

“CORRECTED ABOVE MEASURE”:  
INDENTURED SERVANTS AND DOMESTIC ABUSE  
IN MARYLAND, 1650-1700

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IN MARYLAND, 1650-1700

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## INTRODUCTION

On October 1, 1659, the Kent County court convened in its newly-constructed courthouse for another session of mediating between and disciplining the residents of their small island community just off the coast of Maryland in the Chesapeake Bay. The first order of business was the complaint of an indentured servant, Sarah Taylor, against her master and mistress, Captain Thomas and Mary Bradnox, for “dieurs wronges & abuses.” Sarah had been caught running away from the Bradnox household and revealed her desperate circumstances to one of the acting commissioners, Joseph Wickes, who found her story of abuse disconcerting and brought her to another commissioner for further questioning. When she had completed their questioning, she was asked whether or not she was willing to return to her master’s house. Sarah agreed to return to the Bradnox household until the next court session, and Thomas Bradnox promised to stand trial against the accusation.

When the trial commenced, four witnesses were called to testify on Sarah’s behalf. The first, a fellow servant named John White, claimed that he could “testifie nothinge in this matter affirmatiuely.” The next three witnesses were free men, at least two of whom held judicial positions in the community. John Jenkins, who may have been the same John Jenkins who served on the Charles County court in 1658 and 1659, testified that he had never seen Thomas or Mary Bradnox strike Sarah Taylor but that Sarah had “a blacke place crosse one of her shoulders” and that he had heard Mary “giue her som bad words.” Tobias Wells, who in the next year would become the court clerk, also attested to the “seuerall blacke spots and on her Arme a great blacke spott about as

broad as his hand.” Finally, Joseph Wickes, the acting commissioner who had originally heard Sarah’s complaint, testified that he had seen Mary Bradnox “strikeinge her Saru<sup>1</sup> before him...with a Ropes ende” and “could not in Justice pass by or suffer” the violence. Despite these testimonies (and the prominence of some of the witnesses), the court punished Sarah for running away from the Bradnox house for twelve days, concluding that she had “noe Just Cause” for absenting herself from his service. Their judgment was at least partially motivated by the fact that her absence had brought about subsequent suits between Bradnox and a few of his neighbors who had assisted Sarah in her attempt to escape. The fact that Bradnox was currently serving as a county commissioner certainly must have affected their decision as well. One of the judges recommended that she be whipped, but the other three determined that “her Former stripes ware suffitient Corporall punishm<sup>1</sup>.” She was ordered to ask for her master’s forgiveness on her knees and then return to his service.<sup>1</sup>

No one in the courtroom that day anticipated that it would take three years for Sarah Taylor’s case against Thomas and Mary Bradnox to be resolved. In those three years, Sarah would appear in court twice to reiterate her complaint, run away from her master’s house at least two more times, seek the assistance and support of her fellow servants and community members, and testify against Thomas Bradnox in a separate case involving the death of a fellow servant in his household. She would finally be freed from service by the court, only to defend herself against suits of false oaths and conspiracy in the following year. In 1662, the Provincial Court ordered that Mary Bradnox, recently widowed and determined to be compensated by the court for the emancipation of her

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<sup>1</sup> *Archives of Maryland* (Baltimore, 1883- ), LIV, 167-169, hereafter cited as *Maryland Archives*.

servant, receive 220 pounds of tobacco from each commissioner who had decided to free Sarah Taylor as payment for the damages she incurred through their decision.

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Sarah's case is more prolonged and complicated than most, but it stands out for its representation of the various options available to ill-used servants as well as how Maryland courts and communities responded to instances of mistreatment by masters or mistresses towards their servants.<sup>2</sup> What were servants' options in avoiding or escaping abuse and how did they make use of them? How did the local and provincial courts respond to cases of violence towards servants? Finally, how did communities react to such occurrences? This study will address these questions in the context of seventeenth-century Maryland, a place and time characterized by heavy reliance on bound labor.

Some background information on the experience and importance of indentured labor in early Maryland is essential for understanding the significance of abuse cases and the competing factors courts and communities considered when addressing them. In some form or another, about three-quarters of the emigrants from Europe to the Chesapeake colonies came as bound laborers. The system of indentured servitude flourished in the seventeenth-century Chesapeake, with about 120,000 servants emigrating to Virginia and Maryland over the course of the century. The origins and characteristics of these immigrants have been much-debated by historians. Early scholars tended to view the newly-arrived servants as "indolent" representatives of "the oppressed and starving peasants of Europe." However, more recent scholars have emphasized that servant emigrants represented "a broad cross-section of English society." Even

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<sup>2</sup> Based on the nature of court cases found in the records, "mistreatment" and other such terms will refer to physical violence towards servants, overwork, or neglect (such as inadequate diet, clothing, maintenance, or shelter).



contemporary observers in Maryland varied on their opinion of servants. In 1662, Thomas Cornwallis claimed he was well-known for transporting servants “of very good Ranck and Quallity.” Dr. Luke Barber held a very different opinion, declaring servants were all “whores and Rogues.” Others, like James Neale, saw (and defined) good and bad qualities in servants; while selling his maidservant to Mr. William Marshall, Neale claimed “shee was a very good Cooke” but admitted she was “a whore and a thiefe.” If Marshall could simply “breake her of thos faults,” Neale promised she would be “an excellent good saruant.”<sup>3</sup>

Based on the English system of apprenticeship, indentured servitude involved the signing of a contract committing servants to a certain number of years of labor in exchange for the cost of their passage to the New World, some supplies when their time was expired, and, at least for most of the century, a plot of land on which to establish their own farm. This arrangement was attractive to emigrants who were eager to own their own land and escape the troubling economy in Great Britain. George Alsop, a former servant whose pamphlet “A Character of the Province of Maryland” was meant to attract emigrants, promised that servants who “endure the prefixed yoak of their limited time with patience” would “in a small computation of years, by an industrious endeavour...become Masters and Mistresses of Families themselves.” Although fewer in

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<sup>3</sup> Lorena S. Walsh, “Servitude and Opportunity in Charles County, Maryland, 1658-1705,” in Land, Carr, and Papenfuse, eds., *Law, Society, and Politics in Early Maryland* (Baltimore: The Johns Hopkins Press, 1977), 111; Kenneth Morgan, *Slavery and Servitude in Colonial North America* (New York: University Press, 2001), 8; Eugene Irving McCormack, “White Servitude in Maryland, 1634-1820” in *Studies in Historical and Political Science*, edited by J.H. Hollander, J.M Vincent, and W.W. Willoughby (Baltimore: Johns Hopkins Press, 1904), 109-110 (Similarly, Abbot Emerson Smith described them as “of low grade, lazy, ignorant” and “an unsavory and sometimes dangerous lot” in *Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776* (Gloucester, MA: P. Smith, 1965), 245); James Horn, “Servant Emigration to the Chesapeake in the Seventeenth Century” in Thad W. Tate and David L. Ammerman, eds., *The Chesapeake in the Seventeenth Century: Essays on Anglo-American Society* (Chapel Hill: University of South Carolina Press, 1979), 65; *Maryland Archives*, I, 463 (Cornwallis); I, 516 (Barber); LIII, 169 (Neale).

number, female emigrants also sailed to the Chesapeake in hopes of realizing the promises they read in descriptions of the new colony. Alsop assured them that “The Women that go over into this Province as Servants, have the best luck here as in any place of the world besides; for they are no sooner on shoar, but they are courted into a Copulative Matrimony.” For the adventurous emigrant, servitude was a temporary sacrifice for a hopeful future.<sup>4</sup>

For planters, indentured labor was integral to the economy because it provided a cheap labor force in a colony dependent on tobacco production. Hired wage labor was expensive, and there was a shortage of free laborers as only a minority of emigrants could afford to pay their own passage. Furthermore, because of the unbalanced sex ratio and high mortality rates, the growth of families as a potential workforce was slow.

Indentured servants filled this labor shortage before the widespread adoption of slave labor, which became more prevalent towards the end of the century. Planters also received land for bringing in servants, and in many ways, the number of servants one acquired determined property ownership, rank, and financial prosperity. In 1676, Lord Baltimore noted that planters’ estates “consist in the numbers of Their Servants.” By providing opportunities for the servant and much-needed labor for the master, the system was intended to be mutually beneficial.<sup>5</sup>

This ideal became increasingly divorced from reality, however, as the economy and society changed over time. For the most part, historians generally agree that

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<sup>4</sup> George Alsop, “A Character of the Province of Maryland” (1666) in *Narratives of Early Maryland, 1633-1684*, edited by Clayton Colman Hall (New York: Charles Scribner’s Sons, 1910), 355, 358-359.

<sup>5</sup> McCormack, “White Servitude in Maryland, 1634-1820,” 124-145; Morgan, *Slavery and Servitude in Colonial North America*, 8-11; *Maryland Archives*, V, 268 (Baltimore).

conditions were favorable for servants until the latter part of the seventeenth century. Before the 1660s, freed servants could more easily acquire land and a stable position in society, sometimes even entering into the gentry and attaining public office. Russell R. Menard found that most servants who survived their indenture period and remained in the area acquired land and were active participants in their local community. However, by 1660, rapid population growth, increased land prices, and the beginnings of a thirty-year depression in the tobacco trade sharply decreased opportunities for freed servants. Their options after earning freedom were to remain wage workers or tenant farmers for larger planters or to move to another colony. Many chose the latter option, relocating to frontier areas like Pennsylvania and the Carolinas. Immigration from England also declined during this period as domestic conditions there improved (more jobs and higher wages), and servants began coming in greater numbers from Ireland and the Continent.<sup>6</sup> This gradual decline of white unfree labor in Maryland also coincided with the rise of black slavery.<sup>7</sup>

Especially during such times of social and economic change, the indenture system provided a way to control the young laboring population. In order for plantations and the local economy to survive, masters had to control and make full use of their servants.

George Alsop described experiences in servitude as “Colledges of Sobriety that checks in the giddy and wild-headed youth from his profuse and uneven course of life.” Fears of a

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<sup>6</sup> Russell R. Menard, “From Servant to Freeholder: Status Mobility and Property Accumulation in Seventeenth-Century Maryland” *The William and Mary Quarterly*, Third Series, 30, 1 (Jan., 1973), 37-64; Greene, *Interpreting Early America*, 204-206; Dunn, “Servants and Slaves,” 163-169.

<sup>7</sup> Just how the decline of servitude and the rise of slavery were related has been the subject of much debate among historians. For some discussions, see Warren B. Smith, *White Servitude in Colonial South Carolina*; Galenson, *White Servitude in Colonial America*; Menard, *Migrants, Servants and Slaves: Unfree Labor in Colonial British America*; Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia*; Winthrop Jordan, *White over Black: American Attitudes Toward the Negro, 1550-1812*.

restless unfree workforce (which, for some of the seventeenth century comprised up to half of the total population) seemed well-grounded considering their involvement in rebellions and unruly behavior. As early as 1637, servants had been involved in Claiborne's rebellion, and some later participated in Ingle's temporary takeover of the government. There were also reports of runaway servants joining pirate bands, like the one led by Roger Makeele, known for committing "so many Robberies and outrages in Virginia and Maryland." Certainly servant involvement in Bacon's Rebellion in Virginia must have worried early Marylanders. Although no conflict of that magnitude occurred in their colony, there was a smaller and unsuccessful rebellion in 1676 led by William Davyes and John Pate that especially attracted poor men because it demanded better political and economic opportunities for ex-servants. Servants could also threaten order by their seditious and unruly speech. One servant, Richard Groome, was whipped for spreading "falce and Evill repoarts" regarding rumors of a civil war in England.<sup>8</sup>

On a smaller scale, servants could pose a threat to individual households through violence or by slandering their masters or mistresses. David Stevens confessed to "Scandalously" abusing his master and received ten lashes for his conduct. Likewise, Anne Cunbarke and Richard Austin were both brought to court for their slanderous language against their masters. In a particularly disconcerting case, an overseer incited the servants and "animated them to villifye and abuse" their master and mistress. Brandishing "a Clubb with a nayle att the end of it," the overseer "did bid [the] servants,

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<sup>8</sup> Alsop, "A Character of the Province of Maryland," 354; *Maryland Archives*, V, 169-170, 172 and III, 70 (Claiborne); X, 362-363 (Ingle); XVII, 372-373 (Makeele); Christine Daniels, "Liberty to Complaine": Servant Petitions in Maryland, 1652-1797" in *The Many Legalities of Early America*, edited by Christopher L. Tomlins and Bruce H. Mann (Chapel Hill: University of North Carolina Press, 2001), 232 (Davyes and Pate); CCII, 458, 466 (Groome).

cutt them every one a Clubb to knock their Master on the head.” Similarly, Owen Oroiake violently attacked his master and mistress on multiple occasions. The court ordered that he receive thirty lashes and add three months to his time, but his master wisely decided to sell Oroiake to someone else. Some masters were even murdered by their servants, as John Hawkins was by a group of three menservants and two slaves.<sup>9</sup>

Because of these potential dangers, masters were given ample authority over their servants to ensure that they behaved properly and worked diligently. In *Founding Mothers and Fathers*, Mary Beth Norton describes indentured servants as “fictive sons and daughters who participated in most families.” Just as children were to “Honor thy Father and Mother,” servants and other dependents in the household were expected to respect and fulfill their obligations to their master and mistress. Consequently, Norton concludes that “most legislation was aimed at enforcing inferiors’ subjection to family governors.” This domestic hierarchy was considered natural and divinely-ordained. In *The Country Justice*, a manual for local justices first published in England in 1618, Michael Dalton explained that “some are allowed to have a natural, and some a civil Power (or Authority) over others; so that they may (in reasonable and moderate manner only) correct and chastise them for their Offences.” The master, like a father, was responsible for the conduct and activities of his naturally inferior servant. For example, in 1639, an Act of the General Assembly stipulated that masters were expected to make sure that their servants were observing religious duties (such as not eating meat during Lent) and were kept from manual labor on Sunday and holy days. Because masters were responsible for their servants’ behavior, they were permitted to use moderate correction

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<sup>9</sup> *Maryland Archives*, X, 439-440 (Stevens); LIV, 478 (Austin); LXXXVI, 193-196 (Cunbarke); XLI, 554-556 (overseer); CDVI, 29-31 (Oroiake); LXV, 2-8 (Hawkins); For other examples, see XLI, 316-317; XLIX, 489-491; LXXXVII, 265; DLVII, 131, 133; DLVII, 231.

when necessary. This “right to strike,” as Norton and Terri Snyder have pointed out, was also “a symbolic act, one by which they demonstrated their authority and maintained dominance in their households as well as in their tobacco fields.” A Virginia act of 1662 declared that a master “shall not exceed the bounds of moderation in correcting them beyond the meritt of their offences,” but it did not specify what constituted the appropriate amount or type of correction. In Maryland, the issue was even more ambiguous; legislation was silent on the issue of domestic correction until the 1690s.<sup>10</sup>

Before the 1690s, the courts were doubtlessly familiar with Dalton’s *The Country Justice* and probably referred to his notions regarding the treatment of servants. Dalton stated that a “Master may strike his Servant with his hand, fist, small staff or stick for correction; and though he do draw blood thereby, yet it seemeth no breach of the Peace...so as he doth it not outrageously.” Such discipline was appropriate “where the Servant shall be negligent in his Service, or shall refuse to do his Work.” The earliest mention of the treatment of servants in Maryland legislation was in 1638, when the General Assembly passed an act concerning the punishment of ill servants, but a copy of the act was not recorded. A year later, the Assembly defined some of the obligations masters and servants had to one another. A master or mistress was to supply sufficient food, lodging, and clothing for the servant and to comply with the stipulations of each individual indenture. Any master not fulfilling these responsibilities would be imprisoned until the obligation was met. Upon a second offense, the servant would be set free from the master’s service. For their part, servants were required to perform the commands of their masters or be publicly whipped for neglecting their duty. The 1639

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<sup>10</sup> Norton, *Founding Mothers and Fathers*, 97, 102-103, 116; *Maryland Archives*, CLIII, 283 (Dalton); I, 53 (1639 Act); Snyder, *Brabbling Women*, 89.

statute made no mention of domestic correction; instead, it only specified that an uncooperative servant would be publicly punished by the court. The lack of clear legislation on the issue for most of the century left interpretation and enforcement up to juries, judges, and the community, giving them considerable latitude to apply their own knowledge of the specific situations and participants.<sup>11</sup>

However, repeated attempts to officially address the issue and pass legislation at the end of the century indicate that abuse towards servants was a continuing problem. In 1691, Lionel Copley's royal commission and instructions as governor of Maryland included an order to "endeavour to get a Law passed for the restraining of inhuman severities, which by ill Masters or Overseers may be used toward their Christian servants or slaves." The mistreatment of servants was apparently so notorious that word of it had reached London, and the crown was demanding action. In response, the General Assembly stipulated that masters "shall not unreasonably burthen [their servants] beyond their strength with labour or deny them necessary rest and sleep." The royal commission was repeated in 1693, this time when Francis Nicholson became governor, and included the same instructions. A year later, the Governor ordered the General Assembly to draw up orders regarding a number of issues, including "ffor restraining Masters in humane severities ag<sup>t</sup> Christian Servants." Although the records indicate that the instructions were drawn up, examined, and sent, no copy was included. In 1699, the Assembly ordered that any master who did not provide sufficient "meat, Drink, Lodging and Cloathing" or who "unreasonably Burthen them beyond their Strength with Labour or Debarr them of their Necessary Rest" would be fined for the first and second offenses and lose their servant on the third offense. Finally, in 1704, the General Assembly added

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<sup>11</sup> *Maryland Archives*, CLIII, 283 (Dalton); I, 53 (1639 Act).

that masters shall not “excessively beat or abuse” their servants to its list of master-servant obligations. At the same time, it supported the notion of “moderate correction” by indicating that only excessive correction was offensive and that such abuse must be “sufficiently proved before the Justices of the County Courts.” What constituted excessive abuse and how it was to be proved remained ambiguous.<sup>12</sup>

Because the legislation was so vague, the courts considered the issue of moderate and immoderate discipline on a case-by-case basis. At the very least, the courts and community seemed to accept that “a few blows with a stick might chasten a grumbling laborer, just as a few stitches with a whip could encourage a dawdling servant to step more quickly.” Beyond that, the definition of “moderate correction” remained ambiguous. The courts were perhaps hesitant to formally identify the boundaries of physical correction because, as noted earlier, masters were considered the most effective means of supervising and controlling the extensive servant population’s behavior. In *Suspect Relations*, Kirsten Fischer noted that “the regulation of servants’ behavior was critical to the social order,” and the courts assigned that responsibility to individual masters. However, she continued, “the court had to curtail masters’ excessive use of force in order to uphold the image of indentured servitude as an orderly and legitimate labor system.” Although unwilling to clearly define “moderate correction,” the courts were compelled to make distinctions as each case required.<sup>13</sup>

Historians of the Chesapeake judicial system have long debated the courts’ response to cases concerning the physical abuse of servants. The different conclusions

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<sup>12</sup>*Maryland Archives*, VIII, 279 (1691); XIII, 457 (1692); XXIII, 548 (1693); XIX, 32-33 (1694); XXII, 551 (1699); XXVI, 259 (1704).

<sup>13</sup> Snyder, *Brabbling Women*, 89; Fischer, *Suspect Relations*, 101, 169.



historians come to are shaped in part by how they view the nature and consequences of the indenture system. One version describes an increasingly positive system that had roots in a feudal understanding of dependent labor but evolved into a more egalitarian labor market in which the rights of workers were increasingly protected. Indentured servants were the hard-working, adventurous, liberty-loving ancestors of free Americans. On the other hand, other historians see conditions worsening for laborers and emphasize social conflict. For them, servants were little more than commodities exploited by those in power. John Hammond, a contemporary observer writing in 1656, promoted the former interpretation, claiming that “Servants complaints are freely harkened to, and (if not causlesly made) there Masters are compelled either speedily to amend, or they are removed upon second complaint to another service; and often times not onely set free (if the abuse merit it) but ordered to give reparation and damage to their servant.” In 1897, John Fiske argued that this protection of servants under the law was in theory only. A few years later, E.I. McCormack responded that the courts were fair and thorough to both master and servant; by law, “the servant always had rights which must be respected and which were generally enforced by the courts.” In 1947, however, Abbot Emerson Smith concluded that “the courts seem always to have accepted the word of the master.”<sup>14</sup>

Historians have continued to debate the matter in the last twenty years. James Horn maintained that “relatively little consideration was given to servants’ welfare” and that “there was a disturbingly casual attitude on the part of local courts to the plight of servants.” Terri Snyder emphasized commissioners’ ulterior motives and argued that colonial officials were more inclined to support the claim of a servant if it furthered their

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<sup>14</sup> John Hammond, “Leah and Rachel” in *Narratives of Early Maryland* (New York: Charles Scribner’s Sons, 1910), 295; E.I. McCormack, “White Servitude in Maryland,” 173-177; Smith, *Colonists in Bondage* (Chapel Hill: University of North Carolina Press, 1947), 268.

own political interests and bolstered their personal authority. Herbert Applebaum noted that “the judgments of the courts were inconsistent and diverse” and that masters enjoyed legal support from a court composed of other masters. Mary Beth Norton likewise argued that “civil authorities generally supported family governors in their efforts to maintain order in their households.” Emphasizing the importance of legislation in settling and ordering the colonies, Christopher Tomlins found that “servants had few legislated rights” and statutes were primarily intended for “policing of migrant labor.” In contrast, Carr, Menard, and Walsh asserted that “the courts made a real effort to determine the facts” in a case and make a fair decision. Finally, Christine Daniels argued that “the county courts and the provincial court in Maryland, far from being an instrument of masters’ control, were sympathetic to servants’ pleas and overwhelmingly adjudicated cases in their favor.” In fact, Daniels asserted that courts judged in favor of servants 100% of the time in cases concerning ill-usage from 1652-1689, a claim that is proven inaccurate and oversimplified from the records. While most conclusions on the subject are based on anecdotal evidence and represent brief segments of a larger argument, this study is the result of a systematic approach in which each available case was categorized and analyzed in as much detail as possible.<sup>15</sup>

Although historians have tended to emphasize either the courts’ compassion or its coldness towards maltreated servants, this study emphasizes the cautious and calculated

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<sup>15</sup> James Horn, *Adapting to a New World: English Society in the Seventeenth-Century Chesapeake* (Chapel Hill: University of North Carolina Press, 1994), 269-270; Snyder, *Brabbling Women*, 92; Herbert Applebaum, *Colonial Americans at Work* (Lanham: University Press of America, Inc., 1996), 91-92; Mary Beth Norton, *Founding Mothers and Fathers*, 132; Christopher Tomlins, “Law, Population, Labor” in *The Cambridge History of Law in Early America*, edited by Michael Grossberg and Christopher Tomlins (Cambridge University Press, 2008), 232-233; Lois Green Carr, Russell R. Menard, and Lorena S. Walsh, *Robert Cole’s World: Agriculture and Society in Early Maryland* (Chapel Hill: University of North Carolina Press, 1991), 312; Daniels, “Liberty to Complaine,” 225, 232.

ways in which the courts responded to them. Servants held an unclear place in society; they were unfree dependents under the authority of the head of household, but they would also soon become free, independent participants in the community. They had the right to petition the court with grievances and the occasional civic duty to labor on county highways and serve in the militia, but their services were also bought and sold like cattle and tobacco. Because of this ambiguity and the potential tensions inherent in questioning a master's household authority, courts and communities had to be careful when interfering in master-servant relations. Consequently, their responses were not clear-cut and reflected circumstances and interests unique to the Chesapeake.<sup>16</sup>

Maryland's judges and juries were under significant pressure to uphold the authority of the master to control the servant population and, in order to protect the local economy, to maintain the appearance of a functioning and beneficial indenture system. In addition, servants' time was the property of the master, who was given authority to command them. Consequently, judges and juries supported the authority of the master whenever possible, as when the servant did not play an active role in the case, already had a questionable reputation in the community, or did not produce adequate evidence. Especially when a servant died under questionable circumstances, the court was averse to punishing the master or mistress (especially since a conviction would usually mean execution); such cases were generally pushed aside and forgotten. Without the servant present, the court felt less obligated to punish the offenders.

However, the results of this study contradict the assumption that because the courts were "staffed with other masters," the legal system was inevitably stacked in favor

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<sup>16</sup> For examples, see *Maryland Archives*, VII, 54, LIII, 158-160, 163-164 (military service); CXCI, 34-36 (highways); LXVI, 489 and LXVII, 234.

of the master. Servants also had legal rights and would soon freely participate in society. Furthermore, the colony constantly had to attract new immigrants to keep up with the labor demand; potential emigrants might think twice if they learned that the indenture system was brutal and unjust. As a result, courts found it more difficult to ignore servants' cases when they exercised that right by approaching the court and demanding redress. When indentured servants personally brought their complaint and were able to provide proof through their appearance or witnesses, the courts repeatedly took steps to address their grievances while deftly side-stepping any punishment on the master. This pattern indicates that courts were more interested in providing servants with redress than demanding retribution from an offending master. Unwilling to publicly reprove the master, they nonetheless did not ignore the servant's situation. Despite the harsh legislation against running away, judges were especially sensitive to fugitive servants who attempted to escape abuse by flight and thereby demonstrated the severity of their situation. The decisions reflected a consistent and careful attempt to preserve the reputation and authority of the master while accommodating servants when they personally exercised their right to petition.<sup>17</sup>

Similarly, Maryland community members had to weigh the risks of meddling with a head of household to support a mistreated servant. Intervening on behalf of a misused servant or providing them with assistance against the will of the master was risky and could provoke confrontation. By doing so, concerned neighbors, officials, and fellow servants called into question the authority of masters over servants and risked upsetting the accepted hierarchy that was essential to order and productivity. Furthermore, communities in early Maryland had unique physical and social characteristics which

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<sup>17</sup> Applebaum, *Colonial Americans at Work*, 91.

made direct involvement by its members on behalf of abused servants less likely and less successful than in New England. Neighborhoods were rural, spread out, and subject to the instability connected to high levels of immigration and disease, making the development of strong support networks more difficult than in New England, where immigrants often came in families and lived in closer-knit communities. According to Norton, such differences resulted in Chesapeake households enjoying much more autonomy and freedom from external intervention than in New England.<sup>18</sup>

Because of these circumstances, many historians have concluded that community members in Maryland were indifferent to servant grievances. They “rarely intervened to halt violence,” were “compelled by their own plight to ignore” the servants’ troubles, and were generally unwilling to challenge the master’s power over his servant. Despite these hindrances, it is important that there were a number of instances when individuals and groups actively aided and supported indentured servants in their attempts to seek redress. Although often less direct than in the northern colonies, such measures reflected the Chesapeake environment and were often effective in their own way. Concerned community members most frequently demonstrated support by testifying on servants’ behalf in court, attempting to heal or dress their wounds, or by providing food and shelter to runaways. They understood what was effective and acceptable in their distinct social environment and acted accordingly.<sup>19</sup>

The history of white servitude, especially in Maryland, is challenging because of the paucity of sources. Servants rarely left direct evidence or commentary on their

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<sup>18</sup> Norton, *Founding Mothers and Fathers*, 114-119.

<sup>19</sup> Norton, *Founding Mothers and Fathers*, 123; Darrett and Anita Rutman, *A Place in Time: Middlesex County, Virginia, 1650-1750*, 138; Fischer, *Suspect Relations*, 170-171.

experiences, and diaries and letters from early Marylanders in general are rare. Consequently, historians are more often obligated to uncover their lives through official documents. However, censuses and church records were rare in seventeenth-century Maryland. Even in 1700, when a census was requested by authorities in England, the General Assembly complained that such a task would be difficult considering “the Constables & others appointed to take such Lists are so ignorant and illiterate.” Studies of the colony, including this one, primarily rely on court records, but even these tend to be fragmented and not completely reliable. In many cases, depositions and court rulings were not even recorded. Many court records have not survived, so the number of cases is deceptively small and the origins or eventual conclusion of some cases have been lost. This point is especially relevant to the subject of servant abuse; Provincial Court records are fairly complete until they completely disappear in 1683, but most cases involving master-servant disputes were heard in the county courts, whose few surviving records are sporadic and incomplete. Furthermore, constructing biographical sketches of many individuals who participated in cases is frustratingly difficult, as their names only appear once or twice in the court records. Identifying patterns and piecing together story lines is a challenging, but not impossible, task.<sup>20</sup>

As with any study based on court records, it is important to note that such sources expose the negative actions and experiences of early Marylanders; not all masters mistreated their servants, and there are even examples of trusting and friendly relationships. However, it should not be assumed that court records only reflect atypical cases. Intensified legislative efforts at the end of the century to prevent and punish

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<sup>20</sup> Richard S. Dunn, “Servants and Slaves: The Recruitment and Employment of Labor” in Jack P. Green and J.R. Pole, eds., *Colonial British America: Essays in the New History of the Early Modern Era* (Baltimore: The Johns Hopkins University Press, 1984), 157; *Maryland Archives*, XXIV, 12-13; (census).

mistreatment reveal that the types of abuse servants described were not unusual throughout the seventeenth century. Furthermore, although the number of surviving cases is small, they offer valuable insights into daily life, language, household and community relationships, and even personal attitudes and opinions. Marylanders of all circumstances interacted in the courtroom, and their exchanges reveal domestic and communal dynamics. In this study, cases specifically relating to ill-used servants reveal both the severe abuses many Marylanders were willing to tolerate as well as the apparent altruism of others who were willing to take great risks to support misused servants.<sup>21</sup>

Courts and communities addressed the plight of ill-used servants on three occasions. The first was when a formal complaint was made to the court, either by the servant or a community member. At other times, servants ran away from their households, usually a strictly punished offense, and claimed abuse as their reason. In such cases, courts and communities were forced to reconsider their response. Finally, suggestions or reports of abuse were also confronted when a servant died unexpectedly or under suspicious circumstances. Their reactions to complaints of mistreatment, abused fugitives, and suspicious servant deaths reveal a pattern of competing interests and careful actions.

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<sup>21</sup> For some discussion on using court records, see Kirsten Fischer, *Suspect Relations: Sex, Race, and Resistance in Colonial North Carolina* (Ithaca: Cornell University Press, 2002), 8; Terri Snyder, *Brabbling Women: Disorderly Speech and the Law in Early Virginia* (Ithaca: Cornell University Press, 2003), 6-8; Mary Beth Norton, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, 1996), 14-15; Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996), 7-9.

## CHAPTER ONE – BEFORE THE BENCH

After her first unsuccessful attempt in court in October, 1659, Sarah Taylor was brought back two months later, having again run away and been caught. She reiterated her complaint of “abuses & stripes,” called two witnesses, and showed the “remarkable signs” on her body to the court. One witness provided some insight into the troubled relationship between Mary Bradnox and Sarah. A fellow servant described a “fallinge out” between the two women. When Mary “sued to her...to be friends,” Sarah said “shee would not shee scornd it after shee was abused.” Mary Bradnox defended her use of correction to the court, claiming it had been warranted and restrained, even showing the stick with which she beat Sarah to the court. Although Sarah refused to return to the Bradnox household, the case was apparently dropped.

In August, 1661, Sarah approached the court again; this time, she and a witness provided specific examples of unwarranted and excessive abuse, a tactic she had not utilized in the previous two attempts. She described how Thomas and Mary Bradnox had “suddenly fell uppon hur” while she was innocently working in the kitchen. Mary had held her down while Thomas “beate hure with a great ropes end.” Then her mistress “went and kept the doore untell hur husband hade beate her so unreasonably that there is twenty on Impressions of blowes small and great upon her backe and Armes.” Thomas followed the beating with a warning to Sarah that revealed the cause of the abuse: “now spoyle me a batch of bread againe.” Next, Sarah’s witness, Joseph Newman, who had previously lived in the Bradnox household, claimed he witnessed Thomas beat Sarah on the head with a stool “for takeing a booke in hure hand to read” (she and at least some of



the family were apparently literate). Sarah showed the court “the Impresion of the blowes,” and Bradnox even acknowledged beating her. This time the justices determined that Bradnox had “Correected hur about Measiour....when he hade no Caus at all” and thought “fitt to discharge” her “in regard of the Eminent Danger likely to Insew by the Invetterat Mallice of hur Master & Mistres toward hure.”<sup>22</sup>

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Mistreated servants like Sarah Taylor had the legal right to petition the court with grievances, but doing so was difficult. Servants could not bring a civil suit themselves but had to first speak with a Justice of the Peace, who would then raise the complaint in court and force the accused to answer it. Mary Philips expressed frustration with this when she complained to the Provincial Court that she had “severall injuryes done unto her by some persons of this Province,” but that she was incapable of bringing them before the law because she was a servant. In her case, the court ordered that she be “admitted in *forma pauperis*” (in the manner of a pauper) and appointed her an attorney. There were significant risks involved in accusing a master, which indubitably resulted in the silent suffering of many servants. There were no clear rules regarding evidence, except the vague statement that claims had to be “sufficiently proved.” In the 1639 statute concerning master and servant relations, courts were given the right to publicly whip a servant they considered was “unjustly complaining against their Master or Mistress.” Furthermore, although servants could hire an attorney, Charles County resolved that it would only allow court-appointed attorneys in master-servant cases because attorneys had caused “greate charge & damage” to masters. If the servant lost the case, he or she had to return to service in the master’s house and, if charged the fees incurred from the

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<sup>22</sup> *Maryland Archives*, LIV, 167-169, 178-181, 224-225.

suit, had to add additional time to the indenture. Although masters were technically forbidden from disciplining their servants for taking them to court, it is not difficult to imagine how they might have been treated after returning to the house of the master they had publicly dishonored in court. Some masters even physically kept their servants from coming to make their complaint. William Price claimed that his overseer “would not Suffer your petition<sup>r</sup> to goe and try for his freedome.” These dangers and uncertainties without a doubt kept many servants from seeking support from the judicial system.<sup>23</sup>

There were determined servants, however, who chose to do so despite the risks and demanded that the court “restore me my rights and satisfie for my abuses received.” From the records available for the seventeenth century, it appears that forty servants petitioned the court directly and charged their master with ill-usage.<sup>24</sup> Although there were other avenues by which a complaint could come to court, a direct petition was the most frequently used and resulted in at least minimally supportive action from the court in all but four cases. Charges of misuse also came to court when a master was suspected in the sudden death of a servant, a community or family member brought an accusation, a servant ran away and cited abuse as his or her reason, or through a separate case (usually involving slander or property destruction) suggested an incident of abuse (see Figure 1). As will later be discussed in more detail, these alternative sources of abuse charges (with

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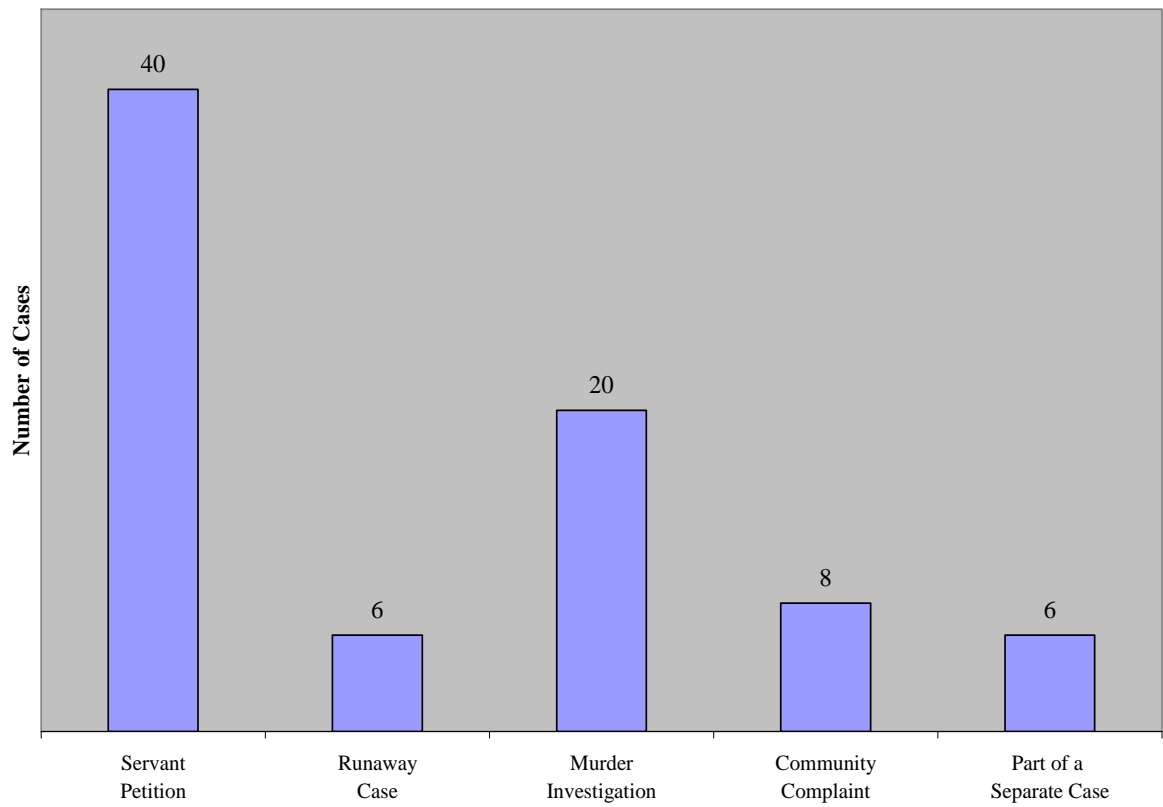
<sup>23</sup> *Maryland Archives*, LXV, 279 (Philips); XXII, 546-553; I, 53; LX, 496; For example, Mrs. Ridgley was ordered to refrain from giving her servant any correction for coming to make her complaint (Vol. LXX, 360); LXXXVII, 136-137 (Price).

<sup>24</sup> Figuring the exact number of servants who petitioned the court during the seventeenth century is nearly impossible considering the incomplete records and unknown total servant population. Christine Daniels estimated that between five and ten percent of servants petitioned the court. However, this figure is based on complaints of all kinds as her study is not limited to charges of mistreatment (which she estimates to comprise about 19% of all petitions), “Liberty to Complaine,” 227-228, 231.

the exception of the runaway cases) were less likely to result in a favorable ruling for servants because the servants were not personally demanding redress.

**FIGURE 1**

**Methods of Complaint**



**FIGURE 2<sup>25</sup>**

**Abuse Victims by Gender**

Years	Male		Female		Unclear	
	(N)	%	(N)	%	(N)	%
<b>1650-1660</b>	7	38.9	11	61.1	0	0.0
<b>1661-1670</b>	21	65.6	11	34.4	0	0.0
<b>1671-1680</b>	8	50.0	5	31.3	3	18.8
<b>1681-1690</b>	7	63.6	3	27.2	1	9.0
<b>1691-1700</b>	6	50.0	6	50.0	0	0.0
<b>TOTAL</b>	<b>49</b>	<b>55.1</b>	<b>36</b>	<b>40.4</b>	<b>4</b>	<b>4.5</b>

A greater number of complaints were brought by or on behalf of male victims (55% versus 40%), but female servants were more frequently the victims of misuse (see Figure 2). This is because the female population in Maryland was significantly smaller, comprising only between 25 and 33 percent of the servant population. Christine Daniels attributed this tendency to female servants' vulnerability to abuse from both their master and their mistress; male servants generally only complained of violence from their master. Female servants were also more likely to charge their masters with unwarranted physical violence, perhaps hoping for judicial sympathy towards the plight of unprotected maidservants in a predominantly male colony. On the other hand, manservants were more likely to complain of neglect, especially lack of food and clothing or failure to provide treatment during sickness. They were also more likely to claim that their

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<sup>25</sup> The unusually high total number for male victims from 1661-1670 is partly due to one case in which six male servants (each counted as individuals) petitioned the court against their master.

masters' mistreatment had resulted in their inability to work, an especially harmful offense as their services were what made them valuable. Thomas Markeen emphasized this when he claimed that "through his Masters Means" he had been "disabled to perform his Labour" and that his master continued to "unreasonably beat and threatn him" to work anyway.<sup>26</sup>

**FIGURE 3**

**Percentage of Masters with Titles in Abuse Cases**

<b>Years</b>	<b>Percentage Titled</b>
1650-1660	58.8
1661-1670	44.0
1671-1680	57.1
1681-1690	36.4
1691-1700	27.3
<b>Percentage of Total</b>	<b>46.2</b>

Masters who misused their servants tended to share some characteristics, especially a drive to forcefully demonstrate their own power. Many masters charged in court, especially in the earlier decades, were titled and held leadership positions in the colony (see Figure 3). This was likely due to how new the colony was and the relative lack of ex-servants who had already completed their time and had servants of their own. There was also a noticeable spike in cases involving titled masters in the 1670s, perhaps because of increasing social tensions. The friction that escalated into Bacon's Rebellion

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<sup>26</sup> *Maryland Archives*, LXVI, 226-227; CVI, 196 (rights); Paul Clemens, "Economy and Society on Maryland's Eastern Shore," in Land, Carr, and Papenfuse, eds., *Law, Society, and Politics*, 159-161; Lorena S. Walsh, "Servitude and Opportunity in Charles County Maryland, *ibid.*, 111; Daniels, "Liberty to Complaine," 238; X, 505 (Markeen).

in neighboring Virginia in 1676 was most likely felt in Maryland as well. In fact, the smaller uprising in Maryland led by William Davyes and John Pate occurred that same year. The insurgents sent a list of complaints to the royal proprietor, emphasizing the poor opportunities ex-servants had to both economic and political power. Finally, although the percentage of titled masters among the accused dropped off towards the end of the century, it rose again briefly in the late 1680s and early 1690s, when the government was overthrown and replaced. The rampant spread of rumors of a Catholic plot to kill Protestants led to the formation of the Protestant Association, which quickly overthrew the proprietary government in early 1689. Even a good number of Protestants were wary of this, and the government remained unstable until Francis Nicholson was made governor in 1693. Between 1689 and 1693, 57% of abusive masters were titled, a much higher figure than for the surrounding years. Perhaps during such times of insecurity and uprising, influential gentlemen found it necessary to exert their authority and position more forcefully.

Beginning in the late 1660s, however, more untitled planters and former servants were brought to court for abusing their servants. These men were part of the growing group of recently-freed servants attempting to acquire land and establish themselves. It became increasingly important to distinguish themselves from servants through displays of power. The distinction between free and unfree could be dangerously temporary, as Elias Nuthall discovered when he became a servant to pay off debt after being free and acquiring servants of his own. Maryland was quickly changing as an increasingly number of black slaves and white convicts were imported, society became more and more stratified, and the price of tobacco fell drastically. Tough economic times and growing

social tensions may have kept some masters from being able to sufficiently provide for their servants and caused increasingly aggressive interactions between masters and their servants. As a result, the 1660s was by far the most violent decade for servants (see Figure 4). This hostility seemed to increasingly involve manservants, whose post-servitude prospects were diminishing and who posed the greatest physical threat to their masters.<sup>27</sup>

**FIGURE 4**

**Number of Abuse Cases per Decade**



Some abusive masters stood out for their repeat offenses or pre-existing poor reputation in the community. Although a county commissioner, Thomas Bradnox had

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<sup>27</sup> *Maryland Archives*, V, 98, 103.

been accused of raping a maidservant, suspected in the deaths of two servants, charged with defamation, fined for drunkenness and disturbing the peace, embroiled in disputes with other servants, and sued in a number of debt cases. Similarly, John Little appeared in the records multiple times for “Notoriously Scandalizing” some of his neighbors, and Thomas Wynne had been charged with taking a bribe while he was sheriff. Even an abusive mistress, Elizabeth Greene, had previously been charged with forgery and defamation. Many had a history of disputes with their servants, mostly over their indenture time and freedom, or had other servants who ran away, indicating a consistently dishonest or harsh attitude towards their servants.<sup>28</sup>

Some abusive masters viewed their servants as little more than property and felt they had the right to treat them as they pleased. Philip Calvert referred to his man Robin as “goods & chattells,” emphasizing his status and value as property despite also describing him as a sawyer and carpenter by trade. Even in the legal system, servants were listed as “goods & chattles” when estates were inventoried and were accepted as payment for debt. In addition, when masters sought to recover servants who were unlawfully taken from them, they requested a replevin just as they would for cattle or other goods. In one case, a master sought a replevin for his stolen servants, horses, and cattle.<sup>29</sup> Defining servants solely as personal property allowed some masters to feel unconstrained in how they treated them. When Henry Hardy came to arrest Mr. Philip Lynes without showing any documentation, Lynes did not realize he was an officer and

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<sup>28</sup> *Maryland Archives*, LIV, 122, 8, 42, 173 and XLI, 435-436, 482 (Bradnox); X, 487 (Little); LXVIII, 38-41 (Wynne); XLIX, 72, 76 (Greene).

<sup>29</sup> *Maryland Archives*, LXVI, 226 (Calvert). For a few examples of servants being defined or treated as property, see XV, 198-201, LXX, 81-85, LXVI, 489, LXVII, 234. The Oxford English Dictionary defines *replevin* as “The restoration to, or recovery by, a person of goods or chattels distrained or taken from him, upon his giving security to have the matter tried in a court of justice and to return the goods if the case is decided against him.”



took the liberty “to correct him and turn him out of doors.” Lynes, who was known for his harsh treatment of servants, defended himself by claiming he had mistaken the officer for one of his own servants, presumably making the incident excusable. Similarly, when it was reported that Governor Nicholson “beat one Burroughs,” his Excellency replied “what if he had” as the man “was his Servant & his Cook.” Masters guarded their authority vigilantly and felt it should not be challenged by outsiders. When commissioners punished one of Donack Dennis’s servants, Dennis called them “Rogues Rascalls and fools for Whipping his servant,” claiming they “had done more then they could answer.” Likewise, when Henry Pope reminded John Little that it was illegal for servants to go hunting on the Sabbath, Little told his servant to go anyway, grumbling “what hath any man to doe with my Servants.” Masters felt threatened by the advice or authority of external powers, viewing their servants as their exclusive property.<sup>30</sup>

This claim to exclusive and unlimited authority could result in unrestrained abuse. The nature and extent of their aggression reveal how brutal masters viewed their servants and the lack of constraints on their behavior. Especially revealing is a comparison of the treatment of seventeenth-century white servants and eighteenth-century black slaves. In *Suspect Relations*, Kirsten Fischer contrasts the boundaries and characteristics of violence towards white servants and black slaves in eighteenth-century North Carolina. She concludes that “the divergence in legally acceptable forms of violence reinforced the idea that the bodies of African Americans were inherently different and inherently ‘black.’” Violence against white bodies became increasingly limited and unacceptable while “the marks of officially condoned brutality against blacks” became “an insignia of

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<sup>30</sup> *Maryland Archives*, XVII, 462 (Lynes); XXIII, 452 (Nicholson); CVI, 57 (Dennis); X, 485 (Little).

inferiority.” However true this may have been for the eighteenth century, the boundaries of abuse against servants and slaves were more blurred in the seventeenth century. In fact, throughout the century “slave” and “servant” were often used interchangeably. In a time when black slaves were a minority of the laboring population, the characteristics of abuse and the lines of acceptability were drawn around status, not race.<sup>31</sup>

Fischer cites specific features of slave abuse as representative of the differing standards of acceptability for violence against white and black bodies. She argues that eighteenth-century masters mistreated their slaves in public but “had to be more circumspect in their application of force” against white servants. Masters beat servants in concealed areas so marks and bruises would not show and in private settings but felt free to batter their slaves in front of others. The difference resulted from the idea that white bodies “were inappropriate targets of certain types of abuse” and the existence of laws punishing such behavior towards servants. However, in the seventeenth century, there are numerous examples of masters brashly abusing their white servants in public places and in front of a variety of witnesses. A cooper named Nicholas Rawlings testified to witnessing abuse in two separate cases. In the first, he observed a quarrel between a servant and his mistress and saw the latter hit the servant multiple times. Later he saw Mr. Wynne kick Sarah Hall and box her ear, threatening to knock her down with a chair, “for what occasion he knows not.” Francis Carpenter even told one of his neighbors he had hit his servant on the head with a stick before the servant died. Anthony Underwood tied up Mary Harding and whipped her at his house and at the house of Daniel Clocker. Mary Bradnox even had the audacity to beat Sarah Taylor in front of an acting commissioner. Violence was often “witnessed by Severalls,” and, as the last chapter will

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<sup>31</sup> The following discussion is based on Fischer, *Suspect Relations*, chapter five.

discuss, the willingness of such observers to testify so often on behalf of the servant was central to a successful complaint. Similarly, although some masters seemed to target the back, breasts, or thighs (areas that would not show), many directed their attacks on the ears, neck, face, and arms. Masters may have been more secretive in their brutality towards white servants in the following century, but they had few reservations about openly demonstrating what they assumed an exclusive and extensive right to hit in the seventeenth century.<sup>32</sup>

Fischer also emphasizes that masters used nakedness to accentuate a slave's vulnerability, helplessness, and uncivilized condition. Nakedness "signaled lack of control over their bodies" and "acquired social meaning in connection with the long-standing English assumption that clothing reflected social rank." This tactic was similarly used against white servants in the seventeenth century. Thomas Everigon claimed his master "unhumanly stript" him and then gave him fifty lashes. Mary Harding's master "cut off all her clothes" before he tied her up and whipped her. Before beating Margaret Redfearne, Anne Neville "commanded her to goe in and strip her selfe naked." John Wells "stript his servant" before tying him up and whipping him. In a final example, Pope Alvey angrily "tooke up the skirt of [Alice's] wascoate & beate her upon her naked back." Similarly, while the use of branding and whipping was eventually limited to black slaves in the eighteenth century, such punishments were reserved for all unfree laborers in the seventeenth century. Unable to pay fines, disorderly servants were subjected to public whippings and other corporal punishments. Fischer notes how such penalties signified a lack of control over one's body; this "distinction between those

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<sup>32</sup> *Maryland Archives*, XLI, 451 and XLIX, 318-319 (Rawlings); LIV, 391 and XLIX, 60-61 (Carpenter); LXX, 360 (Harding); LIV, 167 (Taylor); CVI, 196. For other cases, see X, 474, 484-485; LX, 233-235; LIV, 224-225; XLIX, 304-305.

bodies that should remain free of permanent markings and those that could be seared and amputated” would become a “distinction of ‘race,’” but for much of the seventeenth century, it remained a symbol of status. Servants did not have the right to preserve their modesty; their bodies could be exposed to the public and permanently scarred, creating reminders of their unfree status that remained long after their time expired. In short, it is significant that many of the indicators Fischer uses as racial distinctions were present as social distinctions in the seventeenth century. Masters claimed substantial power over their servants’ bodies, and unless the servants were willing to fight this, it was granted.<sup>33</sup>

Sometimes masters were joined in their aggressive behavior by their wives or overseers. Mary Bradnox held Sarah down and kept watch while Thomas beat her, and Sarah Hall described specific examples of when her mistress and master abused her independently of each other. In cases that came to court, mistresses almost exclusively abused maidservants. Manservants were less likely to interact closely with their mistresses and were less often the target of their abuse. Furthermore, women demonstrating power in the seventeenth century (even towards unfree men) was an unclear and risky issue; Mary Beth Norton noted the ambiguity surrounding female heads of household, and this was not lost on manservants. For example, Elizabeth Moy complained that her husband was “dangerously sick” but that their servant, Nicholas Bradley, was “stubborne and Rebellious” and “refuseth to obey any of her lawfull commands.” In addition, even if a mistress mistreated her manservant, he may have been too ashamed to admit being beaten by a woman. Overseers could also be abusive, especially when the head of household was absent or deceased. Soon after his master’s

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<sup>33</sup> *Maryland Archives*, CVI, 196 (Everigon); LXX, 360 (Harding); XLI, 479 (Redfearne); XLIX, 166 (Alvey). Drake case in Hanson, *Old Kent*, 233.

death, William Price claimed that his overseer Miles Gray beat him with a dogwood stick until “he brooke the Stick all to peeces” and then threw him down, kicking his stomach and ribs. Mary Harding charged her overseer with “pretending himself Master of the house” and beating her. Dependent on the master but at times acting as deputies of his authority, mistresses and overseers held unclear and sometimes inconsistent positions in the household. Some servants recognized this ambiguity and balked at their displays of power.<sup>34</sup>

If charged with cruelty by a servant, many masters defended themselves in court by claiming that they were justifiably correcting the servant’s disobedient behavior. Most claimed that their servants simply were not working hard enough. When Sarah Taylor appeared in court the second time, in December, 1659, she complained that her mistress had beaten her “w<sup>th</sup> out Cause.” Thomas Bradnox insisted that his wife had “giuen her correction” with a stick because Sarah had neglected “seuerall things” in her work. Elizabeth Emanson explained to observers that she whipped her maidservant, Elizabeth Hasell, for taking and then losing a child’s cloth and some stockings. Others emphasized their servant’s bad behavior. Mary Taylor purportedly beat her maidservant for stealing sugar and soap from a neighbor’s house (although Mary proceeded to use both the sugar and soap). When asked why he abused his maid, Richard Owens replied that “shee had a peremptory tongue.” Dr. Luke Barber called his servant Eleanor “the impudentest whore of them all” for having an affair with a man against his wishes and immediately gave her correction for it. When Alice Brasse insisted that if she died, her

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<sup>34</sup> *Maryland Archives*, LIV, 224-225 (Bradnox); XLIX, 318-319 (Hall); LXV, 1 (Bradley); James Woosey even taunted his mistress to hit him when they were in a fight (XLI, 451); LXXXVII, 136-137 (Price); LXX, 360 (Harding). One overseer and master got into a dispute over who had the authority to correct the servants (XLI, 555). Norton, *Founding Mothers and Fathers*, chapter 3.

master, William Parrott, would be the cause of her death by “unreasonably beating her w<sup>th</sup> a great stick” and breaking two of her ribs, Parrott defended himself by claiming that she was exaggerating and he had merely been correcting her. These masters and mistresses emphasized the purpose behind their physical correction to legitimize the extent of their violence.<sup>35</sup>

Other masters and mistresses violently abused their servants for various other, often more personal, reasons. Mr. Gerard was accused of beating “an Irish Seruant of his...because shee refused to bee a Protestant, or goe to prayer w<sup>th</sup> those of his family.” Mary Bradnox threatened to whip her maid, Anne Stanley, if she told anyone about her affair with John Salter. On another occasion, Thomas Bradnox got drunk and took out his frustrations towards a neighbor on his servants, beating them with tobacco stalks. Anne Nevill threw her servant Margaret Redfearne over a log, leaving her “black from her throate to her breast and soe cross her back” for discovering a secret note from her lover. Certainly, the environment cultivated flared tempers; over the course of the century, the price of tobacco dropped, causing dismal poverty levels, social tensions, and a hardening of class lines. These economic and social pressures, combined with the constant threat of disease, undoubtedly produced a tense and tired planter population. In most middling families, servants, masters, and mistresses labored together in the fields and in the home; such close proximity under such stressful conditions undoubtedly caused friction. Furthermore, Herbert Applebaum identified a “built-in conflict of motivations” in the indenture system: many masters had no reason to treat their servants well and wanted to work them as hard as they could while they remained in their service,

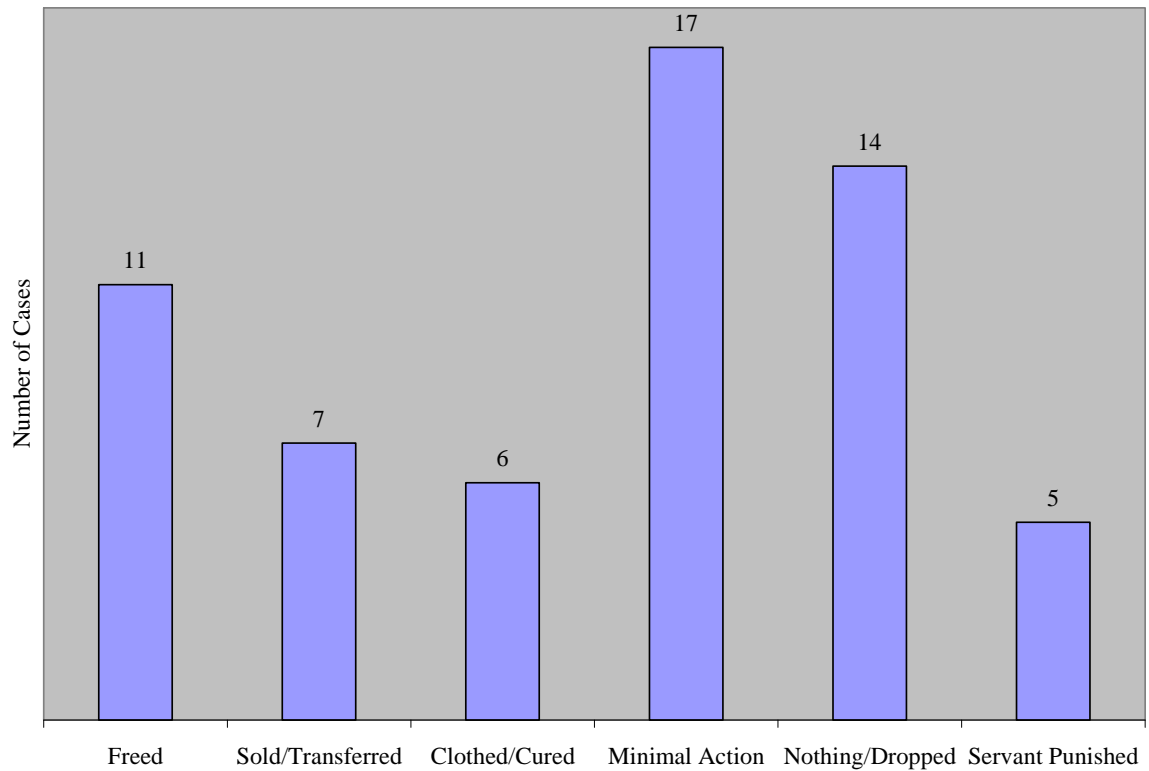
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<sup>35</sup> *Maryland Archives*, LIV, 178-179 (Sarah Taylor); LX, 235 (Hasell); X, 403 (Mary Taylor); LIV, 272 (Gould); I, 515-520 (Eleanor); XLI, 296 (Brasse).

and many servants had no reason to work hard, as their length of servitude did not depend on their productivity.<sup>36</sup>

**FIGURE 5**

**Judicial Outcomes of Abuse Cases**



When such tensions resulted in a formal complaint, the courts reacted carefully, usually responding favorably to servants who only complained of neglect, incorporated their charge into a broader freedom suit, or had demonstrated their desperation through running away (the subject of the next chapter). If servants did not fit into these categories but the complaint seemed warranted by testimonies or evidence, courts deftly attempted to provide redress for the servant while doing as little damage to the master as

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<sup>36</sup> *Maryland Archives*, XLI, 145 (Gerard); LIV, 116 (Stanley); LIV, 173 (Bradnox); XLI, 479 (Redfearne); Horn, *Adapting to the New World*, 155-157; Applebaum, *Colonial Americans at Work*, 91.

possible. Courts utilized a variety of verdicts, ranging from immediately freeing the servant to taking minimal action like reprimanding the master, ordering him to post bond, or dropping his own suit against his servant (see Figure 5). Throughout the century, judges and juries were mostly consistent in their application of the various verdicts (see Figure 6). At the same time, they took the opportunity to disregard the complaint when the servant did not follow procedure, had a questionable reputation, or did not personally bring the accusation. Early Maryland courts did not consistently side with either the master or the servant; rather, they consistently tried to express support for servants in ways that did the least amount of harm to the masters' authority.

**FIGURE 6**

**Judicial Outcomes of Abuse Cases by Decade**

<b>Decade</b>	<b>Freed</b>	<b>Transferred/ Sold</b>	<b>Clothed/ Cured</b>	<b>Minimal Action</b>	<b>Nothing/ Dropped</b>	<b>Servant Punished</b>
<b>1652-1660</b>	3	1	1	5	2	1
<b>1661-1670</b>	4	2	1	4	3	2
<b>1671-1680</b>	2	2	0	3	5	0
<b>1681-1690</b>	0	0	3	3	2	0
<b>1691-1700</b>	2	2	1	2	2	2
<b>Total</b>	<b>11</b>	<b>7</b>	<b>6</b>	<b>17</b>	<b>14</b>	<b>5</b>

Sometimes this desire to attain the “consent of both parties” was obvious. In Susan Frizell’s case, the court granted her freedom but compensated her master by



releasing him from the obligation to provide her freedom corn and clothes and ordering her to pay him 500 pounds of tobacco at the next crop. Similarly, John Corbett's time was transferred to Dr. Stanesby, who paid Corbett's first master a hogshead of tobacco for him. Corbett then had to pay Stanesby or add to his time in compensation for his willingness to take him on. Finally, although the court set Elizabeth Paul free because of her master's abuse, he was not required to pay her freedom corn and clothes because of the earlier expenses she had accrued for bearing a bastard child. In such cases, the court recognized ill-use and removed the servant from danger but satisfied the master by compensating him.<sup>37</sup>

Complaints of neglect were the most successful. In every case except one (a group petition) in which the servant only complained of lack of food, clothing, or medical attention, the court made sure the servant was provided for, freed or transferred to another master. John Helmes, an apprentice to Dr. Meekes, complained that he had "but one shirt...very baer and thin" and asked the court to "judge playnly wheather it bee apparrell sutable for prentises of that imployment." The court ordered Meekes to clothe him "from top to toe fit for a Prentis." Elias Nuthall was likewise ordered to clothe his servant, Jane Jones, "without delay." Jones was temporarily removed from his service until he fulfilled the order and posted bond for his "good Usage of her." Other servants charged their master with failing to provide a cure for them while they were ill. When William Douglas complained that his master had not sought a remedy for his "miserable sore leg," the court ordered his master to procure a doctor to cure the leg at his own cost. James Anderson also claimed his master refused to treat his wounds, which had worsened over time and left him "much afflicted by lameness" and unable to work. Anderson went

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<sup>37</sup> *Maryland Archives*, X, 191; X, 416 (Frizell); LVII, 182 (Corbett); CCII, 227 (Paul).

directly to a Chancellor, who gave him supplies for dressing the wound and ordered him to stay at the house of John Barnes in the meantime. The court sided with Anderson, releasing him from his service and even advising him to apply to his local county court for a yearly allowance. By ordering a master to clothe, feed, or cure a servant, the court was simply reminding him of his contractual obligations and did not have to broach the subject of correction.<sup>38</sup>

Servants sometimes incorporated a complaint of abuse into a more general freedom suit. Margaret Roberts did so when she asserted that her time was up but that her master was forcing her to serve longer, adding that he “very often striketh her.” After his master died, William Price went to demand his freedom, but the overseer kept him from doing so, beating him with a dogwood stick and disabling him so “he was never able to Doe a dayes worke since.” Patience Potter first charged her master and mistress with treating her “uncivilly” and was removed from their service and transferred to another master. At the next court session, she then petitioned for her freedom, which was granted as long as her former master was unable to produce her indenture (which he had previously failed to do). In such cases, servants hoped the court would be less likely to return them to an abusive household when their obligation to remain there was already in question.<sup>39</sup>

Many servants brought a complaint based solely on physical violence or immoderate correction. Those who did so emphasized their own good behavior and

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<sup>38</sup> *Maryland Archives*, LIII, 431 (Helmes); LXX, 40 (Jones); LXX, 169 (Douglas); LXIX, 122-123 (Anderson); for other examples, see X, 401; LVII, 182; LIV, 466-467; CDVII, 108; see also Vol. LIV, 466-467.

<sup>39</sup> *Maryland Archives*, XLI, 68 (Roberts); LXXXVII, 136-137 (Price); LXXXVII, 278 (Potter). For another example, see CVI, 196.

details of the abuse, rejecting both the cause and extent of their correction. In doing so, they recognized the informal distinctions between “moderate” and “immoderate” discipline, defining what constituted “immoderate discipline” to them. For example, Margaret Drue began her petition by telling the court she was a “true & faithfull Servant” and “hath behaved” but that her master abused her “without Cause.” Elizabeth Griffin similarly argued that she had “lived very quietly” as Francis Street’s servant but that his widow had “very much abused her” since his death. Such complaints did not question masters’ authority to correct their servants but identified such action as inappropriate in their situation because of their faultless behavior.<sup>40</sup>

Mistreated servants also emphasized the unnecessary degree of their correction. Details mattered to the court, and servants accordingly described the amount, nature, and frequency of abuse. Complaints could have “sufficient ground” if the masters’ inhumane, unprovoked, unchristian, and unreasonable correction was demonstrated. When rumors spread that Mrs. Goulson was beating her maid, observers repeatedly commented on the duration of the abuse - “two hours by the clock.” William Drake described to the court how his master had tied his hands together, hung him up on a gun rack, and whipped him at least one hundred times, even breaking the hickory stick he used to beat him. Other servants were able to prove their case to the court simply by revealing their bruises. Francis Shembrooke showed the court her “marks and tokens,” and when Martha

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<sup>40</sup> *Maryland Archives*, CDVII, 17-19 (Drue); LXVI, 474 (Griffin).

Wakeling complained of her “Master’s Great abuces and Exterorindary hard usages,” it was “plainly appearing to the Court here to be True.”<sup>41</sup>

If judges were unwilling to free petitioning servants, they often took other steps on their behalf like transferring them to another master. This worked out favorably for the former master as well, as he was usually financially compensated for his loss. Mary Baines described a long history of neglect and abuse from her master, James Lewis, whom she claimed did not provide her clothes, food, or a bed but “continually beats and abuses her.” She was temporarily removed from the Lewis household, and three days later he sold her to another master. When Mary Jones charged her master and mistress with “Some harsh usage,” her master was ordered to “Sell or exchange her with all Convenient Speed” and “not to meddle with her...for Matter of Correction” in the meantime. Thomas Andrews complained to the court that his master abused him, and his service time was transferred to Nicholas Hurt, who promised to teach him the skills of a cooper. In such cases, the servants proved their case and were removed from danger. At the same time, the master was financially compensated for losing his servant. The sale of a servant was much less damaging to a master’s reputation than if the servant was simply freed.<sup>42</sup>

Taking minimal action was the safest course of action for judges and juries; it acknowledged the servants’ petitions and claims while at the same time minimized the effect on masters. Not surprisingly, minimal action took a number of forms and was the

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<sup>41</sup> *Maryland Archives*, X, 401-402 (Goulson); Drake case in *Old Kent: The Eastern Shore of Maryland* by George Adolphus Hanson (John P. Des Forges, 1876), 233; LIV, 292 (Shembrooke); CCII, 590 (Wakeling).

<sup>42</sup> *Maryland Archives*, LXIX, 413-414 (Baines); X, 191 (Jones); DLVII, 441 (Andrews). For other examples, see LVII, 182; CDVI, 246; CCII, 590. See also XLIX, 318-319.

most common judicial response. Unwilling to remove the servant from the household, judges nevertheless acknowledged the veracity of the servant's claims by admonishing the master, ordering him to stop abusing his servant, or forcing him to provide a bond for good behavior. For example, Thomas Bland was required to post 10,000 pounds of tobacco as security that he would "behave himself justly & honestly to Alice his Servant." When John Smith confessed to unreasonably correcting two of his manservants, requiring them to work on Sunday, and keeping them from attending church, he was fined 100 pounds of tobacco and ordered to post bond for his good behavior. Some masters were not required to post bond but were simply reproached for their conduct. William Ireland told the court that his master, Captain Morgan, "did unhumanly beat him" and made his servants work at night often without adequate food. The court ordered Morgan to "forbare to beate or Strike" Ireland, to provide sufficient food for the servants, and to only have them work at night in times of absolute necessity. James Godscrosse was given a similar reprimand when Jonas Greenwood charged him with "divers abuses." In his case, the Provincial Court even reminded the county court (which would also hear the case) to "take particular Care aswell in this buisnesse as all other abuses to servants by their masters." Although less helpful than removing the servant, a public reprimand should not be discounted as worthless. The law suggested that uncooperative masters would lose their servants on a subsequent offense, so an initial incident in court may have persuaded masters to adjust their behavior. In at least one case, the court warned that a master failing to treat his servant well in the future would lose him.<sup>43</sup>

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<sup>43</sup> *Maryland Archives*, LXVII, 421 (Alice); X, 521 (Ireland); LVII, 610 (Greenwood); Morris, *Government and Labor in Early America*, 489 (Smith); X, 474. For other examples see, XLI, 68; X, 505;

Another form of minimal action was when the court decided not to act or bring charges against allegedly abused servants when their masters took them to court. Alice Brasse told others that her master, William Parrot, was beating her and had broken two of her ribs. In order to protect his reputation, Parrot promptly charged her with defamation. The court heard witnesses who told conflicting stories of the extent of abuse, and Parrot's case was dismissed. No action was taken against Brasse for the alleged defamation, but the court did not further pursue the issue of abuse. However, Brasse was already living with a new master at that point and was safe from Parrot's assaults. Margery Gold and her husband John experienced a bittersweet verdict when their master, John Lumbrozo, brought a slander suit against them. Margery and some witnesses asserted that Lumbrozo had frequently pressured her to have sex with him, on one occasion even attempting a rape. Although the slander suit was dropped, John and Margery were not removed from his service. By dropping the masters' suits against them, the courts recognized the legitimacy of the servants' claims of abuse; at the same time, they would not pursue charges against the master if the servants did not bring their own suit. In just one case, the servant was able to turn a slander suit around to her own benefit. Richard Watson charged Margaret Pearce with defamation but was unable to prove his case. Instead, "by his owne discourse," he gave the court reason to suspect "some unciuill actione" towards Pearce. Directly after this, Pearce sued for her freedom and wages, which were granted to her.<sup>44</sup>

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and X, 474.

<sup>44</sup> *Maryland Archives*, XLI, 296 (Brasse); LIII, 355-357 (Gold); LIII, 14-15 (Pearce). Lumbrozo was one of the more colorful characters in early Maryland. A Portuguese Jew, he was involved in a variety of suits, including accusations of rape and infanticide by one of his maidservants, Elizabeth Wildes. The charge was later dropped, however, after Wildes married Lumbrozo (LIII, 387-391).

In some instances, as in John Murr's case, the servants' petition was heard, witnesses were summoned or testified, the master was ordered to appear to answer the charge or the case was deferred to the next court session, and then the record disappeared. This is partly due to incomplete records, and it should not be assumed that every such case was left unresolved. However, there were most likely instances in which the case was postponed and then resolved out of court before the next session. On at least one occasion the court ordered the participants to meet outside of court to work out their differences. When Elizabeth Griffin complained against her mistress and overseer (who later married the mistress), the court ordered that they appear before Col. Baker Brooke, a Provincial Court commissioner, or Mr. Roger Brookes, a Calvert County commissioner, who were "ordered to enquire into the premisses & to doe according to right & justice." It is unclear whether such cases eventually were resolved in favor of the servant or the master, but they may have been an opportunity for the court to avoid making a decision and allow time for the participants to resolve their differences.<sup>45</sup>

Although courts were careful to balance competing interests in most cases, there were certain circumstances in which judges and juries felt less compelled to sympathize with the servant, as when he or she did not follow the proper legal procedure. Servants were to follow the correct avenue to seek redress, beginning with petitions to the local Justice of the Peace. If successful, they could obtain a warrant against the abusive master. Servants seeking support outside of these bounds could become potentially unruly. Consequently, when Rebecca Petyon made a complaint to the Council of Maryland, the highest political body in the colony, she was told that if "she had any

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<sup>45</sup> *Maryland Archives*, CCII, 547 (Murr); LXVI, 474 (Griffin). For other examples, see LXXXVII, 136-137; CVI, 196; DLVII, 541.

pretence for her Freedom she must apply herself to the provinciall Court.” They explained that if anyone had abused her, she had to first obtain a warrant against them. The Council dismissed her, directing her to Mr. Robert Carville, an attorney, for further advice.<sup>46</sup>

The court was also less inclined to assist servants who already had a poor reputation in the community. Two such servants were even punished for bringing their complaint. Right after being presented for bearing a bastard child with a fellow servant, Francis Shembrooke charged her master with “Ill usedg.” Although her case was proved by witnesses and her bruises, the court only ordered that her master pay her 100 pounds of tobacco “for her maintaynance untill she be able to worke.” With such a convincing case, she might have been freed or transferred under different circumstances. Instead, the expense and trouble caused by her illegitimate child made the commissioners less inclined to free her from her service. Margaret Galloway met a similar fate when she accused Thomas Quillaine of rape; because Margaret had previously given birth to an illegitimate child, her charge of rape was unconvincing. She was later given twenty-one lashes by the court for falsely accusing Quillaine. In another case, Margaret Drue’s complaint of abuse was also disregarded, and she was immediately punished for theft. Judges and juries felt no obligation to free servants who demonstrated a need for even greater restraint.<sup>47</sup>

Especially threatening were cases in which multiple servants complained against their masters, and the rest of the servants who were punished for bringing their petition

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<sup>46</sup> *Maryland Archives*, VIII, 69-70 (Peyton).

<sup>47</sup> *Maryland Archives*, LIV, 292 (Shembrooke); CDVII, 6-8 (Galloway); CDVII, 17-19 (Drue). For a similar case, see X, 322.



had all acted in groups. Unwilling to remove a master's entire workforce (or at least a good portion of it), the court was more severe on servants who worked together. Of the five cases in which the petitioners were punished for bringing their complaint, three involved groups of servants acting together. In the two other cases of group action, the issue was ignored or the master was ordered to pay a very small fine. Collective action, even just petitioning, was much more menacing than a single servant complaining of ill-use. Consequently, when six of Richard Preston's manservants approached the court, they did not find compassion among the commissioners. Preston criticized his servants for "peremptorily & positiuely refuse to goe & doe their ordinary labou<sup>r</sup>" because they were not getting enough to eat. Preston claimed that he "had not flesh to give them" presently but that they had been well-provided for in the past. He also maintained that he had offered to give them a pass and to go and look for provisions themselves and he would pay for it. Despite this, Preston claimed he was forced to come to court through their "obstinate condition" though he was "loath to bring them or my selfe to appeare publikely in the thing." Preston warned the court to be hard on them "least a worse euill by their example should ensue by encowraging other seruants to doe the like." For their part, the six servants presented their own petition, claiming Preston did not give them "sufficient Prouisions for th<sup>e</sup> inablen<sup>t</sup> to our worke" but gave them "nothing but Beanes & Bread." Expecting the court to address their grievance, the servants were disappointed and probably a bit surprised when they were ordered to receive thirty lashes each. Immediately, they fell on their knees, "promising all compliance & obedience hereafter," and their penalty was remitted. Although most servants complaining of neglect were

granted favorable judgments by the court, displays of collective disobedience were not tolerated.<sup>48</sup>

Courts were similarly unconcerned when the allegation was brought by the master as part of a property dispute. In 1672, Jonathan Marler sued his neighbor Thomas Hays for beating Marler's servant, Elizabeth Thompson. Apparently Hays had been at work with Elizabeth and struck her with a hoe and then kicked her, causing her leg to bruise, swell, and eventually break out into a sore. Marler claimed 1500 pounds of tobacco for damages, including the cost of paying a doctor to treat the leg and the loss of labor. Although Elizabeth and another witness testified to the abuse, the court ruled in favor of the defendant and ordered Marler to pay the court costs. None of the parties involved were concerned for Elizabeth or sought to compensate her for the assault. A similar outcome occurred when Philip Calvert, the colony's Chancellor and one of the justices of the court, accused John Quigley of beating his Indian slave, Robin. Quigley had beat Robin with a gun, "whereby of his life it was despaired." Robin was unable to continue his labor for Calvert, who wanted 6000 pounds of tobacco as recompense. Calvert was granted just less than 1000 pounds as damages, but Robin received no relief and no criminal charge was brought against Quigley for his violence.<sup>49</sup>

Likewise, in cases where the mistreatment of a servant was brought to the attention of the court but the servant did not personally appear, the court took no action in his defense. This topic will be addressed in detail later, but it is worth mentioning the judicial indifference when servants did not make their own case. Concerned community

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<sup>48</sup> *Maryland Archives*, XLIX, 8-10 (Preston). See also X, 396; LIII, 355-357; LIII, 560; and LXV, 2-8.

<sup>49</sup> *Maryland Archives*, LX, 432-433 (Thompson); LXVI, 226-227 (Robin).

members, like Mrs. Brookes, Ann Pope, and Thomas Pagett, publicly complained that specific servants were being physically abused by their masters, but no charges were brought against the masters. If the servant did not support the claim in court and personally request satisfaction, the court felt disinclined to investigate the issue further.<sup>50</sup>

Abusive masters could come from any rank in society and physically attacked their servants for a variety of reasons. Misused servants could petition the court in a number of ways to seek redress, but the court was careful to balance satisfying the servants' complaints and upholding the master's authority and reputation as a head of household. Consequently, judges and juries were most responsive to servants who simply complained of neglect and ordered their masters to immediately clothe, feed, or cure them. However, courts took the opportunity to ignore abuse when servants did not follow proper procedure, approached the court in groups, already had a questionable reputation, or did not personally bring their own petition. For those in the middle, the courts cautiously chose from a wide range of options, including freeing the servants, transferring their service to a different master, or taking minimal action. The last option was the most widely used, as it acknowledged the servant's complaint but did little damage to the master. However calculated judges and juries were in their support of servants, they were very consistent in their unwillingness to impose penalties on masters; in almost all cases, even masters found guilty of beating their servants were not even charged a fine. In only two cases were the masters ordered to provide a small financial compensation to their misused servants, and only one master paid a measly 100 pounds of tobacco to the court for his behavior.

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<sup>50</sup> *Maryland Archives*, X, 401-402 (Brookes); X, 403 (Pope); XLI, 480 (Pagett).

Sarah Taylor's case is both an exception to and a confirmation of this pattern. Whereas most servants who petitioned the court for satisfaction appeared only once, Sarah came before the court and complained of abuse three times before the court set her free. This hesitancy was understandable considering Thomas Bradnox was an acting commissioner during her first two appearances in court. When Sarah appeared a third time in 1661, the use of specific examples of unwarranted and excessive abuse, combined with her repeated complaints, and the fact that Thomas was not a commissioner at this session led to her release.<sup>51</sup>

Just one month later, Mary Bradnox, acting as her husband's attorney, charged Sarah with "falce oath in Court," but the court was not convinced of the allegation and dismissed the case. Bradnox appeared to try to sue Sarah again a couple of months later, but he and his wife failed to show up to the court session and were ordered to pay the costs of the suit. Finally, in February, 1662, after the death of her husband, Mary Bradnox resumed her case against Sarah Taylor, who Mary described as "unjustly freed," and charged her with conspiracy and running away. This time, the case was considered in the Provincial Court, which commissioned two men, Henry Coursey and Edward Lloyd, to investigate the issue and decide if Mary deserved compensation. Four months later, on June 7, Coursey and Lloyd determined that Mary had wrongfully been deprived of a servant, and that the four commissioners who had set her free were ordered to each pay her 220 pounds of tobacco for their misjudgment. However, Sarah Taylor was not returned to the Bradnox household; she was permitted to remain free and did not have to pay any damages to her former mistress. Her case is characteristic of the court's pressures and objectives; in the end, Sarah was set free and removed from danger, but, by

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<sup>51</sup> *Maryland Archives*, LIV, 167-169, 178-180, 224-225.

receiving compensation from the commissioners who set her servant free, Mary Bradnox (and through her, Thomas) regained her authority in the household. By admitting that setting her servant free was a mistake, the court acknowledged that she and Thomas had been appropriate masters and deserved their roles as heads of the household. By ordering the commissioners to pay instead of Sarah, the court kept her out of danger and allowed her to start a new life.<sup>52</sup>

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<sup>52</sup> *Maryland Archives*, LIV, 225-228, 234; XLI, 506, 525.

## CHAPTER TWO – ON THE RUN

Before her first two appearances in court, Sarah Taylor had run away and been apprehended. Although the court did not immediately free her, on both occasions the judges decided not to punish her for running away. In April, 1661, Sarah absented herself again, this time with John White, a fellow servant in the Bradnox household. After being caught, John and Sarah were brought to court and accused of running away and stealing goods from the house. A jury was formed to determine if their case warranted a criminal charge. The inventory of goods they allegedly stole listed more than thirty-five items, including a variety of clothes, shoes, hats, gloves, and a blanket. Despite the number of stolen goods, the jury did not find it “vulnerable to Reach the law of felony.” It appears that the case was completely dropped, and they (along with the goods) were returned to the Bradnox house. Again, the court did not record any penalties inflicted on the servants for their unlawful departure. Even after Sarah was freed from her service, Mary Bradnox charged her with running away and demanded that she be ordered to return to her service and add additional time for her previous absences. Although this should have been carried out according to the law, the court took no action against Sarah. The introduction to the Kent County Court Records suggested that “the sympathy of the jurymen for the victims of a notoriously merciless master and mistress was the cause of the lenient verdict.” Perhaps the court considered their order to return to the Bradnox household punishment enough. The commissioners may have been less inclined to free Sarah after her second and third attempts to escape considering Bradnox

was one of the active commissioners during both court sessions, but they freed her on her third attempt, when Bradnox was no longer serving on the court..<sup>53</sup>

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Mistreated servants who ran away from their household and claimed abuse as their motive thereby indicated the desperation of their situation and found the most sympathy with the courts. Fleeing from an abusive household involved incredible risk and difficulties; servants running away were unlikely to be successful. Once the escape had been discovered, a hue and cry would be raised, and a party would be assembled to pursue them. Rough terrain and impassable rivers posed another problem, and actually reaching a neighboring colony was unlikely. In Sarah Taylor's case, she lived on an island and would have appeared suspicious asking for transportation from a local boat. Such an endeavor could even be fatal; in 1661, a jury performed an inquest on the body of Jane Copley, a servant who had run away from her master's house, and determined that she had starved to death and died alone, lying in the root of a tree in the woods. On one occasion, Sarah Taylor hid in the woods and "almost starud with eatinge Trash." Servants' willingness to face such uncertainties, dangers, and even death in order to escape their masters' brutality is a dismal indication of how dire their situation must have been.<sup>54</sup>

Maryland's laws against fugitives were more severe than any other colony and were normally strictly enforced. The first law was passed in 1639 and made "stealth of oneself" a felony punishable by death. This sentence was never actually carried out;

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<sup>53</sup> *Maryland Archives*, LIV, xxii, 213; XLI, 506, 525.

<sup>54</sup> Raphael Semmes, *Crime and Punishment in Early Maryland* (Baltimore: Johns Hopkins Press, 1938), 110; McCormack, "White Servitude in Maryland, 1634-1820," 165; *Maryland Archives*, XLI, 452; LIV, 179.

instead, servants were most often ordered to add double the amount of time they had been absent to their indenture period. By 1649, the death penalty had been removed as a possible punishment; the servant was still responsible for making up double the lost time, but the cost of damages was also added. The court also declared it a felony to accompany or assist a fugitive servant. In 1662, the Assembly acknowledged its frustration with the ineffectiveness of the previous laws and commanded that no servant should travel further than two miles from his or her master's house without a pass signed by the master. The court encouraged all residents to "examine all Strangers and other suspicious psons" and bring them to a local justice if they did not produce a pass. Again in 1666, the Assembly increased the amount of compensation time from double to ten days added for every one absent. This measure was harsh compared to other colonies: in Virginia and New Jersey, a servant only had to serve double the time they were absent and South Carolina was the next highest with seven days for every one absent. Fugitive laws were continually passed and revamped as the century progressed, indicating the seriousness of the problem and the court's determination to punish offenders. Matthew Reade's servant, Mouse, felt the full force of this resolve. A "Constant Runnaway," Mouse received twenty-five lashes for his most recent absence, and the court ordered that anyone who found him if he ran away again should "whipp him home."<sup>55</sup>

Indentured servants were significant financial investments for masters, and a runaway servant could ruin an entire crop from the loss of labor. Consequently, when servants fled, masters were often willing to go to great lengths to recover them. As early

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<sup>55</sup> *Maryland Archives*, I, 72-74 (1639); I, 107-108 (1641); I, 124 (1642); I, 249-250 (1649); I, 348-349 (1654); I, 451-452 (1662); II, 146-147 (1666); II, 298-300 (1671); XXII, 172; Applebaum, *Colonial Americans at Work*, 94; LIV, 184 (Mouse). The courts were not hesitant to apply the law fully even in extreme cases. For example, in 1679, Katherine Canneday was ordered to add 1,070 days to her indenture for running away for 107 days (LXIX, 154-155).



as 1642, the Council of Maryland commissioned Nicholas Cossin to use “all necessary force” to pursue and apprehend runaways. Most fugitives tried to escape to another colony, especially neighboring Virginia. Throughout the century, the General Assembly exchanged correspondence with nearby colonies requesting that all fugitive servants reaching those colonies be returned and promising rewards for their cooperation. Similar bargains were made with neighboring Indian tribes, who were promised a matchcoat for the return of a fugitive servant. Increasingly complex and coordinated efforts were implemented to prevent their flight across borders, but Maryland authorities repeatedly remarked on their continued inadequacy. Such agreements were often difficult to enforce, and neighboring colonies often surreptitiously welcomed the population and labor boost from fugitives. Even as late as 1698, the General Assembly proposed another law “for the better correspondency” with Virginia in regards to fugitive servants and a request that their legislation on the issue would better coincide.<sup>56</sup>

Some masters created task forces of their own, authorizing friends and neighbors to search for their servants. In one case, Robert Jones hired Thomas Bennett to go to Delaware Bay to fetch a servant of Jones’s named Jasper Taylor that had run away. If Bennett could not locate the servant, he was to go to the governor of Delaware Bay and obtain a letter verifying that Bennett had done all he could to find the servant. Then, Bennett was to proceed to New York and follow the same instructions. If all of this had been completed, Jones promised to pay Bennett even if the servant was never found. This process could be quite expensive, and masters usually detailed “trouble and

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<sup>56</sup> *Maryland Archives*, III, 134 and 372-373 (New Netherlands); II, 224-226 (1669); XIX, 541 and XXV, 116 (PA); XXII, 172 (VA); McCormack, “White Servitude in Maryland, 1634-1820,” 164-165. There are numerous agreements with individual tribes in the records. Some examples are: II, 26-27; V, 30; XV, 214; XV, 291; V, 559; VII, 318; and XXV, 87.

Charges” they had endured to apprehend their servant. By law, masters were required to pay 200 pounds of tobacco to anyone who caught and returned a runaway servant. This could quickly add up, as it did for Thomas Bloyes, who was so tired of paying his neighbors for returning his runaway servant that he told them to only do so if it was “out of Love” and not for compensation. Especially towards the end of the century, masters asked the court to compel the runaway servant to financially compensate the master for the charges spent finding him on top of the additional time added to his indenture. For example, in 1693, Walter Lane submitted a detailed record of costs for apprehending his servant, Mary Sullivan, to the court. On top of ordering Mary to serve 192 extra days for her absence, the judges added two months to compensate for the costs Lane had accrued in finding her. A runaway servant could cost a household dearly, so courts and masters were quick to search for and penalize fugitive servants.<sup>57</sup>

Runaway servants threatened not only crops and the broader economy but also the household and colonial leaders’ control over the bound laborers. Considering the severe laws, which were generally strictly enforced, and the fervent efforts to retrieve fugitive servants, it is especially noteworthy that courts were more lenient towards servants who cited abuse as their reason for escape. Judges gave servants the opportunity to defend their actions, and masters were obligated to establish that the servant had no reason to run away. For instance, Richard Tull brought his servant boy to court and stressed that the boy had run “without any occasion given.” When the court asked Thomas Guinn “wherefore he soe absented himselfe,” Guinn answered that “he had no Cause but that he

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<sup>57</sup> One master complained to the court that he had “Susteyned great Damage & Losse by his Serv<sup>ts</sup> Absence from his Crop” (LVII, 581). *Maryland Archives*, III, 126 (Cossin); LVII, 121-122 (Bennett); LXXXVII, 152-153; LXXXVII, 299 (Bloyes); XCI, 73; CDVI, 229 (Sullivan). For other examples, see LIV, 28; XLIX, 246, 274-275; LIII, 592; LXIX, 17-19; LXXXVI, 39; LXIX, 17-19.

had ouer soaked his Corne to beat: & that he had rec: noe other abuse.” Because he admitted to running away without cause, he was ordered to serve 340 extra days and receive ten lashes. Although most servants confessed to their crime and were slapped with the penalties, some explained to the court that they had been trying to escape an abusive household and were shown sympathy.<sup>58</sup>

**FIGURE 7**

**Judicial Outcomes in Fugitive Abuse Cases**

<b>Outcome</b>	<b>Percentage</b>
Servant Freed	46%
No Extra Time Added	31%
Servant Punished	23%

When individual servants were brought to court for running away but claimed maltreatment as their reason, the court recognized the desperation of their situation and freed them in 46% of the cases, a higher rate than with servants who directly petitioned the court (see Figure 7). In 1658, Margaret Pearce sued her master, Richard Watson, for neglecting to pay her the obligatory freedom dues. He claimed that she had run away during her service and had not served any additional time for her absence. Margaret told the court that she had only run away “through his abuses,” and the court ordered Watson to pay her what he owed and not to expect any additional time. Similarly, Susan Frizell

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<sup>58</sup> *Maryland Archives*, CDC, 66 (Tull); LIV, 297 (Guinn).

ran away from her master Daniel Goulson for three weeks and was ordered to double the time of her departure and pay for the damages. She explained to the court that she had been subjected to “Extream usage” by her master and that she had “a great feare” of returning to his service. The court dropped its earlier sentence and concluded that setting Susan free was “Necessary for the avoiding of Danger.” Although Elizabeth Paul ran away for 82 days (which would normally mean she would have to add over two years to her indenture), the court recognized that her master “hath much abused” her and immediately set her free. The courts took the servants’ accusations seriously and were unwilling to place them back in danger by themselves.<sup>59</sup>

John Little may have recognized this pattern when he decided not to take his servant, Henry Billsbury, to court for running away. Billsbury and an Indian slave ran away to a neighboring Indian tribe, claiming they would “rather live with the Pagans than come home to be Starved for want of food, Cloathing, and have their Brains beaten out.” Little hired two Indians and a neighbor to bring Billsbury back and was determined to bring him to court. Billsbury asked Henry Pope, a neighbor who regularly testified against Little, to be his security until the next court session. When the court date came around, Pope asked Little if they were to all go to court as planned. Little changed his mind, proclaiming “for what Shall a man get by going to Law with a Servant.” Billsbury brought his own case against Little, complaining of his “hard and Cruell usage.” The case was deferred to the next court, and unfortunately the final decision of the court does

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<sup>59</sup> *Maryland Archives*, LIII, 14-15 (Pearce); CCII, 227 (Paul); X, 416-417 (Frizell). For a similar case, see LXV, 179. In this case, Walter Jeffries did not claim abuse as his reason for running away and additional time was added to his indenture. However, the court ordered his master to “provide him sufficient Dyat & Clothes in the meane time.”

not appear in the records. However, Billsbury was at least temporarily removed, and Little was ordered to give a bond for his good behavior.<sup>60</sup>

The courts also considered whether or not servants had already been corporally punished by their master for the absence. When Sarah Taylor was first punished for running away in October, 1659, the judges did not order her to add any additional time to her indenture and refrained from having her publicly whipped. They concluded that the thrashing Thomas had given her upon her return was “suffitient Corporall punishm<sup>t</sup>.” Edward Compton complained to the court that he was being forced to serve beyond his indenture time and made a point to say that he had endured “extremity of Corporall punishment” by his overseer in addition to the court’s penalties for his absences. The court freed him and ordered that he be compensated for the time he had overserved. The same decision was reached in Thomas Kirk’s case when he claimed that his time had expired. Although he admitted to running away for six weeks, Kirk maintained that “he was every time Severely punished which he doth humbly conceive was the full vigour of the Act of Assembly.” Kirk demonstrated knowledge of the law and used it to defend his case. Unfortunately, the final decision in this case is unknown; the court postponed the suit until Kirk’s master could be present but ordered him to “remitt any correction” to Kirk in the meantime. In one case, the court did not free the servant but kept him from being further punished. John Kinemont brought his servant Anthony Petchecoe to court for running away for twenty days, but two witnesses testified that Kinemont had “beate his Saruat Untill he was awerry...and Reasted and beate him Againe” after Anthony had been returned. The judges ruled “Such Punnishment Suffici[ent]” and did not add time to his indenture. Judges did not question the master’s right to physically punish his servant

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<sup>60</sup> *Maryland Archives*, X, 474, 482, 484-485.

for running away, but they were unwilling to satisfy the master's request for additional compensation.<sup>61</sup>

In a particularly detailed case, the court freed a maidservant who had run away and ordered her master to pay the cost of the suit. The servant, Elizabeth Hasell, proved that she had been physically punished by her master each time she had run away and consequently owed him nothing more. Nicholas Emanson complained in court three times in four years that Elizabeth had run away; each instance was simply a recording, and no action appears to have been taken by the court to punish her. In 1670, she completed her service time and requested her freedom dues, but Emanson insisted that she had never worked the additional time which should have been tacked on for each absence. He purposefully explained to the court that he had not "given her any Correction" for running away and expected the court to make sure he was adequately compensated. Elizabeth Hasell's attorney, Richard Boughton, called six witnesses (two of whom were Emanson's teenage stepsons), who testified that Emanson and his wife had beaten her specifically for running away. In fact, by her sons' own admissions, Mrs. Emanson had "beat her and putt her in Irons" and "tyed her to a bed post & whipped her" every time Elizabeth had been captured and returned. Knowing the consequences of her actions, Mrs. Emanson had told observers that "it was not for her running away" but for stealing and losing a piece of clothing. The reason behind the correction mattered. The extent did as well, and the court was not unmoved by the witness who saw "a puddle of

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<sup>61</sup> *Maryland Archives*, LIV, 169 (Taylor); LXVII, 25 (Compton); LXVI, 313 (Kirk); LIV, 443 (Petchecoe). For another example, see XIII, 292-293, 390.

blood” and “great wounds in her back.” The jury sided with Elizabeth, agreed that she was free, and did not require her to serve additional time.<sup>62</sup>

As with formal petitions to the court, judges remained most strict with servants who acted collectively. Groups of runaway servants could be quite diverse. In 1655, William Clapham commissioned a party to capture his four runaway servants; the fugitive group consisted of a husband and wife, a single female servant, and a Dutch male. George Cooper ran away with a Negro man and woman. The trio brought with them a boat, two guns, and a sword. Although the slaves escaped, Cooper was caught and held responsible for the value of the stolen goods and the runaway slaves. Servants who ran away together did not necessarily work in the same household and were often well-equipped with an elaborate plan and stolen supplies. Michael Hacker (identified in the records as a maidservant) testified to the court that Thomas White had asked her “whether she would see her brother in virginea.” He and two other servants had a plan to steal a canoe and some corn and flee to Virginia and promised “she might be freed from this service.”<sup>63</sup>

One case in particular demonstrates how diverse and organized a group of fugitives could be as well as the extent of communication networks among servants at different households. In 1657, Robert Chessick, a frequent runaway, made detailed plans to escape once and for all with a group of fellow servants. He resolved that “if m<sup>r</sup>

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<sup>62</sup> *Maryland Archives*, LX, 60, 90, 95, 234-235; LIV, 38 (burial list).

<sup>63</sup> *Maryland Archives*, LIV, 28 (Clapham); CDCVI, 31-32 (Cooper) In 1663, the General Assembly passed a law stating that white servants who ran away with black slaves had to pay damages to the slaves’ master. Because slaves served for life terms, no addition of time could be used to compensate their masters (I, 489); IV, 165 (Hacker) White was found guilty of misdemeanor and given thirty lashes. For other examples, see X, 516-517; IV, 268; LXXXVI, 39; LXXXVII, 433; LXIX, 90-91. Ira Berlin discussed the possibilities of black slave-white servant alliances, especially during the seventeenth century, and how much free planters feared this (*Many Thousands Gone: The First Two Centuries of Slavery in North America*, Cambridge: The Belknap Press, 1998, 26-27, 59-60).

Dorringtons man would run away with him to the Sweades he would not Stay one day longer with his Master.” John Robinson, another servant in the household, testified that Chessick talked about his intentions to run away “Every day as they have been at work together.” Chessick told John that “mr Chaplins man William Tony would acquaint the rest of those that would run away” and named six other servants from five different masters. The group planned to steal their masters’ guns and be well-stocked with ammunition in case they were pursued. When the case was brought to court, other local servants testified that the accused men had sought each of them privately, told them of their plans, and counseled them to steal some supplies and come along. The group was well-prepared and very conscious of what was needed to succeed. One man said he would not go without “m<sup>r</sup> Carys frenchman” because no one else “Could tell them how to do any thing in a boat.” After hearing the testimony, the court decided “there was a Conspiracie amongst” the accused to steal supplies and run away. Chessick, who was designated one of the “Chief Actors” and had a previous record of such behavior, received thirty lashes. Another participant was given twenty-five lashes, and a third was ordered to perform the whippings on his companions.<sup>64</sup>

Only two cases in which a group of servants ran away and cited abuse as their reason have survived in the records, but they both concluded in the punishment of the servants, a striking divergence from the earlier pattern. In 1654, two married Irish servants, John and Ellen, were forced to add eight months to their time of service for running away, despite their stated motivation being “Some abuse received from their Said Master in giving them Correction.” The court decided the correction they had received “was not given without Just Cause” and noted the “greate Charge” and “hindrance of his

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<sup>64</sup> *Maryland Archives*, X, 511-514.



crop” their master had suffered to recover them. In 1665, William Marshall presented his three captured servants to the court for punishment. The unfortunate escapees were a husband and wife, Matthew and Elizabeth Brown, and a fellow male servant, Joseph Fendemore. The husband claimed “that hee was Abused and that his Master did not allow them Vitualls Anough” as his reason for running away, but he was sentenced to receive twenty-seven lashes for his unauthorized absence. Elizabeth and Joseph confessed that they “went Along with him for company” and the court sarcastically responded that they “shall also for Company sake at the whipping post” receive seven and nine lashes, respectively. Despite their claims of physical abuse, servants who fled with their spouse or fellow servants were punished according to the law. A group of servants running away would certainly have seemed more potentially disruptive to the social order and the stability of the indenture system than a single servant running from a questionable household.<sup>65</sup>

Courts were also strict about whether the servant and master followed proper procedure and acted in accordance with the laws when hearing runaway cases. John Hough complained to the court that his time had expired but that his master, Mark Cordea, refused to free him. Although Hough confessed to running away for fifteen days, he claimed to have done so “by reason of his hard Servitude” under the command of James Lewis, Cordea’s overseer. Hough claimed to be “in danger of his life...for want of food and badd usage” and asked the court to “grant him redress in this his very great extremity.” Cordea countered by asserting that Hough had run away on a separate occasion for twenty-one days while he had been under Cordea’s command. The court recognized the legitimacy of his absence under Lewis but commanded him to serve extra

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<sup>65</sup> *Maryland Archives*, X, 396 (John and Ellen); LIII, 560 (Brown).

time with Cordea, since that absence had not been because of mistreatment. Similarly, when Ann Harlow ran away for two weeks because “she had been beaten and abused by one of her fellow servants,” the court determined this was not a sufficient reason to run away and ordered her to serve extra time. Servants could also use the courts’ strict interpretation of the laws to their own advantage. Thomas Simmons did so when his master, Thomas Kinniston, tried to sell his extra runaway time to another master. According to law, Kinniston should have brought Simmons to court so the judges could determine his punishment for running away. Simmons reminded the court that his master had failed to do so; because the court had not adjudged what Simmons’ extra time would be, Kinniston had no right to sell it. The court agreed and set Simmons free.<sup>66</sup>

When solitary servants were charged with running away but claimed to be escaping abuse, the courts were more likely to sympathize with them. Commissioners and juries most often set them free or at the very least refused to make them serve extra time. Their leniency is remarkable considering the colony’s severe laws and the usual tendency to fully enforce them. By not forcing misused servants to add additional time, judges implicitly excused their actions and prevented masters from being compensated. At the same time, courts remained most strict with misused servants who ran away in groups, as this posed a greater threat to the masters and community.

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<sup>66</sup> *Maryland Archives*, LXX, 455 (Hough); X, 322 (Harlow); CCII, 4 (Simmons). For a similar case, see LX, 108-110.

## CHAPTER THREE – TOO LITTLE, TOO LATE

In 1661, while she was still working in the Bradnox household, Sarah Taylor testified in court concerning the death of a fellow servant named Thomas Watson. Thomas and Mary Bradnox had been suspected of murdering another servant, James Wilson, in 1652 but had been acquitted, the jury concluding that Wilson had died because of “an intermitting fever joined with the dropsy or scurvy” and that “the stripes given him by his Master not long before his death were not material.” In fact, the Bradnox household could be quite deadly for servants; in 1655, two out of the eleven burials listed for Kent County were servants to Capt. Bradnox. No details were listed for these deaths, but when the Bradnoxes were suspected of Watson’s death six years later, the court ordered the coroner to perform an inquest and bring the case to the Provincial Court. Sarah Taylor testified first, claiming “in tyme of his sicknes” Watson had “very bad usage which was not fitt for a Christian in his weake Condicon.” She described how Thomas and Mary had forbidden Sarah and her fellow servants from bringing Watson food or drink, forcing him to go six days without sustenance. On the seventh day, Watson “came into the howse Creeping” on his hands and knees, and Sarah gave him food “as the rest of the servants had.” Watson related to Sarah how his mistress had given him a blow with a “cowle staff,” causing “an Impostum [abscess] to breed in the small of his back.” Sarah witnessed one incident in which Watson was ordered to turn the spit but was unable to do so because of the heat. Thomas Bradnox “pulld him out of the Corner and struck him soe violently with his hand on the Brest and face that the blood issued out of his mouth and nose.” Just a few days before he died, Watson told Sarah that

the Bradnoxes would be responsible for his death. In closing, Sarah defended Watson's "perfect sense and memory to the last night of his life."

After Sarah, a fellow servant named Thomas Southern testified. His deposition repeated many of Sarah's statements, but Southern described another episode in which several servants had been out cutting wood and Bradnox was unhappy with their work. He ordered Watson to cut a hickory tree and then beat him with a stick while he carried out the task. On still another occasion, Bradnox beat Watson with a stick while he was working in a thicket. When the stick broke, Bradnox cut another and gave it to White to "drive him a long." John White testified after Southern, confirming many of the earlier claims and adding how Bradnox "followed [Watson] from morning till Noone with a Stick in his hand to make him fetch wood and beate him more like a dogg then a Christean."

The servants claimed that both Thomas and Mary Bradnox had been abusive to the sick servant, and both were charged with causing his death. However, Thomas died before the proceedings began, so Mary was put on trial for the murder by herself. After hearing the servants' testimonies, Mary Bradnox presented her own set of witnesses. The jury first heard the account of William Hemsley, a young physician who had treated Watson. Hemsley claimed that Watson "was in soe deepe a dropsy that it was incureable" but that Bradnox had "used all meanes he could but could do him no good." Thomas Wetherell, a fifty-three year old neighbor, and another man then testified that they "knoweth not of any bad usadge he had in the tyme of his Sicknes." The men described seeing Watson when he was "very sick and much Swelld with the Scurvy." They claimed to have asked him if the Bradnoxes were abusive and that "he sayd noe, but

his disease was the cause.” Another witness undermined John White’s earlier deposition, claiming he knew White “to be an idle Runaway and of noe Credit” and had heard rumors he was “for sworne or perjured.” Perhaps most importantly, several witnesses asserted that Thomas Bradnox had passed the bleeding corpse test, a folk belief that a corpse would bleed anew when the murderer touched it. Two witnesses claimed that Bradnox had “thrust his Thumb upon his body” but they “did not in the leaste see any blood come from the Corps where Capt Bradnox touched him.” Such evidence convinced the jury of Thomas’s innocence, and they found it sufficient to clear Mary as well. Finding “noe cause of prsentment concerning the death of Thomas Watson,” the jury immediately freed her. No action was taken regarding the abusive incidents described by the servants.<sup>67</sup>

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When servants personally approached the court with a complaint of ill-use, judges and juries were careful to balance servant and master interests. When abused servants ran away and were brought to court, they recognized the severity of their situation and usually freed the servant. However, when servants died under mysterious circumstances or were allegedly beaten to death by their masters, courts were consistently hesitant to convict or even charge the master. In such cases, servants could not exercise their right to redress and the issue could easily be pushed aside. When a servant died under suspicious circumstances, masters were quick to defend themselves, but courts were just as quick to accept any other excuse for the death. Even when witnesses provided detailed descriptions of the beatings, judges and juries were reluctant to find a master guilty and

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<sup>67</sup> *Maryland Archives*, LIV, 8-9 (Wilson); XLI, 482, 500-505 (Watson).

sentence him to death (see Figure 8). The need to balance interests was gone, and courts were more concerned with protecting masters and their authority.

**FIGURE 8**<sup>68</sup>

**Judicial Outcomes when a Master was Suspected in a Servant's Death**

<b>Outcome</b>	<b>Number of Cases</b>
Master Executed	2
Master Punished	4
Master Found Not Guilty	14

Seventeenth-century Marylanders lived in a dangerous and often violent setting. High mortality rates and widespread disease were everyday challenges, and many servants died accidentally. For example, in just one court session, the coroner was reimbursed for inquests on three servants who had died. On another occasion, Thomas Farrington, a young servant boy, drowned when he crashed through ice trying to retrieve a goose that was shot. Mr. Francis Pope's servant died when he was chopping down a tree and it fell on him. In such cases, the court determined the servant had been killed "accidentallie" and "for want of Care." Servants could also be the victims of Indian attacks, and several were killed alongside their masters and black slaves. When a servant or slave was murdered by Indians, the court was quick to press charges. For example,

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<sup>68</sup> Masters who were found guilty of a servant's death but escaped execution rarely suffered severe punishment. For the four who fit this category, one was fined (but the fine was later remitted), one pled Benefit of Clergy and was released, and two were burned in the hand (although one was later financially compensated for the officer's "ill execution of his office," *Maryland Archives*, Vol. VIII, 23-24).

two Indians were accused of murdering a servant named Griffin Evans but managed to escape from authorities. The Council of Maryland promised a reward of twenty matchcoats to anyone who returned them so they could be “severely and duely prosecuted” for “soe horrid a crime.”<sup>69</sup>

When a servant died unexpectedly, neighbors and fellow servants instinctively suspected the master. Consequently, masters were careful to defend themselves, especially if they acted suspiciously after the death. This was particularly true when a servant was secretly buried before an inquest could be performed. When Ralph Beane’s servant, Ralph Loe, died suddenly and was privately buried, Beane was obligated to produce a witness and prove Loe had passed away because of an illness. The witness, a sixty-year-old neighbor, testified that he seen Loe refuse to eat anything and joke about being “Madd in his head.” Loe died suddenly in the woods one day while cutting timber; the witness described how Loe was “groveling on the Timber and ratling in the Throate” just before his death. He emphasized that he “sawe noe blood about him or any blowe or harme or any outward appearance occasioning his death” but that he believed the servant died from “some imposthume or appoplexy.” The jurors accepted that Beane had not been an accessory to Loe’s death but ordered him to pay a fine for privately burying his servant without first consulting the authorities. John Holmewood and Edward Skidmore were similarly investigated and reprimanded for failing to cause an inquest to be performed on their deceased servants and instead privately burying them. Holmewood defended himself by claiming there had been a miscommunication and he had indeed informed a commissioner of his servant’s death, but that no jury of inquest had been

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<sup>69</sup> *Maryland Archives*, LX, 348 (coroner); LIV, 7 (Farrington); LIII, 626 (Pope’s servant); V, 11 and XVII, 23-24 (Indian attack); XVII, 399-400 (Griffin). For other accidental deaths, see LIII, 362; LIV, 382; and LIV, 433.

formed. It does not appear that either man was further investigated or punished for their suspicious behavior.<sup>70</sup>

Similarly, Robert Brooke's successful defense depended on testimony that he was a reasonable and competent household leader and his willingness to let authorities handle the case. When his servant, John Clifford, mysteriously drowned, three other servants testified that they "doe not know of any threatning words or blows" given to Clifford even though he had run away. The servants had not witnessed their master misuse Clifford and even claimed he had "better usage and more favour and respect" than the other servants. They further defended their master's fairness, claiming he had told Clifford and the rest of his servants that he would be happy to sell their indenture to another master if they disliked his service. When Clifford ran away again and was found dead in the river, Brooke "was not willing to have him further Meddled with till he had Sent to the Governor and his pleasure was known concerning him." Later that day, Brooke ordered some of his manservants to go ahead and bury Clifford. Before doing so, the men took off his clothes and examined his body, finding "noe Sign of any bruise or hurt." Although the servants described Brooke as a fair master, they still felt compelled to search Clifford's body for evidence of abuse and a reason "to Cast away himself as it appears."<sup>71</sup>

Interestingly, mistreatment was the primary motivation courts considered in servant suicide cases, which unfortunately were not uncommon. Masters felt obligated to demonstrate that the servant was not driven to desperation by ill-treatment; without

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<sup>70</sup> *Maryland Archives*, X, 52, 73-74 (Beane); XLIX, 314-315, 351, 394 (Skidmore and Holmewood). For another example, see XLIX, 306.

<sup>71</sup> *Maryland Archives*, X, 157-159 (Clifford).



physical proof of abuse, witnesses and courts concluded the servant had no justifiable motivation and should be posthumously convicted of “willfully murdering” themselves. When the “Bones of a dead man” washed ashore on the Potomac River, neighbors determined the clothing belonged to Roger Evans, a servant to Mr. Thomas Baker. Baker produced a witness who verified that Evans had been “used as well by his sayd Master as if hee had bine his owne Child.” Another witness claimed he had never heard Evans “speake the least word in the way of complaynt” but “did always extol his master for a good man.” It was imperative that witnesses “neuer did see nor heare of any abuse” because Baker was automatically (and exclusively) suspected in causing Evans’s death. The jury believed the testimonies and concluded that Evans had no just cause to run away and must have come to his death “through his own wilfulness.” Unable to find a motivation for suicide, the jury guessed Evans may have “layne downe upon the sand and so might fall into a relaps of the sleepe diseas,” from which he had previously suffered, and been drowned by the incoming tide. Whatever the exact cause, the court concluded Evans “came by his Death through his owne Idelnes and Rogish absentment.” The same assumption was reached when John Constable was found dead. A jury viewed his body and found it “Cleare and without stripes.” Having ruled out abusive treatment, they concluded Constable was “the Causer of his owne death by wilfully drowning of himself.” Although these deaths may have been accidental, the courts seemed unwilling to rule them as such unless someone witnessed the incident, perhaps since servant suicides were so common.<sup>72</sup>

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<sup>72</sup> *Maryland Archives*, LIII, 140-141 (Evans); LIII, 502 (Constable). For another example, see LIV, 372-373.

Although community members may have suspected the master and the courts usually made an effort to determine the cause of death, there were several cases in which masters and mistresses were not even indicted as suspects. In 1660, an inquest was performed on the death of Catherine Lake, a maidservant to Thomas Martin. Martin was not charged with the crime, even though five fellow servants testified that he had “shoved [her] with his hand on the Shoulder and also gaue her a Kick upon the britch.” Right after the incident, Lake “being troubled with the ffitts of the mother fel into the said ffitts as formerly, and soe departed this world within one hower.”<sup>73</sup> The jury concluded that “the providence of the Almighty” was the cause of her death and did not reprove Martin for his actions. Three years later, a jury examined the corpse of Anne Vaughan, servant to Anthony Salloway. They discovered “Two wounds in her Throate w<sup>th</sup> a payre of sizers & one in her Belly supposed to bee w<sup>th</sup> a knife, & a small wound in her side,” which they determined were the immediate cause of her death. Without further investigation, they determined that she had given herself the various wounds in an act of suicide. Just a few months later, Thomas Teedstead, another servant to Anthony Salloway, was found dead with a wound in his throat. Without much investigation, the jury decided Teedstead “gaue himselfe the sd wound” in an act of suicide. Even if this was in fact the case, the court was unwilling to explore what conditions may have motivated two servants from the same household to commit suicide just a few months apart. Finally, another jury was ordered to examine the body of Ann Beetle, servant to William Hunt. They found a

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<sup>73</sup> According to the Oxford English Dictionary, “fits of the mother” (also called “suffocation of the womb”) referred to cases of hysteria in women. The term was “used in Hysterick Cases, wherein the Uterus is imagined to be...suffocated with ill Humours.” It was believed that the uterus moved upwards in the body and presed against other organs, causing symptoms like “a sensation of fullness in the abdomen and chest with difficulty in breathing or choking.” In 1993, The Canadian Medical Association Journal described the suffocation of the mother as anxiety with dyspnea (difficult breathing or shortness of breath).

wound on her left eyebrow, but concluded that it was not fatal. Two witnesses testified that Mrs. Hunt had been very angry with Ann and shoved her off a bed, resulting in the “great Cutt on her eye brow and her face and Clothes bloody and a great Clood of blood on the wound.” The jury decided that Anne had drowned herself and did not investigate the instance of abuse that the witnesses had described.<sup>74</sup>

If suicide was not a plausible explanation for the death, masters and courts looked for a medical cause to explain it away. When the Bradnoxes were suspected of murdering James Wilson and Thomas Watson, the court concluded that both men had succumbed to scurvy and the beatings they endured while sick did not contribute to their deaths. In an especially telling case, John Grammer was cleared of murdering his servant, Thomas Simmons, because physicians testified that Simmons had already been “a diseased prson.” A first autopsy revealed “many stripes upon the body wth a whipe,” which observers concluded had led to the “furtherance of his death.” Directly after this, Grammer requested that two doctors “open two suspitious places” on Simmons’s body. Grammer claimed Simmons had been sick for a year before his death, and the physicians confirmed that his body was “Cleere of inward bruises,” undermining the claims of ill-use. Instead, they found that the lungs were “full of putrid ulcers,” the liver was pale, and the heart was “putrid and rotten.” They concluded Simmons “by Course of nature could not have liued long.” Eight witnesses (almost exclusively fellow servants) then testified to the court regarding Grammer’s brutal treatment of Simmons, giving detailed descriptions of the violence. They described multiple occasions of abuse, including one in which another servant was ordered to give Simmons one hundred lashes. On other

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<sup>74</sup> *Maryland Archives*, XLI, 385 (Lake); XLIX, 88 (Vaughan); XLIX, 113 (Teedstead); XLIX, 215-216 (Beetle). For a similar case, see LIV, 360-362.

occasions, Grammer beat him with a small rope with a knot at the end until Simmons fell to the ground as if dead, only to be whipped until he got back up. The court accused Grammer of beating Simmons in an “unlawfull and unreasonable manner” and causing his death. However, the jury returned the indictment *ignoramus*, meaning there was not enough evidence against him to prosecute. Even the judges were surprised by this and demanded that the Grand Jury explain their decision. They produced four reasons why Grammer could not be responsible for Simmons’s death: none of the evidence adequately proved that Grammer’s blows were fatal, the rope he used to whip Simmons (which was produced in court) “could not touch his life,” the witnesses did not swear Grammer had used a bigger rope and that the correction had lasted an hour, and finally because the doctors swore “that noe stripes giuen him had in the least toucht any principall part.” Details mattered, and “according to the rules of physick his life could not be toucht” by Grammer’s abuse.<sup>75</sup>

Even when it seemed clear that a servant’s death had at least been hastened (if not directly caused) by mistreatment, the courts were averse to charging the master with murder. Thomas Ward and his wife were suspected of causing the death of their maid, Alice Lutt, and a witness testified that Mistress Ward had whipped Alice with a peach tree rod and then rubbed salt into the wound. Alice had run away but disagreed with the extent of correction given her, demanding that her mistress “use her like a Christian.” Mrs. Ward retorted, “Do you liken yourself a Christian?” and defended her actions, emphasizing how Alice “ran away several times.” Alice died shortly after the incident. The jury concluded that the abuse was “not the cause of the maid’s death,” but that it was

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<sup>75</sup> *Maryland Archives*, XLIX, 307-313 (Simmons). For other examples, see LIV, 60; XLI, 385, LIII, 140-141.

“unreasonable considering her weak estate of body.” However, they did not investigate any other explanations for her death. The Wards were fined 300 pounds of tobacco for “unreasonable and unchristian-like punishment” but were not charged with murder. In fact, their fine was remitted five years later.<sup>76</sup>

In another case, Anne Gould charged her former master, Mr. Owens, with raping her and giving her a disease that eventually led to her death, but Owens was never charged with the crime. Anne told her story to a newly-commissioned sheriff, but he did not present her case to the court until a few months later, after her death. Her deposition was stuck in at the end of a court session, and no further action was taken, most likely because she was already dead. Anne’s account described the rape, verbal abuse, and the disease she had since suffered. Owens had recently sold her to Joseph Wickes, and Anne emphasized that she received the abuse after Wickes had paid for her. Three years later, Wickes took Owens to court for breach of contract, claiming he did not fulfill his end of the bargain by selling a dying servant. Several witnesses described in detail Anne’s sickness and suffering during the last several months of her life, which she always attributed to Owens’s actions. The court ordered Owens to provide Wickes with another maidservant but did not bring any charges against him or further investigate the rape.<sup>77</sup>

In other cases, masters and mistresses charged with murder were quickly and inexplicably cleared. In 1661, Anne Nevill was accused of murdering her maidservant, Margaret Redfearne, “by giving her certaine Stroakes or Blowes upon her body.” Witnesses were summoned, and the first testified that he saw Anne strike Margaret and then command her to go into the house, where Anne beat her with a rod. The witness

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<sup>76</sup> *Maryland Archives*, LIV, 9, 125-126 (Lutt).

<sup>77</sup> *Maryland Archives*, LIV, 69; XLI, 270-275.

“heard the Stroakes and heard her Crye” and claimed Margaret “had a feauor and Ague” at the time. Susan Barbary testified that when her husband bought Margaret from the Nevills (perhaps out of pity), she “complayned of her left side which was black from her throate to her breast and soe cross her back.” Susan asked her how she came by the wounds, and Margaret told her how Anne had thrown her over a log. Anne had then “councelld her to drownd herself” and warned her she would not live two more months. Margaret told Susan her death should be attributed to Anne and requested to be carried to Mr. Stanley’s home (a local commissioner) when she died. When her condition worsened, she was taken to Mr. Stanley’s, and another witness described how she complained of her throat, which was black from bruising. He also saw stripes on her thigh, which he believed were given two weeks before. A jury of inquest was formed to view Margaret’s body and concluded she had “received wrong by blowes and Pinches as appeareth by and in three seuerall places as on her left breaste and back and on her throate.” Margaret’s deathbed statement declaring that Anne Nevill’s bad usage was the cause of her death was then delivered to the court. After all of this and without an explanation, the jury found Anne not guilty and immediately freed her.<sup>78</sup>

Even less detail was provided in other cases in which the master or mistress was cleared for the death of a servant. James Veitch and his wife Mary were kept in the sheriff’s custody on suspicion of killing their servant, Sarah Feakley. The trial was delayed when the chief witness against them (presumably a fellow servant) ran away. One James Varlow did testify against them, but his deposition was not recorded in the records. The Grand Jury indicted Mary for the murder but determined there was not

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<sup>78</sup> *Maryland Archives*, XLI, 478-480 (Redfearne).

enough evidence against James and cleared him. However, no further action appears to have been taken against Mary, who was soon cleared of the charges. Likewise, Richard Marsham was presented on suspicion of killing his servant, Jenkin Rice. The Calvert County court found the case convincing and sent it along to the Provincial Court, where three men brought information against him. Seemingly without much deliberation, the jury found him not guilty. The same result occurred when John Garrett was brought to court for the death of his servant. Eight witnesses were examined, but none of their testimonies were recorded and the jury promptly found Garrett not guilty. Richard Wilson, who had initially voiced his suspicions of Garrett, was even charged with spreading “malicious information.”<sup>79</sup>

Even the few found guilty were generally spared the full punishment for the crime. In 1664, Pope Alvey, a cooper and planter who was no stranger to criminal charges, was presented for murdering Alice Sandford. A coroner’s inquest revealed that Alice’s “Inrayles” were “cleare from any inward disease,” ruling out the possibility that she died from disease. Instead, they observed that her body was “beaten to a Jelly,” even declaring that “if it were possible that any Christian could be beaten to death with stripes, we think the aforesaid servant was.” Two male servants testified to the violent episode that led to her death, when Alvey repeatedly beat her in the woods until she could no longer walk. Alvey forced her to stumble along, beating her “uppon her naked back” until he broke three sticks. Finally reaching a plantation, Alvey realized the severity of her condition and forced her to eat some hominy, holding her mouth open with a pair of tobacco prongs and plugging her nose. It was no use, and Alice died within half an hour.

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<sup>79</sup> *Maryland Archives*, LVII, 153-154, 169-171 (Feakley); LVII, 597, 601 (Rice); LXXXIX, 123-124 (Garrett). For other cases, see LVII, 568, LXV, 1, and LXIX, 414-415, 420.

The jury determined that Alvey was indeed the cause of Alice's death, but the court seemed to look for an excuse to exonerate him. Later in the session, the court asked one of the witnesses how big the stick was that Alvey used to hit Alice (smaller than his little finger) and whether the hominy he force-fed her was hot or cold (cold). Although the jury found Alvey guilty of manslaughter, he pled Benefit of Clergy, and his punishment was reduced to being burned in the hand. For comparison, two other accused criminals were presented with Alvey. The first was accused of stealing and burned in the hand like Alvey. The second was a woman accused of infanticide; she was immediately hanged for her crime. The acknowledged murder of a servant was given no more punishment than theft while the murder of an infant resulted in execution. Despite the close call, Alvey's behavior did not improve. The next year, he was convicted for stealing and killing a cow and sentenced to hang. Alvey was pardoned but forced to serve as the local hangman for the rest of his life. Soon after this he was again suspected (but not formally charged) in the death of a servant.<sup>80</sup>

James Lewis had a similarly poor reputation and was found guilty of manslaughter after his servant, Joseph Robinson, died. Lewis, a former servant who worked as an overseer, was twice in trouble for "mutinous and seditious words," punished for "abusing" a member of the Lower House, brought to court for not letting two servants go after their time had expired, and imprisoned for a year for being unable to give security for good behavior. Mary Baines brought him to court for ill-treatment in 1680, and she testified concerning Robinson's death during her own case. She told how Lewis "threw him downe and Trampled Upon his Throat with such Violence That within

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<sup>80</sup> *Maryland Archives*, XL, 166-168, 230-235, 453; XLIX, 538-543; LVII, 356. For a similar case, see LIV, 390-391 and LVII, 59-65.



Two hours after the said Joseph Dyed.” She expanded her testimony after winning her own case, claiming Robinson attributed his coming death to Lewis’s beatings. Three years later, another servant, John Hough, complained of bad usage under Lewis. In spite of his reputation and the repeated complaints, no action was taken against Lewis until 1688. It is unclear why the case resurfaced then, but Lewis was found guilty of manslaughter and burned in the hand. A few months later, Lewis returned to court and complained that he was “unduely punished” and would likely lose his hand because of the “officers ill execution” of the penalty. The sheriff was held responsible for the “undue burning” and Lewis was released from paying the fees associated with his imprisonment. A year later, Lewis was again in court suspected of murdering a servant. This time, he was simply imprisoned and released on a bond for good behavior. Even a repeatedly violent and ill-behaved master was spared harsh punishment.<sup>81</sup>

Two men were found guilty of murdering their servants and hanged for the crime. In 1657, John Dandy, a blacksmith who was once a servant himself, was brought to court on the charge of killing Henry Gouge. When Richard Furbear, one of Dandy’s former servants, brought the suspected murder to the attention of the court, an impromptu jury of inquest was formed of “so many of the neighbors as Conveniently can be procured” and two doctors. The judges ordered that the jury pay special attention to Gouge’s head and bring it to court. They found a few places where the skin was broken and remarked that it was “Very black about the face,” but were unable to search the body, the task being “So Noysome to us all” because Dandy had quickly buried it without proper preparation. A long string of witnesses from fellow servants to prominent community members then

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<sup>81</sup> *Maryland Archives*, XV, 15, 20; LXV, 16, 21, 23, 34; II, 253-254; LXV, 179; LXVI, 477, 487; LXIX, 273; LXIX, 413-414; VIII, 23-24.

testified against Dandy. Several servants described finding Gouge's naked body in a small creek and Dandy's initial reaction, when he admitted he "Should Come into a greate Deale of trouble about this boy."

Other servants recounted hearing Dandy beating Gouge, and nearly all of the witnesses commented on a widely-reported story that Dandy hit him in the head with an axe two months before, causing a wound more than an inch deep. The injury was especially significant since it "bled a fresh" when Gouge touched the corpse, signifying that he was responsible for the death. Although Gouge's wounds were relatively minor, the corresponding stories of abuse, Dandy's reputation, and his suspicious behavior were enough for many to believe that Gouge "Came not to his Death by Drownding." In an especially interesting turn, Dandy's wife, Ann, was called to testify against her husband. According to English common law, a wife was not permitted to testify against her husband for fear that it would lead to perjury or discord within the marriage. However, perhaps because of the significance of the case or the exclusive details she could provide, an exception was made and Ann was called to testify. Even she admitted that Dandy had acted suspiciously the day of Gouge's disappearance, claiming the servant ran away and expressing concern to her that "he Should be hang'd for him the Said Gouge." Recounting the axe incident, Ann described how Dandy ordered her to dress the wound and she took out "two Little pieces of the Scull." She even alluded to troubles in her own relationship with her husband, emphasizing how John was "much angred" with her when she asked him to look after Gouge's wound. In closing, Ann acknowledged that "in her Conscience" she believed Gouge had not died accidentally.<sup>82</sup>

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<sup>82</sup> Ann Dandy was no stranger to the court. In 1655, John appointed her as his attorney (X, 443). Immediately after John's sentence was announced, Ann petitioned the court for relief so that "she may not

After being apprehended by authorities on suspicion of murder, Dandy managed to escape and fled into Virginia. A hue and cry was raised, and he was brought back to Maryland after “diligent Search.” In his defense, Dandy claimed he did not even interact with Gouge on the day he went missing; instead, he maintained that he was unable to find the servant at his usual place of work. Dandy then requested that the corpse be viewed again and accused Nicholas Oliver, one of the neighbors who had originally examined the body, of beating Gouge a week before he died. When asked why he fled to Virginia, Dandy replied that he sought a fair trial there on account of “Some Experience he...had of his hard usage by those in Authority” in Maryland. According to the indictment, Dandy told his allies in Virginia that he had been charged with killing Gouge a week before the court officially accused him. Dandy was already a known murderer; in 1643, he was convicted and then pardoned for murdering an Indian boy. He had also previously been involved in other violent episodes (in one case, he and his wife attacked a shop-owner with a hammer) and accused of stealing. Dandy’s political and religious activities may have also factored in; a Catholic supporter during a Protestant rebellion, Dandy’s complaint that “the Government of this Province is not settled” and his skepticism of a fair trial may well have affected the outcome of his trial. The extensive evidence against him (including the testimony of his own wife), the fresh blood that seeped out of Gouge’s wounds when he touched the corpse, his flight to Virginia, and his suspicious behavior while there convinced the jury that Dandy was guilty. “Having

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be left utterly destitute” with two children and a third on the way (X, 545-546). The court ordered that Dandy’s entire estate be put in her possession. She also testified in a separate case, was accused of slander, and was charged with embezzling her husband’s estate after his execution (X, 143, 432, 559).

nothing to Say for himself,” Dandy was given the sentence of death and hanged on October 3, 1657.<sup>83</sup>

The “bleeding corpse test” was an important factor in several of the cases and merits further discussion. The folk belief in “ordeal by touch” or “murder will out” was an accepted form of evidence in homicide cases. The idea was that a corpse would begin to bleed if the guilty party entered the room or touched the body. The theory had ancient origins and was based on a belief that God or the Devil would reveal the murderer through miraculous intervention. The bleeding corpse test was referred to during four investigations into a servant’s death, and in each case, the final verdict corresponded to the outcome of the supernatural revelation. The fact that Samuel Youngman’s dead body bled when his master, Francis Carpenter, touched it was a significant part of the witnesses’ testimony and the jury’s decision. Multiple witnesses testified that Carpenter had repeatedly abused the servant, ultimately causing a deep wound in his head that bled for several hours. It was significant, then, that Youngman’s ears, identified as a target of Carpenter’s abuse, “did bleed uery fresh” while his master was preparing the body for burial. As soon as it started, Carpenter quickly and “of his owne accord” expressed to observers regret that he had forced Youngman and a maid sleep in a cabin (“a uery Cold and bleake place”) on the ground without adequate clothing the night before he died. Understanding the implications of the fresh blood, Carpenter was immediately repentant.

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<sup>83</sup> *Maryland Archives*, X, 522-525, 534-547; IV, 254-255, 260; III, 98, 146, 187-188; X, 31-32, 195. There was another case in which the master was ordered to be hanged, although it is unclear if the execution was carried out. In 1664, Joseph Fincher was found guilty of murdering Jeffrey Haggman. Although the inquest concluded Haggman died of scurvy, Fincher was suspected of wrongdoing after numerous witnesses (many of them servants) were examined. They testified to specific instances of unwarranted violence. Then, a physician who had viewed the body described the bruises and wounds he found. Fincher also acted suspiciously, claiming Haggman had fallen against some tobacco sticks and hurt himself and urging others to help him quickly bury the servant “before any body saw him.” The jury found him guilty, and he “answered that if he deseru’d it he must dye.” He requested to be hanged in his native county and was forthwith transported there (XLIX, 303-307, 311-313).

The supernatural condemnation, however, sealed his fate. Carpenter was found guilty of manslaughter, and after claiming Benefit of Clergy was burned in the hand. Although reluctant to find a master guilty for the death of a servant, judges and juries believed the bleeding corpse test was convincing evidence whether for or against a master.<sup>84</sup>

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Until the end of the seventeenth century, no black servants or slaves directly approached the court complaining of ill-use. White servants remained the primary source of labor until later in the century; even in 1680, white servants outnumbered slaves three to one. The only non-white laborer to directly petition the court for redress against an abusive master was Thomas Courtney's unnamed "Malatto Girl," who was "maimed and dismembered" by Courtney when he cut off both of her ears. Her complaint reached the General Assembly in 1692, and when charged, Courtney confessed that he had been provoked by her "many Villanous Actions" (stealing and running away) and was "forced at last to use that Severity towards her." Courtney tellingly declared to the Assembly he was under the impression that "as his Slave, he might do with her as he pleased." The problem with his argument was that the girl was the daughter of a free English woman. Under a recent law, the girl would become free when she reached thirty-one. Her position in society was somewhat unclear; and the Assembly and Courtney referred to her as both "servant" and "slave." Although currently a black slave, she would eventually enter society as free. The Assembly immediately freed her from her "tyrannical master

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<sup>84</sup> For the other cases in which the bleeding corpse test was used as evidence, see X, 522-525 and 534-547; XLI, 385; and XLI, 500-505. Also see Richard Weisman, *Witchcraft, Magic, and Religion in Seventeenth-Century Massachusetts*. (Amherst: University of Massachusetts Press, 1984), 104; David D. Hall, *Worlds of Wonder, Days of Judgment: Popular Religious Belief in New England* (New York: Alfred A. Knopf, 1989), 72, 176; Elaine Forman Crane, *Killed Strangely: The Death of Rebecca Cornell* (Ithaca: Cornell University Press, 2002), 42.

and mistress” and proceeded to pass a bill “for the releife of Negroes & Slaues from the barbarous and unhuman vseage of their unreasonable Masters.”<sup>85</sup>

Courtney’s girl may have had an advantage because she had an English mother, but few efforts were taken to protect or avenge ill-used black slaves for most of the seventeenth century. In 1658, Simon Overseer, a wealthy planter, merchant, and officeholder, was brought to court on suspicion of murdering his slave, Tony. The incident occurred two years prior, but the chief witness, Hannah Littleworth, waited until she was freed from Overseer’s service to bring the story to the court’s attention. Hannah described the violent episode that resulted in Tony’s death: Mrs. Overseer had Tony chained up “for some misdemeanors” until Simon returned, who then commanded Tony to go back to work. Tony could not and laid down on the ground, so Simon beat him with “some Peare Tree wands” that were as thick as a man’s finger. When he would not stir, Overseer whipped him and poured hot lard on him. Tony was finally able to get up, and Overseer tied him to a ladder. After several hours of hanging by his wrists, Tony died. Several of the witnesses defended Simon, claiming the lard was not hot enough to cause blisters, no blood was drawn, and Tony’s feet had touched the ground as he hung from the ladder. Simon’s brother, Job Chandler, claimed Tony was lazy and ill-behaved and deserved the correction. Chandler successfully shifted the focus to Tony’s reputation and dehumanized him, lessening the significance of his death. Emphasizing Tony’s inability to communicate (he may not have spoken English), Chandler claimed he “neuer knew such a Brute...an ugly yelling Brute beast.” Even when eating, Chandler asserted

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<sup>85</sup> Gloria L. Main, “Maryland and the Chesapeake Economy, 1620-1720,” *Law, Society, and Politics in Early Maryland*, edited by Aubrey C. Land, Lois Green Carr, and Edward C. Papenfuss (Baltimore: The Johns Hopkins Press, 1977), 139. For example, Jacob the Negro was referred to as “a negro slaue & seruant” (XLIX, 489). Cutting off a slave’s ears was a common punishment for running away. *Maryland Archives*, XIII, 292-293, 390, 306-307, 451-457.

he acted like “an hungry starved Dog.” Because of these animal-like characteristics, Chandler stressed the need to control Tony through violence. He also tapped into a pervasive fear of slaves and dark powers, claiming Tony was a “dangerous Rogue” who must have had the Devil’s help when he untied himself with only one good hand. After Chandler’s deposition, the jury did not consider any more evidence regarding the actual crime and promptly released Overseer. Chandler’s attack on Tony’s humanity and reputation convinced the court that Overseer was justified in his actions.<sup>86</sup>

Other cases reveal a consistent refusal to punish a white person for the death of a black slave. In 1688, Richard and Susanna Harris were suspected of killing their thirteen-year-old black slave, Anne, by “extream ill and barbarous usage.” It was “Credibly reported amongst the Neighbours” that Richard and Susanna had stripped her naked, tied her up, burned her with straw “till She was as Crispy as a roasted pigg,” and then buried her body secretly. Members of the jury dug up her body and found it “extremely burnt,” concluding her death “was hastened by meanes of the said burning.” Several witnesses testified to the cruelty, and Richard and Susanna apparently both confessed to burning the girl. Despite the widespread report, evidence that “appears to be too true,” witness accounts, and an apparent confession, Richard and Susanna were found not guilty. In still another case, Ann Smith, who was convicted of murdering a black boy and sentenced to hang, was given a reprieve because she was “exceeding penitent and sorry.” Judges and juries seemed even less compelled to convict and punish for the murder of a black slave than of a white servant.<sup>87</sup>

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<sup>86</sup> *Maryland Archives*, XLI, 190-191, 204-206.

<sup>87</sup> *Maryland Archives*, XCI, 84-87 (Anne); XX, 460-461 (Smith). For another example, see VIII, 382.

Towards the end of the century, the growing number of black slaves forced free whites to re-evaluate their treatment of white servants. Kirsten Fischer captures this transition and how it appeared in North Carolina in the eighteenth century, but, as has already been noted, the differences in the treatment of white servants and black slaves were not as stark in seventeenth-century Maryland. Christine Daniels argued that “scholars who emphasize masters’ abusiveness and servants’ powerlessness make teleological arguments that anticipate the more rigid and hierarchical slave systems that followed servitude in plantation colonies and the legal practices that supported them.” However, although servants had the right to petition the court and were not sold for life terms, the cases in this chapter reveal that they could be treated just as brutally as black slaves, even to the point of death.

Judges and juries exhibited a tacit acceptance of extreme violence towards white servants when they regularly refused to convict or even charge a master suspected of murder. When it was no longer possible for the servant to exercise their right to petition, the courts felt less compelled to investigate the master, question his authority, and risk the permanent removal of a head of household through the death penalty. Consequently, mysterious servant deaths were blamed on accidents, suicide, or medical conditions; some masters were inexplicably cleared despite evidence against them; and, with few exceptions, even those found guilty of murder escaped the full punishment. Kirsten Fischer asserts that “it was a privilege of whiteness” not to be abused to death in eighteenth-century North Carolina, but this was certainly not the case in seventeenth-century Maryland.<sup>88</sup>

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<sup>88</sup> Daniels, “Liberty to Complaine,” 221; Fischer, *Suspect Relations*, 171.



## CHAPTER FOUR – COMMUNAL ACTION

Throughout Sarah Taylor's pursuit of freedom, she relied on support from community members and fellow servants to corroborate her story and provide assistance. Eight witnesses, ranging from servants to officials, testified on her behalf, describing the beatings they had observed, the bruises they had seen, and the hostile conditions in which she lived. Several of them were present when the abuse occurred and could describe in detail the origins and nature of the violence. On one occasion, Sarah asserted that Mary Bradnox's unwarranted and excessive correction would "suffitiently appeare...by the Rest of the sd Saruts of the house, wch ware prsent." Joseph Newman, who had previously lived in the Bradnox household but does not appear to have been a servant, described an incident one Sunday morning when Thomas "tooke upe a thre futed stole and stroke Sarah Tayler on the head with it" because she started to read a book. "Youe disimbling Jade," Bradnox angrily shouted, "what doe youe doe with a booke in youre hand." Newman emphasized the unprovoked, unwarranted, and inappropriate nature of the correction. His first-hand knowledge of her situation and willingness to bear witness led to her release. Before freeing her, the judges noted that the veracity of her complaint "hath apeared before use by the tistimony of Joseph Newman."<sup>89</sup>

Neighbors demonstrated support to Sarah Taylor in other ways besides testifying, especially when she ran away from the Bradnox household. Directly after her first appearance in court, Thomas Bradnox sued two of his neighbors for harboring Sarah when she was on the run. First, John Deere was charged with hiding Sarah and providing

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<sup>89</sup> *Maryland Archives*, LIV, 167-169, 180-181, 224-225.

her with food. One witness, Catherine Gamer, testified that she had seen Sarah hiding under a bed when she visited the Deere home. Catherine bid her to come out, and Sarah begged her not to tell Thomas or Mary Bradnox. Catherine also claimed that John Deere “said he would not carry her home” and offered Sarah food instead. The court next addressed Bradnox’s suit against John Smith. In this case, the constable had found Sarah one night at Smith’s house. Smith “confesseth th<sup>t</sup> the maid was in his house, And th<sup>t</sup> he found her in th<sup>e</sup> woods & brought her home to his owne house.” A witness named Mary testified that, when approaching the Smith house one morning, she had seen Sarah Taylor standing in the doorway. When Sarah spotted Mary, she ran inside and shut the door. When Mary reached the house, John’s wife, Margaret, explained to her that Sarah had “newly come out of the woods & almost starud with eatinge Trash.” The Smiths and Deeres, probably aware of Bradnox’s brutal reputation, could not ignore the plight of the visibly abused servant and secretly assisted her, despite the risk of a hefty fine.<sup>90</sup>

Sarah demonstrated her own support for a fellow servant when she testified on the death of Thomas Watson. Her deposition recounted communal discussion and action on the part of the household servants as they tried to help Watson without putting themselves in more danger. One way they did so was secretly providing Watson with food despite their master’s warning against doing so. In addition, Watson spoke with Sarah and two other servants, declaring his master and mistress were the cause of his coming death and trusting them to speak out on his behalf when the time came. After witnessing a violent episode, Sarah showed another servant, Thomas Southern, the blood on the ground. A few days later, Sarah, Thomas, and John White (the servant Sarah later ran away with) secretly discussed Watson’s situation and what to do with his statement that the

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<sup>90</sup> *Maryland Archives*, LIV, 168-169.

Bradnoxes were to blame. The three testified on his behalf, describing the abuse and openly accusing their master and mistress despite the risks to their own safety. All three were still living in the Bradnox household and would return home with their angry master. Despite the dangers and implications, concerned neighbors, officials, and fellow servants supported Sarah Taylor, who in turn was willing to take the stand for another servant, buttressing her own claims while protesting the unrestricted authority of a master over the lives (and deaths) of his servants.<sup>91</sup>

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Maryland's dependence on tobacco production and the labor of indentured servants made direct involvement by its residents on behalf of abused servants less likely and less successful than in New England. Intervening on behalf of abused servants or providing them with assistance against the will of the master was risky and could provoke confrontation. By doing so, concerned neighbors, officials, and fellow servants called into question the authority of masters over servants and risked upsetting the accepted hierarchy that was essential to order and productivity. Such involvement in domestic matters did not naturally coincide with a society governed primarily through the household. As Mary Beth Norton noted, "whereas the community and the state had clear expectations concerning the wielding of paternal power in households under normal circumstances, colonists were much less certain about the proper boundaries to impose on paternal authority when something went wrong." Because there were no formal guidelines to determine when it was necessary and appropriate for the community to

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<sup>91</sup> *Maryland Archives*, XLI, 500-503.

intervene on behalf of a dependent in a private household, individuals concerned with the safety of a servant often acted alone and accepted the risks involved.<sup>92</sup>

It is remarkable, then, that neighbors, commissioners, and fellow servants provided support to ill-used indentured servants in over half of the cases. In their book on early Maryland communities, Carr, Menard, and Walsh concluded that “informal neighborhood activities – mutual aid, bearing witness, watching and warding, and the neighborly mediation of disputes – contributed to the smooth functioning of community affairs.” The court records indicate that concerned community members in Maryland chose to demonstrate their support of abused servants in such informal ways. In fact, more direct methods (such as approaching the court directly on behalf of a misused servant) were typically unsuccessful, as they were considered a blunt and unsettling attack on the household hierarchy. Consequently, concerned community members most frequently showed support by testifying on the servants’ behalf in court, offering them some form of physical relief, censuring an abusive master, or providing food and shelter to runaways. They understood what was effective and acceptable in their distinct social environment and acted accordingly.<sup>93</sup>

Their actions are especially noteworthy considering the obstacles inherent in their physical and social setting. Norton argued that “the formal and informal publics in the north supervised the internal dynamics of family life more closely than did their counterparts in the south.” It is undeniable that the social composition and physical organization of the New England colonies allowed for an environment more conducive to community action and intervention on behalf of servants than in Maryland. In New

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<sup>92</sup> Norton, *Founding Mothers and Fathers*, 114.

<sup>93</sup> Carr, Menard, Walsh, *Robert Cole’s World*, 141.

England, the families of servants often lived nearby and were available to intercede when necessary. Additionally, the towns developed as tight-knit communities, where unscrupulous behavior was more perceptible and could be addressed more frequently. New England colonies were significantly less reliant on indentured servitude, as the primary source of labor was the family. Consequently, there were fewer servants, fewer instances of abuse, and fewer masters to be wary of. This system allowed, as Norton suggested, “neighbors, constables, and others in the north [to be] more willing to step in to prevent the worst excesses.” When instances of abuse became evident to family members or neighbors, it would have been less difficult and more acceptable to bring the case to court and convict the master.<sup>94</sup>

In Maryland, the social and physical characteristics of communities were not conducive to such extensive involvement. The colony was sparsely populated; Carr, Menard, and Walsh concluded that Maryland may have been less populated in 1660 than it had been prior to English colonization. Even in 1678, Lord Baltimore described the setting as “dispers’d Country Plantations,” rather than organized villages and towns. He noted that “we have non That are called or cann be called Townes...in most places There are not fifty houses in the space of Thirty Myles.” The rural settlement pattern, the challenging physical features (especially rivers) of the area, limited modes of transportation, scarce and poorly developed roads, and the isolated nature of tobacco farming restricted the movement of community members. Men traveled more often and further distances than women, but even they usually remained within a five mile radius of their home. Carr, Menard, and Walsh hypothesized that the typical household in the

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<sup>94</sup> Norton, *Founding Mothers and Fathers*, 115-116.

1660s would only be familiar with about fifteen families within a two miles radius and perhaps twenty-five within five miles. Families were comparatively isolated, and the intrusion of neighbors, ministers, and officials into domestic problems was less likely than in New England.<sup>95</sup>

Servants were unlikely to create supportive networks or alliances in the community considering the volatile nature of the Chesapeake. The continuous influx of immigrants, constant threat of disease, tendency to marry late, and unbalanced sex ratio created, according to Carr and Walsh, “circumstances of social and demographic disruption that deeply affected family and community life.” Such an unstable environment certainly must have hindered servants from forming strong relationships with other members of the community. Furthermore, indentured servants could be sold or traded to another master at any point during their indenture and would be forced to forfeit any relationships they had developed and create new ones. They also tended to immigrate alone and rarely had family nearby for support and protection. This relative lack of support could make enduring and exposing abuse a difficult task. This seemed to be the case for John Helmes, who came to court seeking relief and asked the judges to consider that he was “in a strang Cuntry and destitute of frinds.”<sup>96</sup>

Even if members of the community became aware of abuse and wanted to help, they may have been uncertain of how to approach the issue and whether or not the servant would be in even greater danger if they acted. Kirsten Fischer notes that some

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<sup>95</sup> *Maryland Archives*, V, 266; Carr, Menard, and Walsh, *Robert Cole's World*, 21, 137-139.

<sup>96</sup> Lois Green Carr and Lorena S. Walsh, “The Planter’s Wife: The Experience of White Women in Seventeenth-Century Maryland,” *The William and Mary Quarterly*, 3<sup>rd</sup> Series, Vol. 34 (4) (Oct., 1977), 542, 545. Carr and Walsh estimate there were six men for every one woman in the 1630s and three men for every one woman in the 1680s. *Maryland Archives*, LIII, 431 (Helmes).

servants may have shown their wounds and related their stories to neighbors or fellow servants but pleaded with them not to tell anyone in fear of retaliation. Witnesses who knew of such abuse were caught in a moral dilemma; servants could be punished or even murdered if their master discovered they had told others of their situation. If a witness felt compelled to take action in spite of this, there was no established or safe way to alert authorities. Fischer discusses an instance in North Carolina in which two witnesses could not or would not intervene despite their knowledge; one claimed that she simply “did not know how to go about discovering this affair” to the officials. Neighbors who became too involved also risked their own safety. When James Lewis ordered his servant to carry a log of wood that was too heavy for him, some neighbors offered to help. Lewis, furious that outsiders questioned his commands, “abused” his neighbors and proceeded to beat the servant. Similarly, after Simon Oversee beat Tony and poured hot lard on him, William Hewes tried to help the slave up from the ground. Oversee “hauing his knife in his hand,” threatened to “runne his knife in him...if he molested him.”<sup>97</sup>

Considering the risks involved and the uncertainty of how to alert authorities, some opted for a more indirect way of alerting the community: telling others, who might be more capable of providing a solution, of the situation. Sometimes the “I hear her sayeth that shee herd her sayth” strategy worked, as when Richard and Susanna Harris were brought to court on a suspicion that was “Credibly reported amongst the Neighbours” or when the Provincial Court heard “by comon fame” that Richard Marsham had killed his servant. However, it was risky because the court was reluctant to act unless the servant, who was often too frightened or unable to support the claim, appeared. If the

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<sup>97</sup> Fischer, *Suspect Relations*, 169-171. *Maryland Archives*, LXIX, 413 (Lewis); XLI, 191 (Oversee).

story reached the court and went unproved, the person who originally related it could be punished. Upon information from Richard Wilson, John Garrett was brought to court on suspicion of murdering his servant; Garrett was found not guilty and Wilson was reprimanded for his “malicious informacon.” In another case, three witnesses testified in court that they heard Mrs. Brookes tell others that Sarah Goulson beat her maid for two hours. The Goulson household was mentioned multiple times in the records for being abusive, and Mrs. Brookes was concerned enough for Sarah’s maid that she told others of the “unlawful punishment.” Unfortunately, the maidservant, perhaps too frightened to participate, did not appear in court and the court decided that the case “Cannot be proved.” For her unproven statements, even though she did not publicly say them in court, Mrs. Brookes was ordered to pay the costs of the suit. However, a year later, Susan Frizell, a servant in the Goulson household, was freed from service after she ran away and cited escaping abuse as her motivation. Mrs. Brookes’ prior concern and willingness to spread the word until it reached the court may have strengthened Susan’s case when she appeared in court herself.<sup>98</sup>

Concerned witnesses could also directly approach the court, but they often met with unresponsiveness. Only eight cases were initiated by a community or family member, and seven of them were either completely ignored or dropped after minor investigation. In 1654, Ann Pope testified that Mary Taylor’s maid had come to her and complained that she had been beaten by her mistress for stealing from a neighbor and that her mistress had then used the stolen goods for her own use. The maidservant

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<sup>98</sup> *Maryland Archives*, LIII, 389; XCI, 84 (Harris); LVII, 597 (Marsham); LXXXIX, 123-124 (Wilson); X, 401-402, 416 (Brookes). In another case, Thomas Ward was cleared of murdering his servant but charged one of his accusers with defamation (X, 234).



approached Ann with her story, and Ann relayed the account to the court. However, the brief record indicates that no action was taken by the court to investigate the claim of abuse. Similarly, in 1661, Thomas Pagett complained of John and Anne Nevill for “the misusage of a mayd Servant of theirs,” whom the couple had “unreasonably beaten abused” and kept “soe that she cannot come to make her Aggreiuance knowne.” The court sent two women, one being Ann Pope, to examine Margaret’s body and determine if she had been unlawfully beaten. No further action seems to have been taken, however, and Margaret died within two months. In both cases, a community member had first-hand knowledge of abuse towards a servant and attempted to alert the court to the situation. The judicial system proved fruitless for concerned neighbors who acted independently of the abused servant; the courts were consistently unwilling to thoroughly investigate a complaint without the direct participation of the servant, who may have been terrified of retaliation from the master or forcibly kept by him from coming to court.<sup>99</sup>

Norton notes that two thirds of the court cases involving mistreatment of servants in the Chesapeake were filed by the abused servant whereas in New England, all but a few cases were brought to court by concerned family members, neighbors, or authorities. Norton interprets this as evidence that fewer community members in the southern colonies were concerned enough for the welfare of misused servants to independently bring a complaint to court. However, it is important to consider that the courts were most sympathetic in their rulings when servants brought the case themselves and demanded redress. Even the few family members who brought complaints to court were unsuccessful. Anne Bright claimed that her son was “much abused” by his master, but

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<sup>99</sup> *Maryland Archives*, X, 403 (Pope); XLI, 478-480 (Pagett). For another example, see XLI, 451.

the case was apparently dropped. James Thompson defended his sister, Anne, against Luke Gardiner, claiming that Gardiner did not abide by the terms of the indenture and that her time in his household had been “a rough and bitter seruitude.” Even though James Thompson was the clerk of the Provincial Court and the Calvert County Court when he brought his case, the Provincial judges referred the case back to the county court, and no further action appears to have been taken. Perhaps the situation was not that neighbors, kin, and authorities were unwilling to bring a case forward on behalf of a servant; maybe they simply recognized that servants had a greater chance of a favorable ruling if they personally appeared with their complaint.<sup>100</sup>

Consequently, the most effective way to demonstrate support was to testify on servants’ behalf if they brought the complaint to court. Francis Shembrooke’s complaint of abuse was “Proued by 3 witnesses” and the bruises she revealed. The combination was enough evidence for the court to side with her. These witnesses could range in status from fellow servants to justices sitting on the bench. Many of the witnesses were not distinguished in the records as servants or freemen (at times they were not even named), so it is difficult to determine exactly what proportion of the witnesses were fellow servants or free. Regardless of their status, the commissioners and juries took their testimony seriously. Details mattered, and eyewitness accounts were crucial for determining the origins, extent, and outcome of abuse and for establishing the credibility of a servant’s allegation. One witness claimed he saw a master give his servant “fifty cruell blowes vpon the head and sides with a good round hicckory Stick.” Visiting neighbors often witnessed mistreatment and remembered specifics, indicating the events

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<sup>100</sup> Norton, *Founding Mothers and Fathers*, 115; *Maryland Archives*, XCI, 42 (Bright); XLI, 493-494 (Thompson). For another example, see CDVI, 246.

stood out to them. Nicholas Rawlings was just walking in the door when he saw Mr. Wynne kick Sarah Hall, box her on the ear, and threaten to knock her down with a chair. Six witnesses testified on behalf of Elizabeth Hasselton, including her mistress's two sons and neighbors who "hapned" to be visiting, each describing specific instances of violence they had observed. Hans Hanson described seeing John Wells beat his servant and even tried (unsuccessfully) to take the whip away from Wells, saying "he thought he had enough." Such testimony provides insight into what observers considered excessive or unwarranted correction.<sup>101</sup>

Community members could also testify to a dying servant's final statement. Many servants told others of the particular incident that led to their critical condition, hoping their listeners would repeat the declaration in court. Such proclamations were admitted in court as evidence; they were servants' final attempt to hold their master and mistresses accountable. Margaret Redfearne was resolute in her effort, telling two neighbors that she "lay her death to her dame" and then making a formal statement on her deathbed in front of two county officials. In the midst of a violent episode, Alice Sandford implored a fellow servant to "take notice that my Master hath killed mee." Thomas Simmons similarly told his fellow servant that "his mastr had Kill'd him." Too late to save themselves, dying servants depended on witnesses to bring their suffering to light.<sup>102</sup>

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<sup>101</sup> *Maryland Archives*, LIV, 292 (Shembrooke); XLI, 502; XLIX, 318; LIII, 233-235 (Hasselton); LIV, 443 (Kinemont); Wells case in Hanson, *Old Kent*, 233. See also X, 484.

<sup>102</sup> *Maryland Archives*, XLI, 479-480 (Redfearne); XLIX, 166 (Sandford); XLIX, 309 (Simmons). For another example, see XLI, 271-274.

Some servants directly sought help from neighbors, who offered relief and advice and later testified to what they saw and heard. Elizabeth Wildes told several people of her situation, even sending one neighbor to gather several others so she could make a statement before them. She then told Anne Trew when she “came for a bottell of milke” and on another occasion quietly called to George Harris as he was walking by. Harris testified that she “up and told [him] that the doctor tooke her to bed...whether shee would or no.” Wildes then sought the advice of Harris and a neighboring woman about what she should do. Sometimes servants showed their wounds to others in order to prove their condition. After being “most inhumanly” whipped, Thomas Everigon showed his stripes to Mr. Howard, a local commissioner. In another case, Walter Peake saw “a poor lame boy” of John Dandy’s who “seemed to be much abused.” Peake searched the boy, “found his Scull to be broken,” and questioned Dandy’s wife. Anne Gould, ill from the disease her master had given her, asked two neighbor women to view the “parts of her body tht was soare.” They did so and found “shee was in a uery loathsome & perishing condicon.” A similar search of Alice Brasse’s body revealed she was “all black & blew.”<sup>103</sup>

After seeing such marks, some community members tried to treat the servant or at least make them more comfortable. James Anderson went straight to a Chancellor with his wounds, who gave him supplies for dressing them and told him to stay at another master’s house until his case came to court. When John Corbett’s first master refused to treat his sickness, the court ordered that he be sold to Dr. John Stanesby, who promised to

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<sup>103</sup> *Maryland Archives*, LIII, 387-391 (Wildes); DVI, 196 (Everigon); X, 541 (Peake); XLI, 296 (Brasse). Some neighbors inquired after servants who appeared to be misused. Several of Francis Carpenter’s neighbors repeatedly asked him why his young servant boy’s head was bleeding. Carpenter claimed he had been correcting the servant when the boy stooped down and Carpenter accidentally hit him on the head. One concerned neighbor even examined the boy right before he died (XLIX, 60-62).

treat him. However, a few months later, Corbett was still in a “languishing condition” and sought help from a neighbor, Peter Sharpe, “who out of Charity did giue Entertainmnt to [Corbett] and applyed means to his Sore towards the perfecting of a Cure.” Susan Barbary washed Margaret Redfearne’s bruised body, and Anne Hinson took Anne Gould to a doctor, asked for anything that would “ease of her payne & heale her soares,” treated her with medicine, and dressed her sores. Another neighbor woman joined Hinson in asking the local physician to “administer something out of pittty to her.” Then, Nicholas Broadway, an overseer, acquainted two gentlemen with Anne’s condition and asked for help. Even Anne’s new master, Joseph Wickes, “used all lawfull wayes & meanes to gett her cured” although her sickness was “uery offensive & dangerous unto all the family.” An entire household and some neighbors took pity on the misused servant and actively tried to ease her suffering.<sup>104</sup>

Fellow servants were under the most pressure to remain neutral; they took their chances testifying against an allegedly violent master, and there was no compensation for doing so. Regardless of the outcome of the case, they returned to their master’s house after court and likely faced punishment or ill-treatment for their testimony. Sarah Taylor’s first witness, a servant named John White who would later run away with her, was clearly afraid of such retaliation. Although she asked him to testify and expected him to support her, he ambiguously claimed that “he can Testifie nothings in this matter affirmatiuely.” Two years later, Sarah, John White, and Thomas Southern testified against their master and mistress concerning the murder of Thomas Watson, who at one

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<sup>104</sup> *Maryland Archives*, LXIX, 122-123 (Anderson); LVII, 368-369 (Corbett); XLI, 479 (Redfearne); XLI, 270-274 (Gould). For another case, see LIII, 355-357. In Corbett’s case, the court ordered that Stanesby no longer had the right to the servant’s services because he had not fulfilled his end of the bargain. Corbett was then set free.

point had testified against the Bradnoxes on behalf of Sarah. Despite his lengthy description of the gruesome abuse, John White changed his testimony two months later. While he first blamed the Bradnoxes for Watson's death, he suddenly claimed that Watson had attributed his own death to disease. Perhaps afraid for his own safety, White was hesitant to speak out against his notoriously violent master despite his first-hand knowledge of the abuse.<sup>105</sup>

John White's fear of retaliation was undoubtedly a factor in any servant's willingness to testify. However, the court records indicate numerous instances in which servants spoke out in court on each other's behalf. Many of them had at one point lived in the same household as the misused servant and were able to provide first-hand accounts of the violence. Sarah Hall relied on a fellow maidservant, Sarah Evans, to recount in court specific instances of abuse she had witnessed. John Murr's case against his master was delayed until Benjamin and Elizabeth, his fellow servants, could come testify. Five male servants of Thomas Martin claimed that their master had shoved and kicked Catherine Lake before she died. In the case against Pope Alvey for the murder of his servant, Alice Sandford, two servants who were present during the incident detailed the violent abuse. John Besseck saw Alvey mistreating Alice, gave her water, carried her on his back as far as he could, fetched more help from a neighbor, and begged Alvey to leave her alone. In another case, four servants testified against Joseph Fincher when he was accused of murdering Jeffrey Haggman. The servants had been at work in the fields when they saw Fincher and his wife beat Haggman. The master then took Haggman into the tobacco house, and the servants heard "a great noise" and "thought in [their] heart the

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<sup>105</sup> *Maryland Archives*, LIV, 167; XLI, 500-505. In another case, a servant changed his mind about testifying and ran away, delaying the case (LVII, 153).

fellow was dead.” At once, the servants ran to the tobacco house, finding Haggman bloody on the ground. They questioned their master, who claimed the servant had fallen down against the tobacco sticks. These fellow servants were willing to demonstrate their support despite the risk of retaliation.<sup>106</sup>

Perhaps the most risky form of assistance was harboring or helping a fugitive. Beginning in 1649, the General Assembly added a clause pertaining to anyone who aided a fugitive to their runaway laws. The first version warned that “every Inhabitant within this Province that shall knoweingly harbour or entertaine such servant...during such absence to the p<sup>r</sup>judice of his or her M<sup>r</sup> or dame shall for soe doing bee fined or censured.” This warning was reiterated in 1654, and anyone who transported a fugitive out of the colony was required to pay double the costs and damages to the master. In a 1662 Act, the Assembly ordered that anyone harboring a fugitive would be “liable to all damages” that the master sustained because of the servant’s absence. Then, in 1666, the Assembly further specified that such persons would be fined 500 pounds of tobacco for the first night they harbored a runaway, 1000 for the second, and 1500 for every succeeding night. In 1676, however, the Assembly decreased the fine to 500 pounds of tobacco for each night, despite its acknowledgment that the previous Acts did not “Sufficiently provide an Encouragement” for residents to seize and return fugitive servants. This complaint was repeated the rest of the century, as the Assembly admitted

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<sup>106</sup> *Maryland Archives*, XLI, 385 (Hall); CCH, 547 (Murr); XLI, 385 (Lake); XLIX, 166-168 (Sandford); XLIX, 303-307, 311-313 (Haggman). Several servants also testified against John Dandy, detailing the incident that led to Henry Gouge’s death. Their testimony reveals mutual concern among the servants for Gouge’s safety and quick communication between them about what was happening. They heard Gouge’s cries, noticed when their master acted suspicious after his disappearance, and told neighbors what they knew (X, 535-540). Six servants also provided the bulk of evidence against John Grammers (XLIX, 308-310). In another case, two servants tried to rescue a servant being abused and blamed their master for the death, which was ruled a suicide (LIV, 361-362).

its measures were “ineffectual” for motivating residents to apprehend and return fugitive servants. Despite the reward for returning runaways and the penalties for helping them, it seems that the inhabitants of Maryland did not cooperate to the extent that the General Assembly anticipated.<sup>107</sup>

Moreover, the local and provincial courts rarely fully enforced the penalties for harboring fugitives in cases involving misused servants. When Thomas Bradnox charged John Deere with entertaining Sarah, the court found Deere “guilty in entertaininge th<sup>e</sup> Saru<sup>t</sup> of Cap<sup>t</sup> Bradnox priuatly w<sup>th</sup>out his concent” but only ordered him to ask Bradnox for forgiveness. He had to pay the cost of the suit, but he was not fined according to the Act of the Assembly. Then, when Bradnox charged John Smith, the judges concluded there was “noe cleere prooffe in the Cause to passe Judgmt.” They readdressed the issue two months later, and although Bradnox supplied some witnesses, the court claimed that it was still not convinced of “any positieue Testimony to proue the Deft guilty” and therefore determined Bradnox had “noe Juste cause of suite.” Smith was acquitted, and Bradnox was ordered to pay the court costs.<sup>108</sup>

John Deere and John Smith were surely aware of Thomas Bradnox’s brutal reputation and risked paying a fine for taking Sarah in and providing her with food. Sarah seemed equally concerned with protecting them; during Deere’s case, she testified that she had only been at Deere’s house for two hours before Catherine Gamer arrived and had never been to his house before or since that instance. She also claimed that she had never been at John Smith’s house except for when the constable had found her there.

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<sup>107</sup> *Maryland Archives*, I, 250 (1649); I, 349 (1654); I, 451 (1662); II, 146 (1666); II, 298-300 (1671); V, 524 (1676); XIII, 451-457 (1692).

<sup>108</sup> *Maryland Archives*, LIV, 168-169, 171, 176, 179.



If we accept her testimony, she had never been to the Deere or Smith households before hiding there, and both families were probably not well-acquainted with her. They may have taken her in and accepted the risks solely because of her visible wounds and Bradnox's reputation. In an environment that often hindered servants from forming strong alliances or relationships with other community members, this case demonstrates that some concerned neighbors were willing to act on principle rather than on familiarity.

Other cases concerning the harboring of fugitives resulted in similarly lenient judgments. In the fall of 1664, James Lee charged James Lindsey with "unjustly detaining a maid saruant." Lindsey had been the county's High Sheriff during the incident, so there could have been a number of reasons why he had detained the maid; however, a few years earlier, a male servant named Bastean Protestant testified that Lindsey had allowed him to remain at his home for a year even though he knew he had run away. Lindsey had even hid Bastean every time the servant's master came looking for him. It would seem that Lindsey had a history of aiding runaway servants, and there is reason to suspect his position as High Sheriff had alerted him to the circumstances of Lee's maid. The case could not immediately go forward because Lindsey was an acting commissioner and could not judge in the case. Without his participation, there were not enough commissioners to try the case. Lee tried to bring the suit at a later court session, but the records indicate that it was never addressed by the commissioners.<sup>109</sup>

In 1668, James Humes brought a suit against Henry Robinson and his wife for harboring his runaway servant, Catherine How. The Robinsons pled not guilty, but the jury found them guilty "for three days entertainieing" Catherine, but no penalty was recorded. Roger Dickison charged John Waters with advising his servant Dorothy Welch

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<sup>109</sup> *Maryland Archives*, LIII, 242, 511-512 (Lindsey); X, 524-525 (Protestant).

to run away and then harboring her multiple times. The court found Waters guilty, but only required him to pay the court costs (420 pounds of tobacco) and 100 pounds for damages instead of the amount defined in legislation or the 2990 pounds that Dickison had requested. When Peter Underwood ran away, he stayed at Abraham Holman's house all night even though he told Holman he was a fugitive. The next day, Holman took him to Kent Point, where another runaway servant, John Boone, was out in the Bay in a boat. Holman called out to Boone, promising "he would not meddle with him if he would come ashore." The two fugitives went home with Holman, who gave them a large supply of food for their journey. He even made them a map showing how they could use the Elk River to escape. When they got lost and returned to him, Holman harbored them for three more weeks.<sup>110</sup>

In some cases, servants admitted to fleeing to a neighbor's house for safety, but no charges were brought against the neighbor. In the trial concerning Elizabeth Hasell and her frequent absence from her service to Nicholas Emanson, Emanson's stepson testified that Elizabeth "ran away to m<sup>r</sup> Adames plantacon." John and Ellen, the married servants of Richard Wells, testified in court that they had fled to Nicholas Keeting's house to escape abuse. Ellen had been "Sick at Keeting's house," suggesting that Keeting allowed them to stay, perhaps even provided care for Ellen. John and Ellen were forced to leave only when the governor commanded the sheriff's deputy to remove them from Keeting's house. Mr. Adams and Nicholas Keeting were not charged or penalized for harboring the servants even though they had been revealed as doing so in court. The General Assembly passed multiple Acts warning of the harsh penalties for harboring

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<sup>110</sup> *Maryland Archives*, LVII, 243, 303, 306 (Robinson); LX, 415-416 (Waters); IV, 268 (Barrett); X, 522-525 (Holman). See also X, 20-21; LIII, 604.

fugitive servants, but the county and provincial records indicate that these penalties were rarely enforced to the full extent and were often completely ignored when the servant was escaping abuse. Perhaps, as the introduction to the Provincial Court Records (1666-1670) suggests, “one’s sympathy is generally with those who harbored, or entertained,’ a runaway servant, as this was usually done from kindness of heart and the knowledge that runaways generally came from the homes of harsh masters.” While this reaction may seem natural to the modern observer, it is surprising that the courts seemed to be of the same opinion, considering the extensive and stern legislation on the issue and the context in which they lived.<sup>111</sup>

In a few instances, communities acted out collectively on behalf of a servant. In one particularly entertaining case, a servant belonging to Thomas King (who had recently been suspected in the death of a servant) was found guilty of a misdemeanor and sentenced to receive thirty-nine lashes. The servant was tied to the whipping post, and “some small Peach tree switches” were brought to whip him. His master protested that the switches were “not fitt to whipp the man,” so the sheriff went to cut some that “might give content.” While he was gone, the prisoner was “lett loose” and ran away. The sheriff raced after him while the crowd of onlookers (who had presumably helped him) “did stand round the whipping post” and “sett up a greate shoute.” Others standing on the courthouse porch were “makeing a laughter thereat.” A commissioner stood some distance off, crying “shame of their actions.” Although there is no indication from the record that this particular servant was misused, a crowd of community members

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<sup>111</sup> *Maryland Archives*, LX, 235 (Hasell); X, 396 (John and Ellen); LVII, lii.

demonstrated their willingness to side with a servant, especially one whose master had recently been accused of murdering his servant.<sup>112</sup>

One community in Charles County publicly protested when a young indentured boy, John Ward, was neglected and abused by his master. The record indicates that the master was summoned to give a reason for his behavior because “the voyce of the People Crieth shame thereat.” When brought to court, Ward’s clothes were “all ragged and torne,” his hair “seemed to bee rotted off,” and he had a “most Rotton filthy stincking Ulserated” leg. The community recognized unethical behavior, voiced their concerns, and the boy was freed. Similarly, when Susan Frizell complained of “Extream Usage” and “a great feare” of returning to her master’s service, the court set her free on condition that she pay her master, Daniel Goulson, five hundred pounds of tobacco by the next harvest. Directly after the ruling, six men in the courtroom gave Frizell more than enough tobacco to pay for her freedom. In all, the men donated six hundred pounds of their personal tobacco so that Frizell could walk away from the court room free from an abusive master and cleared from debt. It is improbable that the six men were personally connected to Frizell and were acting out of friendship; instead, these men recognized and by their actions publicly criticized Goulson’s abusive behavior.<sup>113</sup>

Violent masters acquired a reputation that separated them from fair and competent heads of household; consequently, it was a surprise to some onlookers when a previously respected master acted violently. When Richard Owens was accused of raping his servant, a neighbor remarked “hee did not looke by his Countenance to bee such a man.” Thomas Bradshaw was similarly stunned when he witnessed Richard Harris brutally burn

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<sup>112</sup> *Maryland Archives*, XVII, 59.

<sup>113</sup> *Maryland Archives*, LIII, 410-411 (Ward); X, 416-417 (Frizell).

his slave girl, exclaiming “he did not take him to have been such a man.” There is evidence that community members sometimes censured abusive masters long after the case was settled. Paul Marsh hired a servant to Pope Alvey but was concerned for the servant’s safety considering “Pope hath allready been in question for the life of one serut.” Marsh had been “Credibly informed” that still another hired servant had attributed his death to Alvey. In an especially telling example, Richard Marsham charged William Collins with defamation ten years after Marsham was cleared of murdering his servant. Marsham claimed he had lived as “a Master of a ffamily” for twenty years with “good name, ffname, condicon, creditt, conversation, repute, and behaviour.” He explained how his profitable business allowed him to employ “great numbers” of servants and declared himself “a carefull Loveing and kinde Master.” Most importantly, he denied ever administering “any Cruell or unreasonable Correcon.” Marsham then charged Collins with maliciously accusing him of murdering his servant on multiple occasions in the presence of his neighbors. The allegation brought Marsham into “the hate disgrace and evill oppinion of all his neighbors.” He claimed that his former friends and clients had “withdrawne themselves from consorting & dealeing wth him” and that he was even in fear for his life. Community members were reluctant to trust a master suspected of harming his servant, as it indicated his inability to control himself and his household.<sup>114</sup>

While Mary Beth Norton is right in claiming that “servants in the Chesapeake were at a distinct disadvantage” because of the physical and social hindrances to community support, it is important to demonstrate the surprisingly numerous examples of

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<sup>114</sup> *Maryland Archives*, XLI, 272 (Owens); XCI, 85 (Harris); XL, 453 (Alvey); LXIX, 118-121 (Marsham).

outside assistance. The obstacles inherent in the physical and social structures of early Maryland communities combined with the fear of speaking out against a master doubtlessly caused many concerned observers to be cautious in their actions. Although the ways in which fellow servants and neighbors demonstrated concern for ill-used servants were often more indirect than in New England, they are evidence that community members operated under a social system that relied on a clear domestic hierarchy, the basis for the indenture system and the local economy. Disrupting that system was risky and less acceptable than in the northern colonies, but that does not mean that community members took no interest in the welfare of indentured servants and were unwilling to demonstrate their support when concerned – it means that they did so in more indirect ways. They generally did not take their concerns directly to court, but this approach was largely ineffective anyway. Instead, they regularly testified on behalf of abused servants in court when the servant personally filed a complaint, and their testimonies helped establish the veracity of a servant’s complaint. They even provided care and comfort to wounded servants and censured the master for his actions. Some concerned neighbors were also willing to feed, shelter, and care for an escaped servant, despite the potential penalties for doing so. These informal ways of demonstrating support were appropriate for the environment and reveal more neighborhood concern than some historians attribute to early Maryland communities.<sup>115</sup>

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<sup>115</sup> Norton, *Founding Mothers and Fathers*, 119-120.

## CONCLUSION

During the seventeenth century, Maryland was a young, developing colony. New counties were created as the population grew and communities developed in new areas. Courthouses were built to house the new county courts, and the justices and jurymen inside those new courthouses worked to determine the laws and precedents that would govern the rising population. The unique characteristics of Maryland's population, specifically the large proportion of indentured servants and the colony's economic dependence on tobacco production, shaped their priorities and responses. The courts were concerned with the ability of masters to control their indentured servants and maximize their productivity, but they were also compelled to consider the rights of servants, who, in a set number of years, would become active participants in the free community. Furthermore, the colony's growing demand for labor compelled officials to constantly attract new immigrants; a reputation for an unjust and brutal indenture system might convince potential workers to go elsewhere. Consequently, judges and juries attempted to establish balance in an unbalanced environment; for the sake of the present, they were concerned with upholding masters' authority, and, for the sake of the future, they recognized the need to protect the rights of indentured servants.

This conflict of concerns is evident in the courts' responses to mistreated indentured servants. Servants who complained of abuse in court took significant risks, and only a small number personally addressed the courts with their grievance. For the men and women who did so, however, the courts took their complaints seriously and often granted some sort of redress. Both county and provincial courts repeatedly proved

willing to remove them from danger, order their masters to amend their behavior or face consequences, or drop a master's suit against a servant he was suspected of abusing. In their judgments, the courts recognized the ambiguous difference between "moderate" and "immoderate" correction and demonstrated that they were unwilling to tolerate excessive correction when a servant personally brought it to their attention. At the same time, their rulings purposefully lessened the negative impact on the master, as when they ordered the master to sell the servant. This decision removed the servant from a violent household but allowed the master to be financially compensated for his loss. Even if a cruel master had his servant removed without reimbursement, he generally did not face criminal charges or pay a fine.

The courts demonstrated the most concern for solitary servants who were brought to court after they ran away. Although the law suggested stiff penalties for fugitives, the courts repeatedly ignored them when servants claimed abuse as their reason for escape; the servants were not punished or required to tack on additional time to their indenture and were often freed. The courts were similarly lenient with community members charged with harboring a fugitive servant. Although stiff penalties were prescribed by law, the courts repeatedly let harborers off the hook or imposed minimal fines. By their lenient attitude towards harborers, the courts demonstrated a shared sympathy for the servant. Courts were less lenient, however, with servants who ran away in a group or did not demonstrate a justifiable reason for their escape. Running away or complaining in court with fellow servants was much more threatening to the social order and was punished accordingly. The courts were unwilling to allow a group of servants disrupt the authority and productivity of their masters, even if they cited abuse as their motivation.



In cases in which a servant did not actively participate, the courts felt less inclined to investigate the allegations of abuse and took little or no action. When a concerned community member brought a case to court without the involvement of the servant or when a master charged a neighbor with injuring his servant and wanted compensation, the courts did not act on behalf of the servant. This pattern was especially observable in cases concerning the suspicious death of a servant. In such instances, judges and juries looked for other excuses for the death, like suicide or a pre-existing medical condition. Suspected masters and mistresses were usually exonerated with little explanation, and even those found guilty generally escaped harsh punishment. Accounts describing the violence experienced by ill-used servants reveal that the particular forms of abuse historians tend to associate with the treatment of eighteenth- and nineteenth-century black slaves were used against white servants in the seventeenth century Chesapeake. Before becoming a signifier of race, such violence demonstrated the boundaries of status.

Finally, community members demonstrated their support and concern in indirect ways that suited and reflected their social and physical environment. They rarely approached the courts directly with their concern, perhaps because this method proved largely ineffective anyway. Instead, neighbors, officials, and fellow servants testified on behalf of mistreated servants when they brought the case themselves. This approach was highly effective and consequently the most common form of demonstrating support. Neighbors and fellow servants also observed wounds, repeated final statements, and offered physical relief, hoping to ease a servant's suffering without disrupting the household. Some even provided food and shelter for fugitive servants, despite the risks involved. Such involvement demonstrates a communal intolerance of a certain level of

violence against indentured servants, especially considering the reality that most community members were not particularly familiar with the abused servants and did not have personal motivations to act on their behalf.

Determined servants like Sarah Taylor utilized the resources around them – sympathetic commissioners like Joseph Wickes, fellow servants and community members prepared to testify on their behalf, kindhearted neighbors willing to hide and feed them, and the bruises and marks on their body – to demonstrate the unwarranted origins and extent of the violence they endured. The courts' cautious and calculated responses to such complaints and the community's ability to support them most effectively in indirect ways demonstrate the social situation in which they lived. Although officials and neighbors were not unaffected by the plight of misused servants, they were keenly aware of the economic and social importance of the hierarchical system that framed their society and acted accordingly.

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