1729 opinion and his 1749 decision in Pearne v. Lisle. The newspaper account closed with a suggestion that black people in England in this period may have feared the effects of the Yorke-Talbot opinion and/or the 1732 Credit Act. It observed, “the said Black, when before Sir William Billers, jump’d out of a Window a Story high, for fear he should be sent over Sea as a Slave” (ibid.). Billers was lord mayor of London in 1734. James Oldham says that the habeas corpus case of Rex v. Cartor (1732/33), which involved a possibly enslaved black woman whose master had her committed to Bridewell, appears to have come before King’s Bench when Lord Raymond was still chief justice. See Oldham, English Common Law in the Age of Mansfield (Chapel Hill, N.C., 2004), 310 n. 20. On this case, see also George Van Cleve, “Somerset’s Case and Its Antecedents in Imperial Perspective,” Law and History Review 24, no. 3 (Fall 2006): 601–45, esp. 620.