The Origins And Early Development Of Slavery In Maryland, 1633 To 1715.

THE ORIGINS AND EARLY DEVELOPMENT OF SLAVERY IN MARYLAND 1633 TO 1715

by
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Maryland slavery had its roots in its founder's colonization schemes. Although Baltimore did not envision a colony supported primarily by black laborers, his early emphasis on servant importations resulted finally in this policy.

Baltimore decided to populate his colony with a large number of servants in order to assure the colony's economic future. He envisioned a benevolent quid pro quo whereby planters would transport and provide for laborers in return for a few years of service. To carry out his program, the proprietor made land grants to both planters and servants, many of whom were anxious to become landowners for the first time. However, the policy had only limited success. Planters made diminishing returns while using laborers on a short-term basis. In many cases a servant's time expired before his master recover his initial investment. Correspondingly servants who expected to acquire wealth quickly, discovered that there was very little chance to make much profit, particularly from fifty acres of land. Servant-master relationships became tense. Servants found that their masters valued their labor more than their lives. Masters realized that they had to work their servants harder in the face of falling tobacco prices.

After experimenting with this policy for more than three decades, the colony's leaders began to look for a more stable source of workers. Therefore they gradually adopted a policy of importing laborers from Africa, experienced in agriculture, but whose culture and physical traits branded them as alien. Initially they treated these laborers as servants, and kept them in bondage for periods ranging from a few years to life. After 1664, the assembly declared that such servants would work for life, and their children would inherit their status.

During the colony's first century, black and white laborers worked together, and intermingled socially. Some even intermarried causing many legal problems. Although the provincial officials tried to keep the two groups from marrying or cohabiting, they never completely succeeded. As a result of their social freedom, it was not until the black servant population surpassed that of their white fellows, and many of the latter found different employment, that the status of black servants appear radically different from that of white indentured servants.

By 1715 Baltimore's initial colonization plans had resulted in a labor system based primarily on racial slavery. Hence, Maryland's slave institution was actually the original labor system designed for whites, but adjusted to meet different circumstances.

INTRODUCTION

Much about the origins and development of slavery in Maryland has remained in historical obscurity, partly because many historians assumed that so few records were available to justify a study. In other cases, historians generally discussed Maryland slavery as a part of the larger Chesapeake development. However, most of these studies dealt basically with Virginia, with only occasional references to Maryland. Although there were similarities in the two systems, there were also significant differences which warrant separate studies. One cannot safely assume that Maryland blindly followed the examples of its older neighbor. For example, Maryland and Virginia differed in determining the legal status of children born of slave and free parents. Maryland assigned children their father's status, while Virginia assigned them their mother's. Virginia prohibited manumission of slaves as early as 1691, but Maryland did not follow suit until 1752.

Maryland's slavery, to a large degree, evolved from its colonization methods. The founder, the second Lord Baltimore, coupled land grants with servant importation in order to populate his colony quickly. But in order to attract laborers to the New World, he had to make some concessions since few servants would come three thousand miles merely to labor for someone else without hope of improving their lot.

Therefore, Baltimore provided them with fifty acres of land upon completion of service, which allowed many former servants the opportunity to become landowners for the first time. However, Baltimore only provided the land, while the masters bore the brunt of expenses for transporting and subsisting servants. Invariably this policy produced problems and proved economically unsound. Planters who invested in land and servants discovered that it was difficult to make a profitable living from the brief labor of indentured servants. Therefore many planters argued for longer terms of service, at least until they had reaped some profit from their initial investments. The assembly provided some relief, but not enough to satisfy a large number of the inhabitants who decided to solve their own problems.

Some masters over-worked or illegally extended the time of their servants, who in turn retaliated by running away, striking, or otherwise creating trouble. Even masters who treated their servants properly sometimes encountered recalcitrance. Consequently some masters used force in order to get their servants to honor the terms of the indentures. The assembly tried to regulate servant-master relationships by defining the responsibilities of each party to the other, including the amounts and kinds of freedom dues, and the type of clothing masters had to provide during service. The law-makers also provided remedies against errant masters and servants. But these laws did not eliminate all the problems, many of which stemmed from Maryland's economy.

Maryland staked its economic future on tobacco very early in its history, largely because of Virginia's successful cultivation of it. When the first settlers arrived, tobacco still fetched a good price. However, Maryland's tobacco production only increased competition among the English growers which eventually forced prices down. Since tobacco also served as the colony's currency, its falling prices often inflated the planter's costs for servants and other imported commodities.

In order to make the most of a relatively tenuous situation, some planters abused servants and overworked them even more, particularly after the 1660's when the economic situation worsened. The period after 1665 witnessed the debasement of indentured servants, as planters generally valued them only for their service and showed little concern for them as future freemen. The assembly severely restricted the rights of servants. Inevitably some prospective English migrants refused to come because they heard that Maryland planters worked their servants like "slaves." During this period some planters began looking for a more stable labor system, and even considered permanent servitude. However, English laws forbade enslavement of fellow Englishmen, so they had to look elsewhere. Almost from the beginning there was a group of servants in the colony, whom the settlers believed fitted the colony's labor needs ideally. As W.E.B. DuBois observed, the fact that "slaves were neither of the same race, language nor religion as the servants and their master's" justified their

enslavement. Therefore in 1664, the assembly stated that black men imported into the colony would labor for life.

Although more and more people accepted the fact that blacks made ideal lifetime servants, only a few Africans came into the colony prior to the end of the seventeenth century. African importations remained small because slaves cost more than indentured servants. A few of the early black servants had regular indentures, and apparently were treated about the same as whites after their indentures ended. Some blacks, who heard that conversion to Christianity was the path to freedom, received instructions and were baptized. They sued for freedom on the grounds that one Christian could not hold another in perpetual bondage. Although a few were successful, the assembly and courts as early as the 1650's ruled that Christian conversion did not alter a slave's status. Therefore the provincial officials encouraged planters to import more blacks because they would remain in perpetual servitude notwithstanding their conversion to Christianity.

Only a small number of blacks entered the colony between 1665 and 1700, but despite the slow increase the assembly gradually transformed the labor system into a slave institution. Therefore, by the time that a larger number of Africans began to come, the institution was already intact, and the assembly only had to clarify or alter some of its aspects.

During the black man's transformation from a lifetime servant into chattel property, racial prejudices grew stronger. As Winthrop Jordan argues, while some Englishmen undoubtedly had racial antagonisms toward blacks during the early period, it was not very pronounced during the first half century. But starting with the 1670's and 1680's, the assembly acknowledged prejudice by attempting to prevent interracial marriages, the assemblage of Negroes and mulattoes outside the presence of whites, the participation of blacks and mulattoes in the militia, and their carrying of weapons. By the turn of the century, whites considered black chattel slaves as important only as laborers.

A large number of Maryland's slaves came with experience in cultivating its two principal crops of corn and tobacco. Therefore planters had little or no difficulty putting slaves to work, despite the language problem. And since many of these Africans had left homes which were similar to Maryland's primitive society, they adjusted to their new lives without too much difficulty.

Essentially this study covers three chronological periods: 1633 - 1665, 1665 - 1700, and 1700 - 1715. I have tried to discuss each period topically. Between 1633 and 1665, the colonizers concentrated their efforts on populating the province, but many unforeseen problems required breaks with legal tradition. During the second period, the colony faced almost continual economic pressure which contributed to a breakdown in servant-master relationships. The status of black and white servants declined, as planters often

took advantage of both in an effort to make a profit. However, by 1700 particularly as Maryland began to diversify its economy, the status of white servants improved while that of blacks worsened.

The last period, from 1700 to 1715, witnessed the final debasement of the black lifetime servant into a mere chattel slave. Whites no longer argued about the effects of Christian conversion on a slave's status, but whether or not it was desirable to convert blacks. Few people pretended that free blacks and mulattoes were the peers of free whites or even of white servants. Indeed some argued against instructing and converting blacks because they were hopeless "heathens and infidels." After 1715 racial prejudices intensified, as evidenced by efforts to prove the Africans' innate inferiority to whites and limited mental capacities for any but menial work; few suggested that blacks were sub-humans. Planters continued to import them for laborers because these involuntary immigrants were vital to the colony's economic growth. Whites now rationalized the permanent enslavement of blacks on many different grounds.

CHAPTER ONE

Peopling the Province, 1633-1665

When Cecilius Calvert, second Lord Baltimore, received his charter from Charles I in 1632, he began planning his settlement in earnest. The king made Baltimore absolute Lord Proprietor of a vast tract of land, of which Charles himself was practically ignorant. Cecilius intended to go to Maryland in order to supervise personally its development, but domestic problems kept him home and he never visited the colony. Instead he sent his younger brother, Leonard, to Maryland as governor. Notwithstanding his residence in England, Baltimore maintained an active interest in his colony until his death in 1675. Although he knew little about conditions in his colony, he had learned from prior colonizing experiences. Maryland's proximity to Virginia afforded an opportunity to study that earlier effort and profit from its mistakes. Consequently, Calvert's colony experienced no "starving time." The first Maryland settlers lost little effort seeking non-existent precious metals and while they cultivated the Indians' friendship, they did not depend on them for food.[1]

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[1]Maryland, like most states lacks a good up-to-date history. Most Maryland histories were written in the nineteenth or early twentieth century. Unfortunately, much of the Maryland Archives were not available, and some writers depended heavily on earlier secondary sources. There are, however, several adequate general accounts of Maryland's early settlement. These include: James McSherry, History of Maryland (Baltimore, 1849); John Scharf, History of Maryland from the Earliest

Lord Baltimore learned from Virginia's experiences that his colony needed the right types of people, including artisans as well as "persons of quality," professional and clerical personnel as well as clergymen, and women and children as well as men. Baltimore realized the importance of his colony becoming self-sufficient and returning profits on his investments. Contrary to popular beliefs, he did not populate Maryland with Catholic dissenters, even though he himself was Catholic. Instead he attracted a cross-section of people who could contribute to the settlement's success.[2]

Baltimore carefully planned Maryland's society before the first settlers left for America. He envisioned a manorial society with himself at the apex and a servant class at the base. While retaining ultimate authority in his own hands, he realized that transformation of a huge wilderness into a civilized community required the cooperation of many people. Accordingly, he divided his authority with a

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Period to the Present Day (Baltimore, 1878); Newton D. Mereness, Maryland as a Proprietary Province (New York, 1900); William H. Browne, Maryland, The History of a Palatinate (Boston, 1904); and Matthew P. Andrews, History of Maryland, Province and State (Garden City, 1929). Scharf gives the best account of the colony's early years and its growth during the seventeenth century. There are several specialized studies on Maryland servitude, but again they are all rather old. These include: Jeffrey R. Brackett, The Negro in Maryland (Baltimore,1889); Eugene I. McCormac, White Servitude in Maryland, 1634-1820 (Baltimore, 1904); and James Wright, The Free Negro in Maryland (New York, 1921). Each provides adequate information in its specific area, but provides little information on the other two.

[2]See especially Scharf, and also Charles M. Andrews, The Colonial Period of American History (4 vols., New Haven, 1934-38), II., 274-325.

few other gentlemen to whom he granted manors, and he made land ownership an inducement to attract a large number of settlers to the colony as rapidly as possible. Although practically all of the land was virgin forests or swamp land, to land-hungry Englishmen it meant a chance of a lifetime and many accepted Calvert's invitation. He realized that the first task in building the new society entailed forest clearing and land cultivation, and he emphasized the importation of laborers.[3]

Baltimore refused to sell land outright, but apportioned it according to the number of servants imported. For example, for every five men servants, 16 to 50 years of age, brought to Maryland, an original planter received two thousand acres of land. In return, he paid Baltimore only "four hundred pounds of good wheat" for each grant. Those original planters who brought in less than five men servants received one hundred acres for themselves, one hundred for their wives, an additional hundred for each male servant 16 to 50, plus another fifty acres for each of their children under 16. For this grant they paid ten pounds of wheat.[4]

Baltimore's land policy suggested his intentions of creating a self-sustaining agricultural society. He granted land according to the number of laborers imported. Except for members of a planter's family, no one received grants without importing servants. His limitation of grants to able-bodied men between 16 and 50 indicated his

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[3]Scharf, p. 122.

[4]Ibid.

effort to find settlers capable of assisting in the colony's defense. This was also reflected in the 1639 Act for Military Discipline, which required military service from all men, including servants, 16 to 60.[5] Although a few servants found employment outside of agriculture,[6] most labored in the field. In fact when Baltimore advertised for settlers, he emphasized the colony's agricultural potential. He estimated crop yields from the labor of a servant:

> Computation of a servant's labours and the profit that may arise by it, by instance in some particulars, which may be put in practice the first yeere.
>
> One man may at the season plant so much Corne as ordinarily yields of wheate., 100 bushells, worth upon the place, at Two shillings a Bushell, -- 10.0-0 shillings.
>
> The same man will plant of tobacco between 800 and 1000 wt, which at the lowest rate, at two pound 10 shilling the hundred, is worth---20-0-0.
>
> The same man may within the same yeere, in the winter make 4000 Pipe staves, worth upon the place foure pound the thousand------16-0-0.[7]

Additionally, Baltimore exacted payment in agricultural produce, which necessitated some agricultural planting by practically everyone. In 1639, Baltimore had the assembly pass a law requiring every

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[5]McCormac, p. 81.

[6]Ibid., p. 62. Daniel Dulany served an indenture as a law clerk in the first decade of the eighteenth century.

[7]Clayton C. Hall, Narratives of Early Maryland (New York, 1953), p. 96.

planter to plant two acres of corn for "every person in his family planting tobacco." A year later the assembly prohibited the exportation of corn "except for ship provision" and added fines of 200 pounds of tobacco for every acre of corn not planted as the law required.[8] The proprietor also limited grants for female servants. Only those under age 40 entitled planters to fifty acres of land.[9] Presumably these women were marriageable and capable of bearing children.

On the surface this land policy was generous, but it also was a good business gesture. Since Baltimore had an enormous amount of land, he could grant it almost without limit. It cost him nothing and had no value without population. As a result of emphasizing servant importation, he realized an almost immediate profit from his investment. Baltimore, two years later, raised the purchase price and increased the ratio of servants to acres of land. Those planters who came after 1633 received the same two thousand acres as the original planters, but they now paid Baltimore six hundred bushels of wheat. Not only did the newcomer pay 50% more for the same amount of land, but he was required to import twice as many servants as the original planters.[10] Correspondingly, those planters who came after

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[8]The Maryland Archives (70 vols., Baltimore, 1883-), I., 79, 96-97. Hereafter cited as Md. Arch.

[9]Hall, p. 91.

[10]Scharf, p. 122.

1633 with five to ten servants received one thousand acres, but this cost them twenty shillings in the country's commodities.[11] Since planters could only acquire land by importing servants, this policy proved successful. One source estimates that Baltimore attracted more than 20,000 servants to Maryland between 1633 and 1680.[12]

In order to promote colonization, Baltimore employed sophisticated methods. In 1635 he prepared his "instructions and advertisements" for "such as shall goe or send to plant in Maryland."[13] His instructions included the cost of passage for planters and servants, essential foods for the voyage, types and amounts of necessary supplies and farm implements. Baltimore advised prospective colonists to choose their servants well because their success depended on these servants to a large degree. He estimated the cost of transporting and providing for servants. According to him, the first year's cost would be slightly more than twenty pounds sterling per man servant. If a planter used this person industriously, he could realize a corn crop worth about forty-nine pounds sterling. This meant a profit of almost 150%. In order to avoid disputes between servants and masters, he urged uniformity in labor contracts.[14]

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[11]Hall, p. 91.

[12]Abbot Smith, Colonists in Bondage (Chapel Hill, 1947), pp. 323-24.

[13]Hall, pp. 65-112.

[14]Ibid., pp. 96, 99.

Not only did Baltimore promote his colony to planters, but also to prospective servant migrants. He offered a quid pro quo policy for everyone. Servants would not have to work as long as they did in England and they received protection against fraud because written indentures spelled out the provisions of their agreement. This was necessary because prospective servants refused to traverse three thousand miles merely to labor in a strange land. Without the possibility of improving their lives, they probably would not migrate. Baltimore's policy of granting them land at the expiration of service gave many of them their first chance to become landowners. Again, Baltimore's virtually limitless ability to distribute land worked both to his and the grantee's favor. The fifty acres he awarded servants was a trifling amount by New World standards, but Baltimore profited from quit-rents he received from them. Since unimproved or untenanted lands brought him no rents, he made no real concession, even though it seemed one to persons who never owned one acre in England. Probably Baltimore's suggestion to planters about the food and clothing required for servants was an improvement over their lot in England:

In Apparrel

two Munmoth caps or hats	one suite of cloth
three falling bands	one Course of Cloth, or frize coate
three shirts	three paire of shoes
one Wastcoate	Inkle for garters, Inkle Broad
one suite of Canvas	tape, One dozen of points (lace
one suite of frize	for fastening clothing)[15]

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[15] Ibid., p. 93.

Compared with seventeenth century English servitude, Maryland's was somewhat milder with shorter terms and greater rewards. Richard B. Morris said that the scarcity of laborers during the colonial period favored servant rather than the employer. "Colonial workmen commanded wages from 30-100% higher than wages of contemporary English laboring men."[16]

Baltimore attracted a large number of planters because of the religious and political controversies in England during the first half of the seventeenth century. Additionally, many servants came because of a widespread opinion that England was overpopulated and could not support its inhabitants.[17] Most colonists who came before the second half of the century were of English or Irish descent, and initially Baltimore limited land grants to such persons.[18] Three basic types of servants came: redemptioners, servants who paid their own passage, and convicts.

The redemptioner, too poor to pay his own passage, sold himself into servitude prior to leaving England. His purchaser paid his fare and provided him with other necessities until he arrived in America. The purchaser, or sponsor, sold the indenture once the redemptioner

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[16]Harold F. Williamson (ed.) The Growth of the American Economy (New York, 1944), p. 50.

[17]For a discussion on the causes of English emigration to the New World, see Chapter 10 in Carl Bridenbaugh, Vexed and Troubled Englishmen, 1590-1642 (New York, 1968).

[18]McCormac, pp. 14-15.

arrived in Maryland. To a large extent, this servant was at the mercy of his sponsor who could and often forced him to serve longer than the servants who came in without indentures. However, in spite of these problems, many servants undoubtedly believed that the rewards exceeded the hardships. Redemptioners often appeared in court challenging their master's right to hold them in service beyond their indenture or his failure to live up to other contractual obligations.[19]

The second type of migrant was the person who paid his own fare, but lacked capital to start out on his own. Once in Maryland, the law obliged him to sign an indenture. He sold himself for as much as he could get and kept the purchase price for himself. To an extent, he fared better than redemptioners because he had some money, and he served no longer than required by law. Very early in its history, the Maryland assembly required such servants to make indentures within a few days of their arrival, and it defined the length of service and payment, or "freedom dues," received at the end of service. This type of servant constituted a large percent of all migrants because it included professional, clerical and skilled workers who were short of money.[20] Numerous court records

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[19]This point will be discussed at length and with several examples in a later chapter.

[20]Philip A. Bruce, Economic History of Virginia in the Seventeenth Century (2 vols., New York, 1896), I., 573-74.

illustrated the types and numbers of disputes involving servant-master relationships, especially failure to release servants on time and to give them the required freedom dues.[21]

Convicts formed a third class of servants who came to Maryland. Sometimes convicts came voluntarily; other times judges commuted their sentences if they would emigrate. A felony conviction in the seventeenth century was not unusual because English law adjudged about three hundred crimes as felonies. Therefore, many convicts who emigrated were not socially incorrigible. However, Maryland did not welcome convicts and their number remained small. Maryland officials nearly succeeded in preventing convict migration, but Charles II disallowed the law. Much of their apprehension was probably exaggerated because few convicts entered the colony before the second decade of the eighteenth century. The surviving records reveal no legal discrimination against these servants once they entered the colony.[22]

Some persons emigrated only after receiving promises of special benefits. For example, artisans generally served fewer years than field hands, and some who paid their own fares only agreed to field work under special circumstances. Sometimes servants worked during

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[21]This point will be discussed at length in chapter 2.

[22]Abbot Smith, p. 104.

the planting and harvesting seasons, or they worked for wages on a day by day basis. A few servants came only after receiving offers of regular wages as well as land grants.[23]

While Baltimore's descriptions of Maryland and its unlimited opportunities fired many imaginations, their dreams could only become reality after crossing the Atlantic. Before they began their new lives, they faced the transatlantic voyage, which to a seventeenth century traveller must have seemed like a lifetime. This voyage, often fatal to many, no doubt shaped the colonist's thinking about his new home. Few would hazard such an experience again, and many determined to remain in Maryland come what may, rather than recross the ocean to England.

For most persons, whether servants or first-class passengers, the transatlantic crossing was traumatic. It took them thousands of miles from home and friends, and for many this was their first ocean trip. None of the broadsides and advertisements prepared them for it. The ships, small wooden vessels, were often in a state of decay. "Passengers were crowded into small, dark, ill-ventilated cabins for weeks at a time." Under normal circumstances, the trip took eight or ten weeks. Food, usually of poor quality, was scarce, and passengers competed with rats for food and sometimes famines forced them

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[23]See Manfred Jonas, "Wages in Early Colonial Maryland," Maryland Historical Magazine, LIV., No. 1 (1959), 27 - 38.

to eat rats. Only the prospects of a new start kept the strong alive until they reached the "promised land."[24]

Overcrowding made epidemics almost inevitable and not surprisingly mortality rates were high. Passengers who survived the trip expressed their horror of life aboard these ships. A passenger to Virginia in the 1650's wrote that the crowding between decks made it impossible to breathe without inhaling "such a funke in the night" which causes "putrification of blood and breadeth disease much like the plague."[25] In 1636, Virginia's Governor John West blamed high mortality rates on the practice of packing passengers aboard ships far in excess of capacity.[26]

Sometimes first-class passengers brought their own food, but generally traders provided the servants' meals. Unscrupulous merchants and captains, ever ready to cut expenses, served only the cheapest food. Many ships stocked large amounts of biscuit and salt meat because they kept well over a long trip. Sometimes, however, these too became putrid. Nevertheless, passengers ate them for want of something better. In fact some owners purchased spoiled food to save money.[27] At times food ran out and some passengers died

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[24]Smith, p. 207; and Arthur P. Middleton, Tobacco Coast (Newport News, 1953), p. 8.

[25]Bruce, I., 138.

[26]Middleton, p. 15.

[27]Ibid.

from starvation. Colonel Norwood, a passenger aboard the Virginia Merchant in 1649, described the desperation of their situation when the last of their food ran out:

> Women and children made dismal cries and grievous complaints. The infinite number of rats that all the voyage had been our plague we now were glad to make our prey to feed on; and as they were insnared and taken, a well grown rat was sold for sixteen shillings as a market rate. Nay before the voyage did end, a woman great with child offered twenty shillings for a rat, which the proprietor refusing the woman died.[28]

Masters provided servant passengers with only the bare necessities to keep them alive until they reached Maryland. After the trade in servants became well organized, some ships carried only servant passengers. Consequently the voyage was worse than the regular trips. Lewis Gray described this situation:

> The overcrowding of ships, insanitary conditions, and numerous practices were so common that it became customary to call the ships engaged in the trade "white Guineamen." We hear of greedy sea captains who crowded their ships so greatly that there was not more than twelve inches room for each passengers, of a diet of bread and water issued every two weeks in such small quantitites that many passengers exhausted their supply in 8 days and begged vainly for more; of instances of terrible mortality, of one ship which lost

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[28]Peter Force, Tracts and Other Papers Relating to the Origin, Settlement and Progress of the Colonies in North America (Washington, 1837), III., No. 10., p. 17.

100 out of 150 passengers, another, 250 out of 312, and still another, 350 out of 400.[29]

If overcrowding, food shortages and diseases remained minimal, passengers still faced the perils of the ocean. Frequent storms, sometimes at night, magnified their terror and often carried away "top gallant masts, topmasts and yards, ripped sail, broke rudders, started timbers and sprung masts."[30] By the time the ship reached land, those lucky enough to survive began the second phase of their new lives.

When the ship dropped anchor, the new migrants probably assumed that the worst lay behind them. The horrifying Atlantic crossing kept many from turning around and going home. As a result, they began to build their new life. Baltimore's instructions included provisions for building a home.[31] For this task servants and masters labored together to build a temporary home until time permitted construction of a permanent structure. Probably the major adjustment for the migrants was acclimation. Maryland's climate was harsher than England's, and all the new inhabitants soon discovered it since they were unaccustomed to the heat and glare of the sun. They found that winters in the New World were longer and considerably colder than in Europe. They learned about conditions in

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[29]Lewis Gray and Esther K. Thompson, History of Agriculture in the Southern United States to 1860 (2 vols. Wasghinton, 1933), I., 507.

[30]Middleton, pp., 1-2.

[31]Hall, p. 98.

Maryland "at the price of the lives and happiness of many." Fevers and pestilences took their toll during the early days.[32]

Initially indentured servitude carried no social stigma, since many seventeenth century Marylanders passed through a period of servitude. This temporary low status did not prevent them from future success. For example, two former servants held seats in the assembly in 1637.[33] Actually indentured servitude facilitated migration for many who otherwise could not come. It had mutual advantages for both parties; it provided planters with laborers, and it afforded poor persons a chance to get to Maryland. These servants came not merely to labor, but to become future settlers of the colony. They were not relegated to permanent servitude as aliens, but became assimilated into society when their indentures ended.

After the first half of the seventeenth century, English migration declined partly because religious and political conditions after the Civil War removed the need to leave England.[34] Those who formerly proposed emigration to solve the country's over-population, now argued against further migration, particularly of skilled persons needed at home. Consequently colonial promoters had to look

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[32]Smith, p. 41.

[33]McCormac, p. 61.

[34]For a discussion of the decline of English migration after the end of the Civil War and Restoration, see Wesley F. Craven, The Colonies in Transition. (New York, 1968), pp. 175-76.

elsewhere for colonists. Therefore in 1648 Baltimore offered the same land policy to French, German, Italian and Dutch planters as he gave to British subjects. The assembly also granted them political equality with the older colonists.[35] The proprietor also received support from two former servants, John Hammond and George Alsop, who encouraged servants to migrate.

John Hammond, who had served in Maryland during the early 1650's, described the colony as a society of "christians." He gave a detailed description of Maryland's natural beauties, flora and fauna, and declared it an ideal place in which to make a new start. Apparently, negative reports on Maryland had discouraged some prospective migrants from coming. Hammond denied the charges:

> And whereas it is rumored that Servants have no lodging other than on boards or by the Fire Side, it is contrary to reason to believe it: First as we are Christians, next as people living under a law which compels as well the master to perform his duty; nor can true labour be either expected or exacted without sufficient cloathing, diet and lodging; all which both indentures (which most invioably be observed) and the justice of the country requires.[36]

George Alsop, who also served in Maryland, wrote a pamphlet in which he, like Hammond, suggested numerous reasons for planters

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[35] Md. Arch., V., 267.

[36] John Hammond, Leah and Rachel (London, 1656), reprinted in Hall (pp. 270-308), pp. 292-93.

and servants to migrate. Alsop compared Maryland servitude with British apprenticeship. "And let this be spoke to the deserved praise of Maryland, that the four yeares I served there were not to me so slavish as a two years Servitude of Handicraft was here in London." He pointed out that after the four years a servant received his "fifty acres of land, corn to serve him a whole year, three suits of apparrel, with things necessary to them and tools to work withall." Alsop painted a picture of industrious servants working under benevolent masters:

> Five days and a half in the summer weeks is the alloted time that they work in; and for two months, when the sun predominates in the highest pitch of his heat, they claim an ancient and customary privilege to repose themselves three hours a day within the house; and this is undeniably granted them that work in the field.

Alsop encouraged single women to go to Maryland. Because of the scarcity of women, they had great chances for marriage and could have their choice of husbands. Sometimes maid servants married their masters.[37] In order to attract more servants, the assembly passed a law which enabled servants to claim a headright at the expiration of their service just as if they entered the colony as planters.[38] When a servant completed his indenture, he proved his right to a

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[37]George Alsop, Character of the Province of Maryland (London, 1666), reprinted in Hall (pp. 340-87), p. 352.

[38]Md. Arch., III., 223-28.

tract of land by showing his freedom certificate to the provincial secretary who then ordered a survey of the land. After the surveyor completed his report, the secretary gave the new freeman a patent for his land.[39]

Up to this point, only European migrants to Maryland have been considered, but small numbers of non-Europeans helped to populate the colony almost from the beginning. A few friendly Indians preferred living with whites, others became servants, and some became perpetual slaves through capture in war. However, the Indian population within the organized settlements never became significant.[40]

African servants began entering the colony almost immediately after its founding. Some such as those employed by William Claiborne on the disputed Kent Island, resided within Maryland prior to its settlement by Calvert colonists.[41] Although Maryland settlers did not import large numbers of Africans during the formative years of the colony, they welcomed black men whenever they were available. For example, in 1638, Richard Kemp answered Lord Baltimore's earlier instructions:

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[39]Smith, p. 298.

[40]See Scharf, chapter 1, and Father Andrew White's Brief Relation of the Voyage unto Maryland, reprinted in Hall (pp. 29-45).

[41]Erich Isaac, "Kent Island, Part I: The Period of Settlement," Maryland History Magazine, XLII., No. 2 (1957), p. 93.

> My Lord: I received your Lor'pps Commands of the second of August Last for the buying of Fortye neate Cattle, ten sowers, Forty Henns and Ten Negroes to be Transported to St. Maryes for your use.[42]

The records are obscure as to their origin and status, but as imported laborers the Africans had probably served first in other English settlements. Some may have come directly from Africa and may have been sold as lifetime servants. For example, in 1642, a mariner, John Skinner, agreed to deliver to Governor Calvert "fourteen Negro men-slaves, and three women slaves of between 16 and 26 yeare old able and sound in body and limbs."[43] Seven years later, Cuthbert Fenwick agreed to sell "two Negro men, and one negro woman ... and all their issue both male and Female."[44] These adults, as well as their children, were sold as slaves. However the law required no service from the children of indentured servants who, unlike the children of slaves, did not automatically become servants. Nevertheless, servants if they wished could sell the service of their children as well as their own.[45]

On the other hand, some African servants were bound the same as whites. In 1653, John Babtist successfully protested against his

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[42]Elizabeth Donnan, Documents Illustrative of the History Slave Trade (4 vols., Washington, D.C., 1930-35), IV., 8.

[43]Md. Arch., IV., 189.

[44]Ibid., XLI., 499.

[45]Ibid., LXV., 475-76.

permanent enslavement. The court freed him after an additional two years of service because "Mr. Overzee that brought him in did not sell him for his life tyme."[46] The court's decision suggested that Babtist could have been sold for life, but since he had not been, his term ended when he reached the stipulated age provided for in the acts limiting the time of servants without prior indentures. Some Negroes who came from Christian countries and were baptised (as suggested by Christian names) only served limited indentures, while those who entered directly from Africa, or those who had not been converted to Christianity, served for life.[47] In fact, when the assembly enacted the 1664 law which permanently enslaved all black servants who came into the colony without indentures, it stipulated that such persons served for life notwithstanding their conversion to Christiantiy, suggesting that conversion had allowed some Africans to escape permanent enslavement.[48]

The few records on early Maryland servitude fail to indicate any specific legal distinctions among servants of different races. The earliest law on slavery in Maryland, that of 1639, declared "that all the Inhabitants of this province being Christians (slaves excepted)

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[46] Ibid., XLI., 205-06.

[47] Ibid., X., 293.

[48] Ibid., II., 203.

shall have and enjoy all such rights, liberties, etc., as any natural born subject of England hath."[49] There were no racial distinctions indicated for the "slaves excepted," but it probably included black and red servants. Those blacks who served indentures received the same legal benefits and protections that white servants enjoyed. However, blacks seemed to suffer from racial prejudices which made it difficult for them to get justice. For example, in 1659, the court acquitted a slave owner of murder, even though he admitted "beating the said slave." The court considered his actions justifiable because the slave refused to work.[50] Despite the absence of legal racial distinctions, Negroes found it difficult to obtain freedom and dues.[51]

Even at this early period, the black servant's actual status seemed different from that of whites. While whites came basically to populate the colony, blacks came primarily to labor. During the early years when their numbers were small, their legal status remained undefined. However, in practice, they bore the burden of proving their right to freedom. Their physical, cultural and language differences made their assimilation extremely difficult, and very early they were marked as an alien group. Many people desired their service, but only on a permanent basis, because the few

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[49] Ibid., I., 41.

[50] Ibid., 205-06.

[51] Ibid., X., 114.

Africans who came into the colony generally cost more than white servants. In 1664 Governor Charles Calvert wrote his father:

> I have endeavoured to see if I could find as many responsible men that would engage to take 100 or 200 neigros every yeare from the Royall Company at that rate mentioned in yr Lopps letter, but I find wee are nott men of estates good enough to undertake such a business, but could wish wee were for wee are naturally inclin'd to love neigros if our purse would endure it.[52]

Planters favored importing Negro servants who served for life. As Wesley F. Craven observed, the colonists found the Negro "not so much a different type of laborer as rather an additional worker who helped to narrow the gap between demand and supply."[53]

By the end of the colony's first three decades, its future appeared secure, although it was still far from an ideal place to live. Population data is extremely unreliable for the seventeenth century. The first settlement included only two hundred Englishmen, most of whom lived at St. Mary's.[54] This initial census did not indicate the ratio of servants to freemen. It was probably about 6 to 1.[55] Since most of the first freemen were masters, this ratio

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[52] Ibid., IV., 304.

[53] Craven, Southern Colonies in Seventeenth Century, p. 104.

[54] Evarts B. Greene and Virginia D. Harrington, American Population Before the Federal Census of 1790 (Gloucester, Mass., 1932), p. 123.

[55] McCormac, pp. 28-29.

also suggests the probable average holdings of servants on each plantation. As servants gained their freedom the ratio of servants to freemen steadily declined. By 1637 the ratio changed to approximately 7 to 3.[56] By 1660, another estimate places the total population at 12,000 with only 1,100 servants.[57] This total figure is open to serious question; a more studied analysis places it at only 6,900.[58] What is obvious, however, is a steady pattern of growth and a declining proportion of servants in the total population. In any case, the masters in Maryland certainly did not resemble the contemporary West Indies large slaveholding class or subsequent nineteenth-century American plantation owners. Any judgment of the nature and character of the evolving Maryland labor system and social structure must keep these facts clearly in mind.[59]

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[56] Ibid.

[57] Smith, pp. 324-25.

[58] Arthur E. Karinen, "Maryland Population: 1631-1730: Numerical and Distributional Aspects," Maryland Historical Magazine, LIV (1959), 371.

[59] Although the total population increased by the end of the seventeenth century, the average size of labor holdings apparently was not fundamentally altered. The first reliable census data for the colony in 1704 placed the total population at 34,912. Of these 5,172 were masters; 4,475 were black slaves; and 13,017 were white free persons and servants. This census unfortunately did not distinguish white free persons from servants, but it clearly indicates that even at the end of the seventeenth century tobacco production rested primarily in the hands of small farmers with no or very few slaves or servants. Aubrey C. Land's analysis of a sample of personal estates drawn from inventories of deceased planters in the last decade of the seventeenth century suggests that only one fourth of the planters held servants or slaves and that the normal holdings were between

Maryland's steady growth was partly due to its land policy. For example, an influx of Virginians, mostly Puritans, entered during the interregnum. They soon gained control of the assembly and deprived Catholics of legal protections despite the famous Toleration Act of 1649.[60] By the middle of the century Baltimore's early plans began paying off. He had sufficient settlers to assure the colony's future. In turn, they supplied him with an increasing source of revenue. From the small quit-rent in wheat of the early years, Baltimore had increased rents to two shillings per fifty acres in 1658.[61] His rent increases limited the size of land grants. Some planters refused to accept part of the land to which they were entitled for importing additional servants:

> Quit rents also played a role in influencing size of land holding. In the early years of the colony, when quit-rents were so low as to be almost negligible, enormous tracts were taken up and erected into the manors so prominent at that time. The average grant in Charles County before 1650 was nearly 1200 acres. This average soon fell, however, with the advance of the quit-rents. Between 1650 and 1660 it dropped to about 200 acres and it never rose again much above that amount.[62]

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1 and 5 bound laborers, both indentured servants and slaves. Greene and Harrington, p. 126. Aubrey C. Land, "Economic Base and Social Structure: The Northern Chesapeake in the Eighteenth Century," Journal of Economic History, XXV (1965), 639-54.

[60] Ibid., III., 311-13; and Craven, Southern Colonies, pp. 259-60.

[61] McCormac, p. 17.

[62] Karinen, "Numerical and Distributional Aspects, 1840. Part II.," Maryland Historical Magazine, LX. No. 2 (1965), p. 143.

Baltimore allowed planters to sell or transfer as much as five-sixths of the original grants, but he charged a fee of one year's income from the land exchanged.[63]

Baltimore succeeded in populating his colony. He attracted "persons of quality" who, in turn, helped him to secure laborers. To Maryland came Englishmen, Frenchmen, Italians, Scotch, Dutch, Germans, Irishmen and Africans. The population included diverse and antagonistic groups, such as Puritans, Anglicans, Quakers, and Catholics.[64] They came from all levels of society and, not surprisingly, created tensions and controversies during these formative years. The harshness of Maryland's frontier environment forced alterations in the relationships previously known by these colonists. One group which experienced significant changes in its former role was the servants. Baltimore's careful plan of extrapolating a European culture in a New World wilderness counted for less and less each year. The first settlers early learned that they must tailor past experiences to meet present circumstances. The legal evolution of servitude clearly illustrated the needed revisions.

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[63]McCormac, p. 17.

[64]See Scharf, p. 260.

CHAPTER TWO

What Profiteth a Man to Import Servants!

Lord Baltimore successfully populated Maryland with people from diverse social, ethnic and racial origins. However, many problems arose during the colony's first years. Initially the colonists intended to live in practically the same manner as they had lived in the old country, but some changes occurred inevitably.[1] Many resulted because some European traditions and customs were impractical or useless in the New World. Some resulted from Baltimore's policy of pairing land grants with servant importations. Hence the servant population represented an important segment of the province, possibly more so than in other colonies. These servants presumably came to populate Maryland and their servitude only involved a short transitional period in which they worked to repay the cost of transporting and subsisting them during their years of service. In practice, particularly after the first two decades, servants came primarily to labor, and as time passed they lost some freedom and personal liberty. Their decline in social status resulted from economic necessities as they lost their importance as future freemen, and became valuable only in terms of their economic worth.

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[1]See Peter Laslett, The World We Have Lost (New York, 1965),

Maryland's economy developed hand-in-hand with its labor system, as one reinforced the other. Tobacco became the economic mainstay very early in Maryland's history. Throughout the seventeenth century it was the leading export, medium of exchange, and raison d'être for agricultural servitude. This crop gained hegemony over the economy in spite of Baltimore's diversification attempts. When the first settlers arrived, they had definite plans about deriving wealth from tobacco, and they put them into effect immediately, which had a profound effect on Maryland's future:

> It was a staple destined to exert a controlling influence in future welfare and progress of the colony and soon by the paramount profit yielded by its culture, to subordinate all other interests, agricultural as well as manufacturing. This influence permeated the entire social fabric of the colony, directed its political and religious disturbances and became the direct instigation of the curse of African slavery.[2]

Not only did tobacco cultivation become the "instigation of the curse of African slavery," but also of Maryland's indentured servitude. Tobacco's hegemony over the economy and its use as currency had a profound effect on the market price of other commodities.

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chapter 1. Laslett said that in the traditional seventeenth-century English society, servants and masters lived together as a family. "The man at the head of the group...was then known as the master or head of the family. He was father to some of its members and in the place of father to the rest." [p. 2.]

[2]R.A. Brock, "Virginia, 1606-1689," cited in Vertrees Wyckoff,

When tobacco prices fell, the price of other commodities rose and inflation occurred. The fluctuation of tobacco prices affected the costs of transporting and maintaining servants. During hard times, some masters over-worked their servants, refused to release them on time or short-changed them on freedom dues. This treatment caused servants to retaliate. The provincial officials tried to regulate servant-master relationships from the very beginning in order to prevent legal disputes, thereby developing a legal code over more than seventy-five years. This was a trial and error period, characterized by legislative and judicial attempts to define and regularize these relationships. Numerous laws and court cases illustrate the limitations of a one-crop economy based on a short term servitude. Although colonial officials tried to be fair to both parties, servants gradually lost some of their former freedoms to their masters.

The early Maryland settlers had experience in dealing with servants, and undoubtedly some prominent colonists brought domestic servants with them. In England there were apprentices and laborers. The former were bound by contract for a number of years, while the latter only worked by the day, week, month, or a particular season. Those servants who came to Maryland during the first decades were

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Tobacco Regulation in Colonial Maryland in Johns Hopkins University Studies in History and Political Science, Extra vol. No. 22. (Baltimore, 1936), p. 11.

treated the same as British apprentices. However, some differences existed between Maryland indentured servants and British apprentices. First, the apprentice, as the title suggests, learned a trade, while most early Maryland servants worked in the field. Second, apprentices served longer terms, between seven and eight years, while servants worked between four and six years generally. Third, when the Maryland servant's time expired, he became a landowner with sufficient tools, food and clothing to subsist for one year, while the apprentice had only the knowledge of his trade. The apprentice enjoyed a distinct advantage over his Maryland counterpart, nevertheless; he was bound only to his own master, while the servant could be sold or assigned to another person, even outside the colony. Maryland's indentured servitude initially adapted British apprenticeship to New World conditions.[3] As time and circumstances changed, so did indentured servitude.

Lord Baltimore made the first attempt to define and regulate servant-master relationships by including "the forme of binding a servant" in his "instructions" of 1635. Among other things, the indenture required a servant to serve his master, or his master's executors and assignees "from the day of the date hereof, untill his first and next arrivall in Maryland; and after for and during the terme of _____years, in such service and imployment" as his

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[3]See Sir Thomas Smith, The Commonwealth of England (London, 1594), pp. 258-61, and Sir William Blackstone, Commentaries on the

master required. Correspondingly, this indenture required the master to pay for "his passing, and to find him with Meat, Drinke, Apparrell, and Lodging, with other necessaries during the said terme; and at the end of" the term "to give him one whole yeeres provisions of Corne, and fifty acres of Land."[4] This type of indenture successfully attracted a large number of servants to the colony. Since Baltimore provided the land, masters only provided food and clothing. The proprietor influenced his assembly to enact most of these proposals into laws, which along with some others became the basic framework of Maryland servitude.

In 1639, the assembly passed the "Act for the liberties of the people," which recognized servants as future freemen. It declared that "all the Inhabitants of this Province being Christians (Slaves excepted) shall have and enjoy all such rights, liberties, immunities, privileges and free customs within this Province" as natural born English subjects have.[5] While English servants had certain customary and legal rights, they could legally agree not to exercise

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Laws of England (4 books, London, 1765), pp. 426-27. Smith discussed apprenticeship in England during the sixteenth century and describes the life of apprentices, including their legal obligations to their masters. Blackstone analyzed the system as it existed in the seventeenth and eighteenth centuries. Apparently, the system did not change very much over the centuries.

[4]Clayton C. Hall, Narratives of Early Maryland (New York, 1953). p. 99.

[5]The Maryland Archives (70 vols., Baltimore, 1883-), I., 41.

some of them in exchange for certain favors from their masters. For example, all Englishmen enjoyed the natural right to travel where they pleased, but servants agreed to travel only with the master's knowledge and permission. During the next decade after enactment of this law, the assembly passed laws which limited servants' time of service, defined freedom dues, required masters to provide sufficient food and drink, and also provided punishment for both errant masters and servants. The lawmakers both recognized and limited masters' rights over their servants.

One of the first laws passed in Maryland dealt with the length of service. In order to protect servants from exploitation and to prevent disputes about the amount of time due, the assembly passed its first act for limiting servants's time in 1639. This applied only to those who entered Maryland without written indentures. It did not alter the status of redemptioners who signed before migrating, nor did it alter the term of service of those few persons sold as lifetime servants. This law bound such servants as follows: men servants 18 and older served four years, but those less than 18 served until they became 24; maid servants 12 and over served four years, but those under 12 served seven.[6] The law required masters to give their servants

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Hereafter cited as Md. Arch.

[6] Ibid., 34.

freedom dues upon expiration of service. It required employment of all able-bodied persons, including those who paid their own passage but did not qualify for land grants. They, too, became servants, but if they were skilled artisans, they could probably secure a more favorable arrangement. The younger males served a longer term than the older ones, with the time limit based on the attainment of age 24. On the other hand, females who were probably much desired as wives, worked no more than seven years or until they reached 18 years of age. All things considered, these generously favored the servant in Maryland as compared to those in Europe. For example, the Marylander became a landowner after only a few years, whereas in Europe, many freemen worked a lifetime without ever owning land.

In order to prevent disputes and also to assure the freed servant a chance to make a start, the assembly in 1639 defined the dues owed by masters to their servants when the indentures expired. Freedom dues for men included: "one good cloth suite of Keirsey or broad cloth, a shift of white linen, one new pair of stockins and shoes, two hoes, one axe, three barrells of Corne, and fifty acres of land." Maid servants received "one pair of new stockings, one new petty coat and wast coat, one new smock, one pair of new Shoes, and the clothes formerly belonging to the Servant."[7] Maid servants received no land initially, apparently because they were either married or expected to marry. If the two parties made an indenture which stipulated

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[7] Ibid, 97.

different dues, it was a valid contract. Usually such indentures worked in favor of the servants, such as artisans. Although these were modest allowances required by the assembly, they enabled former servants to subsist during the first year as freemen. This was important because it standardized freedom dues and allowed the servants to plan for their first year of freedom; it also meant that masters knew in advance the quantity and kinds of goods they had to give their servants.

Maryland officials tried to assure the production of enough food to feed all the inhabitants. In 1639, they required all masters who planted tobacco to plant proportional amounts of corn for each member of their family. The penalty for violation was a fine of five barrels of corn. Not only would the law assure a minimum production of corn for food during service, but also for freedom dues. In 1640 the assembly changed the fine to 200 pounds of tobacco. Two years later, when some still refused to plant enough corn, the legislators increased the fine to 300 pounds of tobacco.[8] This also attempted to force some diversification in the economy at a time of falling tobacco prices.[9]

The assembly not only provided measures for defining and regularizing the terms of service, including the beginning and ending

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[8] Ibid., I., 79, 96-97.

[9] As early as 1639 Virginia officials expressed "concern over the excessive quantity of tobacco and the resulting low price." Wyckoff, p. 52.

dates, but it also passed laws which dealt with the actual period of servitude on the plantation itself. Since some assembly members were planters themselves, they undoubtedly understood the daily relationship between servants and masters. Therefore the assembly enacted laws to protect one party from injury by the other and defined the responsibilities of both parties to each other. As Englishmen, servants had a right to seek redress against their masters for physical abuse, neglect, or legal fraud. Correspondingly, masters had a right to bring servants to court for non-performance of duty. Notwithstanding the government's recognition of a master's right to his servant's labor, this right was not considered absolute. They could chastise their servants, but the law placed limitations on this right. If masters felt that errant servants deserved more severe punishment, they could apply to a justice of the peace for authority to give as many as thirty-nine lashes on the back.[10]

A servant who felt that his master violated his rights could make a formal complaint to a justice of the peace. If the justice found the charges to be true, he attempted to resolve the problem by conciliation. But if the master proved recalcitrant, the law empowered justices to take other steps:

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[10]Abbot Smith, Colonists in Bondage (Chapel Hill, 1947), p. 235; Md. Arch., I., 34.

> Masters or mistresses refuseing to give their Servants necessary or convenient food lodging or Clothing or to performe such covenants for wages or otherwise as they are bound to do by their Indentures or the law of the province, And the offender Shall be imprisoned till he or she find Sureties to performe the order of the Judge therein. And the partie offending or convicted the second time shall lose his or her right and benefitt of the Indentures and of the law or Custome of the Country and the Servant shall be sett free (except the Masters doe appeal to the County Court)[11]

Servants obviously risked their master's displeasure by bringing formal charges, and it behooved a servant not to have his complaint dismissed as frivolous or false. Servants who made false or unjust complaints against their masters were to be "publickly whipped or other wise Corrected at the discretion of the Judge." Masters could, if they wished, retaliate against them. Probably some servants remained silent from fear of reprisal. Others retaliated against mistreatment by not working or running away, a far more worrisome type of protest that caused planters and officials no small amount of time and money.

Servants ran away for different reasons. Some escaped simply because they preferred freedom to laboring for someone else. Others ran away to escape brutality, or because they believed that their masters worked them too hard, or held them longer than provided in the terms of the indenture.[12] Runaways, probably more than anything else

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[11] Ibid.

[12] In 1650, Frank Brooke's servant brought charges against him for

pointed out the limitations and inadequacies of short-term servitude. This problem remained a major legislative concern throughout the seventeenth and eighteenth centuries. The lawmakers perennially received petitions for stricter laws and better enforcement. They passed several major laws, but none prevented a large number of escapes.[13]

The assembly passed its first fugitive servant law in 1639. Under its provision, servants who ran away or otherwise illegally absented themselves from home were guilty of a felony punishable by death. However, the law allowed the benefit of clergy the first time and returned the offender to service for the remainder of his indenture plus two additional days for every day absent. The law also carried a death penalty for those who harbored or aided fugitives. These persons could also "plead their clergy," and, in practice, persons guilty of this offense were fined or condemned to servitude themselves. Most persons convicted of this crime were planters who

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refusing to give him his freedom dues. Brooke made a counter charge against the servant for running away. The servant claimed that he did not run away but his indenture expired, therefore he left. The court refused to return the servant to Brooke, but dismissed the suit for freedom dues. Ibid., X., 41.

[13]The preambles to all the major fugitive servant laws cited the large number of escapes and great hazard it caused planters. Ibid., I., 107, 249; II., 146.

kept and worked runaways on their own plantations. Sometimes the law required double and treble damage costs for the loss of a servant's labor.[14] The fugitive servant laws served both to deter servants from running away and bolster the labor supply by adding time to the servant's indenture. This law, which probably seemed harsh in 1639, was mild in comparison to a later one which imposed ten days for every day illegally absent.

The wilderness afforded runaways excellent hiding places if they escaped from their local communities. In order to prevent runaways from escaping from their home counties, the assembly in 1639 required all inhabitants to secure passes before leaving their county. All travellers had to give five days' notice that they intended to depart the county. If a man's debts were in good order and he proved that he was a freeman, the chief Judge issued him a pass. Despite this law, some fugitives managed to flee the colony, which practically assured their freedom because Maryland had no jurisdiction outside its borders. The provincial officials tried to remedy this situation by making reciprocity treaties with their neighbors. In 1643, Maryland and New Netherland agreed to return runaways from either of the two colonies.[15] Apparently, Maryland did not enforce the treaty to the satisfaction of the Dutch, who in 1659 threatened to keep all Maryland fugitives since they could not successfully

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[14] Ibid., I., 107-08, 249.

[15] Ibid., 160; III., 372.

recover fugitives from that colony. Maryland made similar agreements with Virginia and several Indian tribes, but they were of limited effect. As time passed, this problem became more serious, especially when the economy was in a downward turn. And in the 1640's and 1650's, the economy swung downward as the price of tobacco declined.[16]

When the first Maryland planters arrived, tobacco prices were already declining, mainly because of the increased production by Virginia planters. For example, the 20,000 pounds of tobacco Virginia exported in 1619 sold for one pound sterling per pound. However, by 1633, the price had dropped to less than three shillings per pound. Over the next one hundred years the price continued its dramatic drop, falling to less than one and one half pence per pound by 1715. And during this period, it occasionally went as low as one half pence per pound. Maryland's entry into the market was partly responsible for its decline, but the colony also faced stiff competition from English tobacco farmers. Although James I had prohibited tobacco planting in England as early as 1619, the government never completely suppressed this source until the last decade of the century. In addition to low prices from excessive tobacco production, planters had to share some of their receipts with the Crown and the Proprietor in the form of regular customs duties and a provincial inspection tax on tobacco.[17]

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[16] Ibid., XV., 171. Between 1640 and 1645 tobacco prices fell from about three pence to one pence per pound. Between 1645 and 1655 prices reached a level of one-and-one-half pence per pound and as high as three pence in 1658. By 1660, however, one pound sold for only about one pence per pound. Ibid., II., 220.

[17] C.M. MacInnes, The Early English Tobacco Trade (London,

Since most Maryland planters throughout the seventeenth century cultivated tobacco, its declining prices seriously affected the colony's labor system. As tobacco prices fell, the cost of laborers and their maintenance rose. The assembly periodically attempted to fix the price of tobacco above its market value, but ship captains refused to accept the artificially inflated tobacco prices in payment for servants.[18]

The economic returns on limited servitude naturally diminished under these conditions of falling tobacco prices. Economic gains on the investment in individual servants normally had to be made during the four to five year terms of their indentured contracts. Even if the master harvested a bad crop, or overproduction drove down prices abnormally low, the law still obliged him to provide the servant his freedom dues. Additional hazards, such as servants running away, dying, or becoming ill could bring economic ruin to a small planter with minimal resources.[19]

These economic pressures drove some planters to working their servants excessively including Sundays and holidays, in spite of laws against it.[20] Within two decades of experimentation with these short term indentures, masters began complaining that servants received

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1926), pp. 90-94; Md. Arch., I., 80-81, 98.

[18]MacInnes, pp. 92-93.

[19]One author has estimated that in the 1670's about one-fourth of the indentured servants died during their period of bondage. See Smith, p. 298-99.

[20]Md. Arch., I., 53-54

their freedom before they recompensed the master for the costs of his investment. True, such complaints may well have been exaggerated. But there is no doubt that the returns on indentured labor were declining under rising costs and falling income for each pound of tobacco produced in the colony. Eventually the assembly adopted this argument and increased the term of service for most servants. The same basic economic force which caused this deterioration in the lot of the European servant eventually turned Maryland planters to the purchase and use of African labor. The process must be seen as part of a continuing evolution of the Maryland labor system.

Planters not only had to contend with human problems, but also the forces of nature. Because of changes in season, weather conditions, and other unforeseeable phenomena, large scale agricultural pursuits became contests with nature, uneven contests in nature's favor. Compulsive exploitative agriculture as practiced in seventeenth-century Maryland involved the utilization of every available opportunity, because nature sometimes created havoc with man-made schedules. Planters tried to accomplish as much as they could, even if it meant working their servants, as well as themselves, harder than usual. However, many servants felt that they could not perform satisfactorily unless they received good treatment. Instead of the familial relationship that the founders envisioned for servants and masters, business considerations determined their responses to each other. Planters emphasized getting an adequate return from their investments in servants.

Some masters complained that servants received the better bargain and protested against it. Some felt that it was unfair to import young male servants and feed, clothe and equip them, only to have them leave after four or five years. Since the servant not only got his freedom dues, but kept all his clothing, planters could hardly be blamed for complaining that the province was being populated at their expense. In 1654, they had the assembly enact another law "for limiting Servants time." The preamble cited the great charge and hazard that the people were "att in procuring Servants for their necessary Imployments." Thereafter, all servants who came into the province without indentures served as follows: Men servants above age 20 served four years; males between 16 and 20 served six years, and those between 12 and 16 served seven, while those boys under 12 served until they became 21.[21] Under provisions of the earlier law, 18 and 19 year old males had served only four years, but now they must serve six. The law required masters to bring servants to court within a few days after their purchase. The clerk of court estimated the servant's age and recorded the indenture in the presence of both parties. If either party were dissatisfied with the clerk's decision, he could appeal to the justices. The master had to pay a fee of three pounds of tobacco for this service. The assembly tried to lessen planters' expenses by changing the requirements of freedom dues, which

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[21] Md. Arch., III., 352.

now consisted of: "their old Cloathes, one Cloth suit, one pair of Canvis Drawers, one pair of Shoes and stockings, one new Hatt or Capp..., one falling Axe, one weeding Hoe, two shirts and three Barrells of Corne." The assembly eliminated the requirement of land, and the courts ruled that land would not be given unless it was specifically included in the indenture. Although Baltimore granted the land, masters had to take out headrights for their servants and pay a small quit-rent on it. Consequently, only those masters who wanted to include land in the indentures had to do so.[22]

This law reflects a slow, but perceptible change in the attitude toward servants. After about one generation, Maryland planters and officials began to treat their servants differently than they had originally planned. Economic necessities forced the planters to treat servants as helpers rather than future freemen. As a rule "servants were sometimes people to be protected or prosecuted as the case might be, sometimes property, to be bought or sold, as boats or animals or pewter pots."[23]

As a result of changing attitudes toward servants, tensions between servants and masters increased. Much of this friction resulted from a labor shortage aggravated by inadequate control of the available labor. Planters tried different methods to solve their labor problems.

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[22] Ibid.

[23] Ibid., LXIX., xxiii.

For example, some hired servants for regular wages by the week, month, or for a season. In 1645 Walter Guest and Edward Fisher agreed to the following contract:

> I, Walter Guest, for and in consideration of six thousand pounds of tobacco hereby bynd my selfe to dwell with Edward Fisher for and during the full terme and tyme of three years...and doe such service and employment as sayd Edward Fisher shall imploye me...

This indenture differed from the usual one in two important respects. First, Guest served only three years and received payment in tobacco. Second, Edward Fisher promised only "to provide unto the sayd Walter Guest sufficient meate and lodging, washing and apparrell during the sayd terme of three yeares."[24] Since tobacco prices averaged about two pence per pound during this period, Guest received the equivalent of about L60. Perhaps Guest was an artisan or professional and worked outside the field in a major area where such workers were scarce. Few planters, even if they could afford to do so, wanted to pay such high wages for agricultural laborers. Instead, they used servants on a year-round basis and only used hired laborers when necessary.

Many controversies between servants and masters arose from ambiguous language in the contracts. Indentures, although written and

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[24]See Manfred Jonas, "Wages in early Colonial Maryland," Maryland Historical Magazine. LIV., No. 1 (1956), pp. 28-29. Jonas studied servitude in the early period and found a few cases where planters used laborers, such as Thomas Marise, who signed

legally binding, contained too many ambiguous terms which often worked in favor of masters. For example, most agreements only specified the number of years servants were supposed to work and the dues they would receive upon completion of service. On the other hand, indentures and the laws to enforce them contained ambiguous terms such as "sufficient, custom, necessaries and reasonable." Therefore, the two parties could differ in their interpretation of the terms. The lawmakers also left open for interpretation the nature of reasonable punishment. Some masters seemed to believe that they could exercise as much authority over their servants as they chose.[25] And although indentures specified the number of years servants were to work before receiving their freedom, some masters refused to release them until ordered to do so by the courts. On the other hand, servants pilfered or destroyed their master's goods in retaliation for mistreatment, or other disagreements. Invariably many of these disagreements were brought to court for solution.

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an indenture for only two years. He was off on Saturday afternoons and Sundays and could leave home during these days and return Monday morning. pp. 28-35.

[25]"The master's privilege of inflicting corporal punishment cannot be considered as any degradation of the legal status of servants, for in England masters could whip their servants and husbands their wives to a reasonable degree without criticism." Smith, p. 235.

In 1652, the Kent County Court held a hearing on the death of a female servant, allegedly wounded by her mistress. One witness testified that the servant ran away, but her master discovered her and forced her to return home. Her mistress chastised her with a peach-tree rod, then "took water and salt and salted her and when she was a doing the same the maid cried out and desired her mistress to use her like a Christian, and she replied and said 'Do you liken yourself like a Christian?'" The witness testified that this servant ran away several times afterwards. The jury found the defendant not guilty, but considered the whippings "unreasonable considering her weak estate of body." This case illustrated the complexities facing provincial officials who dealt with these types of controversies. The justices, some of whom were planters themselves, probably sympathized with masters whose servants ran away as often as this servant. However, they could not justify such brutality. Therefore they fined the maid's master three hundred pounds of tobacco.[26] And the master probably cursed his misfortune. Death took away the services of his maid, and the court added insult to injury by fining him.

Because some runaway servants complained of brutality in order to escape punishment, the courts sometimes dismissed legitimate charges of brutality against masters. For example in 1659, the court dismissed

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[26] Md. Arch., LIV., 9.

Sarah Taylor's charge of brutality. Two years later Sarah again appeared in court with similar charges. Among other things, she alleged she was working in her mistress's kitchen when "hur Master and hur Mistress came and suddenly fell uppon hur." The mistress held her down while her master "begune to beate hur with a great ropes end: Then she went and kept the doore untill her husband" finished beating the maid. One witness testified that her master "beate her so unreasonably that there is twenty on Impressions of blowes small and great upon der backe and armes that hath binne taken notis of." After completing this chastisement, her master added, "now spoyle me a batch of bread againe." The court decided that her master and mistress acted most unreasonably and released her from the indenture immediately.[27] Although justices sometimes showed leniency toward masters, when planters acted barbarously and contrary to "Christian principles," they acted in the servant's behalf.

Sometimes the courts could not act in time to save some unfortunate servants from brutality. In 1663, the provincial court heard a case involving the brutal death of a female servant. The coroner's inquest concluded that the deceased had been beaten "to a jelly." The doctors reported that the entrails did not indicate internal disease "to the best of our judgments and the doctors that was with us, but if it were possible that any Christian could be beaten to death with stripes, wee thinke the aforsesaid servant was." After censoring

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[27] Ibid., 178-79.

the defendant for his inhumane conduct, the court convicted him of murder, but allowed him the benefit of clergy, burned the tip of his thumb, and released him. In 1674, this same defendant reappeared in court "for feloniously killing and stealing cattle." The court denied him the benefit of clergy, but the Crown pardoned him.[28]

The courts did not always allow the benefit of clergy in capital cases, as in 1657 when the justices ordered the execution of John Danby for causing the death of a servant The court took similar actions in another case involving extreme brutality. In 1664, a witness, William Gunnell , deposeth that:

> Upon ffrday being the night before Jas. ffinchers man died this deponent saw the said ffincher loade his man with plants and loaded soe much on him that the said servant told his master he could not beere it who said to his servant sirrah goe or else I will beate you, never was dogg soe beaten (sic) who answered his master, Master I cannot carry them although you knock me in the head and the fellow staggering, his master coming to him, kickt him and beate him with his fist saying sirrah Ile either knocke thee in the head or starve thee rather Ile lead this life with thee, and then ffincher called his servant to him againe and loaded him with some of the plants the fellow carryed them as well as he could to the old house... the next morning this deponent saw the said ffincher beate his servant againe with a sticke and likewise his fist. The fellow cryed out Lord Master if you beate me any more you will knock me in the head.

The servant died shortly thereafter. The court convicted Fincher of murder and sentenced him to death.[29]

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[28] Ibid., XLIV., 167., 234-35; LI., 122-23.

[29] Ibid., X., 535-45; XLIX., 305, 313.

When necessary, the courts put masters under peace bond in order to prevent reprisals against a servant who made a complaint. When in 1656, John Billsbury complained to the court of his "hard and cruel usuage" from his master, John Little, the justices took the following action:

> The sheriffe who is hereby required with the first convenience to transport the said servant to his masters house and to require the said Little to give bond with securite for his good demeanor to the said Billsbury until the next court, as also to make his appearance then to answer the complaint of his said servant, and other misdemeanors, and if in the case the sheriff see cause to take the said Little into his keeping until the next court and if...Little refuse obedience to this order, the sheriffe is...required to take the said Little into his safe keeping untill he give bond with securite for his obedience.[30]

The court's extreme actions in this case were unusual, but probably prompted by Little's attitude.

Some masters attempted to hold their servants beyond the expiration of the indenture. Unless the servants succeeded in contacting the authorities, he might remain in servitude long after his time expired. In 1661, the Governor and Council received a petition from Rickett Mecane, who claimed that "he was taken out of his native country by force and sold to Thomas Gerrard." Mecane said that Gerrard threatened to keep him in servitude for fifteen years. Mecane claimed that this was contrary to law and, since he already

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[30] Ibid., 424

served six and one-half years, he asked the court to release him from further service. Judith Lane testified that Gerrard threatened some Irish servants with similar indentures. The justices ruled that Gerrard could not force his servants to work fifteen years, since terms of service were determined by law. Although Mecane claimed to be 21, the court adjudged his age at 19 and ordered him to serve Gerrard two additional years.[31]

Not all masters treated their servants fraudulently nor were all servants the victims of mistreatment. Servants were often guilty of causing disturbances and refusing to work. In 1657, Robert Chissick was brought to court by his master for running away and refusing to work. A fellow servant testified that Chissick often spoke ill of his master. Once when his master went fishing, Chissick "said that the devil go with them both" because he would always "do him deceitful work as long as he was with him." The court convicted Chissick of conspiring to run away and refusing to obey his master. They ordered him given thirty lashes.[32]

In 1663, Richard Preston charged his servants with neglect of duty for striking and refusing to return to work until he gave them meat. He told them that he had no meat to give them, in fact, he had none for himself, and he ordered them to return to work. After returning from a trip, he noticed that they remained idle. Upon

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[31] Ibid., XLI., 476-78

[32] Ibid., X., 511-12

examination by the court, Preston noted that he gave his servants meat on an average of three times a week when it was availab[illegible] He prayed "for such censure as shall bee judged equal for such perverse servants; least worse eveil by their example should ensue by encouraging other servants to do likewise."

After the justices concluded examining Preston, they called in the servants. Five male servants appeared with their own petition, which alleged that Preston refused to provide them with sufficient food to keep up their strength. "He only give us beans and bread," they complained. Consequently, they became "soe weake, wee are not able to performe the imployments hee putts uppon us." The servants asked the court for an order to Preston to give them sufficient food to enable them to do their work. The justices refused to condone the servants' actions because it might have and ill effect on other servants; therefore, they found three of the servants guilty. The court ordered the two found not guilty to give their fellows thirty lashes each. After the three guilty repented on knees and promised good behavior for the future, the court suspended the sentence during good behavior.[33]

The old problem of runaways continued to cause trouble for planters and colonial officials. Many runaways used charges of brutality, insufficient food and clothing, and similar excuses in

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[33]Ibid., XLIV., 9-10.

order to avoid the penalties for running away. For example, in 1664, Richard Lamb's master brought him to court for running away several times. Lamb once pretended to be lame to keep from working and ran away when ordered back to work. According to his master, Lamb sold his own clc s, which caused his master additional expenses to replace. Lamb often ran away from his former master, supposedly because that master's "servants did sweare soe extreamely." The present master concluded that this could not have been the real reason because Lamb was a notorious swearer himself. After finding the servant guilty, the court ordered the sheriff to take him into custody "and cause him forthwith to receive 20 lashes uppon his bare back in the publick view of the people att the whipping post."[34]

Although the law provided stiff penalties for runaways who were returned, many continued to escape. The assembly amended the fugitive servant laws in 1650 and again in 1662. In order to prevent servants from escaping from their local communities, the lawmakers prohibited them from travelling more than two miles from their home without a pass from their master, mistress, or overseer. This law empowered all free inhabitants to challenge suspicious looking persons, servants or freemen. It reflected the seriousness of this problem during the two preceding decades. Some fugitives

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[34]Ibid., LIII., 538.

refused to return when discovered and threatened violence if force was used. Some such as Chissick and Choplin in 1657, conspired to run away with a group of servants. They planned to take their master's food and guns. Before they could execute their plot, a fellow servant betrayed them to the master.[35]

Sometimes the courts showed leniency and ordered runaways whipped, instead of extending their service. Not all runaways, however, received only twenty-five or thirty lashes on the back, as the courts sometimes imposed the "two days for one" penalty. When a female servant, Anne Harloe, appeared in court in 1653 to answer charges for illegally absenting herself, she said that she ran away because her fellow servants often beat and abused her. She failed to impress the justices with her explanation, particularly after her master produced evidence of previous misdemeanors. Anne once pretended pregnancy, her master said, and he gave her time off. Once he realized her deception, he ordered her to return to work, but she ran away again. The court gave her an extra month's service, in addition to the remainder of her indenture, and fined her three hundred pounds of tobacco. She did not have the money for the fine, so the court ordered her master to pay it, but forced Anne to serve additional time to repay him.[36]

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[35] Ibid., I., 451-52; X., 511-12.

[36] Ibid., 322.

Anne Harloe's feigned pregnancy illustrated another problem faced by planters. Women servants who became pregnant and delivered during the planting and harvesting seasons caused their masters financial losses. In most cases, these female servants were unmarried. As early as 1639, the assembly had enacted penalties for these crimes, stipulating that the "offendors shall be publickly whipped or otherwise pay such fine to some publique use." The provincial officials passed stringent laws to restrain fornication and adultery, not only because of abhorrence of sin, but because of the damage caused by that sin. Since a servant's time was limited, any time off decreased her value; and since her child was not a servant, it added to the master's expenses. Therefore, in 1658, the assembly passed the "act Concerning Servants that haue Bastards" which made the mother liable for all damages sustained if she could not prove the child's paternity. If, however, she identified the father as a freeman, he was liable for the whole damage, which he had to pay by fine or servitude. If the father was a servant, he had to serve half of her extra time, or pay half of the fine. The law further provided that if the father was an unmarried freeman who promised to marry the maid, "then hee shall perform his promise to her, or recompense her abuse, as the Court before whom such matter is brought shall see Convenient."[37]

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[37]Ibid., II., 372-74.

In 1653, Robert Taylor informed the court that his maid servant confessed that John Hambleton fathered her unborn child, and circumstantial evidence pointed in that direction. Since the allegations "cannot be determined untill the time of delivery," Taylor asked the court to take Hambleton into custody to prevent him from leaving the province before the child's birth. And if the charge proved to be true, Hambleton should be made to assume paternal responsibilities. The court ruled in Taylor's favor.[38]

Despite problems of limited servitude, Maryland planters continued to import servants. Since most servants only worked for a few years, there was a constant need for replacements. And as the population increased, the number of planters increased, which in turn created a greater demand for additional servants. After the conclusion of the Interregnum and Restoration, fewer Englishmen migrated. In order to make colonization more attractive to prospective servants, the assembly in 1661 again changed the length of indentures for persons entering the colony without contracts. As in 1639, males who came in at age 22 served only four years. Those who were between 15 and 18 served six years, while those under 15 served until they reached their majority.[39] This law was generally more liberal toward older servants than the law of 1654. For example, whereas 15

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[38] Ibid., 327.

[39] Ibid., X., 247.

and 16 year old boys served only six or seven years in 1661, they formerly served seven or eight. Even younger boys benefited from the more recent law, since 12 year olds now served only nine years, whereas they had to serve twelve years in 1636.

Sometimes court suits resulted from the failure of ship captains or other persons engaged in the servant trade, to deliver servants on time. Uncertain weather conditions, as well as almost incessant warfare in Europe,delayed the arrival of new migrants. In 1653, Thomas Bushell sued Friendship Young and Cuthbert Fenwick for failing to deliver "one able man servant betwixt 18 and 25 years of age with 4 years or above." The court allowed the defendants an additional year's time because of "the want of servants shipping not coming in." In order to provide more laborers, some persons resorted to kidnapping Indians. Although Maryland enjoyed good relations with most of the Indians within its border, the provincial officials allowed enslavement of enemy Indians captured in war. However, kidnapping friendly Indians was a felony punishable by death.[40]

By the end of the third decade after Maryland's settlement, servant-master relationships remained as complex as they had been during the first decade. Notwithstanding Maryland's growth, the colony was still largely rural and sparsely inhabited. The tobacco

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[40]Maryland officials worked hard to maintain good relations with the Indians because of the fur trade, and also because Indians provided a large amount of the colony's meat. Ibid., X., 541-42

economy suffered from periodic depressions which aggravated labor problems. In order to stimulate further growth and to at least stabilize the economy, the assembly would have to promote diversification in the economy and also better regulate the labor system on which the economy depended. There would have to be better enforcement of the fugitive servant laws in order to prevent some masters from suffering total ruin. Some planters continued to argue for longer indentures and stricter penalties for runaways. The assembly slowly adopted the attitude of some of the planters. For example, the officials refused to recognize the rights of black Christian servants to limited indentures. This was reflected in the 1664 Act concerning English servants that Runn away in Company of Negroes or other slaves." Under its provisions, white servants who ran away with Negro or other slaves, not only served two days for every day the servants were illegally absent, but an additional two days for every day the slaves were illegally absent.[41] Although all Negroes were not slaves and all slaves were not Negroes, it appears that most of the few slaves in the colony at this time were blacks. This law was another attempt to deter indentured servants from running away. The early Maryland settlers imported black slaves for life, while at the same time recognizing the

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[41] Ibid., I., 489.

validity of indentures made by blacks prior to entering the colony. As a result of this double standard, some planters believed that those black men who converted to Christianity could not be held as slaves because this was contrary to Christian principles. At the same time, others recognized the potential of these servants in helping to solve the colony's labor shortage as lifetime servants.

Maryland planters were not unaware of the widespread use of Africans by the Spanish and Portuguese, as well as by other British colonies, including neighboring Virginia. These black men, who looked, spoke and acted differently from Europeans, seemed to some the ideal lifetime servant because in a "real" sense they could never become a part of society. From an economic standpoint, black servants would return large profits on the investments in them. They would work longer than white servants and they represented future profits since their children also became lifetime servants.

In 1664, the assembly enacted the sentiments of many people:

> On Monday 19th September. 1664 came a member of the lower house with this following paper (vitz). Itt is desired that the upper house would be pleased to drawe up an Act obliging negros to serve durante vita they thinking itt very necessary for the prevencion of the damage Masters of such Slaves pretending to be Christned And soe plead the lawe of England.[42]

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[42] Ibid., I., 526

The assembly concurred and the 1664 "Act concerning Negroes and other Slaves" not only provided permanent enslavement for all Negro and other slaves, but all their children as well. This now meant that black skins connoted lifetime servitude. Although the law did not reenslave former black servants or prevent a few other blacks from entering the colony with regular indentures, it prevented all blacks sold into the colony without indentures from ever becoming free. The enslavement of the children of lifetime children provided the colony with additional laborers at a time when they were sorely needed. From this time on, black skins became "badges of servitude" and the burden of proof lay upon free blacks to prove that they were exceptions to the rule of servitude for life.

By 1665, just a little more than three decades after Maryland's founding, provincial officials had created the legal institution of racial slavery. They could not have envisioned this step in 1633 or possibly in 1643. Baltimore planned a society based on a large servant class, mostly English. However, as time passed, it became painfully obvious that the benevolent quid pro quo between servants and masters was not sufficient to create a stable economy to sustain the colony. And because so much of that economy depended on tobacco, as tobacco prices fluctuated, so did the economy. Throughout the remainder of the seventeenth century, the servants who were initially imported primarily to populate the colony became less important as future settlers than as laborers. Although the

change was slow, the servant class gradually lost many of its former privileges. Ironically, despite the permanent enslavement of most black servants, white servants continued to provide most of the colony's laborers for the remainder of the seventeenth century.

CHAPTER THREE

The Economics of Tobacco and Limited Servitude

Theoretically, Maryland's enactment of permanent servitude for black servants should have helped solve one of the colony's major economic problems. As planters imported more black servants, they would lessen their total expenses because these servants would more than pay for themselves during a normal lifetime servitude. However, this did not happen for many years. Few planters could afford to import black servants, and even if they could, they had difficulty obtaining them because slave traders seldom visited Maryland. The Royal African Company's monopoly, granted by Charles II to his brother and a few favorites, almost coincided with enactment of the 1664 law. Prior to this time, Maryland got a few blacks from Dutch and other traders, but now the Royal African Company had exclusive rights to the slave trade for the whole empire and set its own monopolistic prices. Added to the high costs charged by the company, was the infrequency of visits by its vessels. Middleton described the situation in Virginia and Maryland as a result of this monopoly: "The apparent indifferences of the Royal African Company to the needs of the Chesapeake caused much complaints and paved the way for the 'separate traders' ... and for colonial vessels to bring Negroes

from the West Indies."[1] The problem went beyond indifference. Bad management and general incompetence in the Royal African Company was at fault. The Chesapeake colonies were not the only neglected areas; West Indies planters also frequently complained about the inability of the Royal African Company to satisfy their demands for African slave labor.[2] Occasionally interlopers came, but they never provided a reliable source. Hence throughout the remainder of the century, white servants continued to dominate the colony's labor supply. Maryland continued to have basically a tobacco economy. Both Virginia and Maryland competed with English-grown tobacco, despite laws and proclamations against the latter.

In 1654 Cromwell's Council of State declared that tobacco grown in England was so detrimental to the interests of the English plantations abroad that "tobacco now growing in England must immediately be destroyed." Some English planters promised open revolt against this proclamation. The planters of Winchombe drove out the local sheriff and his posse, who had been sent to destroy their crops. Parliament, in a conciliatory effort, suspended enforcement for 1654, but promised to enforce the law the following year. When royalists in the area tried to take advantage of the proposed enforcement, Cromwell's government again suspended the law.[3] Between

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[1] Arthur P. Middleton, Tobacco Coast (Newport News, 1953), p. 135.

[2] K. G. Davies, The Royal African Company (London, 1957), pp. 16, 196.

[3] Vertrees Wyckoff, Tobacco Regulation in Colonial Maryland, in

1658 and 1665, while Maryland tobacco prices dropped sharply from three pence per pound to one-half pence, the English planters continued without much governmental interference. The Restoration Parliament revived the 1654 law, which the Council of State had left in suspension since 1655. But this law was not very well enforced and, in fact, the 1662 English crop was larger than any previous one.[4] Since these planters did not have to pay duties and customs, they realized greater profits than the Americans. In 1660, Parliament increased penalties for planting tobacco in England. Despite this, production continued on as widespread a level as before. The few times that the government tried enforcement, planters resisted. Riots broke out in Cheltenham and again in Winchombe in the 1670's. Not until 1697 did British officials succeed in suppressing this source.[5]

Beginning in the early 1660's, Maryland and Virginia faced competition from still another source, the new southern colony of Carolina, and prices fell again. Some planters in the colonies

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Johns Hopkins University Studies in History and Political Science. Extra vol. No. 22. (Baltimore, 1936), pp. 48-49.

[4]C. M. MacInnes, The Early English Tobacco Trade (London, 1926), pp. 106-21.

[5]Charles II issued a proclamation against planting tobacco in England in 1670. The proclamation increased the authority of local officials to seize and destroy tobacco. However, it had little or no effect. In 1684 parliament passed another law with greater penalties for violations. It had some effect, but had to be amended in 1691. Finally by 1697, the government was able to announce that it had sufficiently suppressed this illegal trade. See George Arents, Tobacco: Its History (6 vols., New York, 1938), II., 403-534; MacInness, pp. 109, 121.

suggested that they limit the supply by a complete cessation or an orderly reduction of tobacco planting. A decrease in tobacco cultivation would correspondingly lessen the need for servants and the expenses of feeding and clothing them, which in turn would increase the chances of making a profit. None of the colonies dared to act without cooperation from the others, the colony which unilaterally ceased or limited production would simply lose its market to its rivals. In 1661, Maryland and Virginia petitioned Charles II for an order to all planters in those colonies to cease or reduce tobacco production at a uniform rate. Charles was reluctant to lose his share of the revenues from tobacco customs. Also he bent to pressure from British merchants who controlled prices by storing tobacco and then selling it at the right time, and he ordered Maryland and Virginia to find a common solution.[6]

Commissioners from the two colonies met in May 1663 to draw up a satisfactory agreement. They worked out an agreement in principle for a year's cessation of tobacco planting, but failed to agree on a definite program. Because Maryland was located farther north, its planting season began about four weeks later than Virginia's. The commissioners could not agree on a common starting and terminating date for cessation.[7] Maryland's assembly also had differences of

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[6] The Maryland Archives (70 vols., Baltimore, 1883-), V., 15. Hereafter cited as Md. Arch.

[7] Ibid., II., 44-45.

opinion about the desirability or effectiveness of total cessation, or even a partial reduction. The lower house argued against any action because, it insisted, cessation in Maryland would only occasion tobacco planting in other English colonies which did not then plant tobacco. As a result, Maryland would lose its market to these newcomers. The upper house countered that a total cessation was not only desirable, but absolutely necessary. It rejected the lower house's compromise proposal for a reduction, or "stint," on the grounds that any future planting would cause a glut on the market with dire consequences:

> Consider further that a Glutt must needs be the Effect planting still as much as before. A Stint is impractical so that there is no way left but a Cessation.
>
> Upon a Glutt of Tobacco necessarily follows the Ruin of the Householder and Master of Servants, the Tobacco, they make being so little worth that a Servants Cargo shall not Cloath him and renew his time, the consequence of which must be that the Richest of us all at last must beat his own Bread for want of Servants tho' the poor man will be the first shall feel it, because it may so fall that two Servants Labour may Cloathe and purchase one when one Man's Labour shall not purchase any.

The upper house won the argument and the assembly passed a bill calling for a total cessation for one year. Virginia and Carolina also agreed to the "totall cessation from planting, sowing, or any waies tending Tobacco in any part of all or either Collonies for the period from February 1, 1666 to February 1, 1667." At this time the

economic situation in Maryland had reached its lowest level and the assembly officially rated tobacco at only one-half pence per pound. Unfortunately for those distressed planters, Baltimore exercised his prerogative and vetoed the agreement. The proprietor gave two reasons: first, a "totall cessation would render masters unable to give their servants freedom dues at the end of the cessation because there would be no crop." Second, as the lower house earlier warned, it would dislocate Maryland's trade and, once shippers found other sources, they would not return to Maryland.[8] This would cost the king and the proprietor a loss in revenues. Consequently, cessation efforts failed for the moment.

Tobacco prices rose slightly after 1666, averaging about one-and-one-half pence per pound between 1668 and 1680.[9] But this moderate prosperity was short-lived, because the failure to agree on a significant reduction caused another glut and forced prices downward again. Wyckoff said that tobacco production increased continually. In 1678 Maryland's crop was the largest thus far produced. "By 1681, ... both Virginia and Maryland had two years supply on hand and the London warehouses were piled with enough hogheads to last five years." This glut took its toll, and by 1683, the official price was only three-fifths of a pence per pound. Planters in Virginia and Maryland

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[8] Ibid., 44-48. 143; III., 550-62.

[9] Wyckoff, pp. 190-91.

again talked about a cessation. Many planters favored it, but of course it required cooperation from all parties in order to succeed. In 1682 a special session of the Virginia House of Burgesses met to consider cessation, but failed to pass the appropriate legislation and riots broke out in several counties. Charles Calvert, third Lord Baltimore, then in Maryland, feared that similar events would occur in Maryland, unless the assembly took remedial actions. He favored a one year cessation, if the colony could find another source of revenue for the king. When the assembly met, the two houses passed separate cessation bills, but could not agree on a single bill. Consequently, the movement failed again, and the glut continued for several years.[10]

Periodic gluts should have convinced most planters of the disadvantages of growing large amounts of tobacco, almost to the exclusion of other crops. Although the assembly passed laws requiring a minimum production of corn, wheat, oat, rye, barley and peas,[11] most new planters decided to grow tobacco. Even skilled artisans, who could have commanded decent wages, left their trades in order to engage in tobacco cultivation. This created an imbalance in trade, as Maryland imported more than it exported. In fact, the settlers imported at high costs some things which they could have manufactured

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[10] Md. Arch., XVII., 139.

[11] Newton D. Mereness, Maryland as a Proprietary Province (New York, 1902), p. 230.

themselves. In 1662, the provincial council expressed its indignation over this:

> For as much as the scarcity of shoes and excissive rate of hath been chiefly caused by the supine negligence of the people of this province, skillful in the mistery of tanning leather, whoe have hitherto chosen rather to plant tobacco then to follow their art and calling, which would have furnished the Province in some measure with shoes of his owne manufacture, and have been an example to other tradesmen to follow theire callings likewise, by which means the number of planters would bee much lessened and by consequence the price of tobacco much raysed to the apparent advantage of the tradesman whoe is to bee payd with tobacco as well as the planter who plants it ...[12]

Few people heeded the council's advice and more of them became planters and increased tobacco production which forced the price down even more. Since the government could not get planters to limit production voluntarily and the Proprietor refused permission for a total cessation, it was necessary to take other steps to bolster the economy. As already noted, the 1664 law declaring lifetime servitude for blacks had little effect until much later. Therefore the assembly meanwhile provided other means of bolstering and stabilizing the labor system. Beginning in 1666, provincial officials enacted laws designed to get as much work as possible from all servants. As the council earlier warned, unless some steps were taken, low prices would necessitate two servants' labor to recompense the

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[12] Md. Arch., III., 457.

cost of one. Therefore, one of the first laws passed was an amendment to the "act for Limiting Servants time." It added an additional year of service to all servants who came in without indentures: Servants 22 and older would serve five years, those between 18 and 22, six, servants between 15 and 18, seven, and those under 15 served until they became 22. For the first time in its history, Maryland now required five years of service from 22 year-old men, whereas it formerly required four. Apparently those persons who felt dissatisfied with the more liberal law of 1661 got enough support to force this change. The law now required masters to bring to court, within six months, all servants under 22 to have their ages adjudged and indentures recorded. Failure to comply with this section of the law could result in a fine of one thousand pounds of tobacco. No slave, however, could use this section to gain freedom because the law declared that "nothing therein conteyned shall not give nor be construed to give any benefitt to any Slave whatsoever."[13]

Planters and officials realized that adding an extra year of service to the indentures of new servants, and permanently enslaving the few blacks in the colony would not solve the labor problem as long as a large number of servants continued to escape from service. Consequently the assembly passed a tougher fugitive servant law in the same session. This was the "ten for one" law. The preamble

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[13] Ibid., II., 147-48.

stated that the acts of 1650 and 1662 were "insufficient Satisfaccon for the reparacon of their Respective Masters ... damages susteyned by their servant running away from them." This law, which was unusually harsh, served not only to deter servants' escape, but also to bolster the labor supply. "Obviously the penalties of extra service were imposed principally for the enrichment of masters," said Abott Smith. "There can be no possible reason for the Maryland law with a punishment five times as severe as that of Virginia except that the planters of the colony more openly pursued their own advantage."[14] Court records reveal strong evidence that justices generally enforced the letter as well as the spirit of the law. Those servants recaptured after illegal absences of a year or more often forfeited an additional ten years of their lives. The act of 1666 provided:

> Any servant or servants whatsoever unlawfully absenting themselves from their said Masters, Mistress or overseers shall serve for every day 10. And be it further enacted by the Authority aforesaid that any Master, Dame or Overseer that shall entertaine any servant unlawfully absenting himself as aforesaid having being forewarned by the Master, Mistress or Overseer of said servant shall be fined for the first nite, 500 pounds of casked tobacco, for the second, 1000 and for every other 1500.

The law encouraged informers by giving them one-half of the fine imposed on those persons who illegally harbored fugitives.[15]

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[14]Abbot Smith, Colonists in Bondage (Chapel Hill, 1947), p. 270.

[15]Md. Arch., II., 146.

In 1666 the provincial court ordered Mathias Decasta to serve thirty months and twenty-four days for being illegally absent three months and eight days. In 1673 the court sentenced James Cade and Timothy Hammerston to an extra year of service for being absent thirty-six days. In most cases, justices turned deaf ears to pleas for clemency. For example, in 1670, William Head took his servant, Thomas Guinn, to court for illegally absenting himself for a total of thirty-four days. Guinn declared "that he had noe cause, but that he had over-soaked his corne to beat: and that he received no other abuse." The court ordered him to serve 340 additional days for his unlawful departure. In 1683 John Griffin sued his master for freedom after serving the stipulated seven years of his indenture. However, Griffin's master informed the court that Griffin had run away and absented himself thirty-seven days. The court duly ordered Griffin to serve 370 additional days before release.[16]

Considering the harshness of the fugitive servant law, those servants who were recaptured had done their masters a favor, because they would have to serve much longer, sometimes as long as the original indenture. Once a servant was retaken, his master probably had him watched more closely. And in many cases the court had habitual fugitives branded with an "R" to indicate their conviction for running away. Thus a servant's chance of making good his escape

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[16] Ibid., LVII., 127; LXV., 92, 297; LXX., 453.

was considerably reduced. The treaties with the Indians in the area also made successful escapes more difficult:

> In any case any servants or Slaves runn a way from their Masters and come to any of the Indian Townes within the Territories of and his subjects, they shall be bound to apprehend the said fugitives and bring them to the next English plantacon to be conveyed to their Masters. And in case any Indian aforesaid shall convey or assist any such fugitives in their flight out of this province that he shall make their respective Master or Misteris of such servants or slaves such satisfacon as an Englishman ought to do in like case.[17]

Indians who returned fugitives received a gun and a matchcoat. If the Indians illegally harbored or assisted fugitives, they were liable to the same punishment as whites. However, since few Indians could pay the huge fines imposed, they were most likely condemned to servitude. This further emphasizes the intention of planters and their legislative representatives to provide as many servants as possible. Maryland eventually took the unprecedented action of enslaving white persons.[18]

Notwithstanding the harshness of the 1666 fugitive servant law, for a time many servants managed to escape. Therefore in 1669 and 1671 the assembly strengthened the law, citing that previous laws did not "provide an Encouragement for Such Person or Persons,

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[17] Ibid., III., 372; XII., 269, 271.

[18] Ibid., II., 524-25. Included in the 1664 laws concerning slaves

Inhabitants within this Province as Shall Seize Such Runaway Servants." In other words, few people seemed willing to hazard their lives, or neglect their own business simply to capture another's servant; unless, of course the apprehender intended to use the fugitive for his own service. Therefore the assembly allowed rewards of 200 pounds of tobacco for persons who captured fugitives, to be paid by the fugitive's master.[19]

In order to prevent the escape of fugitive servants and criminals into "the Neighbour Collonies to the Northward," Maryland constructed a prison house in Baltimore County in 1669 "for the surety and Safe keeping of Runnawayes and ffugitives." Not only would Maryland imprison its own fugitives, but those from the northern colonies as well. All persons travelling beyond a ten mile radius had to secure a pass from the county court or risk seizure as runaways. Masters of servants from one of the northern colonies had to pay a reward of 400 pounds of tobacco, while Maryland masters paid only one-half as much. A freeman convicted of travelling without a pass

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was a provision against inter-racial marriages between black men and white women. The wives became slaves during their husband's lifetime. This problem will be discussed at length in the next chapter.

[19]Some fugitives threatened their captors with bodily harm if they attempted to take them. In 1657 Robert Chissick said "that when he did run away if his master or any one else should pursue him, he would give them warning to stand off, and if they would not he would kill them if he could." Md. Arch., X., 511-12; II., 146.

had to pay a fine of 200 pounds of tobacco, the money going to the informer. If the freeman could not pay the fine, the jailer could put him "to any Bodily Labor or worke within the said Prison for defraying the Charges of their dyett and ffees of Imprisonment."[20]

In 1674 the province enacted still another law to prevent servants and other fugitives from escaping the colony. This act prohibited "all masters of shipps or vessells or any other persons from Transporting or Conveying away any persons or persons out of this province without a pass." The law required all persons who desired to leave the province to give three months notice prior to their departure. The inhabitant listed his name at the provincial secretary's office for three months. If no one challenged his right to leave, the secretary issued a pass after payment of two shillings six pence. If any ship master transported servants outside the province without first seeing a pass, he was liable for all damages suffered by the servant's master. By 1676 Maryland had enacted so many laws concerning servants, the assembly had to codify them. Therefore the 1676 "Act Concerning servants" cited all the duties and obligations that each party owed the other, the penalties for misconduct by either party, and the rewards of service. In 1676, the assembly defined freedom dues as "a good Cloath suite, either of Kersey or broad Cloath, a shift of white Linnen to be new, one new paire of

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[20] Ibid., 224-25.

Shews & Stockens, two hoes, one axe & three barrels of Indian Corne."[21]

These laws stabilized the labor system to an extent, but it did not eliminate the many controversies between servants and their masters. Much court time was consumed by these types of disputes or such tedious chores as judging servants' ages. Because these disputes literally besieged the justices, the assembly restricted the right of servants to appear in court. They could not sue their masters, but merely petitioned for redress of grievances. The courts used discretion and sometimes turned away persons with legitimate complaints. This action seems contrary to the letter if not the spirit of the 1639 "Act for the Libertie of the People." However, Maryland officials always acted from the viewpoint of economic necessity. As a result, servants found it difficult to assert their rights. The courts seemed to apply one-sided standards and convicted servants simply on the master's word. Some servants probably received additional time based on false accusations. Thomas Windree, who petitioned for release from service in 1677, informed the court that he had been sold to Mark Cordea for a four year indenture which had now expired. He confessed to the court that he ran away and remained from home ten days and his master had given him twenty stripes as punishment. Despite Windree's penitent attitude, the court ordered

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[21] Ibid., 402-03, 525-29.

him to serve the additional 100 days which the law required and to pay his master 360 pounds of tobacco which he had spent to recover Windree.[22] Since Windree probably did not have 360 pounds of tobacco, he undoubtedly had to serve additional time in order to recompense his master.

In 1683, Mark Cordea appeared in court to answer charges brought by another servant, John Hough. Like Windree, Hough informed the court that his indenture had already expired, but his master refused to release him. He also confessed that he had illegally absented himself for ten days, but only because he "was constrained to by reason of his hard servitude ... otherwise your petitioner was in danger of his life what for want of food and badd usage." Hough prayed for clemency because of the extremity of his case. When Cordea testified, he informed the court that Hough was lying and that he had not been illegally absent ten days, but twenty-one. The court convicted Hough on the basis of this testimony and sentenced him to serve 210 additional days. The court acted similarly toward Thomas Kirk's petition in 1676. Kirk asked for mercy even though he ran away for six weeks. He also complained of mistreatment, but when his master testified that Kirk remained away for nine weeks, the justices predictably added ninety weeks to his indenture. In 1673

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[22] Ibid., LXVII., 227.

Walter Jefferys petitioned for release from service because his indenture had expired. He also asked the court to order payment of his freedom dues. His master informed the court that he had run away once, so Jefferys had to serve seven additional months before receiving his freedom and dues.[23]

These cases illustrate the deterioration of the concept that servants were freemen. The courts sympathized with masters who were therefore rather callous with their servants. Court records are replete with evidence of the wide advantages masters enjoyed over their servants. If servants ran away, they served additional time after being recaptured, or even if they returned voluntarily. However, if masters refused to release their servants or give them their freedom dues, the courts generally enforced those obligations, but imposed no other penalties. For example in 1673 Christopher Batson petitioned for release from service because his indenture had expired. The court ordered his release but with no penalty for the master. Planters held servants beyond their indenture during depression years, especially if the servants were black. In 1676 Thomas Hagleton, a Negro, petitioned for his freedom because he signed for only four years in England. His term ended a year earlier, but his master refused his release. The court ordered his master to free him and to give him his freedom dues. He received his freedom, but not the dues, and the master sued in <u>forma pauperis</u> claiming not to be worth

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[23]<u>Ibid.</u>, LXX., 455; LXVI., 313; LXV., 179

five pounds sterling.[24] Such leniency on the part of the courts led to fraudulent treatment or physical abuse of servants. For example, in 1682 Richard Clarke asked for his release from Robert Carville. He had served five years as the custom of the country required, but now his master refused to release him, claiming that Clarke owed him an additional year of service. Carville told the court that when he brought Clarke to the county court to have his age adjudged, the court determined that Clarke should serve six years. Somehow the clerk neglected to record six years. Notwithstanding the lack of concrete evidence, the court ordered Clarke to serve the additional year. However, the law stated that failure to have the indenture properly recorded would result in five year indentures. Carville could not plead innocence, because the law required the clerk to record the indenture in the presence of both parties.[25]

Sometimes planters refused to honor the terms of indentures made before servants arrived in Maryland. In 1676 two servants came into Maryland with four year indentures. Their first master sold them, but the new owner refused to acknowledge that indenture. He insisted on holding them as long as the custom of the country allowed for servants without indentures. The case went to court and the justices called in the original master. He testified in the servants' behalf and, although the court agreed that the indentures were for

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[24] Ibid., 95; LVII., 579; LXVI., 351.

[25] Ibid., LXX., 168.

four years only, it merely referred the servants to "the judgment of the commissioners of Somersett County."[26]

Sometimes free persons lost their freedom through fraud and chicanery. In 1677 James Disbarrow petitioned the court for release from illegal servitude. He first came to Maryland by agreement between his father and Charles Gasprit of London. The elder Disbarrow paid his son's transportation costs and agreed with Gasprit that James would assist Gasprit's son, a Maryland merchant. Instead, the ship master sold Disbarrow as a servant. Disbarrow successfully petitioned for a hearing and the court ordered the ship master to appear before departing the province. Regrettably, the records do not reveal the final disposition of the case, but it illustrated the problems encountered by servants and free persons, as those engaged in the servant trade used devious means to maintain a sufficient labor force.[27]

Since freedom was the exception to the rule of lifetime service for blacks, they found it difficult to maintain their liberty or assert their rights in a society increasingly hostile toward servants. Although the assembly never forbade importation of black indentured servants, those who came often did so at the risk of falling into perpetual slavery. Legally they retained most of the rights of freemen,

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[26] Ibid., LXVII.,26.

[27] Ibid.

but some persons attempted to deny them these rights. In 1688, Audrey Beale petitioned the king for the release of her brother:

> To the kings most Excellent Majestie:
> The humble petition of Audrey, wife of Captain Richard Beale one of your Majesty's Brigadiers Sheweth:
>
> That William Godwin of the age of 16 years, your petitioners brother designing to learne the art of navigation did about 2 years & half ago contract with Captain Joseph Eaton, Mariner to go with him upon a voyage to Mariland for a time if he liked the voyage, which was consented unto and agreed between them and the voyage being made, the said Captain Eaton after his arrivall in Mariland and the ship under saile for England did send his boat a shore to fetch the said William Godwin to him to one Captain Slyes in Maryland & immediately made sale of him as a Slave to one Thomas Gerard, Inhabitant of that place, as can be testified by one Peter Harris a Servant to Captain Slye of London, merchant ... Now forasmuch as your petitioner's brother is kept there in slavery contrary to the constitutions of your majestys government & in breach of faith and trust reposed in the said Eaton & that your petitioner knows no way to free him from thence, but by your majesty gracious favor and assistance ...

Audrey Beale's testimony was based on a report from a Negro, Thomas Harris. However, Captain challenged Harris's right to testify in court because "of his race, Christian conversion notwithstanding." Eaton informed the Privy Council that he had not sold Godwin as a slave, but that Godwin had voluntarily agreed to become a servant. Further, he insisted, Harris was lying even if his testimony was admissable. Harris, however, produced a letter from Godwin in the latter's own handwriting

describing his kidnapping and illegal servitude. The Privy Council accepted Harris's testimony and ordered Eaton to return Godwin to England at once. Although Harris was technically a freeman, Eaton denied his basic rights as an Englishman, particularly the right to testify.[28]

Maryland courts were not as receptive to servants' complaints as were the English courts. As J. Hall Pleasant observed, "the court, all the members of which doubtless had indentured servants on their plantation or in their households, seems to have felt that certain attorneys were responsible for unwarrantable suits for freedom brought against masters." Accordingly, in 1673, the justices ordered that "no person Act as Attorney for any Servant hereafter, But such as the Court shall apointe." While justices may not have shown outright bias against servants, they certainly sympathized with masters. Hence, not only did servants lose the <u>right</u> to sue for redress of grievances, but they did not even have discretion in selecting attorneys.[29]

Indentured servants continued to fight against their virtual enslavement, but they appeared to lose more than they gained. While the law gave legal recognition to their free status, they could exercise few of the basic rights of freemen. For example as Thomas Cobb points out, English common law recognized three absolute rights

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[28] <u>Ibid</u>., V., 421-24.

[29] <u>Ibid</u>., LX., xxxvii.

of freemen: private property holding, personal liberty, and personal security. No servant or slave could own property or engage in trade without his master's consent, thereby severely restricting that right. Servants could only travel when and where their masters permitted them to go, thereby restricting personal liberty. They had little security against the very persons they feared most, their masters. And the courts were generally unsympathetic toward them except in extreme cases. Understandably, many of them ran away, returned home, or left the colony when their indentures ended.[30]

Most of the problems between Maryland servants and planters during the last two decades of the seventeenth century had economic causes. Although the price of tobacco increased slightly in the late 1680's, soil exhaustion in many parts of the colony dislocated the economy. Avery O. Craven said that "tobacco yields were growing less as new lands failed and poorer or once used lands were planted." Accordingly, masters and overseers became concerned with getting the most "from both the soil and the laborers ... regardless of the future consequences." This arrangement did not produce a long range profit from either the soil or the laborer. Therefore by 1700, the quantity of tobacco produced per individual in Maryland had dropped by about one-half.[31] When land was no longer productive, planters

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[30]Thomas R. Cobb, An Inquiry into the Laws of Negro Slavery in the United States of America (Phila., 1858), p. 83.

[31]Avery O. Craven, Soil Exhaustion as a Factor in the History of Virginia and Maryland (Urbana, 1926), pp. 38, 65.

moved to new areas, but generally they used the same methods as before. This hardened attitude toward the land and laborers only heightened tension between servants and masters. Usually the servants were victims.

In 1679 Mary Baines complained to the provincial court of the ill treatment she often received from her master. Among other things, she alledged that he "will not allow her Cloathes to her back nor victualls to eate, nor a bed to lye on but Continually" beat and abused her. The court ordered her master to feed and clothe her properly and to treat her better in the future. Mary reappeared in court the following year and complained that she could not serve her master with the warrant, and that he continued to treat her as before. "He also beat one servant to death and threatened her with the same." The court discharged her from her master's service. This did not entitle her to freedom, however, as her master simply sold her to another planter and the court recognized the validity of the sale.[32]

In 1681 a servant petitioned the court to force his master to provide treatment of his sore leg, or else he "must inevitably Perish." He told the court that he often requested his master to "seeke some Remidy for him," but his "Master hath and still doth refuse to soe doe." The court ordered the master, William Harper, to procure "an able Chirurgin ... to cure him at his owne Proper cost."[33]

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[32] Md. Arch., LXIX., 413-14.

[33] Ibid., 169.

Another time the court had to order Elias Nuthall to immediately "Cloath his servant Jane Jones with sufficient apparrell according to the Lawes & customes of this Province." Harper refused to comply with the first order, so the justices ordered Henry Exon, the sheriff, to take the servant into his custody until Nuthall gave security to perform the order.[34]

As stated before, because justices rarely forced masters to pay fines for failing to perform their obligations, many persons regularly disregarded the rights of their servants. Old faces reappeared in court from time to time. In 1678, Mark Cordea appeared in court again because of a dispute involving another servant's indenture. Cordea assigned his servant, Elizabeth Cannee to his son-in-law, who in turn agreed to release her from service for remission of freedom dues. Cordea found out about the arrangement and threatened Elizabeth with the "ten for one" penalty for being absent illegally. Although Elizabeth Cannee was innocent of any wrong-doing, the court ordered her to complete her indenture with Cordea, after which she would be free. A year later, she had to return to court because Cordea refused to release her. This time the court ordered her immediate release.[35]

Because of the scarcity of laborers, many persons resorted to different devices to secure servants or to profit from the trade.

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[34] Ibid., 33.

[35] Ibid., LXIX., 124, 208.

In 1670, Augustine Harman, who was in charge of the prison house in Baltimore County, refused to return a fugitive servant to the rightful owner unless he received 1400 pounds of tobacco. The master had to secure a court order directing Harman to release the servant for the legal reward of 400 pounds of tobacco.[36] In 1675, James Hall and Rowland Soly, who came from New England, petitioned for release from illegal servitude. They had paid the ship master thirty shillings and had agreed to pay him an additional 500 pounds of tobacco. When they arrived in Maryland, however, the ship master sold them into service for five years. The court ordered the ship master to accept payment in tobacco and released them.[37]

Persons unable to pay their debts were often sold into servitude. In 1671 a servant petitioned the provincial council "for his share of his father's estate" in order that he might buy his freedom. This servant, the son of a gentleman had been sold into servitude in Virginia to pay his debts. The council ordered his brothers to send another servant to Virginia to take his place, "an evidence of the pressing demand for laborers."[38] When in 1666 Charles Vincent

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[36] Ibid., II., 581.

[37] Ibid., LXVI., 50.

[38] Ibid., III., 93-103; Philip A. Bruce, Economic History of Virginia in the Seventeenth Century (2 vols., New York, 1896), I., 574-75.

failed to pay Randall Revell "the Several Fees which were justly due to the said Revell," the Provincial court ordered Vincent to serve Revell for the "full time of one whole year."[39]

Women servants who had bastard children continued to create problems for all concerned. Masters had to bring such servants to court in order to determine responsibilities for the child's maintenance. This could cause legal problems if the master decided to sell the mother, because a new owner might be reluctant to take her and the child unless its father provided for it. Elizabeth Gibbs had been a servant in Virginia under a five year indenture. The Maryland law provided that servants from Virginia would serve only the term of their indentures, or the time they would have served if they remained in Virginia. Elizabeth's master sold her to a Maryland planter who agreed to free her after her term ended, but the planter insisted that her son, who was five when he came to Maryland, would have to serve until he became twenty-four. She petitioned for her son's release, because, she alleged, he had not been sold into service. Her former master testified that he had not sold the child, therefore the court ordered both of them released. Then the court fined the former master 2000 pounds of tobacco as compensation to the Maryland master for failing to inform him that the child was not for sale.[40]

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[39] Ibid., LVII., 579.

[40] Ibid., LXV., 475-76.

The lot of servants in late seventeenth-century Maryland was in many cases unbearable. However, a few people managed to live comfortably. "'Success' could no longer be visualized as a rise from small beginnings, as it once could, but must now be conceived as a matter of substantial initial investments in land, equipment and labor." Stanley Elkins said that the tobacco market for Virginia and Maryland had been restored in the 1680's, "though it is important to note that this was accompanied by no great rise in prices." They regained "the European market by flooding it with cheap tobacco and underselling competitors."[41]

In the face of declining tobacco prices, planters found it increasingly difficult to draw customary returns from bound labor. Masters had to pay the cost of transporting servants and a tax on all male servants over ten, provide freedom dues and rewards for runaways, in addition to the ordinary expenses of food and clothes. Understandably, planters continually tried to get more lifetime servants. The assembly passed acts "to encourage the importation of Negroes,"[42] but the Royal African Company continued to neglect the Chesapeake planters, who therefore still had to contend with a difficult situation.

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[41]Stanley Elkins, Slavery (Chicago, 1959), p. 46.

[42]Md. Arch., II, 272.

Between 1680 and 1700, many small farmers were forced out of competition as the large plantation became the rule. Tobacco continued to dominate the economy for the rest of the seventeenth century. By the end of the century, one source estimates that Virginia and Maryland exported more than twenty million pounds of tobacco annually, representing more than 75% of the commodities from the Chesapeake colonies. Most planters continued to devote their energies to tobacco cultivation, almost to the exclusion of other commodities. Robert Beverly said that Marylanders sheared their sheep to cool them, but threw away the fleeces. Consequently, when they wanted wool hats, they had to import them. In 1695, Governor Nicholson in a report to the Board of Trade on the economy, chided the inhabitants for failing to diversify, pointing out that they were "most reluctant to undertake manufacturing, and did so only when tobacco prices were low or imported supplies scarce."[43]

The problem of the one-crop economy increasingly demanded solution as the century ended. Tobacco planting created a dilemma for Maryland. Successful cultivation required exploitation of the land and labor force, but tobacco's preemption of the labor supply prevented the growth and maturity of other industries. Additionally, tobacco's labor requirements created conflicts. Initially white servants came to Maryland to help populate the colony. However,

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[43]Middleton, p. 157; Robert Beverly, History of Virginia, in Ibid., 159.

because the great demands of large-scale agriculture relegated these people to a status of servitude, not unlike slavery, many prospective migrants refused to come to Maryland. Unlike their British counterparts, Maryland servants could be bought and sold like slaves. Unlike slaves, however, they were considered people subject to many of the rights and responsibilities of freemen, including paying taxes and serving in the colonial militia.[44] Some persons recognized these contradictions; especially when migrations began falling off.

The problems that short-term servitude caused masters, courts, and society in general seemed to multiply rather than decrease. Each year the court dockets contained charges against runaways or petitions for release. Many believed that a large supply of Negro slaves would solve most of the problems, but because of the Royal African Company's lack of concern and its inefficiency, they could not get nearly as many Negroes as they needed. To be sure, they tried to send out private traders, but these faced heavy consequences if caught interloping in the Company's domain. Sometimes, however, officials looked the other way when private traders came in with slaves. Finally in 1698, after petitioning and memorializing Parliament against the monopoly, Maryland and the other planting

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44. Md. Arch., I., 43; II., 341.

colonies succeeded in having it revoked. Two years later, Governor Nicholson reported to the Board of Trade that "about four hundred & seventy odd Negroes, vizt 396 in one ship directly from Guiny, 50 from Virginy" came to Maryland that summer. That was, by far, the largest number of Negroes ever imported in one year. Thereafter Negroes began coming to Maryland in larger numbers each year.[45]

The harshness of Maryland servitude had adverse effects on the colony's ability to attract and keep white servants. Apparently, former servants who returned home gave gloomy reports on life as a servant in Maryland. The assembly passed laws to attract white servants. The Board of Trade expressed some concern over this problem and wrote Governor Nicholson, asking him what happened to the white servants after their time expired. Nicholson informed the Board that "the young English natives and servants goe either southward, or northward, for they are naturally ambitious of being landlords and not tenants." The governor explained that very little land remained in Maryland "except it be severall miles beyond any of the inhabitants."[46]

As long as Maryland continued its basic tobacco economy, many poorer persons could not afford to stay, because as Nicholson pointed out few people wanted to be tenants. Obviously, not everyone could

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[45] Ibid., XX., 117, 338; XIII., 498-99, XXV., 257; Kenneth G. Davies, The Royal African Company (London, 1957), pp. 133-36.

[46] Ibid., XXIII., 87-88.

be a planter, but they could do little else until the colony began to diversify its economy.

Maryland finally began to diversify its economy by the end of the seventeenth century, and the more "elaborate economy of the eighteenth century resulted in an increase in the number and variety of craftsmen and artisans." As a result, many indentured servants who came to Maryland in the eighteenth century experienced a different life from that of their predecessors.[47] Although Maryland enacted few formal changes in its policy, the status of the white indentured servant changed for the better. As more and more Negroes came, they bore the brunt of labor in the tobacco fields. Some former servants became overseers. Others became artisans, or small farmers producing cash crops of wheat, corn and oats. Some continued to work in the field side-by-side with blacks, but the white servants knew that their service would end one day, while blacks knew that theirs would continue for life.

Tobacco remained the leading staple, but it never regained complete hegemony over the colony's economy. Other industries became important especially as Maryland and Virginia developed an important trade with the West Indies. Because of the diversification program, Maryland exported large quantities of "wheat, corn, flour, pork, and lumber," and utilized its vast lumber reserves to create a shipbuilding

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[47]Middleton, p. 159.

industry. Shipbuilding, in turn, stimulated other ancillary industries such as naval stores. All of these opened up new areas for white servants.[48] And of course, more black servants replaced white servants in the fields, which allowed a corresponding number of whites to enter other endeavors. In a sense, white indentured servants, who had been relegated to a position which resembled slavery in many respects, climbed out of that enslavement on the back of black servants. White servants still worked hard, and were often the victims of mistreatment. However, they were considered in a different light because of the class beneath them. They were much desired as future inhabitants of the colony, because blacks began to solve the labor problem.

Just as the tobacco economy influenced servitude in seventeenth century Maryland, so would the eighteenth century's diversified economy influence servitude in that century. Labor diversified, and changed the economics of tobacco and short-term servitude. Tobacco cultivation continued on a large scale, but its rise or fall no longer created a "feast or famine" in the colony. Limited servitude continued for more than another century, but it never regained its importance of the formative years.

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[48] Ibid., 158.

CHAPTER FOUR

"Servants for Life"

Maryland's 1664 law "concerning Negroes and other slaves" only confirmed a policy that had evolved during the colony's first three decades.[1] It reflected the thinking of most inhabitants about the potential value of black laborers. Some planters had imported a few black servants over the years, but the assembly had never defined their legal status. Despite the absence of laws, few people apparently believed that blacks would ever be anything more than servants in a predominantly white society. Maryland acted slowly in defining the status of blacks, because the small number involved did not necessitate legislation. This delay, however, did not signify that white leaders were uncertain about policies to govern blacks. They knew how other Europeans had treated Africans over the years in the Western hemisphere and the success which others enjoyed as a result of African labor. From the very beginning, provincial officials encouraged importation of black servants. Although planters did not envision blacks completely supplanting white laborers, they eagerly

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[1]The term "Negro" will be used inter-changeably with "black" and "African." "Slaves" as used in this chapter refers not only to Negro slaves, but other slaves, including, Indians, mulattoes and whites.

accepted Africans whenever they were available.[2]

Unlike English and other white servants who came to Maryland because of attractive offers, most blacks who entered the colony came in bondage. Some first served in European countries or other American colonies, but the majority came directly from Africa.[3] According to seventeenth century sources, most of Maryland's blacks came from the west coast of Africa, at that time called Guinea. Many of the tribal groups along the coast were experienced agricultural workers and this ideally suited Maryland's needs.[4]

The African servants fitted into Maryland's colonization plans since they came with agricultural experience, which permitted planters to put them to work without too much instruction. Even if language differences caused some communication problems with Europeans and even among Africans, black servants' familiarity with Maryland's two principal crops of tobacco and corn minimized these difficulties.

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[2]Historians still disagree about the origin and causes of the enslavement of Africans by Europeans. Winthrop Jordan argues that slavery did not result from racial prejudice, nor was the reverse true, but rather they reinforced each other. Jordan says that legal enslavement in Maryland followed the social practice of the preceding decades. On the other hand, he suggests that the social practice resulted from an "unthinking decision" about the ultimate legal status of Negroes. [See Winthrop Jordan, White Over Black. (Chapel Hill, 1968), pp. 80-82.] However, to the contrary, Maryland planters certainly were not unconscious about the status of Negroes in terms of their length of service.

[3]No attempt will be made here to discuss the actual enslavement process in Africa. There are ample studies on this subject including eye-witnes accounts such as, Richard Jobson, The Golden Trade (London, 1623); the narratives of former West African slaves, reprinted in Philip Curtin, ed, Africa Remembered (Madison, 1968).

[4]Jobson said that tobacco grew extensively in the Gambia River

Additionally, seventeenth-century Maryland, a heavily wooded region with small rural settlements, resembled the forest zone of West Africa, and utilized similar farming techniques. In Maryland the familiar African hoe was the basic agricultural tool.[5] Africans had had much experience in forest clearing and preparing new grounds for cultivation. Moreover, those blacks, who did not have prior experience with tobacco could be trained in this type of cultivation as easily as whites, few of whom had ever worked with that crop in Europe. Acclimation along the North American coast appeared no more difficult for Africans than for Europeans; indeed, by the time Africans entered Maryland in large numbers, the European leaders had already learned what to expect and how to adapt to local conditions. Nothing stopped whites from putting Africans to work immediately.[6]

Little evidence exists to indicate the black man's initial response to his acculturation among whites or his adaptation to Maryland during the first years. Court records demonstrate that some blacks, primarily the few early Christian converts, who probably came to

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area, although the inhabitants did not cultivate as good a crop as Europeans. Cited in Leo Weiner, Africa and the Discovery of America (Philadelphia, 1922) 3 vols. II., 126-27. Weiner insists that Africans cultivated tobacco before contact with Europeans. See also Marvin P. Miracle, "The Introduction and Spread of Maize in Africa," Journal of African History, VI. (1965), 39-55.

5W.E.B. Du Bois, Black Folk, Then and Now. (New York, 1939), pp. 93-96. DuBois said that the West Coast Negroes were skilled forest clearers. Melville J. Herskovits said that the hoe was the primary agricultural tool used in Africa, the plow being nowhere known." The Myths of the Negro Past, New York 1941, P. 101.

6Most whites had difficulty adjusting to the New World climate

Maryland with contracts made in other places, quickly learned about legal rights and status, especially the difference between permanent and indentured servitude. Notwithstanding the free black population never amounted to a significant proportion of the total black population. Before 1664, several black servants initiated court cases to secure their freedom, but not always with success. Apparently, most black servants adjusted themselves to a life of servitude or tried to escape bondage by running away.[7] Upon arrival, they were entitled to the same legal protections as other servants according to the 1639 "act for the libertie of the people." This law afforded legal protections to all freemen, but even at this early date blacks suffered some racial discrimination because of racial prejudice.[8]

After it became obvious that short-term servitude was unprofitable for successful tobacco cultivation, many planters argued for longer terms of service for all servants. This economic pressure produced a dilemma: any significant increase in the length of service would jeopardize efforts to recruit white laborers in Europe. Even more important, English law barred longer terms or the perpetual servitude recommended by some planters. They could not enslave other white Christians, even

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and many died as a result. See Abbot Smith, Colonists in Bondage (Chapel Hill, 1947), p. 254; and Charles M. Andrews, The Colonial Period of American History (4 vols., New Haven, 1934-38), II., 297n2.

[7]The problems of adjustment will be discussed at length in Chapter 6.

[8]See pages 28-29.

if they were schismatics or heretics, because all religious doctrines of the time condemned that practice. Since most Christians claimed a right to enslave non-Christians, especially if they were also non-white, Marylanders could justify enslavement of these "heathens and infidels" as God's just punishment upon them. They could justify their actions by insisting that enslavement of the bodies of non-Christians was necessary in order to save their souls.

Blacks who entered the colony as Christians challenged this interpretation, because Christian doctrines made no racial distinctions. Racial prejudice, however, seemed to overrule logic, and few people questioned this contradiction. Some argued against freeing slaves after their conversion to Christianity because the early church included many slaves, and St. Paul had admonished slaves to serve their masters faithfully.[9] Others argued, since blacks differed from whites in many respects, that this necessitated some means of keeping the two groups from becoming mixed. They also pointed to the profitability of lifetime servitude compared to short-term indentures.

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[9]See Jeffrey R. Brackett, The Negro in Maryland (Baltimore, 1889), pp. 31-32; In the first epistle to the Corinthinians, (7:20-22) Paul admonished, "Let every man abide in the same calling wherein he was called. Art thou called being a servant? are not for it; but if thou mayest be made free, use it rather. For he that is called in the Lord being a servant is the Lord's freeman." In Philemon, (v.16) Paul returns a runaway, Onesimus, to his master, Philemon, after the servant's conversion to Christianity. However, Paul advised the master to receive his servant, "not now as a servant, but above a servant, a brother beloved."

By 1664, permanent servitude for blacks had already become the accepted,though unwritten rule. Prior to that time, the assembly had recognized this distinction by forcing whites who ran away with Negroes to serve extended bondage not only for the time they illegally absented themselves, but also for the time their black accomplices remained away, since blacks in permanent bondage could never make up the time.[10] Actually the 1664 declaratory act only affirmed a long standing practice of holding most Negroes in perpetual servitude.

The Maryland lifetime servant was similar to the English villein. Although villeinage no longer existed in England at this time, some persons were probably familiar with Sir Thomas Smith's discussion of it. Smith, Attorney-General under Edward VI and Elizabeth I, described the two types of villeinage which existed in England prior to the sixteenth century:

> They were either...bought for money, taken in warre, left by succession, or purchased by some other kind of lawful acquisition, or else borne of their bond women.... All of those kinde of bondmen be called in our lawe villaines in grosse; as would say immediately bond to the person and his heires. Another they had...were not bond to the person, but to the manor or place and did follow him who had the mannors and in our law are called villaines regardantes, for because they be as members, or belonging to the place....

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[10]See pages 63-65.

> Neither of the one sort nor of the other haue wee any number in England. And of the first I never knew any in the Realme in my time: of the second so few there be, that it is not almost worth the speaking, but our lawe doth acknowledge them.

The Maryland lifetime servant resembled the villein in grosse in that he was bound to the person of his master and was liable for sale with or without the plantation on which he lived. The black servant, like the villein, passed on his status of bondage to his descendants.[11]

The 1664 law did not solve all the colony's labor problems, nor did it resolve the questions regarding the legal status of mulattoes and free blacks. To an extent, this law created some of the problems that arose later in the century. By declaring that manumission did not follow baptism and conversion to Christianity, the assembly assumed that planters would willingly allow their slaves' conversion. To the contrary, most planters made little or no effort to bring about this change despite official pronouncements favoring it.

The assembly framed the law to eliminate questions about the legal status of blacks, but it was only a qualified success. One of the many problems which remained, and to some extent resulted from this law, was that of determining the legal status of children born

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[11]Sir Thomas Smith, The Commonwealth of England (London, 1594), pp. 136-37.

of black and white parents. The assembly originally affirmed English common law by assigning children their father's status. At first glance, this traditional approach would have to be reversed in order to insure racial control and the fixed status of black labor. After all, one might suspect that most interracial unions involved white men and black women. However, this was not the case, as there were only a relatively small number of black women in the colony at this time. Du Bois cautioned:

> The first fact which students of slavery must remember is the great disproportion among the sexes in the imported slaves. The first demand of the plantations was able-bodied male field hands. It has been shown from unquestionable authority, that one-third only were females.[12]

Du Bois further suggested that not until after the close of the foreign slave trade did the ratio between male and female slaves become approximately equal.

Although white officials frowned on interracial unions, the close interaction between servants and slaves made this process almost inevitable. Additionally, since servants and slaves generally received the same treatment during service, they probably had fewer racial prejudices toward each other and formed a commonalty. Therefore white women occasionally married black men. However, there was also a higher proportion of white men to white women in the colony, which

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[12]W. E. B. Du Bois, The Negro Family in Atlanta University Publications (Atlanta, 1898-1910), No. 13, p. 18.

perhaps added to the white leaders' desire to keep their women from intermarrying with blacks. This probably underscored the motivations behind the punitive section that the officials attached to the 1664 law:

> Forasmuch as divers free-born English women forgetful of their free condition and to the disgrace of our nation do inter-marry with Negro slaves, by which also divers suits may arise, touching the issue of such women, and a great damage doth befall the masters of such negroes, for prevention whereof, for deterring such free-born women from shameful matches, be it further enacted by the authority aforesaid, that whatsoever, free-born women shall inter-marry with any slave, from and after the last day of this present assembly shall serve the master of such slave during the life of her husband, and that all the issues of such free-born women, so married shall be slaves as their fathers were.[13]

This law had an opposite effect and clearly demonstrates the sometimes conflicting motivations of economic gain and racial antagonisms of the white leadership. Although the lawmakers stated that they acted to avoid racial disgrace and complicated legal disputes about the status of children born of such marriages, the harshness of the penalties show that they framed the punishment to help relieve the colony's shortage of agricultural laborers. Instead of simply outlawing such marriages, the assembly provided for the virtual

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[13]The Maryland Archives (70 vols., Baltimore, 1883-), II., 529. Hereafter cited as Md. Arch.

enslavement of free women. This violated the English common law tradition, since a free woman lost her liberty without the semblance of a trial. It made no provision for indictments, nor trials by jury. Instead the guilty woman and her children summarily became slaves. And of course there was the danger that a planter might refuse to release her after her husband's death, particularly if she was still in the prime of life. Thus Maryland tolerated such marriages, but with heavy consequences. Ironically, this law did not apply to bastard children born of mixed parentage. The only sanctions imposed were the ordinary penalties enacted for those women who had bastards.[14]

Undoubtedly, the assembly assumed that such harsh penalties would deter most free white women from marrying Negroes. They were wrong: this type of marriage increased despite the law, and in some cases, because of the connivance by the very masters who helped pass it. Because of the constant shortage of laborers and also because lifetime servants brought greater returns on their costs, some unscrupulous masters used this law to entrap white women into slavery. Some masters purposely married free white female servants to male slaves, thereby enslaving the women as well as their children. This law only applied to children born of the interracial marriage. Since a slave could not refuse to marry if ordered to do so by his master, planters could arrange these matches by influencing the women to marry

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[14]See pages 60 - 61.

black men. Procurement of white women for black husbands resulted from the penalties utilized to prevent such marriages, but which provided positive advantages to the masters. As a result, therefore, the assembly had to change some provisions of the law within a few years.[15]

By 1681, these marriages had increased enough to warrant further legislative attention, and the assembly decided to take stronger actions to prevent them. The assembly acted partly in response to the Proprietor's personal wishes. In 1681, Charles Calvert, third Lord Baltimore, came to Maryland to govern in person. He brought over an Irish servant, commonly called Irish Nell. Baltimore sold her to a local planter before his return to England. "Following the customs of other masters who held white women as servants," the planter "soon married her to a Negro named Butler to produce slaves." Upon a subsequent return, and learning about Nell's fate, Baltimore used his influence to have the punitive section of the 1664 law repealed.[16]

The assembly expressed its indignation over the misconduct of some masters. Once again it condemned these marriages as disgraceful "not only of the English butt of many other Christian nations as well." While recognizing that some women married slaves for "the satisfaction

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[15] Md. Arch. VII., 177; See also Carter G. Woodson, "The Beginning of the Miscegenation of the Whites and Blacks," Journal of Negro History, III. (1918), 340.

[16] Ibid.; Maryland Reports, Being a Series of the Most Important

of theire lascivious and lustful desires," the officials also knew that some planters had tricked some of their servants into marrying slaves because of the economic incentive provided by the penalties of the original law. All such future marriages would be null and void. And if masters gave permission to a white female servant to marry a slave, she would be "absolutely discharged, manumitted and made free instantly upon her inter-marrying such Negro." Additionally her children born of this marriage would be free, and the master, mistress, or overseer who consented to the match, together with the clergyman or magistrate who married them, would each be fined 10,000 pounds of tobacco. This act became effective after the end of the assembly session. It did not alter the status of those women and their slave husbands who married prior to its effective date. It did, however, provide for freedom of the children (born and unborn) of these marriages at age thirty-one. From that time forward, it would not be in a planter's interest to promote such marriages, because he would lose the service of the women as well as the future service of their children.[17] But the 1664 law had created many free mulattoes and white slaves, even if the latter's bondage was contingent on the life of their husbands.

Cases Argued and Determined in the Provincial Courts and the Court of Appeals of the Province of Maryland, From the Year 1700 Down to the American Revolution, Thomas Harris, Jr. and John M'Henry, eds. 4 vols. (New York, 1809), I., 376.

[17] Md. Arch., VII., 202-05.

Several important eighteenth-century court cases resulted from the laws of 1664 and 1681. Two involved direct descendants of Irish Nell. Since she married prior to the assembly's repeal of the first law, she was still liable to its penalties. While the records are missing, Nell apparently remained in bondage for the rest of her life. In 1770, in Butler v. Boarman, William and Mary Butler petitioned for freedom from Richard Boarman, claiming that they were the grandchildren of a free white woman, Eleanor Butler, who had married a Negro slave. Since the assembly later repealed the law and provided for freedom at age thirty-one for children born of marriages between white women and Negro slaves, they should be released from service. The county court agreed and ordered them released, but their master appealed to the Court of Appeals.

The Appeals Court reversed the lower court's decision because the 1681 law only repealed, not invalidated, the earlier one, hence the provisions of the 1664 law remained valid until 1681. Consequently, the court ordered the petitioners returned to their master, and the Butlers remained in service.[18]

In 1787, in Butler v. Craig, Mary Butler, daughter of the original petitioners, renewed the family's efforts for freedom. She asked the court for a release from her master, Adam Craig. This

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[18]Ibid., 371-72.

time the petitioner attacked the constitutionality of the 1664 law. Since her great-grandmother had been a free English subject, she was entitled "to all the privileges of an English subject in an equal degree with any other English subject." If she was guilty of a crime, she was "subject to no punishment before conviction in some mode, and she was entitled to the common law mode of trial by jury, as no other mode was prescribed." Mary Butler argued that there was no proof that her ancestor remained in bondage after marriage and in the absence of such proof, she and her descendants should be considered free. Hearsay evidence or tradition was not sufficient to convict for any crime. "The law makes the marriage a crime. The marriage is a fact, and every fact must be proved before a Jury, unless some other mode is prescribed by positive law." However, since the statute created no special trial procedure for the offence, it must be tried by the rules of common law.

Adam Craig countered that it was unnecessary to "convict women for the crime. The precedent would be the laws of England regarding villainy." When a free woman married a villein, Craig continued, "she and her children born of this marriage become villains and the master had the right to them immediately." As for the rights of such free-born women, the assembly considered them forfeited. "It considered women, who so debased themselves as to marry Negroes to be no better than negroes, and they deserve less favour."

In her summary, Mary Butler pointed out that there were neither laws of nature nor British laws against such marriages, only the laws

of the assembly. Charles I specifically required Lord Baltimore and his heirs to approve only those laws which conformed to the laws of England. However, even if the assembly had a legal right to prohibit such marriages, this law was clearly unconstitutional because it provided no means for conviction. Further the law was cruel and unjust in that the woman served only during her husband's lifetime, while her children, "wholly innocent," served for life.

The county court again ruled in favor of the petitioner and ordered her release, but again the owner appealed. This time, however, the Appeals Court affirmed the lower court's ruling and Mary Butler became a free woman.[19]

These cases illustrate the confusion which resulted from legislative attempts to define the legal status of mulattoes. In a sense, mulattoes were marginal men, neither black nor white. The assembly excluded them from the county register of vital records. For a time there existed confusion concerning the legal status of mulatto children born after 1681, but whose parents married before repeal of the 1664 law. Women who married slaves prior to 1681 still served as long as their husbands lived. For example in 1692, Mary Peters petitioned the governor, "sitting forth that through the illusion and instigation of her late master and mistress, she had married with a Christian Negro, was drawn into slavery." Already she had served eight years "more

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[19] Ibid., II., 215-36.

than the time she came in for," so she asked for her manumission. The governor "referred the case to another time in order to peruse the law in that case made relating to Negroes whether she can have any benefit thereby." The records do not indicate the final disposition of the case, but unless the governor pardoned her, or she proved that she married after repeal of the earlier law, and her master held her illegally, she had no legal basis for manumission until her husband died.[20]

In 1692, an assembly member explained the lower house's position on the enslavement of whites, suggesting some differences between black and white slavery:

> As to the word 'slavery' ... they do not use it in the act, but oblige all white women that shall marry to Negroe men to be servants during the life of the man whom they marry although it may haply amount to slavery in effect, yet it is not the same in terminus and may prove otherwise, so that the law of England is not repugned.[21]

In effect this member admitted that whites could be enslaved, but in different degrees from blacks. For example, if a white woman outlived her slave husband, she regained her freedom. However, even here,

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[20]Md. Arch., XIII., 323. Since the minimum indenture required of female servants was four years, and she indicated that she had already served eight years longer than required, she would ordinarily have been released in 1684. Therefore, her indenture probably began no later than 1680, so conceivably she married prior to the law's repeal.

[21]Ibid., 306-07.

it might prove advantageous to planters to free them, because the woman's subsistence possibly cost more than she recompensed her master. On the other hand, if a slave outlived his white wife, then she died a slave. She did enjoy one important advantage over her slave husband in that she did not transmit her slave status to children born of subsequent marriages with freemen. Even her children fathered by a slave husband served no longer than thirty-one years. Admittedly this was much longer than any indentured servant worked, but it was not for a lifetime, nor did they transmit their slave status to children born after they became thirty-one. If however a mulatto married a slave prior to reaching thirty-one, the children born of this marriage remained in bondage, even if the mulatto became a freeman.

Although mulatto children from these marriages provided the colony with additional servants for a longer period of time, the 1664 and 1681 laws failed to eliminate the problems of determining legal status created by their presence. Both laws also failed to include penalties against all interracial unions. The assembly had made no provisions against marriages between black women and white men, nor were there penalties against those men who begat mulatto bastards. Since bastard children followed their mother's status, mulattoes born of white mothers and black fathers were not slaves, even if the father was a slave. On the other hand mulattoes born of white fathers and black mothers were slaves if the mothers were slaves. This practice was reinforced by the

English doctrine, partus sequitur ventrem, which entitled the master to the "fruit of the womb" of his slave.[22]

English tradition offered diverse approaches. Bracton had earlier pronounced that "the bastard follows the mother, the legitimate child follows the father; and there is one exception, in this way, that the legitimate child of a free man and a niefe born in villainage takes after the mother." However, Littleton took the position that all bastards should be free regardless of the mother's status. Maryland seemed to follow Bracton, and hence some mulatto bastards escaped slavery and servitude, while some legitimate mulattoes could not. Of course some masters used their own discretion and held mulatto bastards of free women as slaves.[23]

In order to clarify this situation, the assembly enacted laws for determining the status of mulatto bastards as well as legitimate mulatto children. Under provisions of the 1692 "Act concerning Negro slaves," any white woman, servant or free, who married or had bastard children by a Negro, slave or free, would serve seven years for the benefit of the county in which she resided. If the woman was a servant, she first had to complete her indenture, after which her master turned her over

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[22]Thomas R.R. Cobb, An Inquiry into the Laws of Negro Slavery in the United States of America (Philadelphia, 1858), p. 71.

[23]Ibid.; and Paul Vinogradoff, Villainage in England (Oxford, 1892), p. 60.

to the county officials. Unlike the 1681 law which freed servants immediately, the law now required them to serve seven years. If the woman's black husband was a freeman, he became a slave for the remainder of his life and in effect the marriage was voided. Whereas the 1681 law declared that mulatto children born of such marriages would be free at birth, the law now compelled them to serve until they reached thirty-one. The assembly explained the difference in length of service for negroes and mulattoes, as "reasonable to make a distinction between them and Negroes, and not to equalize them to point of service."[24]

The assembly also made a distinction between the "crime" of fornication and the "abomination" of interracial marriage. From 1692 on, white women who had bastards by free Negroes served seven years, and the Negro served the same term. But if they married, the law declared the marriage null and void, imposed seven years of service on the woman and lifetime servitude on her husband. Hence a Negro received a lesser punishment for fathering a mulatto child out of wedlock than if he married a white woman. This law provided equal punishment for white men who had bastards by black women.

Despite these amendments, problems concerning the status of mulattoes increased, and the assembly had to pass several declaratory laws in order to clarify the situation. For example, in 1692, it provided for the

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[24] Md. Arch., XIII., 306-07.

inclusion of mulattoes born of white women in its vital records. As Winthrop Jordan observed, Maryland created a legally distinct group. "This group was sometimes treated legally as white and sometimes as Negro, a procedure which seems to have been followed only about through the 1730's".[25]

If mulattoes suffered from ambivalence about their legal status, the free Negro suffered even more. His free existence was the second major contradiction in a society which recognized most black inhabitants as slaves. Thus he was challenged as a runaway more often than white servants, and to some extent he had fewer chances of making a living unless he owned his land. Surprisingly few laws made distinctions between free Negroes and free whites. In fact, the only legal distinction between them was the racial designation for Negroes. For example, in 1670, the Somerset Court clerk indicated that "John Johnson, Negro" came to court to record his brand for his hogs.[26] Although the records are not clear, it seems initially that the officials defined most social matters by status, particularly as long as most of the inhabitants were English. The absence of racial distinctions in the early law seem to attest to this. For example the assembly usually included all Negroes, free and slave, under one heading, since most Negroes were slaves. It is difficult to determine the assembly's initial

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[25]Winthrop D. Jordan, "American Chiaroscuro: The Status and Definition of Mulattoes in the British Colonies," William and Mary Quarterly, XIX. (1962), 183-84n2.

[26]Md. Arch., LIV., 757.

attitude toward free Negroes, whether it recognized them as peers of other freemen in the society. Possibly the small number of free blacks in the colony throughout most of the seventeenth century did not warrant special legislation. Certainly, however, near the end of the century, racial prejudices became evident as manifested in the double-standard imposed on free black men who married or had bastards with white women. Earlier absences of racially designated legislation cannot be considered positive proof that no major racial distinctions existed between free blacks and free whites. For example, in 1678, when the assembly excluded Negroes and mulattoes from the register of vital records, there is no proof that it only applied to black and mulatto slaves, and exempted free mulattoes and blacks from its coverage. Again some confusion exists about the 1681 "act for ordering and regulating the militia" which specifically exempted Negroes and mulattoes from military service. Either this represented a change in policy or was an oversight since the 1678 law did not include these exceptions. Possibly the assembly had already formed the practice of using the term "slave" inter-changeably with "Negro" and "mulatto" except when it referred only to free Negroes and mulattoes.

Obviously there were good reasons for excluding slaves from the militia. First, if a slave became injured or died in battle, the compensation for his loss cost the province more than any remuneration for a freeman or even an indentured servant. Actually some masters preferred to pay the small fine imposed instead of allowing their white

servants to participate in militia training. Second, as Benjamin Quarles observed, giving a slave military training "might arouse notions of revolt."[27] The 1639 military defense law required military service from all freemen and able bodied servants.

Whether slave or free, Negroes in Maryland suffered from racial prejudice near the end of the seventeenth century. The distaste with which whites viewed interracial marriages attested to this attitude. The justices continued to apply penalties against those persons who violated the laws against intermarriage or illicit sexual intercourse. In 1692, the governor received a petition from the planter who complained that his daughter had "had too much familiarity and commerce with a certain Negro who was supposed by him to have a child." The planter expressed sorrow over this affair, but felt that the county officials unjustly fined him "6000 pounds of tobacco, the like president was never known of before." He asked for remission for part, if not all, of the unreasonable fine. Actually, the court could have sentenced his daughter to seven years of servitude, so this may have indicated its leniency. The governor postponed consideration of the

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[27] Ibid., VII., 190-91; 53-60; I., 412-13. Philip Bruce said that during the Anglo-Dutch war in 1673, Governor Berkeley only permitted servants whose terms were about to expire to join the militia. II., 200. See also Benjamin Quarles, "The Colonial Militia and Negro Manpower," Mississippi Valley Historical Review, XLV. (1959), 634.

petition, but the records do not indicate the final disposition of the case.[28]

The third major contradiction in Maryland's attempts to develop a slave system was evidenced in the continual controversy about the status of Negro slaves after their conversion to Christianity. The assembly attributed the reluctance of planters to import Negroes to the confusion concerning their status after baptism. Sir Thomas Smith earlier stated that conversion did not change the status of servants or villeins. Said he, "although all persons bee brethren by Baptism in Jesus Christ, and therefore may appeare equally free, yet ... as the baptisme did finde, so it did leave them." Smith concluded that baptism "changeth not civill lawes ... which bee not contrarie to God's lawes."[29]

To help resolve this impasse in Maryland, the assembly in 1671 passed a declaratory amendment to the 1664 act:

> An Act for the Encourageing the Importaton of Negroes and Slaves into this Province
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> Whereas several of the good people of this Province have been discouraged to import into or purchase within this Province any such Negroes or Slaves have to the great displeasure of Almighty God and to the prejudice of the Soules of those poore people Neglected to instruct them in the Christian faith or to Endure to permitt them to Receive the holy Sacrament of Baptisme for the Remission of their Sinns upon the mistake and ungrounded apprehension that by becomeing Christians they and their issue of their

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[28] Md. Arch., VII., 352.

[29] Sir Thomas Smith, pp. 263-64.

> bodies are actually manumitted and made free and discharged from their servitude and bondage. Bee itt declared ... that where any Negro or Negroes, slave or slaves being in servitude or bondage, is are or shall become Christian or Christians and hath received ... the Holy Sacrament of Baptisme, before or after their Importation into this Province ... the same is not, nor shall or ought ... be adjudged, construed or taken to be or amount unto a manumission.[30]

Apparently, the assembly's action was an attempt to promote conversion among slaves. Since planters continually complained of the need for additional laborers, it is unlikely that they refused to purchase black servants when the opportunity arose, especially since some planters often held white servants beyond their time, and even entrapped some into slavery. Those who favored conversion believed that Christianity made slaves better and more profitable laborers. A small minority, like the Quaker leader, George Fox, who visited Maryland in 1671, admonished planters to "train their Negroes in the fear of God and to free them after a certain number of years."[31] But this did not result in any significant increase in the number of slaves converting to Christianity. Therefore the assembly passed additional acts to encourage importation.[32] However, the number which came in remained

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[30] Md. Arch., II., 272.

[31] Thomas Drake, Quakers and Slavery in America (New Haven, 1950) p. 6.

[32] Md. Arch., XIII., 505-06.

small, not because of the reluctance of planters to import Negroes, but rather the continual neglect by the Royal African Company to provide the colony with a regular supply of slaves.

The relatively few slaves in the colony at the end of the seventeenth century were valued highly as planters began to recognize that African slaves provided the best answer to their needs. By that time only a few of the major legal contradictions of slave status remained. The assembly had corrected most of the confusions caused by the 1664 law, and subsequent actions by the legislators concentrated on laws to protect the owners' investments in their human property.

Laws of inheritance of this property were among the first passed. If minors became heirs to estates including slaves, the executor could not sell them until he disposed of every other salable item; and if the administrator used them for his personal use, the law required him to reimburse the heir upon his majority.[33]

This slow evolution of the labor system into black servitude certainly brought complications for the planters and confusion in the colony's courts, but the real pain and burden fell hardest on individual black men and women who suffered its consequences. Perhaps the most tragic victims were those for whom earlier rights and hopes of freedom

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[33] Ibid., II., 327-28.

were dashed by the changing laws and mores of the colony.

Not surprisingly the courts became unsympathetic to pleas by black servants for release from service because of indentures they had allegedly made before the rigidity of slavery set in. In 1679, Charles Cabe petitioned the court for release from his master, Captain Cornwallis. Cabe informed the court that he first came to Maryland in 1656 with the understanding that he would serve only twenty-one years. His master denied that he ever promised to release him, but bought him in England for life at the cost of ₤ 25. One of Cornwallis's former servants testified that he had never heard his master promise to release Cabe, although he had often heard Cabe indicate such himself. This servant, Joshua Doyne, told the court that he had heard a seaman, who came to Maryland on the same ship that brought Cabe, say that he had been sold for only twenty-one years. Ann Hilton testified that she also came over on the ship with Cabe and Cornwallis; but she did not know the terms of their agreement, if any. She informed the Court that this occurred twenty-three years ago and now because of "old age and lameness of body," she could not make a personal court appearance. A third witness testified that she at no time heard Cornwallis promise to release Cabe. The justices denied Cabe's petition and pronounced him a slave for life. In a similar case, Edward English claimed that his late master promised to free him after five years of faithful service. His master had had him baptized and taught him to read the Gospel. The justices, apparently not too impressed, ordered the commissioners

of Baltimore County to "take the petition into their consideration, and doe therein as to Justice appertaineth with due regard to the Orphan to whom the Petitioner of right belongeth."[34]

By the last decade of the seventeenth century, Maryland had already enacted a body of laws dealing with lifetime servants, even though the total number was relatively small. It developed its slave institution during the same period in which Virginia developed its own, but with some major differences. Whereas, Maryland assigned children their father's status in most cases,[35] Virginia in 1662 declared that children followed their mother's status. Apparently, Virginia officials attempted to keep all mulattoes born of black women and white fathers in slavery. Since most of these children were bastards, they followed their mother's status, as of course Bracton suggested they should.[36] It appears that Virginia, with a larger population than Maryland had a greater number of mulattoes to deal with at an earlier date. And probably most interracial unions involved white men and black women. Virginia did not prohibit interracial marriages until 1691.[37]

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[34] Ibid., LXIX., 122; XVII., 96.

[35] See pages 108-09.

[36] William W. Hening, ed., The Statutes at Large; being a Collection of all the Laws of Virginia (13 vols., Jamestown, 1969), II., 170.

[37] In 1671 Francis Stripes had to pay "Leaves and tythes for his wife (she being a negro)." Lower Norfolk County Order Book, 1665-1675, fol. 73.

In that same year it provided punishments for white women who had mulatto bastards by black men but this was only a fine of 1500 pounds of tobacco, or five years of servitude. The assembly later changed the fine to ₤ 10. It seems obvious that Maryland officials provided harsher punishments for deterrence as well as a means of supplying the colony with more laborers. On the other hand, Virginia did not experience the chronic labor shortage that Marylanders faced, possibly as a result of assigning children their mother's status. Since all children followed their mother's status, the children of female indentured servants presumably followed their mothers into service for the same number of years.[38]

The two colonies differed in their approach to keeping vital records. Maryland excluded Negroes, Indians and mulattoes born of black women from its vital records. However, Virginia required the registration of all births and deaths, slave or free, under penalty of a 200 pound tobacco fine for not complying. Both colonies levied taxes on slaves and adult males for the support of the parish churches, and presumably Virginia officials felt that a detailed registration would provide more adequate information in assessments, than one which only lumped all Negroes and mulattoes born of black women together.[39]

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[38]Gerald M. West, The Status of the Negro in Virginia During the Colonial Period (New York, 1889), pp. 26-27.

[39]Hening, III., 447; IV., 43-44; Md. Arch., VII., 190-91.

Because of Virginia'a larger black population, it considered the presence of a large free black population a social menace. Accordingly, the legislature prohibited manumission of any slaves under penalty of a £ 10 fine, unless the master provided for deportation of a slave within six months after manumission. On the other hand, Maryland did not prohibit manumission until 1752.[40]

As long as blacks remained scarce, they were considered basically as other servants, although they served for life. To be sure, some discrimination existed, but most of the laws relating to servants also dealt with Negroes and other slaves. Near the end of the seventeenth century, the black servant's lot worsened as that of the white servant changed for the better. As larger numbers of black servants became available for field labor, the need for white servants in the fields, correspondingly lessened. Maryland continued to promote the colony as a place for whites to make a new start, but many of the new migrants found employment in other areas. During the last decade of the seventeenth century, Maryland began transforming its "servants for life" into chattel slaves. Thereafter, all black men, slave and free, lost status and slavery began to take on its racial character of the eighte-nth and nineteenth centuries.

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[40]Ibid., L., 78; Hening, III., 86.

CHAPTER FIVE

The Transformation from Servants to Slaves

Initially Maryland's "servants for life" differed from indentured servants in only a few respects. Both received basically the same treatment during service. Most lifetime servants were Africans, [1] while most indentured servants were Englishmen. They worked side by side in the fields, ate the same types of food, and suffered similar restrictions in travel. The most important difference, however, was their length of service. After the indentured servant completed his service, he began a new life as a freeman, but his black counterpart's term never ended. Although the prevailing customs considered both of them members of the planter's family, as time passed the lifetime servant became less a member of the family, and more a chattel property. No matter how hard or how long the indentured servant toiled, he could look forward to a better life after he fulfilled his obligations. In this sense, he began an upward social movement. If he were lucky, he might become a successful planter and acquire a few slaves and servants himself.

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[1] "Slave" as used in this chapter refers to Negro, Indian, mulatto and white slaves. The assembly used "Negro" and "slave" almost interchangeably. I will observe this practice, except when specifically referring to free Negroes, or other slaves.

While social mobility probably never existed on as large a scale as formerly imagined, at least a new freeman had the chance to make a start. Without this freedom, however, Maryland laborers had little hope of advancement. For example, as years passed, the lifetime servant lost economic value and social status. As he became older and his capacity to work decreased, his master provided him with smaller amounts of food and clothing.[2] To an extent, the Maryland lifetime servant's term never ended, not even at the grave, because, unlike his British counterpart, he passed on his unfortunate status to his children.

By the end of the seventeenth century, Maryland's lifetime servant had become a chattel slave. Therefore the term, "servant for life" was now a misnomer, because these persons were not lifetime servants within the traditional meaning of the term. Some Marylanders probably had a few lifetime servants, but most of the so-called "servants for life" were little more than property or livestock. The traditional British lifetime servant was a domestic worker who served by agreement. Even if he served the same master his entire life, theoretically he remained a freeman and could leave his master if he wished. Blackstone described these persons as intra moenia, those belonging to the master's family. However, a contract governed their relationship. "If the hiring be general, without any particular time limit the law construes it to be a hiring for a year." Blackstone stated that upon the principle of natural equity, the servant should serve and the "master maintain him,

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[2]Not only did some masters provide smaller amounts of food and clothing to aged or infirmed slaves, but in some instances, planters

throughout all the revolutions of the respective seasons as well when there is work to be done, as when there is not." The contract "may be made for any larger or smaller term." Obviously the British servant had wide advantages over the Marylander. For example, the latter had no control over the length of his service. Possibly some members of a particular British family served one household for generations, but at least they did so voluntarily. The arrangement between British masters and servants was personal and non-transferable. And although masters held considerable authority over their household servants, such authority was far from absolute. Generally, the Britisher worked in the house, could acquire property of his own, and had the right to travel on his days off.[3] The Marylander worked in the fields and could not even acquire money to purchase his freedom because his increase belonged to his master. He performed a service that became for the most part "not personal, but labor which made crops and crops which sold widely in unknown places and in the end provided vaster personal services than previous laborers could...give." These laborers worked

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"freed them, which relieved the planters of further responsibilities. Of course someone too old or infirmed to work had little chance of surviving, especially if black. In 1714, the assembly stated that masters could not abandon such persons because "its reasonable they that have had their labour should maintain them." The Maryland Archives, (70 vols. Baltimore, 1883-), XXIX., 146. Hereafter cited Md. Arch.

[3]Sir William Blackstone, Commentaries on the Laws of England (4 books, London, 1765), pp. 424-25.

not simply to provide sufficiencies for their masters, but profits:

> This then was not mere labor but capitalized labor; labor transmitted to goods and back to services; and the slaves were not laborers of the older sort but a kind of capital goods; and capital whether in labor or in goods, in men or crops, was impersonal, inhuman and a dumb means to mighty ends.[4]

Because Maryland's lifetime servant toiled perpetually, this contributed directly to his transformation from a servant to a slave, valued only for his capital worth. Since he, as well as his children, always remained slaves, in a sense they lost some human qualities and took on the character of property.[5] They possessed no rights, but exercised only those privileges which their masters or the law granted. Admittedly, this debasement never became so absolute that many people seriously considered Negroes simply another type of animal. However, even limited debasement was a major factor in the transformation.[6]

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[4]William E.B. DuBois, Black Folk, Then and Now (New York, 1939), p. 126.

[5]Since slaves were human "goods," they were subject to provisions of the Navigations acts. For example, in 1693, the customs officer charged William Burnett with violations of the act requiring 3/4 English crews on vessels transporting goods to and from the colonies. Burnett argued that "Negroes are not goods nor commodities intended by the said statutes." The court, however, ruled against him. See Elizabeth Donnan, Documents Illustrative of the History of the Slave Trade to America (4 vols., Washington, D.C., 1930-35), IV., 12-13. In 1700, a pirate, Henry King, plundered vessels belonging to the Royal African Company. The Board of Trade ordered his arrest. After King entered Maryland, officials charged him with selling "goods" belonging to the Company. Md. Arch., XX., 460, 462, 464-65, 624, 629.

[6]See Winthrop D. Jordan, White Over Black (Chapel Hill, 1968),

Each generation of slaves after 1664 had fewer privileges than the previous one. Negroes could not serve in the militia, carry guns without permission, or meet with their fellows outside the presence of whites.[7] The law afforded some legal protections, but many planters felt that they had a right to do what they pleased with their own slaves. This transformation, unplanned and perhaps unforeseen, was the culmination of the evolution of Maryland servitude in the seventeenth century.

The evolution of racial slavery paralleled the debasement of white servitude during the last half of the century. Several forces combined to create these changes in servitude: the decline in white migration, impact of the dynastic wars between 1690 and 1715, diversification in the economy, and the increased availability of Africans. During the half century after 1664, legislative and judicial decisions, together with changing attitudes toward blacks, interacted to create the institution of racial slavery which endured for another century and a half.

One of the major factors which contributed to debasement of Negroes was the decline in white servant migration from the mother country. As long as whites predominated, they shouldered most of the labor needs. However, this source began to decline after 1670. The post Civil War and Restoration Settlement removed some of the causes

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pp. 71-82; and his "Modern Tensions and the Origins of American Slavery," Journal of Southern History, XXVIII., No. 1 (1962), 18-30.

[7] Md. Arch., V., 547; XXVI., 261.

for migrating, and because of England's rise as an industrial and maritime power, poorer persons could now find employment at home. Instead of migrating to America to face an uncertain fate, many preferred to stay home. Other prospective migrants, such as skilled artisans, encountered difficulty from governmental officials because of the need for such persons to work in expanding home industries. During this period, British officials encouraged migration only of convicts and political prisoners.[8] Some prospective migrants probably hesitated because of adverse reports about life in Maryland. In the 1670's and 1680's when tobacco prices were generally low, some planters abused and overworked their servants. Perhaps former servants, who returned home disillusioned by their own experiences, warned others of the consequences of migrating. Sometimes Europeans reported their findings on American life. In some cases they purposely distorted actual conditions, but their reports gained acceptance because they were allegedly eye witness accounts. For example in 1679, a group of Labadists who visited Maryland denounced the province for its cruelty to servants. Although this report remained unpublished for more than two centuries, perhaps oral distortions and other "findings" contributed to the reluctance of some servants to migrate. According to the Labadists Maryland masters

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[8]For a discussion of the decline of white servant migration after the Restoration, see Abbot Smith, Colonists in Bondage (Chapel Hill, 1947), p. 336; Lewis Gray and Esther K. Thompson, History of Agriculture in the Southern United States to 1860 (2 vols., Washington, D.C., 1933), I., 348; and Jacob M. Price, "The Economic Growth of the Chesa-

lived in luxury from the labor of servants, who often suffered from overwork, abuse and neglect:

> For their usual food the servants have nothing but maise bread to eat and water to drink which sometimes is not very good and scarcely enough for life, they are compelled to work hard... and thus they are by hundreds of thousands compelled to spend their lives here and in Virginia and elsewhere planting that vile tobacco, which all vanishes into smöke, and is for the most part miserably abused.[9]

Supposedly the Labadists reported finding servants, who after working all day in the fields, had to grind corn for supper. In one case, they allegedly found a servant deathly ill from overwork. His master, instead of attending to his needs, refused to treat the servant because he expected him to die shortly. Since this servant lost his usefulness, his master could not "afford" to lose time on him. Accordingly, this cruel master forced the poor servant to "dig his own grave in which he was laid a few days afterwards, the others being too busy to dig." While Maryland's servitude was harsh during this period, this report grossly exaggerated the case. These visitors possibly found one or two extreme cases, but suggested that this was the normal situation. They made ridiculous charges, such as hundreds of thousands of servants working in Maryland and Virginia. In 1679, the total population (free and unfree) of the two colonies was

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peake and the European Market, 1697-1775," Journal of Economic History XXIV., No. 4 (1964), 497.

[9]Bartlett B. James and J. Franklin Jameson, eds., Journal of Jasper Danckaerts, 1679-1680 (New York, 1913), pp. 111-12; and Eugene I. McCormac, White Servitude in Maryland (Baltimore, 1904), pp. 73-74.

considerably less than one hundred thousand.[10] Except during the first few years, Maryland's servant population never equalled that of the freemen.[11] In many cases, masters worked along side of their servants, ate the same type of food, and in general enjoyed few luxuries. Few planters owned more than several servants. Unfortunately, many apparently believed these reports and even governmental officials expressed concern over the welfare of servants in the New World. As a result the British government began to take more interest in the servant trade.[12]

Although migration lessened after the Restoration, the decline became critical during King William's War because many young men who might have gone to America had to serve in the army or navy. Others who desired to go could not always find space aboard ship. Because the navy required many of the available ships, few private vessels were available. Even if the few ships had sufficient crews, they still faced the possibility of encountering hostile navies and pirates. As a result, merchants had to travel under protection of naval convoys. These infrequent visits seriously dislocated colonial

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[10] In 1715, Maryland and Virginia had a combined population of less than 115,000. John A. Scharf, History of Maryland from the Earliest Period to the Present Day (Baltimore, 1878), p. 30.

[11] Smith, p. 336.

[12] Md. Arch., V., 126; XXIII., 352; XXIX., 393.

trade. Not only did colonies find it difficult to secure vessels to transport their produce, but the reduced schedule also meant that fewer servants came in. As Wesley F. Craven observed, "the sea quickly became the main theater of operations seriously affecting the fortunes of the English colonies. The planters of Virginia and Maryland suffered the most grievous of the losses sustained at sea."[13]

Declining migration from the mother country forced provincials to take positive steps to attract white servants. The lawmakers passed laws which favored white Protestant servants over others. Whereas they formerly punished all servants equally, officials now provided lesser punishments for whites than for blacks and other slaves committing the same crime. In 1696, the legislators gave white servants the right to sue their masters in county courts. Heretofore, servants only petitioned for redress of grievances.[14] While the assembly almost continually increased imposts on Negroes and Irish Catholic servants, in 1704, it completely repealed imposts on white Protestants. In that same year, it amended the fugitive servant law with modifications favoring whites. The 1676 servant code provided imprisonment for all persons travelling without passes. The jailer could hold them indefinitely until they paid the fine, or worked long enough to pay

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[13]Wesley F. Craven, The Colonies in Transition (New York, 1968), pp. 248-49.

[14]Md. Arch., XXXVIII., 118.

for their incarceration. However, the 1704 amendment restricted to six months the time that servants could be held. In the same session, the lawmakers prohibited Negroes and other slaves from carrying "gunns or other offensive weapons," but they placed no restrictions on whites. An amendment to the fugitive servant law in 1695 authorized white servants to seize Negroes and mulattoes as runaways; however, the latter could not apprehend any runaway. Therefore, white servants now collected rewards for apprehending Negroes or mulattoes, and if a servant informed officials that the runaways carried offensive weapons without permission, then the servant received the confiscated weapons as another reward.[15]

Although the assembly made white servitude less burdensome than it had been, it was still far from ideal. Servants came to Maryland to work and their masters still required a hard day's work. However, compared to black servants, white servants generally enjoyed a tolerable life. Most of the laws which the assembly passed to attract white servants discriminated against Irish Catholics. The imposts on Irish were almost as high as those on slaves, and were basically prohibitive. The preamble to the law indicated its purpose, "to prevent too great a number of Irish Papists being Imported into this Province." In 1706, the lower house approved a bill "for restrayning Papists from purchasing Protestant or reputed Protestant servants." The Council rejected the bill, but it indicated the intense sentiment against the

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[15] Ibid., 48-49, 141, 198-99; XXVI., 261.

presence of a large number of Catholics within the province, even though there was a shortage of white laborers.[16] By 1708, the Negro population exceeded the white servant population by more than one thousand, and thereafter the number of white servants remained smaller than that of the blacks.[17] The relative position of white servants vis a vis slaves indicated the presence of a dichotomy in Maryland servitude between short term indentures and racial hereditary slavery.

The dichotomy in servitude which appeared around the turn of the century resulted partly from the increased availability of Negroes from Africa at the same time that white servant migrations declined. Contrary to popular belief, few of Maryland's Negroes imported in the seventeenth century underwent "seasoning in the Islands," prior to coming to Maryland. White it is impossible to determine the total number imported and the place of origin, it appears that much of the total population near the end of the century resulted from natural increase.[18] In the 1690's Africans became more available, primarily

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[16]Maryland was not alone in its fear of plots by Irish servants. In 1698, South Carolina offered bounties for importation of white servants, except Irish Catholics. Mary Cochran, "History of Restriction of American Immigration." Unpublished Ph.d. dissertation, (University of Chicago, 1930) p. 13; Md. Arch., XXII., 497; XXVI., 539, 590.

[17]In 1708 Governor Seymour indicated that the slave population was 4,657 while the servant population was only 3,003. Ibid., XXV., 258.

[18]In 1698, Governor Nicholson estimated the total Negro population at about 3,000. According to him, most of the foreign slaves came from Africa. Ibid., XXIII., 498-99. A decade later Governor

because of the war and the end of the Royal African Company's monopoly. Before the outbreak of war, and especially during the reigns of Charles II and James II, the navy provided protection against interlopers. After the "Glorious Revolution," however, the Company fell under suspicion because of its close association with King James. Subsequently it became vulnerable to attacks from its enemies who succeeded in having the monopoly revoked.[19] During the war because of the navy's preoccupation with foreign enemies and protecting convoys, private traders trespassed in the Company's domain. For example, in 1694, Richard Hill applied for permission from Maryland officials to go directly to Guinea to pick up slaves. The governor refused to give Hill permission because Guinea lay within the Company's territory. Hill, nevertheless, in defiance of the law sailed to Africa where he picked up several hundred slaves. He returned to Maryland the following year, despite this clear violation, and the customs officials allowed him to clear port. After 1698, when parliament opened the trade to everyone, slaves entered Maryland in larger numbers than ever before. Between 1697 and 1703 alone, planters imported more than fifteen hundred slaves.[20]

Saymour reported that more than two thousand slaves came into the colony since 1698, and except for 126 from Barbodos, the rest came directly from Africa. Ibid., XXV., 258-59.

[19]Kenneth G. Davis, The Royal African Company (London, 1957), pp. 130-33.

[20]Md. Arch., XX., 117, 338; XXV., 259.

Despite its adverse impact on transportation, King William's War brought some benefits to the Chesapeake colonies. Naval warfare restricted travel and the transport of colonial goods. After European merchants used up their surplus of tobacco, prices increased slightly. While planters had to wait longer than usual before shipping their crops, once in England, they fetched higher prices. In anticipation of an expanded post war market. Chesapeake planters invested in more land and servants. After the war ended in 1697, both Maryland's and Virginia's economies boomed. In Maryland, this resulted partly from its diversification program as well as its successful efforts to flood the market with cheap tobacco.[21] Planters invested heavily in slaves. These investments left the planters indebted because the price of slaves did not decrease very much even though they were now more readily available. Private traders sold men slaves for about thirty pounds sterling and women cost about four pounds less.[22] Although the Royal African Company lost its monopoly, parliament required private traders to pay a ten per cent surcharge to the Company. Of course the traders passed on the extra cost to the planters.[23] On the other hand, shrewd traders often eluded customs officials, or they failed to declare the correct number of slaves imported.[24] As

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[21]Craven, pp. 293-94.

[22]Md. Arch., XXV., 256.

[23]Davis, pp. 134-36.

[24]Md. Arch., XXVII., 240-41.

long as there was peace on the seas, planters had a chance of reaping return on their sizable investments. With the outbreak of Queen Anne's War in 1702, the boom ended, because ships again had difficulty crossing the ocean.[25]

Few people doubted the financial advantages that perpetual slavery offered compared to short term servitude. There were, however, some risks involved in the former system. The cost of buying, equipping and subsisting an adult slave over a lifetime was considerable. Additionally, "the old, the inform and the infant" required "care, clothing and food, without remunerating labor."[26] Since slaves served for life, they became in a sense things and not people. They had little or no value outside of their ability to labor or to produce more laborers. Although they returned profits on the initial investments in them, if they lived long enough they reached a stage where they ceased to be useful, but their continual maintenance increased the planter's expenses. Governmental levies, added to the purchase price and maintenance costs, created additional expenses for planters. From a modest impost of ten shillings per poll levied in 1695, the assembly steadily increased it to more than two pounds sterling about twenty years later. The taxes fell on the traders, but once they paid them, they passed on the extra cost to the buyers.

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[25]Craven, pp. 293-94.

[26]Thomas R. Cobb, An Inquiry into the Laws of Negro Slavery in the United States (Philadelphia, 1858), p. xcvii.

Masters also had to pay tithes on all slaves over ten. Probably a young teen-ager could not produce as large an amount of tobacco as an adult, but the master had to pay the same amount of tithes for both, as well as for all women slaves. If a slave died before sale, the trader could claim an exemption from the impost. On the other hand, if a slave died shortly after purchase, the owner took a loss on his investment.[27] Generally, it took a planter several years to recover the purchase price alone. The average slave did not produce enough corn or tobacco to equal his purchase price in any one year. In 1702 the assembly informed the Board of Trade that the average adult laborer produced about two thousand pounds of tobacco annually. The price of tobacco never rose much above one and one-half pence per pound after the first few years. Therefore most slaves probably produced tobacco crops worth no more than about fifteen pounds sterling per year.[28] However, while the slave's labor was of limited value, his person represented potential wealth. For example a slave who cost thirty pounds sterling probably fetched a good price if sold later. Hence he represented a valuable part of the estate. Like a fine horse or prize bull of limited utility, the black man now represented more than the means of acquiring wealth; now he constituted

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[27] Md. Arch., XIX., 193, 363; XXIX., 497; XXXVIII., 198-99.

[28] Ibid., XXIV., 257.

part of that wealth.

The assembly passed laws which recognized the master's property rights over his slaves. Slaves could not "keep pigs, hogs, or any other sort of swine" unless for the master's use. Since he was property, the county kept no records of his birth, marriage, or death. Although the law provided some protections against abuse, slaves found it difficult generally to contact officials even if they knew they had a right to do so. Since some planters showed little concern over the physical welfare of white servants, it is not surprising that they were callous toward their slaves. While it was the master's advantage to protect his investment in the person of the slave, sometimes he acted without foresight and considered only the present. Some purposely fed them only as much as necessary to keep them alive and well enough to work. In practice the slave had little or no recourse against harsh treatment, despite the laws against it.[29]

There was an inherent contradiction in chattel slavery. If the slave was mere "property" to be used at the owner's discretion, in effect masters denied that he had a human existence which distinguished him from other animals. If on the other hand, slaves were people with certain rights that even masters had to recognize, then society had to reconcile these human rights with the master's property rights. Apparently, the assembly assumed that Christianity would constrain masters from abusing their slaves and common sense would force them

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[29] Ibid., II., 75. See pages 84-86.

to protect their investments by proper care and treatment. Since some planters did not always act like Christians, slaves suffered at the hands of brutal masters.

In 1696, Ann Smith was tried and convicted of murdering a Negro boy. The court sentenced her to death, but because "she became exceeding penitent and sorry and may be deemed a fit object of mercy," King William granted her a reprieve. Since slaves were relegated to a sub-human status, some whites felt that they could maim or kill them with impunity. Apparently, whites seldom if ever, received the death penalty for killing a slave. In 1714 Queen Anne's government expressed concern:

> Her Majesty has commanded me ... to recommend to you the passing of an act for the restrayning of any inhumane severeties which may be used by ill masters or overseers toward their Christians servants and slaves; and that provision may be made therein that the willful killing of Indians and Negroes may be punished with death.[30]

When a slave committed a minor crime, his master chastised him. Usually this meant corporal punishment, since there was little else that masters could do. In exceptional cases, planters sold troublesome slaves. Masters could not punish slaves in the same manner that they punished servants, that is by fines and extensions of service. Therefore masters or overseers resorted to physical punishments. A slave could not have his time extended like an indentured servant,

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[30] Md. Arch., XX., 460-61.

nor could he pay fines, but his master could whip him excessively, and often did. This type of punishment that slaves received further illustrated his debasement. For example, the law required servants convicted of stealing their master's goods, "to pay four times the value," or to serve additional time if they did not have the money.[31] If a slave stole from his master or someone else, the master had no option but to whip the slave. In 1703 an Indian accused a Negro slave of breaking and entering his cabin. The Indian demanded sixty-nine dressed deer skins as compensation, but settled in court for sixty. The court ordered the master to pay the Indian and "to punish the Negroe by whipping otherwise in case of refusal he is to commit the Negroe to gaol to be prosecuted in the Provincial court for that offense." If the court convicted the Negro, the master would lose his services. Therefore, he had little choice but to punish the slave.[32] Sometimes ill-tempered masters beat slaves for little or no cause and unless provincial officials stepped in, a slave could suffer continual grief.

In some unusual cases, officials had to act despite their policy of allowing masters wide latitude in chastising servants and slaves. In 1692, when a planter cropped the ears of a mulatto maid, the legislators condemned this barbarous act and freed the maid immediately.

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[31] Ibid., XXVI., 261

[32] Ibid., XXV., 150-51.

As a result of this brutal act, the assembly passed a law designed to prevent future recurrences:

> Whereas some masters mistresses and overseers have barbarously dismembered and cauterized their slaves not only to the scandal of Christiantiy, but by such cruelties keep them from embracing the same be it enacted ... that if any master mistress or overseer with the privity consent or procurement of such master ..., shall after this act dismember or cauterize any such slaves, it shall be lawful for the justices of the county court upon proof thereof to manumit and set free such slave to all intents and purposes whatsoever.[33]

Officials took action in unusual cases, but generally the master's authority was all but absolute. The punishment against whites who committed serious crimes against slaves were relatively mild. Whereas, masters knew that murder of a white servant would probably result in a stiff penalty, they had no fear of similar punishments for killing Negroes.[34] Undoubtedly, many assembly members owned slaves and were reluctant to do anything which infringed the master's control over his own property. Because of this attitude, the officials often took a "hands-off" policy. For the most part, the government limited its role to protecting property rights in slaves rather than human rights of servants.

If Negroes committed capital crimes involving whites, it meant almost certain death. Sometimes the accused remained in jail a long

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[33] Ibid., XIII., 290, 457.

[34] Ibid., XXV., 177.

time before trial. This cost the owner the slave's service, and even if the court found the slave not guilty, the owner had to pay the cost of incarceration. If the province subsequently convicted and executed the slave, the owner suffered a monetary loss. In 1712, the assembly proposed a bill to reimburse owners for loss of a slave's services and to allow county courts to try capital cases involving slaves. Theretofore, county courts could not try capital cases, but in order to prevent masters from suffering financial losses, the lawmakers proposed almost summary justice for slaves, but with appropriate compensation to masters.[35] As the black population increased, the assembly passed even more laws to control slaves.

Growth of the black population was a mixed blessing. Since Negroes supplanted whites in the fields, the colony how had a more reliable agricultural labor supply. During the decade after parliament opened the slave trade to private traders, Africans came in large numbers each year. On the other hand, the rapid increase of blacks also caused concern for internal security. During time of war, the inhabitants lived in fear of insurrection, or conspiracy with the enemy. During Queen Anne's War, rumors developed of a conspiracy among slaves, Indians and Irish servants. In 1710, the governor of neighboring Virginia best expressed this concern:

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[35] Ibid., XXIX., 160-61.

> I would willingly whisper to you the Strength of Your Country and the State of Your Militia; Which on the foot it Now Stands is so imaginary A Defense, That we Cannot too Cautiously Concel it from our Neighbors and our Slaves, nor too Earnestly Pray that Neither The Lust of Dominion, nor the Desire of freedom May Stir those people to any Attempts The Latter Sort (I mean our Negro's) by their Dayly Encrease Seem to be The Most Dangerous; And the Tryals of Last Aprill Court may shew that we are not to Depend on Either their Stupidity, or that Babel of Languages among 'em; freedom Wears a Cap which Can Without a Tongue, Call Togather all Those who Long to shake of the fetters of Slavery and as Such an Insurrection would surely be attented with Most Dreadfull Consequences so I Think we Cannot be too Early in providing Against it, both by putting our Selves in a better posture of Defence and by Making a Law to prevent the Consultations of Those Negros.[36]

Although Maryland's slave population was always smaller than Virginia's, both colonies provided laws to restrain large assemblies of Negroes in order to prevent conspiracies. In 1694, the Maryland assembly passed a law "to restrain all Negroes from wandering about on Sundayes and to keep them from prophaning the Sabath day in making of Rendevouze with their drummes and publick danceing as is usuall with them." Some officials believed that they could better control their slaves after converting them to Christianity. Beginning with the 1671 act to encourage importation, the assembly insisted that conversion had no effect on the slave's legal status.[37] By the turn

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[36]Jordan, White Over Black, p. 111.

[37]Md. Arch., XIX., 36; II., 272.

of the century, few persons argued actively for manumission of Christian slaves, except perhaps some Quakers. In fact, many believed that baptism and conversion were undesirable for slaves. To some people, converting a slave somehow implied that he was more than simply property, and would thereby elevate his status. Even clergymen shirked from the responsibility of converting the "heathens." This was not a problem unique to Maryland, as many American colonists believed that slaves should not receive instructions or baptism. Nevertheless, some dedicated persons made sincere efforts to convert slaves and Indians. In 1680, Morgan Godwin answered those planters who objected. He said: "tis certain that there are some thousands of them, who understand English, no worse than our own people. Let them begin with those." He chided ministers for making Negroes and Indians exceptions to Christ's universal church. "Who made you ministers of the Gospel to the White people only, and not to the Tawneds and Blacks also?"[38]

Despite the work of persons like Godwin, and the Quaker leader George Fox, conversion proceded at a slow pace, as many continued to object to it. In 1699, King William expressed his displeasure at reports that planters hindered and obstructed "their Negroes tho baptized from coming to church." He urged the governor and council to "find out the best means to facilitate and encourage the conversion

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[38]Morgan Godwin, A Supplement to the Negro's and the Indian's Advocate (London, 1681), p. 9.

of negroes and Indians to the Christian Religion." In 1696, the Bishop of London sent Dr. Thomas Bray to Maryland "to do what he could toward the conversion of adult Negroes and the education of their children." Bray received financial support from M. D'Alone, the King's private secretary.[39]

When Maryland established the Anglican church, the assembly stipulated that each Anglican parish church would receive forty pounds of tobacco from each tithable annually. Since all slaves ten and over were tithables, this law obliged masters to pay it whether or not they allowed the slaves to receive instructions. Some objected to the policy of instructing and baptizing "infidels." When one minister insisted on baptizing a group of slaves, the planters became furious. "We'll pay you the tobacco, being obliged by law, that is forty pounds of tobacco for every negro, but we will never hear you more." They objected because the minister "baptized several negroes, who being infidels, ought not to have been administered to." Many ministers probably feared their parishioners and refused to minister to Negroes and Indians.[40]

The rapid influx of Negroes from Africa also contributed to the slow pace of conversion. Some missionaries reported that they

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[39]Md. Arch., XXV., 57; XXII., 373; and C.E. Pierre "The Work of the Society for the Propagation of the Gospel in Foreign Parts Among the Negroes of the Colonies," Journal of Negro History, I, No. 4 (1916), 353-54.

[40]Edward D. Neill, Terra Marie: The Maryland Colony (Washington,

baptized many Negroes born in America, "but for Negroes imported, the gross barbarity and rudeness of their manners, the variety and strangeness of their language, and the weakness and shallowness of their minds rendered it" very difficult, if not impossible. This attitude suited the theories which held that Negroes were inferior beings except in laboring with their hands.[41]

Dr. Bray and his associates failed to achieve the degree of success that they originally envisioned, but they persuaded some masters to bring up their slaves as Christians. In 1714, Reverend Samuel Skippon of St. Ann's Church in Annapolis reported that "many Negro slaves, after instruction from their masters and himself, presented themselves for baptism." Skippon urged others to instruct their slaves and "to allow them liberty to attend Divine service: and other-means of instructions." As a result of Skippon's ministry, "several have been baptized and two are communicants." Reverend Jonathan Cay of Christ Church in Calvert County reported similar success.[42]

By 1715, few questioned the right of slaves to receive instructions. Most felt that this was a matter for masters to decide. Apparently, a large number believed that it was neither necessary

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D.C., 1867), p. 46.

[41]G. R. Wilson, "The Religion of the American Negro Slave," Journal of Negro History, VIII, No. 1 (1923), 44.

[42]Edgar L. Pennington, "Thomas Bray and Associates," Proceedings

nor desirable to convert them. Therefore, after the first years of the eighteenth century, except for periodic pronouncements by the assembly or the Crown, few considered conversion an important public issue. Instead, those masters who wished to do so instructed their own slaves. Some swore that Christianity made better laborers of the slaves, while others believed that it made them haughty, but in any case it was now a private matter.[43]

By 1715, Maryland had enacted most of the major provisions of its slave code. Thereafter the assembly periodically renewed certain acts, made amendments to close loop holes, such as in fugitive servant laws.[44] This body of laws applied mainly to Negroes, but there were a few slaves of other races, including Indians, mulattoes, and whites, held legally or illegally. The inhabitants continued to buy and enslave a few Indians. Although this never became a large or reliable source, there were always a few Indian slaves. Most Indian enslavement probably resulted from captives taken in war. Some questioned the status of Indians bought as servants from outside the colony. The assembly ruled that such persons should serve for life, if they were sold as slaves.[45] Indians never constituted a

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of the American Antiquarian Society. At the Annual Meeting Held in Worcester, October 19, 1938, 48, Part 2, 313.

[43]Jordan, White Over Black, pp. 180-81.

[44]Md. Arch., XXXIII., 112; L., 78.

[45]Ibid., XXVI., 190, 383.

large part of the total slave population, and the assembly generally included them with "other slaves." There was no racial break down on slaves, but in most cases "slaves" was used interchangeably with "Negroes."

Provincial officials continued their efforts to prevent the growth of the mulatto population, particularly those of white mothers. Despite the laws against intermarriage between white women and black men, some couples managed to marry. In 1708 a white female servant showed unusual ingenuity in marrying a Negro slave. According to the official report, Elizabeth Clouds used deception and "got her banns published, by the name of an Egyptian woman to a Negro man." Reverend James Colebatch married them in the presence of Elizabeth's master, who failed to recognize her, since she "coloured her skin much like to a molattoe." The lower house of the assembly referred the matter to one of its committees for consideration at the next session.[46] This case indicated that ineffectiveness of previous laws relating to interracial marriages and fornication and adultery between blacks and whites. In 1715, the assembly again restated an earlier position: "the issue or children of white women by negroes are to be servants until they arrive to thirty-one years of age, the mother to be a servant for seven years, to be adjudged by the court." The law was silent on who would determine when the

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[46] Ibid., XXVII., 318.

mulatto child's service ended; and how it would end. Presumably the court kept records, but within thirty-one years, it might prove difficult to gain freedom, particularly if all the principals in the case died during the interim. If the mulatto's master died or sold him to another owner, this probably complicated matters even more. For example if the master refused to release him upon his thirty-first birthday, or if the first master neglected or refused to record his birth, he might remain a slave for the rest of his life. And if he had children, they became slaves also.

In 1794 Nathaniel Allen, a mulatto slave, petitioned the Anne Arundel Court for release from illegal servitude. He claimed that his master, Richard Higgins, illegally held him as a slave. Allen claimed that he was the grandson of a free Scotch women, Hannah Allen. After Hannah had a daughter by a Negro, the court sentenced her to seven years of servitude. Her daughter, also named Hannah, continued in servitude beyond thirty-one years, contrary to law. Since the law clearly stipulated that the children of such marriages should serve only thirty-one years, then Hannah, as well as her descendants, should be free. Allen argued further that "to make a person be in a state of servitude, there must be an express law; for liberty is not to be taken away by mere construction." The evidence showed that he was a descendant of a white women "and therefore he must be free," because if he had been the descendant of a Negro female, he would have

been a slave. He insisted that the 1715 act only included the white woman and her children who were to serve until they became thirty-one:

> In the eye of reason, the crime of the white woman is greater than that of her mulatto child, and if any difference of punishment, the white woman should undergo the greatest, but none of her descendants but the immediate issue are to serve; why then ought the descendants of the mulatto be in a worse situation?

Richard Higgins countered that the 1664 law, and not the 1715 one, determined Allen's status. Since the latter law only covered the children born of Negro fathers and white mothers, it did not apply, because petitioner's mother was a mulatto. In other words, although the law entitled his mother to freedom after she became thirty-one, her children became slaves because of their Negro paternity. Unlike their mother who claimed freedom because her mother was white, the latter could not make this claim, because neighter the 1664 nor the 1715 law applied to mulatto women. The county court refused to accept this line of reasoning and ruled in Allen's favor, because he descended from a legally free mother, even if illegally held in slavery. Unfortunately, his victory was short-lived because Higgins appealed to the Court of Appeals, which reversed the decision in 1798.[47]

The black population continued to grow each year. Despite the problems Queen Anne's War caused shippers, traders continued to bring in slaves. By 1715, the slave population exceeded nine thousand,

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[47] Higgins v. Allen (1794), Harris and M'Henry Reports. III., 504-10.

more than double what it had been seven years earlier.[48] The assembly showed increasing concern about the possibility of slave revolts and conspiracies. It expressed some hostility toward the presence of free blacks, who were presumably sympathetic to the plight of their enslaved brothers. Free blacks seemed a contradiction in a society which proscribed black skins. They and mulattoes, while nominally free, had few rights which whites were bound to respect. In fact, the assembly restricted their rights, so much so that they were free only in name. In 1715 Major Hawkins and John Salter proposed:

> a law for preventing any Negroes or Molattoes being set free by their masters or owners either in their lifetime or at their death which has been found very prejudicial to all neighborhoods where such negroes so inhabit and that a fine of 12 pounds be imposed on such persons who shall manumit their slaves in their life time and that the Executors or Administrators of all such persons who by their wills or otherwise at the time of their death set any of their slaves free shall pay the like sum to the use of the Free-Schools and that such Negroes or slaves so manumitted shall immediately become slaves to the use of the Free Schools of this Province.

The lower house rejected the proposal because "we think it is hard to restrain any master or owner to sett free any well deserving negro or molatto slave, for probity in such persons is by that means discouraged." However, they favored a clause which imposed fines of

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[48]Scharf, p. 383.

one thousand pounds of tobacco on Negroes or mulattoes who harbored runaways. If the Negro or mulatto could not pay the fine, then he would be sold "for and towards satisfying the same."[49] Since free Negroes or mulattoes probably could not pay such excessive fines, this meant a return to slavery.

Maryland imported blacks at first to help bolster the labor supply. A few Negroes coexisted with whites as servants in the primitive society. Some served short terms, while others were sold as perpetual slaves. Economic considerations forced the colonists to adopt a policy of lifetime servitude for blacks. As restrictive laws retarded the progress of blacks, the reverse was true for white servants. The law recognized two races, one superior to the other. It imposed different punishments for the same crimes, denied blacks the legal right to marry, and restricted the civil rights of free blacks and mulattoes. After the opening of the eighteenth century, whites defended their action on the grounds that black men were unfit for any other type of life. They came from a background too alien for absorption by Europeans. Whites rationalized black cultural differences into racial inferiorities. The civilized laws of England did not serve as sufficient deterrent for them, and "because they have no sense of shame or apprehension of future reward or punishment" when

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[49] Ibid., XXV., 117; XXX., 16, 65-66, 178-79.

convicted of serious crimes, they could be punished by extreme methods.[50] They were infidels and unfit for conversion to Christianity, and therefore they should always remain slaves. This transformation of the Negro from a mere lifetime servant to a chattel slave resulted in many myths surrounding the origin and culture of Africans. Since he was society's mudsill, whites often overlooked his contributions to their society. However, he brought with him some traits and mannerisms which had a significant impact on the character of the country. Most whites probably never learned too much more about Africans than what they expected to see, but blacks had their own life style which was a product of their homeland, as well as contact with Europeans and American Indians. During his transformation from a servant to a slave, the black man became an Afro-American as well.

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[50] Ibid., XXXVI., 454-55.

CHAPTER SIX

Conclusion

The Africans' introduction into Maryland society in the seventeenth century occasioned no great upheavals or social disruptions. Like other immigrants who came to the New World at this time, Africans underwent a slow process of acculturation into their new society. They came as servants and although whites recognized the inherent differences between the races, they did not at first seriously consider blacks as anything more than a few additional laborers. However, during their first decades in America, their social status declined until they had become the property of their masters. E. Franklin Frazier said "the fact the Negroes were an alien race bearing distinctive physical marks, was doubtless, the basis for differential treatment from the beginning and later facilitated their enslavement."[1] Certainly Africans assimilated much of the European culture, and probably borrowed some from the Indians, but black men also retained some of their own which they gave to the New World. Because of their low social status many of their contributions went unnoticed. In the haste to "civilize" them by Old World standards, Europeans tended to overlook African contributions to American society. Blacks did not completely discard their own culture when they first came to America. However, little by little they rid themselves of those

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[1] E. Franklin Frazier, The Negro in the United States (New York, 1949), p. 22.

customs which they found useless or impractical, just as the Europeans had done. Africans brought with them to America not only their labor, but also a complex way of life. Their interaction with others in this new society altered them from Africans to Afro-Americans.

Unfortunately we know so little about African slaves before they arrived in America, and much of that which remains comes from biased sources. Some accounts came from traders or merchants who wished to vindicate the trade, while others write for the purpose of condemning and ultimately abolishing it. Perhaps the most reliable account of this part of the slave institution comes from the mouths of those who endured it, but only a few ever managed to record their experiences. There are, however, a few narratives which provide living testimony of that part of the trade which preceded sale and bondage in America.

Ayuba Suleiman and Olaudah Equiano wrote descriptive narratives of their captivity in America after their release from it. Ayuba or Job, as he was commonly known, was an African priest sold into Maryland slavery in 1630. Job told how he first became a slave. His father sent him to sell two slaves, and upon return, some enemies ambushed his party and sold them to the very traders they had dealt with earlier. Regrettably Job failed to include information about the trip across the ocean or the fate of his companion.[2] However, Olaudah provided a more descriptive

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[2]The Capture and Travels of Ayuba Suleiman Ibrahima (London, 1734), reprinted in Philip Curtin, ed., Africa Remembered (Madison, 1968), pp. 40-41.

account of his enslavement, transatlantic voyage, and the effect it had on his life in America.

Olaudah Equiano entered American bondage after undergoing African slavery and he presented interesting contrasts of the two systems. African tribesmen stole Olaudah and his younger sister when they were teenagers. He described his heart break when traders separated him from his sister. Later they met again, only to suffer another separation, never to see each anymore. His fellow African captors sold him to whites, and almost from the beginning he began to compare the two systems of slavery:

> Those prisoners which were not sold or redeemed we kept as slaves; but how different was their condition from that of slaves in the West Indies! With us they do no more work than other members of the community, even their master.

Olaudah filled in some missing information about slaving enterprises that only the victims could provide. For example he explained how some Africans overcame the language problems even before they arrived in America. Although Olaudah spoke differently from many of the other slaves, when first enslaved in Africa, he quickly learned two or three different tongues, similar to his own. Once he reached the coast, however, he expressed amazement at the large numbers of Africans whose manners, customs, and languages differed so sharply from his. "I was very much struck with this difference, especially when I came among a people who did not circumcise, and eat without washing their hands." The thing which amazed him most was his first sight of the Atlantic and

the slave ship which carried him across it. Olaudah provided first hand information about the horrors of the "middle passage:"

> When I was carried on board I was immediately handled, and tossed up, to see if I were sound, by some of the crew; and I was now persuaded that I had got into a world of bad spirits, and that they were going to kill me. Their complexions too differeing so much from ours, their long hair, and the language they spoke, which was very different from any I had ever heard, united to confirm me in this belief. Indeed, such were the horrors of my views and fears at the moment, that if ten thousand worlds had been my own, I would have freely parted with them all to have exchanged my condition with that of the meanest slave in my own country.[3]

Throughout the long voyage the slaves received shocking treatment. Death resulted from "unmerciful floggings." Hungry men and women, chained like animals, crowded into small compartments, tormented by excessive heat, probably wished for death. Some were fortunate to have died from diseases, or other hazards. When they finally reached their New World destinations, anxiety and excitement filled their hearts:

> We did not know what to think of this; but as the vessel drew nearer, we plainly saw the harbour, and other ships of different kinds and sizes; and we soon anchored amongst them... Many merchants and planters now come on board, though it was in the evening. They put us in separate parcels, and examined us attentively. They also made us jump and pointed to the land, signifying we were to go there. We thought by this we should be eaten by these ugly men, as they appeared to us; and when, soon after we were all put down under the deck

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[3] The Interesting Narrative of Olaudah Equiano, or Gustavus Vasa, the African (London, 1789), reprinted in Curtin, pp. 85, 90-92.

> again, there was much dread and trembling among us, and nothing but bitter cries to be heard all the night from these apprehensions, insomuch that at last the white people got some old slaves from land to pacify us. They told us we were not to be eaten, but to work, and were soon to go on land where we should see many of our country people. This report eased us much; and sure enough, soon after we landed, there came to us Africans of all languages.[4]

For Olaudah, like so many other Africans who preceded him in American bondage, and others who followed him, the trip was over, but his new life was just beginning.

Slaves entering Maryland came first through the customs office at Annapolis. The naval officer or an assistant took an inventory of the slaves and assessed the traders according to the formula levied by the assembly. Sometimes, the slave ship had to make several stops before disposing of all the slaves. Not until well into the eighteenth century could most planters afford to purchase more than a few. As late as 1698, Governor Nicholson reported that even the well-to-do planters owned only about six or seven. However, after the opening of the next century, the larger planters bought larger numbers.[5]

The "middle passage" probably had the desired effect of impressing slaves with enough horror enroute to subdue them before sale in the New World. As Olaudah observed, after slaves received assurance that they would not be eaten or otherwise killed, and upon sight of so many of

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[4] Ibid., pp. 96-97

[5] The Maryland Archives (70 vols. Baltimore, 1883-), XIX., 363; XXIII., 498-99; XXVII., 240-41. Hereafter cited as Md. Arch.

their own countrymen, many perhaps decided to make the most of the situation. Since most of them had prior working experiences, even if not as hard as they now had to work, this probably tempered their anxieties about the new life.

A slave fresh from Africa probably found Maryland not too much unlike his African home, particularly during the seventeenth and first half of the eighteenth century. Admittedly he had to adjust to other climatic conditions, such as winter colds and snow, but he apparently overcame these with little or no difficulties. A new slave probably noticed the difference in the type of quarters he had in Maryland as compared to those in Africa:

> When slaves were first brought to the mainland of America, different building materials and colder climate substituted the square log hut for the older forms. At first the slaves were housed in rough cabins near the master, and the accomodations of the two differed chiefly in size and furniture. Thus arose the first type of slave home in America. - the "Patriarchal Group." The central idea of this arrangement was distinctively mediaeval and feudal, and consequently familiar to its white founders.[6]

On the voyage across the ocean, some slaves probably learned to communicate in another African language other than their own. After several years in the New World, most slaves undoubtedly learned to communicate in English or at least understood it well enough to carry out their assignments. Apparently, some of them gained enough facility with English to transact business for their masters. Governor Nicholson

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[6]W.E. DuBois, ed., The Negro American Family in Atlanta University Publications, No. 13. (Atlanta, 1898-1908), p. 46.

indicated that planters often "send the Negro men and boys about the country, when they have business: and they commonly wait on them to all publick places. So that by these means they know not only the publick, but private rodes of the country."[7]

It seems clear that most slaves accomodated themselves to their new life without too much fuss. Considering that practically everyone, white, black, and mulatto, whether free or unfree, worked hard in this society, many perhaps found life better than they hoped before they completed their voyage. There were some exceptions, however, and often this caused many problems.

Job came from a section of Africa, further into the interior, so he had difficulty communicating with some of the slaves who came from the west coast. Additionally, Job's background as a Moslem priest rendered him unfit for field work. He came from a pastoral background, but his master put him to work in a tobacco field. "He every day showed more and more uneasiness under this exercise, and at last grew sick, being no way able to bear it; so that his master was obliged to find easier work for him," tending cattle. A devout Moslem, Job often withdrew into the woods to pray. "A white boy frequently watched him, and whilst he was at his devotion would mock him, and throw dirt in his face." This disturbed Job greatly "and added considerably to his other misfortunes; all which were increased by his ignorance of the English language, which prevented his complaining or telling his case to any person about him."

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[7] Md. Arch., XXIII., 498-99.

Unable to communicate in his native tongue or English, Job soon despaired and ran away, but after escaping from his home county, he was easily picked up as a runaway, because of his inability to communicate. The officials secured a neighbor's slave who spoke Job's language and identified Job's master and had him returned. When his master discovered that Job ran away because of his inability to pray in peace, he allowed Job time off for devotion "and was much kinder to him than before." Job's case attracted the attention of James Oglethorpe who secured his release from service and sent Job to London, where he was well received. Job became the talk of town and even secured an audience with King George II and his queen who presented him with expensive gifts.[8]

Job's experiences, while probably not typical, illustrated difficulties some slaves encountered after first entering slavery. Few, however, were as fortunate as Job, but most slaves died in bondage. The remaining records fail to provide much information on slave life during the early period of settlement. Most slaves worked in the presence of whites who were either the owner, overseer, or fellow white servants:

> At first the bond between them was almost purely legal and economic. The slaves were white and black, and the social station of the master not unusually high. The condition of the bondsmen therefore depended largely on accident and whim... Bonds of friendship and intimacy between black and white; the physical group of Big House and cabins differentiated; some came nearer, others receded, but all formed a great feudal family of lord and retainers.[9]

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[8]Curtin, pp. 41-42.

[9]DuBois, The Negro American Family, p. 46.

Black and white servants mingled considerably and sometimes they plotted to escape. Despite governmental attempts to keep black and white servants from intermarrying, a large number of them did, or at least lived together as husband and wife.

Perhaps the major adjustment faced by most Africans was that of renewing family life. The family had been the basis of African social structures, and perhaps its most important form of social organization. They had worked together, owned property collectively, worshipped in groups, and in fact most of their activities involved the entire family.[10] These family ties, so abruptly broken caused them untold grief initially. DuBois explained this situation:

> The first social innovation that followed the transplanting of the Negro was the substitution of the...plantation for the tribal and clan life of Africa. The despotic political power of the chief was now vested in the white master; the clan had lost its ties of blood relationship and became simply the aggregation of individuals on a plot of ground with common rules and customs, common dwellings and a certain communism in property. The two greatest changes, however, were first, the enforcement of severe and unremitted toil, and second, the establishment of a new polygamy - - a new family life.[11]

Although the law did not recognize the legality of slave marriages, planters generally gave unofficial approval to them. The children of slaves belonged to the master, but until late in the eighteenth century, most planters never had a surplus population, so they seldom sold slaves.

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[10]See W.E.B. DuBois, The Negro Church in Atlanta University Publications, No. 4., (Atlanta, 1898-1910), pp. 2-3; Melville J. Herskovits, The Myths of the Negro Past (New York, 1941), p. 58.

[11]DuBois, The Negro American Family, p.3.

The law afforded some protection in the case of minor heirs, by forbidding the sale of slaves from the estate as long as there were other salable items. For the most part, once a slave started a family they usually remained together, although family life was not as cohesive as in Africa. This should not suggest that slave families always remained together, but only that slave family life had a greater degree of permanence than formerly imagined. This probably accounted for the relatively few attempted slave revolts or conspiracies.

The fact that Africans came from strong communal backgrounds and seldom lived alone, might have prevented a number of them from running away. The Maryland wilderness afforded excellent hiding places, but to someone used to living among groups, this probably was a challenge. Olaudah once ran away from his master in Africa. He considered making the attempt to reach his home. Although he had some familiarity with African terrain, he finally concluded that he was too far away and might perish in the woods:

> I was seized with a violent panic, and abandoned myself to despair. Night too began to approach, and aggravated all my fears. I had entertained hopes of getting home, and had determined when it should be dark to make the attempt; but I was now convinced it was fruitless, and began to consider that, if possibly I escape all other animals, I could not those of the human kind; and that, not knowing the way, I must perish in the woods.

Olaudah decided that despite his captivity he must return to his master and face the consequences.[12]

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[12]Curtin, pp. 87-88.

Olaudah's experiences again illustrated the plight of the African slaves in America. Many of them probably preferred freedom to bondage, but they undoubtedly valued life even more. And running away into uncertain fate in the wilderness was a chilling thought. Few knew what to expect even if they managed to elude whites. However, as early as 1676, Maryland already had a large body of laws dealing with fugitive servants and slaves. The treaties with the Indians, Virginia and northern colonies made it increasingly more difficult for a runaway to make a successful escape, particularly if he were black.[13] Even if a runaway managed to escape from his home county, unless he could prove that he was a freeman when challenged, he probably ended up in jail. For example, Job got as far as Kent County, but "being able to give no account of himself, was put in prison there."[14]

Since slaves often worked along side whites, there was little difference in service, at least until later in the eighteenth century. And because blacks had worked in Africa, many probably adjusted fairly quickly. Only after working in servitude for a lengthy period, and perhaps watching white servants come and go, would the difference in servitude become striking. And even then, few blacks could do very much about it. Therefore they tried as best they could to make the most of their new lives. For example they continued to meet on holidays and Sundays with their fellows. They danced and sang, often to the fear and

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[13]See pages 78-80

[14]Curtin, p. 42.

annoyance of whites, who eventually passed laws to restrain their meetings.[15] Probably the major loss suffered in transplantation of culture was religion.

Slaves for the most part either gave up their religious observances or radically adapted them to their new environment. Since their family life played such an important role in their religious life, changes in family living produced corresponding changes in the manner of religious observances. In Africa, the eldest members had served as the central religious figures, but since traders rarely purchased or brought over old and infirmed slaves, these probably remained home. Additionally, much of the religious observance revolved around the family land and surroundings, in which the ancestors allegedly resided. Therefore these observances lost some meaning in America and were difficult to duplicate in America. Most African religions had elements of ancestral worship, often reflected in the semi-veneration that younger family members showed for their elders. They venerated their ancestors because they believed that their dead relatives watched over them. However, it was unlikely that the spirits of one's ancestors travelled as far as America. Even after residing in Maryland for decades, a slave probably felt that he was still a stranger in this land, and probably hoped that his spirit returned to Africa after death.[16]

Not only did Africans discontinue some religious observances, but most of them failed to embrace their masters' religion to any large extent.

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[15] Md. Arch., XXVIII., 48-49.

[16] Curtin, p. 78.

Of course many planters refused to instruct, convert and baptize them, but apparently only a few slaves actively sought conversion. First of all, as some missionaries observed, slaves fresh from Africa had great difficulty learning because of the language differences. But more importantly, the Christian concept of life after death was alien to most African religions. Basically Africans worshipped their gods for favors in this present life, without regard for a future life. Since their master's religion provided them with few tangible benefits in this present life, only a small minority of slaves found it especially attractive. Even when religious leaders like George Fox, the Quaker who visited Maryland in 1670, invited Negroes to service, those whose masters permitted them to attend perhaps felt that conversion might be the vehicle for manumission at a later date.[17]

There was still another reason for the lack of enthusiasm on the part of the Africans for conversion. Most of the Christian denominations of the time in Maryland adhered to formalized religious services with little or no emotionalism as well as a lack of myticism and spiritualism, so important in African observances. As a result, it was not until the evangelical sects appeared during the "Great Awakening" that Africans converted to some Christian sect in large numbers.[18] And even then it is not clear whether this represented a significant percentage of the total black population.

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[17] DuBois, The Negro Church, pp. 15-18.

[18] Ibid., pp. 17-18.

The African population continued to increase rapidly, due in part to natural increases. Throughout the remainder of the eighteenth century and up until the abolition of the African slave trade in the nineteenth century, Africans fresh from the homeland underwent pretty much the same acculturation that their predecessors had experienced. They did not come in without their own culture, but adapted it to suit the desires of their masters, as well as their own needs. Those who came later in the eighteenth century probably experienced some social pressure to conform to the new way of doing things, particularly if they lived among native-born blacks. But they left a legacy for the province as they provided the colony with the bulk of its laborers and constituted much of its wealth.[19] The black population had long since surpassed that of the white servants, even though the latter continued to come.

The land grant policy based on servant importation had only a limited success, because whites did not want to migrate simply to work for another, when they had the chance of working for themselves. Many of them who came did so with the idea of becoming wealthy and returning. When this dream failed to materialize, many servants caused problems by running away, striking, or otherwise disrupting society. Even planters saw their early hopes of success quickly vanishing. Consequently they often reneged on commitments to servants, by refusing to subsist them properly, abusing and overworking them, and in some cases illegally

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[19] In 1699 the assembly expressed its gratitude to Colonel Beale for "his good services...and his willingness now in his old age to continue in the service of this countrey," by purchasing three Negroes for him.

extending their service. When this conflict of planter-servant interests threatened the colony's economic future, Maryland's leaders decided to import larger numbers of another type of servant, black men from a different culture and part of the world.

But black servants also caused some problems, legal problems over their length of service, status after conversion, intermarriage with whites, and running away among others. However, whites dealt with these problems differently from those of white servants. Provincial officials began to rationalize that blacks came from an alien culture too inferior for whites to accept, but also too complex for blacks to assimilate all of the whites' culture. Therefore they made blacks the exception to many of their laws, particularly those laws which afforded personal protection security. Gradually the black worker became chattel property. The African servant of the early years of the settlement was not an official member of society, as governmental officials kept no records of his birth and death, and gave no legality to his marriage. In a strict legal sense he had no children, because they too, belonged to his master. And although many slaves were born in Maryland, whites did not consider them Marylanders. But they were. Maryland society in the early eighteenth century reflected their presence. They had been a part of its origin as they contributed much to its development.

The assembly further stipulated that "the said Negroes...shall not be taken in execution for the satisfaction of any such judgment or debt" against Ninian Beale. Md Arch., XXII., 427, 494.

The few black servants who came to Maryland in the 1630's and 1640's represented only a fraction of the total servant population. Now they were essential people for the colony's economic future. If Cecilius Calvert had been alive in 1715 or thereabouts, he might have had trouble recognizing his colony. From the fledging colony, plagued by economic depressions, labor shortages, and other troubles, Maryland was now one of the largest mainland colonies. Calvert's initial plans for a predominantly English society were now forgotten, as immigrants came from many parts of Europe and Africa. Although large scale African chattel slavery was not in his original plans, the seeds for its growth lay in the manner in which he chose to populate it.

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