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## INDENTURED SERVANTS IN COLONIAL AMERICA

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**A**N interesting facet in the study of American social history is the story of the white persons who were shipped to the British colonies in America during the seventeenth and eighteenth centuries because they were unable or unwilling to pay for their own passage. They were usually known as indentured servants or, in order to be distinguished from the Negroes, as Christian or white servants. There were three main groups or classes: the free willers or redemptioners; those who were kidnapped or forced to leave their country because of poverty, or political or religious reasons; and the convicts from the jails of England. These groups represented more than half of the persons who came to the colonies south of New England, and they formed the principal labour supply of the earlier settlements.

The most powerful force which caused the movement of indentured servants to the colonies was the pecuniary profit of shipping them. The system of indentured servants, next to slavery, was a means of selling labour as a commodity. It was profitable for the English merchants trading with the colonies to transport a cargo of servants because the colonial planters paid a price for such labourers above the cost of transporting them. It was profitable for the colonial planter to buy servants in order to reap more profit by utilizing the labour of others. The profits arising from this trade in servants was not the only cause for their going to the colonies. For many of the convicts,

rogues, vagabonds, prostitutes, and others raked from the gutter, the system of indentured servants provided, as a last resort, an opportunity to be transported out of England. The English government shipped large numbers of convicts who were guilty of felony and other crimes punishable by death and thus cleared the prisons of Newgate, Old Bailey, and others. Many, after serving their indenture, became respectable land owners. The following quotation from Defoe's *Moll Flanders* elaborates this point:

When they come here, we make no difference, the planters buy them, and they work together in the field till their time is out. . . .they have encouragement given them to plant for themselves; for they have a certain number of acres of land allotted them by the country, and they go to work to clear and cure the land, and then to plant it with tobacco and corn for their own use; and as the tradesmen and merchants will trust them with tools and clothes and other necessaries, upon the credit of their crop before it is grown, and so buy whatever they want with the crop that is before them.

Many a Newgate-bird becomes a great man, and we have several justices of the peace, officers of the trained bands, and magistrates of the towns they live in, that have been burnt in the hand. . . . we all know here that there are more thieves and rogues made by that one prison of Newgate than all the clubs and societies of villains in the nation; "Tis that cursed place, that half peoples this colony."<sup>1</sup>

In many cases it was better to ship the convicts and paupers to the colonies because they would get plenty of physical labour in the open air with adequate food, would learn how to operate a farm during the indenture, and would experience there conditions better than they could find in the London slums and the prisons.

The implication, thus far, appears that it was worthwhile for all who ventured in this semi-slavery business. The English government shed responsibility both financially and morally by permitting private businessmen to control the trade in white servants. Because the profit motive was a strong and powerful

<sup>1</sup> Daniel Defoe, *The Fortunes and Misfortunes of the Famous Moll Flanders* (New York: Crown Publishers, 1937), pp. 81-82.

incentive, there were many abuses. These included the bringing of pressure to bear on persons unwilling to go to the colonies by misrepresenting the attractions of life in America to the gullible and by collecting or kidnapping a shipload of labor by forceful means.

Comparatively few of the servants in the colonies ever reached the ranks of high colonial society. They eventually formed a strong middle class. During the seventeenth and first half of the eighteenth centuries, colonial society was not democratic. It was dominated by men who had enough money to purchase labour to do the work. Few of these men were indentured servants. During this colonial period there was a tremendous scarcity of labour. The free labourers were demanding high wages, and they were not prone to work for hire when land was available for almost nothing. Hence, the colonists with money recognized the need and necessity for importing labour. John Pory, of Virginia, wrote in 1619 that

All our riches for the present doe consiste in Tobacco, wherein one man by his owne labour hath in one yeare raised to himselfe to the value of 200 £ sterling; and another by the means of sixe servants hath cleared at one crop a thousand pound English. Our principall wealth consisteth in servants.<sup>2</sup>

The treatment of indentured servants varied. Some were mistreated, others lived as members of the family. Many of the servants became shopkeepers, field workers, mechanics, school teachers, and pioneer farmers in the western valleys. These were the best, but many continued to follow the deeply-rooted habits acquired in the prisons of England.

In the sixteenth century, English agriculture was giving way to sheepraising. A few herders took the place of many farm labourers. As a result the unemployed, the poor, and the criminal classes increased rapidly. Hence, the conditions were favourable for the rapid development of white servitude in the colonies. The economic theory of the seventeenth century called for a large population in the colonies in order that trade and commerce might develop. The colonists were to supply the raw materials and food, and the mother country was to supply the manufactured goods. There were large areas of rich, virgin land in the middle and southern colonies. In order to attract the settlers, means were devised of granting approxi-

2 John Pory, Secretary of Virginia, letter to Sir Dudley Carlton, 1619.

mately fifty acres of land to persons migrating to the colonies. This method was known as the "head-right" system. Anyone importing a servant was entitled to an additional tract of land, a "head-right." To induce labourers to emigrate, similar grants of land were made to them after they served their time as servants.

Poverty and discontent are not causes of emigration, but they are favourable and ripe circumstances. Although poverty existed during other periods, the poverty which existed in England during the seventeenth and eighteenth centuries was in the main due to the transition from the feudal to a commercial and then to an industrial economy. The poor during these years and changes suffered the most. In the middle of the eighteenth century Henry Fielding reported: "There are few, if any, nations or countries where the poor. . . are in a more scandalous, nasty condition, than in England."<sup>3</sup>

The mercantilists were against emigration, and many political leaders doubted whether the colonies would ever be profitable. These are some of the main reasons why Parliament refused to take drastic steps to regulate the servant trade. Actually, they did not want the trade to flourish and yet they were unable to prohibit it altogether. The legitimate merchants, on the other hand, wanted some kind of legislation in order to continue transplanting servants without being accused of kidnapping, and they often described the servants as vicious rogues when they were only poor, unfortunate, and dirty. The worse the servants could be painted, the fewer hindrances would be placed in the way of their departure from England.

#### *The Convict Trade*

The widening gap between the rich and poor, the breaking-of the farms, and the migration of the wretched poor classes to the cities were some of the main causes for the excessive crimes committed during the seventeenth and eighteenth centuries in England. In order to suppress the crimes severe punishments were prescribed by law. The word *felony* during this period conveyed a different meaning from that at present. The penal code of England in 1600 provided the death penalty for hundreds of offences, many of which were of a trivial nature, such as burglary or theft of anything valued over one shilling.

During the seventeenth century, two practices helped the convicts to obtain leniency or pardon from their convictions—

<sup>3</sup> "An Enquiry into the Causes of the Late Increase of Robbers" (London: 1751), sec. IV. Fielding was quoting "Mr. Shaw."

the pleading of clergy and the granting of royal pardons. A person convicted of felony could "call for the book" and, if he could read, he would become free from the death penalty. This practice, however, was a boon to literate offenders. In 1705, the English Parliament eliminated this provision and listed a number of felonies which were "non-clergyable." The list included such crimes as petty treason, piracy, murder, arson, burglary, theft of more than one shilling, and highway robbery. This list increased, until in 1769 Blackstone found 169 crimes for which a convict could not plead "benefit" of clergy.

In the seventeenth century and increasingly during the eighteenth, it was customary for judges to submit after each session a list of convicts whom they considered worthy of mercy, and a pardon was then usually issued under the Great Seal for the entire list. Under this practice approximately half or more of the felons sentenced to death were pardoned. Hence, the transportation of convicts to the colonies was a means of extending reasonable leniency for crimes punishable by death.

In 1717 Parliament passed an act which established a more uniform policy for the disposal of convicts. It extended the term of indenture to fourteen years and gave the courts greater power in contracting with private groups or individuals for the transportation of convicts. The act also provided that if the convicts returned to England prematurely, the penalty would be death. All convicts transported were registered before leaving England and on arrival in the colonies. The contractors received four to five pounds for shipping each convict and were paid by the treasury upon receipt of a certificate from the captain of the ship.

There were three large contractors and many small and individual contractors established in the business of transporting convicts. The terms of agreement stated that the contractors had to receive "all and every malefactor" regardless of age, lameness, and infirmity. As time went on additional obligations were required:

He agrees to pay all charges such as those for conveying them on board ship, supplying irons and rewarding jailers. He promises that they shall not return before their time is up by any fault of his, and that before their delivery, he will enter into bonds of forty pounds by malefactor that they shall not return.<sup>4</sup>

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4 A. E. Smith, *Colonists in Bondage* (Chapel Hill: The University of North Carolina, 1947), p.114

The profits of the contractors were good in that the convicts were sold for eight to twenty pounds, and men of useful trades were sold for fifteen to twenty-five pounds. On the authority of eighteenth-century records, historians have estimated that approximately 30,000 convicts were shipped to America from Great Britain during the eighteenth century, mostly to Virginia and Maryland, and some to South Carolina. At least nine of the colonies are known to have received felons as servants earlier, so that the total number sent during the seventeenth and eighteenth centuries was probably not far from 50,000.

The convicts were subjected to all kinds of abuses, as illustrated in the following description:

The populace in London and the provincial towns accounted it no small diversion to see the convicts leave for America. Three and some times four times a year a procession of these unfortunates would emerge from Newgate and wend its way with clanking irons through the narrow streets to Blackfriars, where a lighter waited to furnish conveyances to the ship. During this march it was the privilege of the bystanders to hoot at the convicts, and even on occasion to throw mud and stones at them, while the departing reprobates replied with whatever abuse their wits could invent.<sup>5</sup>

The voyage to the colonies took one to three months, and the conditions were very bad, especially during the earlier years of transporting convicts. It was customary to keep felons below the decks and chained during the entire voyage:

"I went on board," wrote a visitor to one of contractor Stewart's ships, "and, to be sure, all the states of horror I ever had an idea of are much short of what I saw this poor man in; chained to a board in a hole and padlock about his neck, and chained to five of the most dreadful creatures I ever looked on."<sup>6</sup>

Under these intolerable, crowded conditions, jail fever and smallpox wiped out at least fifteen per cent of the convicts, and in many cases the death rate was even higher. The number of women who died was only half in proportion to the men, and some attributed this fact to their greater sobriety and stronger constitutions.

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<sup>5</sup> Smith, p. 124.

<sup>6</sup> *Ibid.*, p. 125. Quoted by Sollers in *Maryland Historical Magazine*, II, 41n.

The Parliamentary Act of 1717 did not apply to the Scottish felons, but in 1766 its provisions were extended to cover Scotland as well as England. The felons of Scotland were classed with the rogues and vagabonds, and the penalty was either banishment from the country or shipment to the plantations. The felons were transported under the condition that the contractor was to give bond for their safe conveyance.

Felons were also transported from Ireland to the plantations as early as 1661 in the same manner as from England. The best available figures indicate that over 10,000 persons were condemned to transportation and, of this number, many were vagabonds. A levy of five to six pounds was made on the county for each person transported. The sheriffs collected this levy but, often, paid merchants only two to three pounds and pocketed the rest for themselves.

With the influx of felons, there was no doubt more lawlessness and crime in the colonies. This aspect of convict servitude was given a great deal of attention by the colonists, by newspapers of the time and, later, by the historians. On the other hand, the reformed convict servant who became a successful and substantial citizen was inclined to remain anonymous, and comparatively little attention was directed toward his path. The comment by Benjamin Franklin suggesting that rattlesnakes be transported to England in return for the convicts is well known. Despite the loud cries in the press regarding the shipment of felons, the planters who wanted cheap labor welcomed the convicts.

Several attempts were made by the colonies to stop the transportation of convicts, and in 1788 the newly organized states began to pass laws to prohibit the trade of malefactors from foreign countries. This forced England to ship the convicts elsewhere, and she started immediately to establish true penal colonies in Australia.

### *The Rogues and Vagabonds*

In the famous passage of the statute, 39 Elizabeth, C.4., Parliament defined what classes of people were to be considered rogues and vagabonds. There were subsequent minor revisions in the statute, but it was carried in the books of English law for two centuries. The rogues and vagabonds of that colonial period were defined as follows:

All persons calling themselves Schollars going about begging, all seafaring men pretending losses

of their shippes or goods on the sea going about the Cuntry begging, all idle persons going about in any Cuntry eyther begging or using any subtile Crafts or unlawful Games or Playes, or fayning themselves to have knowledge in Physiognomye, Palmestry or other like crafty Scyence, or pretending that they can tell Destenyees Fortunes or such other like fantastical Imagynacions; all persons that be or utter themselves to be Proctors Procurers Patent Gatherers or Collectors for Gaoles Prisons or Hospitalls; all Fencers Bearewards common Players of Enterludes and Minstrells wandring abroad; all Juglers Tynkers Pedlars and Petty Chapmen wandring abroad; all wandring persons and common Labourers being able in bodye using loytering and refusing to worke for such reasonable wages as is taxed or commonly given in such Parts where such persons do or shall hapen to dwell or abide, not having lyving otherwyse to maynteyne themselves; all persons delivered out of Gaoles that begg for their Fees, or otherwise do travayle begging; all such persons as shall wander abroad begging pretending losses by Fyre or otherwise; and all such persons not being Fellons wandering and pretending themselves to be Egipcians, or wandering in the Habite Forme or Attyre of counterfayte Egipcians.<sup>7</sup>

Persons found begging were stripped to the waist and whipped until their bodies became bloody, and then sent to their place of birth or residence. In case neither place was known, the beggars were sent to the house of correction for a year or until someone agreed to employ them. If the rogues and vagabonds appeared to be dangerous, the justice of peace could transport them and the county would be charged for the expenses.

Any person banished who returned without licence would be guilty of felony and punished with death. It should be noted that the legal penalty of transportation, which could not be inflicted on English felons until after 1717, could be pronounced on rogues and vagabonds during the whole colonial period. Although many rogues and vagabonds were shipped to America, few were banished or transported under the provisions of 39 Eliz., C.4. The court records reveal, however, that many were sent

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<sup>7</sup> Ribton Turner, *History of Vagrants and Vagrancy* (London, 1887), pp. 128-129.



back to their original places of residence, and were whipped or sentenced to the houses of correction.

In 1713 the statute was repealed, and vagrants without legal residence could be indentured as apprentices or servants for terms of seven years to serve either in Great Britain or in the colonies. The master was bound under a penalty of forty pounds to supply the vagrant with necessities and finally to set him free. Under such conditions it was almost impossible to inflict transportation as a penalty. It was customary, however, for ship captains to visit the houses of correction, and the inmates were persuaded to express their willingness to be shipped. Since the houses were usually over-crowded, the methods of persuasion were not always gentle. The transportation of rogues and vagabonds depended upon the needs of merchants and ship captains to collect a cargo of servants rather than the imposition of sentences by justices of the peace.

The riff-raff and idle beggars of Scotland were also transported to the colonies. A cargo of Scottish servants was considered the most profitable cargo a merchant could take to the colonies. They were considered the best workers, and the colonists were pleased to receive them.

During the early seventeenth century, poor children taken from the streets of London and also those who had been raised in the parishes were transported by the Virginia Company. Charitable collections were authorized by the lord mayor, and five pounds was granted for equipment and passage money for each child. The children were to be apprenticed until they reached the age of twenty-one and upon completion of the term of apprenticeship were to receive fifty acres of land. This was a successful venture until abuses were noted regarding the use of funds; then the wholesale practice of transplanting children was discontinued. The shipping of children was an attempt to prevent them from growing up into rogues, vagabonds, and felons. On the other hand, it was a means of ridding the city of the obligation to support the children.

#### *Political and Military Prisoners*

During the middle of the seventeenth century and the last years of the Civil War, the Parliamentary armies captured large groups of prisoners, the majority being Scottish. The committee in charge of the disposal of the prisoners was confronted with many problems: shipment to Ireland was risky "by reason of their affinity to the Irish"; return of prisoners to Scotland might

cause additional uprisings; and shipment to places foreign or colonial, where they might be used against the Commonwealth, was also jeopardous.

Careful precautions were taken in shipping many of these prisoners to friendly plantation owners in Virginia. The prisoners were sold for six or seven years' service at prices ranging from twenty to thirty pounds. The Scottish servants were considered the best material for the colonies, and they left their mark in many of the communities which were fortunate enough to receive them. There were also some English military prisoners transported during this period.

In the transportation of English and Scottish prisoners there was a clear distinction between the social and legal aspects of dealing with the military prisoners and the rogues, vagabonds, and felons. But, in Ireland, it was difficult to distinguish the transportation of the Irish as political or non-political. Most of the Irish who were sent to the colonies were classified as rogues and vagabonds under the provisions of the Elizabethan statute. It was the abuse of this authority by the merchants who administered it in Ireland that led to the horrors of the Irish "slave-trade." The shipmasters used all the familiar methods of the kidnapping trade under the pretence of collecting rogues and vagabonds. The English government eventually abolished the practice of delegating authority to local officials to administer the statute.

Many of the Irish were transported to the colonies because of their religion. It should also be noted that the Irish were the most unwholesome servants in the plantations because of their dissatisfaction with the conditions, their continual "running away" from their masters, and their lack of desire to work.

During the next century the rebel trade continued, but the transporters demanded payment from the government to do the job. The government made contracts with merchants to transport the rebels for five pounds, one half paid in presenting a certificate of shipping and the balance paid when a receipt notice was presented testifying that the prisoner had arrived in the plantation. A considerable number departed of their own free will, and the migrations to the colonies increased to the point that the government by 1770 was restraining rather than compelling the departure of its subjects.

#### *Free Willers or Redemptioners*

There were a number of important mass migrations to the colonies. Such migrations first occurred among the Puritans

in the 1630's, but the Puritans were mostly in the moderately prosperous rather than the poor class. The main cause of the migration was the religious discontent of the time. This is in part the answer, but the spirit of emigration spread to many parishes, and whole communities departed for New England. In ten years over 2,000 persons migrated to the colonies.

Almost a century later Ireland showed similar signs of mass migration. The ruthless throttling of Ireland's industries, the religious problem, and three year's famine (1725-1727) started the mass migration. During the summer of 1728 more than 3,000 left Ireland, and 20,000 declared intentions of going the following spring. Archbishop Coulter stated that "not one in ten of the Irish who emigrated in 1728 could pay his own way."<sup>8</sup>

Symptoms of mass migration may be observed in Scotland during the 1770's. The Scots migrated because their rents were increased and because they experienced bad years for cattle and crops. Most of the Scots, however, were able to pay their fare, and few went over as indentured servants.

The German migration, during the eighteenth century, was started by a group of agents known as "newlanders" or "soul-sellers" who canvassed up and down the Rhine Valley persuading the peasants to sell their belongings and migrate to the colonies. They impersonated rich merchants of Philadelphia and flamboyantly described Pennsylvania as the land of milk and honey with gold and silver in the hills.

The large masses emigrating to the Americas helped the merchants who sought cargoes for their ships. These mass movements, however, came in cycles and did not furnish a steady supply for the merchants. Those who chose to bind themselves to servitude for the passage were known as free-willers or redemptioners.

The simple German peasant would have a long journey before embarkation and would often sell his belongings in order to follow the unscrupulous agents. The long journey down the Rhine took four to six weeks, and a toll was paid at each of the thirty-six custom houses *en route*. The expenses for the journey amounted to approximately three pounds, and many of the emigrants found themselves at the border of Holland without money either to return or to continue with the journey. The English merchants crowded the peasants in the ships for the trip to the colonies. The voyage was a dangerous adventure and full of horrors:

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<sup>8</sup> H. J. Ford, *The Scottish-Irish in America*, p. 122.

An average cargo was three hundred, but the shipmaster, for greater profit, would sometimes crowd as many as six hundred into a small vessel. Picture to yourself several hundred people of all ages with only six feet by two feet allotted between decks for one adult person with no privacy whatever, wearing the same clothing for the whole voyage—from four weeks to four months or even more—and often lying flat for whole days at a time when the ship tossed by terrible storms. Imagine the vile atmosphere in an unventilated space containing hundreds of people, many ill, with all manner of contagious diseases, living and dead side by side, without medical attendance, moaning and shrieking, praying, and crying, and perhaps crazed by famine and thirst.<sup>9</sup>

The size of the ships varied from forty tons to 400 tons, and the greatest number of people came on ships from the 100 to 250 ton class. Vessels averaging less than 200 tons carried over 300 German passengers. Other hardships were caused by the poor quality of provisions and the dishonesty of captains, who sometimes refused to give out provisions in order to gain more profit. Eventually, the conditions were improved by ventilating the ships and providing adequate provisions. But no one could control the weather, and the greatest single misery was seasickness. This was only a prelude to more serious ills which afflicted many of the cargoes of Germans, such as smallpox, yellow fever, typhus, or dysentery.

Most of the diseases, epidemics, and misery suffered by the peasants could easily have been eliminated by intelligent and humane supervision. It was only necessary to clean the ship before starting and during the voyage; to avoid over-crowding; and to provide lemon juice or fresh food to prevent scurvy. The Georgia Trustees took precautions. They

. . . were so careful of the poor people's health, that they put on board turnips, carrots, potatoes, and onions, which were given out with salt meat, and contributed greatly to prevent scurvy.<sup>10</sup>

It is also stated that out of some 1500 people who migrated to Georgia, not more than six died on the voyage.

<sup>9</sup> M. W. Jernegan, *Laboring and Dependent Classes in Colonial America* (Chicago: The University of Chicago Press, 1931), pp. 51-52.

<sup>10</sup> F. Moore, *A Voyage to Georgia, Begun in the Year 1735*. In *Georgia Historical Collections*, I (1840), 87.

As the servant ship approached the shores of America, it was customary to brighten the passengers by washing their faces, administering hair cuts, and tidying their clothes. New lists of the surviving passengers were prepared, and sometimes a little fraud was practised in that convicts who were in the cargo were given wigs to increase their respectability and fictitious handicrafts were credited to some of the passengers.

On arrival, the passengers' services were sold to plantation owners or farmers for what the traffic would bear. As the time of servitude began on the day that the ship arrived, it was important that the cargo should be sold as soon as possible. Most of the Germans could not understand English and became victims of unscrupulous merchants and captains by signing agreements which they could not understand. They were often sold for longer periods of servitude than their debts from the voyage justified. The term of indenture varied, depending on the debt, but the usual time came to three to five years for the passage.

A common practice was to have prospective purchasers board the ship and examine the servants by feeling their muscles, judging their health and morality, and by conversing with them to determine their degree of intelligence. The servants compared themselves to horses and cattle displayed for sale.

The redemptioners, coming as they did with wives and families and seeking new homes, were considered to be better colonists than the casual servants. The qualities of a good colonist, as well as a good indentured servant, were physical health, practical intelligence, diligence, and obedience. There can be no doubt that toward the end of the colonial period better servants came, and the larger migrations of 1773 were composed mostly of redemptioners or free willers. This mass migration did not bring nearly as much riff-raff, proportionately, as did the movements of the seventeenth century.

#### *Terms of the Indenture and Legal Aspects of Servants*

Many of the customs and practices of the apprenticeship indenture and feudal systems were implemented and adapted in drawing up the agreements for the indentured servants. The Virginia Company was one of the first to experiment and to try various forms of contracts in conducting the trade of servants in order that the Company would be assured of a profit and the servant would be satisfied with the conditions. Regardless of the conditions outlined in the contracts, the practice of "selling" servants resembled, in many cases, the practices followed by the eastern slave markets. The servants were sold to the highest bidder. Eventually the indentures were recorded, and the

system of registration progressively improved after 1682. Most servants had written indentures. The average length of servitude varied among the different classes. The redemptioners usually served a shorter term. The convicts served their full terms of seven to fourteen years. This fact helped to make them desirable labourers to the plantation owners of Maryland and Virginia.

Many forms of written agreements were used throughout the colonial period, but the following may be quoted as representative of all servant indenture:

This indenture made the *21st February 1682/3\**

Between *Rich. Browne* aged 33 years of one party, and *Francis Richardson* of the other party, witnesseth, that the said *Rich. Browne* doth thereby covenant, promise, and grant to and with said *Francis Richardson* his Executor & Assigns, from the day of the date hereof, until his first & next arrival att *New York or New Jersey* and after, for and during the term of foure years, to serve in such service & employment, as he the said *Francis Richardson* or his Assigns shall there employ *him* according to the custom of the Country in the like kind—In consideration whereof, the said *Francis Richardson* doth hereby covenant and grant to and with the said *Richard Browne*, to pay for *his* passing, and to find and allow *him* meat, drink, apparel, and lodging, with other necessaries, during the said term, & at the end of the said term to pay unto *him* according to the *Custom of the Country*.

It Witness thereof the parties above mentioned to these Indentures have interchangeably set their Hands and Seals the day and year above written.

This indenture made the *21st February 1682/3* Between:

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### *The Customs of the Country*

Most of the colonies regulated the treatment of indentured servants. Terms of an indenture were enforceable in the courts,

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\*Italicized parts were blank on the printed indentures.

11 A. M. Smith, *Colonists in Bondage* (Chapel Hill: The University of North Carolina Press, 1947), pp. 17-18.

and runaway servants could be compelled to return to their master and serve out their time, with additional periods added for the time they were absent. Servants could not marry without the consent of their masters. They could not vote. They could hold property, but they could not engage in trade, and there were severe penalties in all colonies for free men who traded with servants. If the servants had special abilities, they were exercised for the benefit of the master. They could be sold or seized to satisfy a debt. Many of the convicts were of the opinion that the masters' rights were property rights. However, the servants were Christian and they were white, and they were protected by law against injustices and cruelties. Masters were compelled to care for sick servants. No colony recognized the validity of a contract between master and servant made during the period of servitude unless it was properly recorded before a magistrate. This was an important protection for servants. These, in general, were considered some of the items covered by the term, "custom of the country." Another important "custom of the country" was the fixing of "freedom dues" given to servants at the expiration of their indenture. Most indentures executed in England and most of the indentures made in America for redemptioners specified that these dues were to be according to the custom of the plantation.

Some examples of "freedom dues" listing the dates of laws established in the various colonies follow:

#### *North Carolina*

(During the propriety period land was given, e.g., in 1686, 50 acres at one penny quitrent.)

1715—Three barrels of Indian corn and two new suits of a value of at least £ 5.

1741—Three pounds proclamation money and one sufficient suit.

#### *Virginia*

1795—Ten bushels of corn, thirty shillings or the equivalent, one musket worth at least twenty shillings. To women servants: fifteen bushels of corn and forty shillings in money or goods.

1748—Three pounds ten shillings of current money.

#### *Maryland*

1640—. . .one good Cloth suite of Kiersy or broad cloth a shift of white linen one new pair of stockings and shoes two hoes one axe 3 barrells of Corne

and fifty acres of land—Women Servants a Years Provision of Corne and a like propotion of Cloths and Land.

*Massachusetts*

1641—Servants after seven years' labor must "not be sent away empty."<sup>12</sup>

If the servant produced an indenture in proper form, its provisions were upheld and enforced by the courts. The northern colonies, however, passed very little legislation concerning the conduct of servants. In general, treatment was better in the northern and middle colonies than in the southern. There was no apparent stigma attached to the indentured servants, and the families of the servants merged readily with the total population. However, there were some moral problems caused by the white servants:

Nearly all the colonies were forced to pass laws to prevent relations between servants, between free men and servants, and between Negro slaves and servants. A great increase of illegitimate mulatto children in the eighteenth century is one evidence of low moral standards. In Virginia, the parish vestry books record large sums expended for the support of such children.<sup>13</sup>

The fact is that the early trade brought more men than women, and the prohibition of marriage tended to encourage illicit relations among the servants. With the advent of the Negro slaves, the moral problems increased, and heavy penalties were imposed on white women who bore mulatto children by extending the years of servitude and by the administration of a sound whipping.

Although the court records reveal the misdeeds and suits of servants, only a very small number behaved badly. The majority worked out their time without suffering excessive cruelty, received their freedom dues without suing for them, and left little or no evidence regarding their careers.

*The Work of Servants and Freed Servants*

The main work of the servants was (1) to prepare the land for planting, (2) to fell, trim, and drag trees away, (3) to clear all brush, and (4) to turn the soil for the first time, usually by

<sup>12</sup> A. M. Smith, pp. 230-240.

<sup>13</sup> M. W. Jernegan, *Laboring and Dependent Classes in Colonial America* (Chicago: The University of Chicago Press, 1931).



hand with crude tools. Many English servants were not accustomed to this difficult and exhausting type of labor. Although the mistreatment of the masters and unfairness of the justices caused the servants a great deal of misery, the climate in the southern colonies caused the greatest misery to the white servants. In the early days, the mortality from fevers and pestilences was very high, and the masters had to pay a heavy price in lives and happiness in order to learn how to combat the heat by adjusting the hours of work. The masters in Virginia and Maryland gave the servants three hours rest during the middle of the day, and Saturday afternoons and Sundays were free from labor in all colonies. It required a period of one year to season the new servants. The cultivation of tobacco and sugar required somewhat different techniques, as the harvesting, curing, and refining of these products called for new and special skills. Since all servants were required to do some field work, the German peasants and English farmers made the adjustment more easily than the town malefactors and the artisans. The indentures made by servants before leaving England often stipulated that they should work only at their trades or crafts. The colonial courts upheld these indentures if the servants included a clear statement indicating their trades. Then they could be exempt from the work in the fields.

Whenever a cargo of servants arrived in the colonies, the merchants or captain occasionally inserted an advertisement in the journals. The following advertisement is from the *Virginia Gazette* for March 28, 1771:

Just arrived at Ludstown, the ship *Justitia*, with about one hundred Healthy Servants. Men, Women and Boys among which are many Tradesmen—viz. Blacksmiths, Shoemakers, Tailors, House Carpenters and Joiners, A Cooper, a Bricklayer and Plaisterer, a Painter, a Watchmaker and Glazier, several Silversmiths, Weavers, a Jeweler and many others. The Sale will commence on Tuesday the 2d of April, at Leeds Town on Rappahannock River. A Reasonable Credit will be allowed, giving Bond with Approved Security to

Thomas Hodge. <sup>14</sup>

Even during the colonial period teachers or schoolmasters were comparatively insignificant and poorly paid:

<sup>14</sup> *Virginia Gazette*, March 28, 1771.

What is still less credible is, that at least two thirds of the little education we receive derived from instructors, who are either *indented servants*, or *transported felons*. Not a ship arrives either with redemptioners or convicts, in which schoolmasters are not as regularly advertised for sale, as weavers, tailors, or any other trade, with little other difference, that I can hear of, excepting perhaps that the former do not usually fetch so good a price as the latter.<sup>15</sup>

Obviously, the sale of servants depended on the current demand for labour in the colony as well as on the quality of servants, their health, nationality, religion, and skills. There was rarely any criticism levelled against the Scots. The Irish were the least favoured, and some of the colonies imposed taxes of twenty shillings for their importation. If they were Papists, an additional fee was imposed.

The ambitious and intelligent servant utilized his term of indenture as a time of apprenticeship for learning a trade. He became seasoned to the climate, learned the best methods of farming and the system of marketing farm products, and made business acquaintances among the planters. The tradesman became known in the community so that he would have prospective customers when he became free and set up his own business.

The freed servant had opportunities to become a tenant farmer or a hired man, while the artisan could practise his trade. The closed social system in New England tended to prevent activities of the freed servants. On the other hand, the authorities in Pennsylvania, Maryland, Virginia, and the Carolinas were anxious to expand and get the land in the hands of the freed servants. Up to the year 1666, approximately seventy-five per cent of all immigrants to Virginia were servants, yet only one-third of the land-owners were ex-servants. Many sold their "head-rights," and many of the freed servants failed to avail themselves of the fifty acres of land. It was also intimated that approximately twenty-five per cent of the servants died before completing their indenture. The poor and shiftless in England were inclined to be useless in the colonies and to become "poor whites." Many returned to England after the seven or fourteen years of service, and others moved to different parts of the colonies to start new careers. Actually, only a small percentage

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<sup>15</sup> J. Boucher, *A View of the Causes and Consequences of the American Revolution* (London, 1797), pp. 183-184.

of the total number of servants shipped to the colonies experienced a high degree of success. The opportunities for success offered to women were greater than those offered to men, and during the early years they were in great demand as wives.

Despite the hardships of pioneer life in the colonies, America presented to the average man a better chance for independence and success than did Europe. The whole system of servitude was merely a means of supplying white settlers and cheap labour. The rugged pioneer life tended to eliminate the weak and shiftless, and the strong and competent survived to carry on as Americans.

### *The Number and Distribution of Indentured Servants*

There are no complete data of population and immigration for the colonial period. At best, the scholars, authorities, and historians make estimates on the basis of known records, which are inadequate and incomplete on the number of indentured servants transported to the colonies during the period. Some statistics from the various sources in the appendix of Smith's book give an idea of the number of servants and immigrants shipped to America:

#### *Emigration from Ireland*

Between the years 1725-1727 there are records of 5,000 emigrating.

A writer in the *Dublin University Magazine* for 1832 calculates that from 3,000 to 6,000 annually emigrated in the years 1725-1768.

During the half-century (1750-1800) 200,000 emigrated and during the three years 1771-1773, by exact statistics, 28,600.

#### *German Emigration*

Total number of Germans coming to Philadelphia was approximately 75,000 and more than one half or two thirds were servants.

#### *Emigration from England*

It is computed that there are at least 10,000 Convicts and passengers, or indented Servants, imported yearly into the Different Colonies, the first are sent to Virginia and Maryland only, and likewise Indented Servants; But the Colonies to the Northward of Maryland admit no Convicts but Serv'ts as many as will Come. There has Come

to Philadelphia alone, 5,000 in one year, 3/4 of which were from Ireland, great numbers of Dutch and Germans. . .<sup>16</sup>

There are a number of factors that can be noted concerning colonial migration. After 1689, there was a considerable drop in immigration from Britain which lasted to 1768. Then it began to pick up, and the greatest English emigration was that from 1770 to 1775. Beginning in 1728, an increased movement from Ireland began, and this constituted by far the greatest number of servants and redemptioners that emigrated. The German migration began about 1720 and reached its height in the middle of the century, but it did not increase in the 1770's as did the English and Irish migration.

During the 1670's, there were always between 12,000 and 15,000 servants laboring in the plantations, and approximately one half were in Virginia. During the twenty-five years from 1750 to 1775, about 25,000 servants and convicts entered Maryland from the British Isles. In the same period over 50,000 entered Pennsylvania; about two thirds of these were Irish and the rest were Germans. After 1645 the number of servants entering New England was negligible.

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<sup>16</sup> "Journal of a French Traveller in the Colonies, 1765," *American Historical Review*, XXVII, p. 84.

The *Dalhousie Review* records with deep regret the death on May 17th, 1957, of Dr. Burns Martin, a frequent contributor to the *Review* and other journals, a member of the Editorial Board for many years and Editor of the *Review* from 1947 to 1951.