

WHITE INDENTURED SERVITUDE:
AN AMERICAN ECONOMIC EXPERIENCE

A Dissertation
Presented to
The Faculty of the Department of Economics
University of Houston

In Partial Fulfillment
of the Requirements for the Degree of
Doctor of Philosophy in Economics

by
James Hamilton Alexander
December, 1970

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ABSTRACT

White indentured servitude is a much neglected area of economic history. There has been in recent years a renewed interest in the history of slavery in this country and the problems created by it. Scarcely anyone is aware that black slavery came later and that it is a direct offshoot of white bondage. When the first negro servants arrived in Jamestown in 1619, white servitude was already well established. There was no legal distinction between the two until about fifty years later. From this time forward the two existed side by side. White indentured servitude continued to exist until the early 1830's, dying out only thirty years before slavery.

The economic impact of white indentured servitude is much greater than generally realized. Because of this system, the English colonies developed along different lines than other colonies in the New World. This dissertation attempts to relate the more rapid settlement and the more rapid economic development of the English colonies to the influence of white indentured servitude. This was accomplished through its effect upon loosening social restraints, establishing a more fluid society and creating an atmosphere conducive to the acceptance of technological as well as social change.

The procedure followed in this dissertation is to look into the economic conditions of Europe in the Sixteenth and

Seventeenth Centuries because these conditions determined to a large extent what classes would become caught up in the system. Who these people were and the degree of their attachment to the institutions of their homeland, determines to a large extent, their reactions and progress in the new land.

An attempt is made to determine why the unique white bondage system developed in the English colonies alone. This required an examination of change in attitude of ruling classes toward the ruled and the changing composition of those two classes. The evolution of laws dealing with the increasing numbers of the landless are studied in relation to the economic developments that caused their detachment from their ancestral plots.

The usual reasons given for the mass migration of the European poor, such as the desire for religious freedom, for economic opportunity, etc., are found to be much exaggerated if not downright false. The overwhelming majority came simply because there were profits to be made out of their exploitations. This profit was not restricted to the ultimate users, the planters and colonial artisans. The traffic in bondage was a multi-tiered operation stretching from the recruiters in the backlands of Europe to the soul drivers who drove their herds of human wares through the New World backlands selling them off in much the same matter as if they were cattle.

Each link in the chain of supply of indentured servants was a lucrative operation. When laws curtailed these profits, the supply dried up. When colonial regulations curbed the exploitative abuses of the owners, the demand dried up and the system ended.

The conclusions attempt to relate the impact of white indentured servitude to the strong democratic tradition in this country in contrast to the tendency of slavery to lead to aristocracy. The impact of white servitude is best seen in the Jacksonian movement. Jackson's followers were by and large the frontiersmen and eastern working classes who were for the most part ex-indentured servants or descendants of them. Even if some modern historical interpretations downgrades the democratic nature of the Jacksonian movement, we would still conclude that the democratic forces as they emerged throughout American history were strongly influenced by the spirit and ideas of freed indentured servants and their descendants.

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CHAPTER I

INTRODUCTION

Here lies the remains of John Lewis, who slew the Irish lord, settled in Augusta County, located the town of Staunton, and furnished five sons to fight the battles of the American Revolution.¹

The economic impact of the indentured servitude system upon the economic development of the United States is a much neglected area of economic history. Those few scholars who have made in-depth studies of the economic aspects of the system are almost unanimous in attributing to it a major role in the rapid growth of Colonial America both with respect to the peopling of the colonies and their economic development. Yet, in spite of this apparent recognition, one is left with an uneasy feeling that even these authors believe that somehow Colonial America would have arrived essentially at its same relative position of industrialization and world leadership without the invention and universal use of this system. The implication then would be that the arrival of the United States to its enviable position would have been only somewhat delayed.

In historical works of a non-economic nature even less importance is attributed to the indentured system as a factor

¹Quoted from a tombstone in the Piedmont area of Virginia by Carl Whittke in We Who Built America. (Cleveland, Ohio: The Press of Western Reserve University, 1946), p. 55.

in our economic development. The usual treatment in these works is that the system permitted the European working classes, eager to emigrate to America, a chance to do so. In the absence of the system, then, this would have been impossible. One is left to conclude the result was simply a more rapid rate of colonization.

The standard implications and conclusions appear to be questionable. There are several reasons why a certain amount of built-in bias may have been natural in studies concerning the impact of indentured servitude upon the United States. Every person has skeletons in the family closet. No one is criticized for forgetting one's grandfather was something less than a pillar of community pride while constantly reminding people that another was the cousin of an earl or some other functionary. Every person one generation back has two parents while in two generations back he may have four grandparents and in twelve generations that same person may have as many as 4,096 forebearers. This is roughly how many generations the indentured system lasted in this country in its original form. That is certainly enough progenitors for any geneologist to bury the humble origins of anyone. Even during the period of indentured servitude many were able to lose such an identity simply by moving to a new part of the country or by changing their names. It is no small wonder that there are so few

admitted descendants from them.

Nations have their myths as families their pride in family breeding. No nation could be expected to take delight in the fact that its Adam and Eve migrated from Newgate. The chauvanistic character of humanity would cause a nationality to minimize the effect of that origin while at the same time tending to attribute greater impact to other less embarrassing factors concerning its origin. The fact that the data dealing with indentured servitude is so meager that no precise measurement or estimate of the ratio of indentured servants to free immigrants can be made tends to confirm such generalizations. Thus there has developed a tendency for Americans in general and individuals in particular to view their humble origins with rose tinted glasses.

An attempt is made in this study to re-evaluate the role of the indentured servitude system and place it in a more realistic perspective. No claim is advanced in this study, either overt or implied, to the uncovering and integration of new source material into the existing body of information already available. Any claim to originality advanced here is that a better interpretation of the economic significance of the system can be made by attempting to answer the following questions which for the most part are largely ignored in available studies. Why did the indentured system

develop in English Colonial America and here only?² Why did the system become so widespread in usage and persist so long in these colonies? What was the social and economic status of those recruited and caught up in the system? What impact did the indentured system have upon these people? Finally, what impact did the ex-indentured servants have upon the social and economic institutions that caused our rapid economic progress?

The procedure followed in this study is first to consider some of the theoretical aspects of the relationship of labor to the other factors of production. The normal relationships of these factors were somewhat altered in instances where labor was scarce and land practically unlimited. The problem in the colonies then was to devise some method, or methods, to keep labor as laborers. In the absence of some such scheme every colonist would have been forced to build whatever fortune he made with his own hands.

The English colonial solution to this problem was an almost imperceptible development of an unfree indentured

²While it is true that the Spanish, French and Portuguese did transport convicts to their colonies as indentured servants, the basic principle involved was different. Those exported to Latin colonies were used exclusively on public roads, public works and other government undertakings. At no time were these indentured persons used by individuals for private gain.

labor force, both black and white. The legal distinction between white servitude and black slavery did not occur for more than forty years after the system's invention. After this time the two became separate institutions, though in many respects they remained quite similar. White bondage died out only thirty-odd years prior to black.

To understand how and why the system could develop and become both legally and morally acceptable, it is necessary to go back to English history and understand the development of the three ancient institutions from which the system was derived and from which it was sustained. These were: the statutes of Artificers, the Elizabethan Poor Laws and the Apprenticeship system. It was through these that man's attitude toward his fellowman shifted from some nebulous idea of noblesse oblige to outright respectability for the chattel ownership of other human beings including one's own race and creed.

To understand the democratic impact indentured servitude had upon the American economy, it is necessary to consider both from what classes these servants were recruited and to what extent they shared in the economic and social institutions of the lands from which they emigrated. In England this leads to an inquiry of the economic conditions of the various classes committed to workhouses, the ones on the Poor

Rates, those classified as vagrants and the kidnapped, as well as those duped into coming to America. When the shift in recruitment moved from Britain to Ireland and Europe, other categories must be considered. Among these are political and military prisoners and those persecuted and uprooted by the religious wars ravishing the Continent during this period.

Why these immigrants came is probably the most misunderstood facet of the whole system. In colonial times and especially prior to 1700 A.D., immigrants for the most part did not come voluntarily. They came simply because profit was to be made by others out of their transportation and labor. Those who profited from trafficking in indentured servitude spanned the Atlantic from the recruiting "crimps" and "newlanders" in the back corners of Europe to the frontiers of the colonies where the soul drivers peddled their human ware to the ultimate users, the planters.³ The various intermediaries were the cooke's houses, the ship's captains and merchant

³Several words coined during the period of traffic in human bondage dealing specifically with the practice. Recruiting agents were variously referred to as "crimps," "spirits," "man stealers," and one expression that is still in usage--kidnapper. On the Continent these recruiters were known as "newlanders." There were other terms connected with this traffic such as "cooke's houses" which referred to places of forcible detention of the kidnapped and duped until they could be put on board ship, and "soul drivers" which referred to colonial speculators in America who bought up batches of as many as 25 or 30 servants and drove them through the countryside selling them much as if they were cattle.

speculators in the colonial ports. When both European and American regulations made recruiting and transportation unprofitable, the sources dried up. When American laws curtailed the exploitative abuses of the system in America, the demand dried up.

The system ended but the impact of indentured servitude persisted. Some aspects of this impact are discussed in the conclusions. The least that can be said for the system is that the American democratic tradition is rooted in it. Ex-indentured servants and their offspring for the most part settled Appalachia and the West. They furnished the laborers and artisans in the East. These two groups were the backbone of the Jacksonian upheaval. It was during this period that the system ceased to exist.

CHAPTER II

THE SETTING

Land without hands will not enrich any kingdom.¹

Classical economic theory maintained that there are four factors of production. These factors are land, labor, capital and entrepreneurship. Of these factors labor is the most important. Without labor there is neither capital nor entrepreneurship. Entrepreneurship, or management in modern economic literature, is only a specialized form of labor. One could scarcely speak of entrepreneurship existing in a primitive society, nor is the term applicable to a one-man operation. It has significance only when applied to a situation where the activities of other humans are being directed in a productive process. It must, therefore, arise out of the laboring ranks itself. Nowhere is this relationship more clearly demonstrated than in the founding of the American colonies.

Entrepreneurship implies the other two factors, that is, the ownership of land and capital. According to Karl Marx, capital is congealed labor. Whether that ideology is

¹Quoted from Sir Josiah Child, A New Discourse of Trade, Fourth London Edition, pp. 191-192, by Cheesman A. Herrick, White Servitude in Pennsylvania (Philadelphia: John Joseph McVey, Publisher, 1926), p. 1.

followed or not, it would be difficult to rationalize that labor is not both prior to and the source of all capital existing in the forms of money, materials and machinery.² Capital in this restricted form does not exist where no prior labor was used.

Land, the fourth factor of production, is somewhat more unique. Land is not created by man. It can be looked upon as a gift of nature. Without land there would be no economics, no society, no mankind. Yet it is a neutral factor of production. Without the application of human effort it is barren. Even in primeval times proto-man had to seek out the berries, nuts and animal flesh that he consumed. Modern economics recognizes this dependency of the value of land upon human effort by simply treating it as a special type of capital. The importance of this dependency is pointedly expressed in the quotation at the beginning of this chapter.

Labor, then, is the source of all of the factors of production. Labor is wealth. This principle was recognized

² Abraham Lincoln must have thought along similar lines. "In his (Lincoln's) first annual message to Congress, he had declared that labor was prior to, and independent of, capital which could never have been created without labor's first existing," quoted in Foster Rhea Dulles, Labor in America, A History (New York: Thomas Y. Crowell Company, 1955), p. 92.

by the very earliest of the colonists.³ Man does not live by bread alone. Neither are fortunes made without some means to reap the fruits of the labor of other human beings. As early as 1619 John Pory wrote from Virginia, "Our principall wealth consisteth in servants."⁴ Nor did this attitude change as the colonies became more settled and free labor became more plentiful. Only twenty years before the Declaration of Independence the indentured servant was recognized as the principal source of wealth. The president of the Council of Pennsylvania stated in 1756 that "every kind of Business here, as well among the Tradesmen and Mechaniks as the Planters and Farmers, is chiefly carried on and supported by the Labour of indented Servants."⁵ The importance of the indentured servant, and possibly the condition of his status, too, was more graphically stated by Governor Sharpe of Maryland a year earlier when he wrote, "The Planters Fortunes here consist in the number of

³This is not as obvious as it appears. It was not, for example, recognized by the British intelligensia until after the English Civil War. This will be discussed in more detail later.

⁴Susan M. Kingsbury, editor. Records of the Virginia Company of London, Volume III. (Washington: Government Printing Office, 1906), p. 221.

⁵Quoted by Abbot Emerson Smith, Colonists in Bondage, White Servitude and Convict Labor in America, 1607-1776 (Chapel Hill: University of North Carolina Press, 1947), p. 13, from the Virginia Company Records, III, p. 221.

their Servants (who are purchased at high Rates) much as the Estates of an English Farmer do in the Multitude of Cattle."⁶

To the early colonists, land in America in its virgin state was seemingly unlimited. Entrepreneurship, under such primitive conditions, was not a factor. The status of agricultural technology in the colonial period was such that very little capital was needed. What few axes, hoes, shovels, etc. that were required to hew a farm out of the wilderness were readily available from England. Were capital in the form of these few necessary tools the only resource needed for the exploitation of the resources of the new world, it presumably would have been forthcoming in ample quantities. There were never any complaints about lack of tools, only of a scarcity of labor.

Basically there were only two objectives behind the early colonizing efforts of the English. Although there is some literature to the effect that colonies could be used to siphon off what appeared to Sixteenth Century writers as excess population in England and to Christianize the native inhabitants, neither of these seem to have ever been a serious motive for colonization.⁷ For example, only one minister was

⁶Quoted by A. E. Smith, Colonists in Bondage, p. 27.

⁷See Westley Frank Craven, The Virginia Company of London, 1606-1624 (Williamsburg, Virginia: Virginia 350th Anniversary Celebration Corporation, 1957), pp. 5-9.

carried to Jamestown, and his hands were full ministering to that initial unruly group of colonists. The instructions to those undertaking the Jamestown expedition clearly indicate the two major objectives were (1) to find a northwest passage, and (2) to discover minerals, specifically gold, silver and copper. Any other objective was secondary to these prime motives. Instructions for selecting the site and building of a fortified base confirm this. It was to be located as far inland as convenient so as to provide natural defenses against an attack by water. This stresses the commercial aspect of the colonizing attempt and shows a greater fear of an attack by Spanish and French naval expeditions than of the Indians, as one might assume. Furthermore, it was to be located upon some river "which bendeth most toward the North-West, for that way you shall soonest find the other sea."⁸ In addition, elaborate instructions were given on where to search for the precious metals.⁹ Captain Newport even reported (falsely) such finds on his return to England

⁸Quoted from an original document, Alexander Brown, editor, The Genesis of the United States, 2 volumes (New York: Russell and Russell, Inc., 1964), pp. 79-85.

⁹This was no passing fancy. In spite of futile attempts for a generation, a gold hunting expedition was organized by Sir John Harvey in 1634 to search for gold in Virginia. See Edward Eggleston, The Beginners of a Nation (New York: Appleton and Company, 1897), p. 13.

in 1607.¹⁰ Only a few of the original groups had any intentions of making a permanent home in the colony.¹¹ This is borne out by the fact that they were referred to as "Adventurers" in the company records and spent so much time seeking gold that only forty acres total was put under cultivation for food in 1608.¹²

Labor, then, would be the strategic factor of production to the exploitation of the resources found in the new world. Had they been able to accomplish this by the subjugation and use of the native inhabitants in the manner by which the Spanish were partially successful in exploiting the Inca, Maya, Pueblo and Aztec Indians, there is little likelihood that the indentured servant would have been of any more economic significance than it was in Latin America. There was a basic difference, though, in the English and Spanish experiences. The Spanish, for the most part, encountered settled, civilized natives. The modus operandi of the Spaniards in these civilizations was simply to kill off the ruling class, marry their widows and increase the intensity of exploiting

¹⁰Brown, Genesis, Letter from Captain Newport to Lord Salisbury, pp. 105-106.

¹¹Louis B. Wright, The Atlantic Frontier, 1607-1763 (Ithaca, New York: Cornell University Press, 1947), p. 55.

¹²Oliver Perry Chitwood, A History of Colonial America (New York: Harper and Row Publishers, 3rd Edition, 1961), pp. 58-59.

the already burdened native masses. On the other hand, the English encountered nomads or semi-nomadic tribes. These were more difficult to conquer and practically impossible to subjugate to the status of slaves. This would have been the only way to make their exploitation feasible. There were several reasons why this was not possible. The free-spirit cultural heritage of the more nomadic Indians of the East Coast was such that they lost their will to live under captive conditions. To this extent, they shared in that attribute of the Maori of New Zealand who, it is said, possess the ability to lay down, will themselves to die and then do so. They were of low physical stamina for agriculture and, furthermore, very susceptible to the white man's diseases.¹³ Being of nomadic disposition, escape was always a threat. In spite of all these handicaps, there were many Indians caught up in the institution of indentured servants. The majority of these, though, were women and children. The English solution in the end became a matter of killing off the native population to secure the land and of looking elsewhere for a source of labor power.¹⁴

¹³Herrick, White Servitude, p. 11.

¹⁴The Spanish were equally as brutal as the British in the conquest of Argentina and Chili where they encountered, too, mostly nomadic Indians. The Spaniards exterminated these Indians more completely than the English Colonists did in the northern hemisphere.

A labor supply was the keystone to the exploitation of colonial resources. By any means of reckoning there was an abundant supply in England, a scarcity in America.¹⁵ The two problems were complimentary. The solution appeared simple. By exporting the surplus workers from England to the colonies, both problems would be solved. Some such nebulous reasoning was behind the second shipment of colonists to Jamestown in 1609. The shipments of orphans in 1618 paid lip service to this same reasoning. This is only partially true however. One can suspect ulterior motives as well. These, although important, were no startling break with the past nor was the beginning of wholesale shipment of male prisoners the following year. Before a practical solution to the mechanics of such a system could be worked out, there were other developments which caused a change of attitude toward those transported from humanitarian considerations to one of private gain.

In retrospect some argue that the successful exploitation of Colonia America could only be accomplished by the

¹⁵The Spanish Minister to England in 1611 reported to his sovereignty that "Their principal reason for colonizing these parts is to give an outlet to so many idle, wretched people, and thus to prevent the dangers that might be feared of them." Herbert Aptheker, A History of the American People, The Colonial Era (New York: International Publishers, 1966), p. 12.

establishment of large estates or plantations which in turn necessitated some form of indentured servitude.¹⁶ The implication is that plantations in the beginning enjoyed some sort of economies of scale. This argument is absurd. When the indentured system was initiated, agricultural technology was of such a stage only diseconomies of scale existed. One author, who made a study of deeds, will, transfers, tax lists, etc., came to the conclusion that the trend in the Seventeenth Century was to break into small farms the large estates which had been created mainly by speculation in indentured servants. The reverse trend to truly large plantations which could enjoy economies of scale did not develop until during the Eighteenth Century.¹⁷ The usual explanation, though, implies some sort of benevolent origin of the system by maintaining that the cost of transportation prohibited eager emigrees from coming to America and that the indentured system was invented as a means for their salvation.¹⁸ while this is partially true,

¹⁶Phillip Alexander Bruce, Economic History of Virginia in the Seventeenth Century, 2 volumes (New York: MacMillan and Company, 1896), Volume I, p. 586-587.

¹⁷Thomas Jefferson Wertenbaker, The Planters of Colonial Virginia (New York: Russell and Russell, Inc., 1959), pp. 45-49.

¹⁸Thomas Jefferson Wertenbaker, The First Americans, 1607-1690 (New York: The MacMillan Company, 1927), p. 24. Both Bruce and Wertenbaker use this argument.

it is minor as a motive for the beginning and spread of the system. Were the economies of scale argument true in the beginning, then the Virginia Company's collectivist farming scheme would have been a success and the adaptation of the institution to individual exploitation would never have developed. The reverse was true. The truth is that the earliest colonists realized the economic truism that where land is plentiful, personal fortunes and the amenities of life are gained chiefly by the use of the labor of others. They saw the opportunity and seized upon it.

Once the efforts of the colonists had addressed themselves to succeeding in agricultural pursuits the labor problem became acute. When land is free, or practically free, and capital and skill requirements meager, a free labor market almost certainly cannot exist.¹⁹ The choice for the building of personal fortunes out of the labor of other human beings resolved itself on the development of the institution of indentured servitude. White or black was not an early consideration. Both of these means were adopted. Of these two, white indentured servitude was the first to develop and the most important, at least in the colonial period. It also resulted

¹⁹See Eugene Irving McCormac, White Servitude in Maryland, 1634-1820 (Baltimore: Johns Hopkins University Studies, Johns Hopkins Press, March-April, 1904), pp. 33-34.

in the greatest long term social and political impact.²⁰ In fact, the modern variant of slavery developed out of the indentured servant system itself.²¹ Both of these systems succeeded in their primary purpose of keeping labor labor; that is, placing legal or other restraints upon labor so that its price was artificially suppressed below what the free interplay of the forces of supply and demand would have determined. Any idea of laissez-faire economics in the labor market was absent. Thus the problem of every man becoming chief instead of a warrior, simply by appointing himself to that position, was solved by denying the majority of the emigrants that right for a period of time. The argument that this was the only way to exploit the vast tract of virgin land is simply not so. It was, rather, the only way for man to exploit man under such colonial conditions.

There were other solutions suggested in the colonial period. In fact, some were tried. Sir George Peckham, as early as 1582, made the suggestion that some of England's deprived might be willing to serve a year in some colony for

²⁰Bruce, Economic History, Volume I, p. 572.

²¹The expression, modern variant of slavery, is used to differentiate between the status and conditions of slavery in the ancient world and the kind that developed in Colonial America. Slavery in the ancient world resulted from becoming captives during wars and did not imply either mental, moral, or cultural inferiority to their captors. Neither was ancient slavery hereditary to offspring.

only their upkeep in order to "amend their estates."²² Edward Gibbon Wakefield in the earlier part of the Nineteenth Century, with benefit of more sophisticated economic jargon, made the suggestion that one way to provide a reasonably priced free labor force was to make land artificially high by arbitrary governmental decree. High land prices would, he believed, force emigrants to work for a while before they would be able to purchase their own farms. In the meantime, they would furnish reasonably priced farm labor and urban dwellers with which capitalists could undertake manufacturing enterprises. He suggested,

. . . that the supply of laborers be as nearly as possible proportional to the demand for labor at each settlement; so that capitalists will never suffer from an urgent want of laborers and that laborers shall never want well paid employment.²³

Actually something similar to his scheme of artificially high priced land was tried earlier by some of the American colonies. The principles of entails and primo-geniture was forced, by law, upon all original land grants in Georgia for some time after its founding. Thus none of the original land could sold or divided up among heirs. A further restriction upon

²²Richard Hakluyk, The Principal Navigations, Voyages, Traffiques and Discoveries of the English Nation (Glasgow: MacLehose, 1903-1905), pp. 167-181.

²³R. Gannett, Edward Gibbon Wakefield (New York: Builders of Greater Britain Series, 1898), pp. 62-63.

land ownership was that no estate could exceed 500 acres. The object was twofold: (1) to force a condition of low paid labor upon the economy, and (2) to encourage the growth of a large group of small landholders for the purpose of forming a strong militia force which would serve as a buffer colony between the more prosperous English colonies and the Spanish in Florida.²⁴ With the sale of land immobilized and a favorable birth rate, this did result in a cheap labor force. The scheme partially failed because of the exodus of second and younger sons to the higher wage colonies. The attempt by Lord Baltimore in Maryland to set up a manorial system tended toward similar results. For the first fifty years, land could not be purchased for money. Title to the land was only by transporting servants to the colony. It was not until 1648 that any provision was made for freeing any of the servants that had been brought in previously.²⁵

Another effort to insure a cheap labor supply was tried in all the colonies, at some time or other, especially in New England. These were attempts at wage controls made through the operation of the quarter-sessions of property owning

²⁴Curtis P. Nettels, The Roots of American Civilization (New York: Appleton-Century-Crafts, Inc., 1963), pp. 408-410.

²⁵McCormac, White Servitude, pp. 12-16.

Justices of the Peace. This method was imported from England where it was quite effective. Because of the basic differences between the two economies, it was never effective here. In New York and New England, where the headsrights system did not take root, a modified form of wage setting was practiced up to and including the Revolutionary War period.²⁶

Indentured servitude had one overriding unique characteristic. This would have caused it to make a greater impact on the American economy than slavery, had the demand for the two types of chattel labor been equal throughout the colonies. This was due to the fact that indentured servitude tended more toward rapid self-perpetuation than slavery. There was a constant demand for indentured labor. Because of the indentured's unconditional release at the expiration of some specific time period, replacements were needed more often than replacements for Negroes whose indenture was for their lifetimes. Thus to maintain equal numbers would have required a greater inflow of indentures from the beginning. But that is not all. There also was a chain letter effect that was completely absent from slavery. Each freed indentured servant became another potential demand for other indentured servants.

²⁶ Both the modified form of this scheme and the headsrights system will be discussed in more detail later.

Although some freed servants did not become owners of other indentured servants, a great many of them did.

CHAPTER III

ESTABLISHING THE SYSTEM

(The indentured servant's) existence is due to the universal desire of man to use the strength of others for his own profit and pleasure.¹

Of all the creatures in the world man is the most unique. Perhaps the most damaging aspect of this uniqueness to his own self-appraisal as "made in the image of God" is his desire to live, to wax, and grow affluent off the labor of others of his own species.² It is to the everlasting credit of human ingenuity that some of those who chose not to work have, in every society, found means whereby to support themselves out of the toil of others. And were that not enough to sate man's vanity, the leisure classes have devised both tangible and intangible means to impress upon

¹Marcus W. Jernegan, Laboring and Dependent Classes in Colonial America, 1607-1783 (New York: Frederick Unger Publishing Company, 1960), p. 45.

²While it is true that some social insects appear to have this trait, a comparison is unjustified. Human beings of whatever class in a society are biological and physically the same as their masters. Among the social insects this is not true. Drones among the bees, for example, are hatched from the unfertilized eggs of a virgin queen and have different physical constitutions to either the workers or the queen. The workers are hatched from the fertilized eggs of the queen. The queen herself was hatched from a regular fertilized egg of another queen but nurtured during incubation by a special food prepared by the working bees.

those engaged in the production of economic goods for all of society, their contempt for both manual exertions and those classes engaged in them. Some of the means that can be considered as tangible are bowing, kneeling, standing at attention, rising when one enters a room and other types of physical actions demanded of the lower classes designed to elicit awe among them. Overt physical ostentations of the nonproducers themselves used to show their independence from labor are, or have been, the binding of feet practiced among the Chinese, the occupation of idle hands with manipulations of superfluous walking canes or gloves, clothes and other apparel that render the person unable to exert physical effort. Of the intangible morés developed to constantly impress upon the lower classes the independent status of nonworkers, such titles as sir (especially among military), your honor, your lordship, his majesty and so on have been used to fortify these class distinctions. Men of all races, times and areas of the globe where economic surplus has arisen have found means for such exploitation and degradation of others. The colonists were no exceptions.

Why was this indentured servant that played such an important role in shaping America? Jernegan referred to him as a semi-slave, while Herrick refers to him as a temporary

chattel.³ It was common for servants themselves to use the word "slave" in describing themselves and their condition. A Dutch traveler was shocked to see the ownership of some of these servants treated so lightly as to hinge on the outcome of a game of cards.⁴ At the other extreme some historians tend to see the indentured servant in no such light. Curtis P. Nettels describes them thus: "These were workers who served under a labor contract in return for their transportation," while Wertenbaker describes him in no other but similar terms.⁵ What was the real nature of these humans?

The indentured servant was a person who, for some reason or other, found himself bound over to someone else as a chattel for some definite period of time. His time belonged to his master. The servant could be indentured for either voluntary or involuntary causes. There were many reasons for both of these types and the many shades that existed between both. The time period of the indenture could vary from

³Jernegan, Laboring and Dependent Classes, p. 45.
Cheesman A. Herrick, White Servitude in Pennsylvania (Philadelphia: John Joseph McVey Publisher, 1926), p. 3.

⁴Abbott Emerson Smith, Colonists in Bondage, White Servitude and Convict Labor in America, 1607-1776 (Chapel Hill: University of North Carolina Press, 1947), p. 233.

⁵Curtis P. Nettels, The Roots of American Civilization (New York: Appleton-Century-Crafts, Inc., 1963), p. 319.

a matter of weeks up to life. The indenture periods tended to become uniform for the same groups among various classes of bonded servants. These periods of indentures for the more or less uniform groups of immigrants tended to become either two, four, seven and fourteen years, or for life, depending upon the various factors determining the group classes.

The term, indentured servant, when used in its general sense, referred to all persons caught up in the institution of bonded servitude regardless of where they were from or the cause of their bondage. The word indentured was derived from the legal contract by which the person was bound. When taken in context, indentured servants can be broken down into various subcategories. There are many different ways in which this can be done. Early colonists tended to classify all servants as either Christian or non-Christian. This, as one might guess, was to distinguish between white and Negro servants. Methods of classification other than race were determined by where the immigrant signed his indenture contract⁶ and by the terms under which he was transported.⁷ There are other ways to classify

⁶A. E. Smith, Colonists in Bondage, pp. 3-5.

⁷Convicts who were sentenced to transportation by British counts became a separate category. See Jernegan, Laboring and Dependent Classes, pp. 47-48, and Eugene Irving McCormac, White Servitude in Maryland, 1634-1820 (Baltimore: Johns Hopkins Press, March-April, 1904), p. 37.

the bonded servants.⁸ This paper will define and use its own arbitrary classifications as the study progresses.

In a more restricted usage the term indentured servant referred to a person who signed his bonding contract in the British Isles or Continental Europe. More people were brought to the colonies in this manner than any other way. This was the method by which most British emigrants were transported. When the contract was made in this manner, the servant knew from the very beginning exactly how long his indentured period was to be. Further, his contract provided that he be issued a ration of clothing prior to departure and that he be furnished food, drink and other necessities from the time he signed the contract until his arrival in the colonies. Agreements under these conditions tended to be for four years, although the periods varied from greater to lesser terms depending upon age, sex and the demand for servants in the colonies at that time.

The second most numerous classification of indentured servants were the redemptioners. These were sometimes called free-willers. The word redemptioner is thought to be derived from the emigrants being forced to sell themselves to settle

⁸Herrick, White Servitude, pp. 7-8. Herbert Aptheker, A History of the American People, The Colonial Era (New York: International Publishers, 1966), p. 36.

their obligations to the ship's captains.⁹ The distinguishing characteristic of this group was that they signed their binding contract in the Colonies. These emigrants, especially the Germans and Swiss, were bound to the ship's captains in the ports of origin by vague general agreements, and their indenture contracts when made in colonial ports were in many instances dependent upon the "customs of the country" alone. Since the contracts were signed in the colonies and the demand for labor was so favorable, most of the time they were able to free themselves from the ship's captains for agreeing to indenture periods of two years more or less. This, though, happened only during the first few years of the redemptioner system but abuses developed rapidly so that these periods of indenture became longer over time. Many of this group were able to make partial payment of their fares in Europe. In either case, whether they did or did not, they agreed to settle the balance of their indebtedness upon arrival in the colonial port within some specified period, usually a month.¹⁰ If they were unable to do so, they were bound over to the captain who then sold them to the highest bidder.

There are several basic differences between the indentured

⁹Herrick, White Servitude, pp. 3-4.

¹⁰A. E. Smith, Colonists in Bondage, p. 20.

servant and the redemptioner. In the first place the indentured system was the predominant method in the early period of colonization, whereas the redemption method came into vogue about 1680 and tended to replace the former. By 1708 the transportation of redemptioners had become big business.¹¹ Another basic difference between the two was that the indentured servants for the most part were either single people or, in the case they were married, came to the colonies alone. On the other hand, the redemptioners mostly came as family groups. While it is true that the majority of the English who came to America were indentured servants and the majority of the Europeans that came over were redemptioners, these distinctions were not mutually exclusive. Some English and quite a few Irish came over as redemptioners while a few Germans came over as indentured servants.¹²

Slavery, as such, is not a part of this study. In the earlier part of the colonial period, slavery was not differentiated from white indentured servitude. Actually there were no legal distinctions made until the 1660's.¹³ Because slavery did

¹¹ A. E. Smith, Colonists in Bondage, p. 20.

¹² Warren B. Smith, White Servitude in South Carolina (Columbia: University of South Carolina Press, 1961), pp. 48-49.

¹³ Wesley Frank Craven, The Southern Colonies in the Seventeenth Century (Baton Rouge: Louisiana State University Press, 1949), p. 217.

evolve out of the white indenture system, it did have an economic impact upon this system and its development. This study will treat only those aspects.

The first Negroes were brought to Jamestown by a Dutch privateer in 1619. There were twenty of them and it is said that the colonist bought them more out of pity than any other consideration.¹⁴ This is probably true. The argument becomes quite creditable when considered in light of the demand for Negroes. The census of Jamestown in 1625, six years after the arrival of the first group, showed an addition of only two. In 1649 there were only 300. In 1671 there were only 2,000 slaves compared to 8,000 white indentured servants at that time.¹⁵ Benjamin Franklin wrote, even as late as 1759, that, "The labor of the plantations is performed chiefly by indentured servants brought from Great Britain, Ireland and Germany."¹⁶

The demand for slaves was slow in all of the colonies including the South during most of the Seventeenth Century. There are several reasons for this. There seems to be a

¹⁴ James Curtis Ballagh, White Servitude in the Colony of Virginia. Johns Hopkins University Studies in Historical and Political Science. XIII (Baltimore: Johns Hopkins Press, 1895), pp. 28-34.

¹⁵ Phillip Alexander Bruce, Economic History of Virginia in the Seventeenth Century, Volume I (New York: MacMillan and Company, 1896), p. 349.

¹⁶ Jernegan, Laboring and Dependent Classes, p. 45.

natural wariness among all of the early colonists against the introduction of such a contrasting ethnic group. This was especially true among the Puritans of New England, although there is evidence that in some instances they were preferred to whites even in Boston.¹⁷ There seems to be no superiority of the Negro over the white, at least in the earlier period when agricultural technology was quite primitive. One early American writer even seems to consider slavery more costly in the long run. He stated that free labor hired and paid dearly was cheaper than "the eye service of the slave."¹⁸ This is interesting because Adam Smith made a similar observation in The Wealth of Nations, stating that

It appears, accordingly, from the experience of all ages and nations, I believe, that the work done by freemen comes cheaper in the end than that performed by slaves. It is found to do so even in Boston, New York, and Philadelphia,¹⁹ where the wages of common labor are so very high.

¹⁷ One letter complained that Bostonians "would rather be burnt in the beds by them (Negroes) than suffer English Servants to come thither to work." Calender of State Papers. Great Britain. Colonial Series, 1574-1660, Volume 1722-1723 (London: Longman, Green, Longman and Roberts, 1860), p. 258.

¹⁸ John Esten Cooke, Virginia, A History of the People (Boston: Houghton Mifflin Company, 1885), p. 367.

¹⁹ Adam Smith, An Inquiry into the Nature and Causes of the Wealth of Nations (New York: Random House, Inc., 1937), p. 81.

These observations appear to be correct. This conclusion was verified in a back-handed manner by Governor Atkins of Barbados in 1676 when he stated that not only would three blacks do more work than one white but do it more cheaply. This was true in part because clothing and shelter were much cheaper there than in any of the American colonies.²⁰

Laws at one time or another were passed by all of the colonies to discourage the importation of slaves. Various reasons were given, but religion was not one of them. Actually, religious opposition did not develop until quite late. From Pennsylvania north, the general justification for such laws was to encourage the "better peopling" of the colonies. This was the reason given for a head tax placed on slaves in a New Jersey act passed in 1773.²¹ This was true also of the colonies of North Carolina, Virginia and Maryland. Georgia and South Carolina attempted to keep Negro slaves completely out of the colonies in the earlier phase of their development. Both of these colonies had been established as buffers between the Spanish in Florida and the English colonies to the North. Slavery would have been a handicap in efforts to build a strong mobile militia. Some effort was made in all the Southern

²⁰A. E. Smith, Colonists in Bondage, p. 30.

²¹Herrick, White Servitude, p. 97.

colonies in later colonial times to control the importation of slaves, but these regulations were imposed more to maintain some desired ratio of whites to blacks than for any other reason. This was to assure adequate control over the blacks in the event of a rebellion and to make an attack by the Spanish less promising.²² The usual method of control exercised regardless of the motive was an import tax. This tax was designed to be high enough that presumably it would price the slave out of the labor market. For example, prohibitive duties were placed on slaves entering Pennsylvania as early as 1705. Several subsequent acts were passed. Usually the tax was set at five pounds. However, in 1761 it was raised to ten pounds and in 1773 to twenty pounds. In all instances the taxes were overruled by the British government because they interfered with the mercantilist interests of the English merchants.²³ Virginia also placed a high tax on slaves. South Carolina resorted to taxing Negroes rather than land as a means to discourage the importation of blacks. Another method used was to require a certain percentage of white to black servants. A ratio of 1 to 10 was usually considered sufficient.²⁴

²²W. B. Smith, White Servitude in South Carolina, pp. 30-31.

²³Herrick, White Servitude, pp. 15-16, 85-86.

²⁴W. B. Smith, White Servitude in South Carolina, pp. 30-31.

No inherent physical superiority had been recognized in the Negro even in the South as late as 1670. In the middle colonies and New England there were decided disadvantages. Both industry and the smaller scale, diversified farming in those areas required more skills, more technological know-how, an ability to work with little supervision and a fairly good command of the English language. The Negroes were decidedly handicapped in these respects. Another serious drawback was the problem of acclimatizing the Negroes to the harsh winters. The problem was serious enough even in the Southern colonies that they were usually conditioned for two years in the West Indian Islands before transshipment. Negroes proved to be very susceptible to diseases of cold weather and thus had a high mortality rate. Investment in slaves was too risky in the northern colonies from a financial standpoint to compete with the indentured servants who were already acclimatized and possessed the necessary technological know-how.²⁵

The turning point in the shift from white indentured servants appears to coincide with Bacon's Rebellion which occurred in Virginia in 1675. This was a rebellion by a group of frontiersmen who were successful enough that they occupied Jamestown for two years. Their leader, Nathaniel

²⁵Herrick, White Servitude, p. 23.

Bacon died unexpectedly and the revolt collapsed shortly thereafter. The rest of the leaders were rounded up, hanged, and their estates confiscated. The fuse to this rebellion was over a war policy toward the Indians who were massacring whites on the frontier.²⁶ Basically, though, it was caused by a class struggle going on between the wealthy planters and merchants in the tidewater area and the small planters of the back country. These frontiersmen were mostly freed indentures who were both indebted to and in competition with the plantation owners in the tidewater area who controlled the state government. Bacon's army was composed of these frontiersmen and many deserting indentured servants.²⁷

Because of Bacon's Rebellion attention was turned more and more toward slave laborers, mainly because they were believed to be more "docile and tractable" than the white indentures, less likely to run away, and easier caught when they did. In time it appears that there developed some economic advantages to the use of slaves over the white indentures but this is probably due as much to the adaptation of cotton farming in the southern states and rice growing in South Carolina.

²⁶This perspective is mainly that of the frontier colonists. The basic British policy was containment of the colonists and peace toward the Indians because of fear of the French. The settlers wanted the Indians' land and were killing and being killed trying to get it.

²⁷Richard B. Morris, Government and Labor in Early America (New York: Columbia University Press, 1946), pp. 144-148, p. 288.

Another factor was the accompanying technological changes in farming. The acclimatizing of Negroes to the southern colonies was less of a problem than the acclimatizing of the whites to the heat. The slave indenture was for life, so there was no recurring problem of replacement. The Negroes' strength was equal to the whites and his endurance of the heat probably somewhat greater. In practice they were cheaper to feed, clothe and shelter. This was mainly because they were not covered by the "customs of the country," as were the whites. In addition, the slaves usually left offspring and in this manner tended to be self reproducing. At any rate, after the year 1675, white indentured servants played a diminishing, although vital, role in the southern colonies' economy.²⁸

The indenture contract itself was a simple legal instrument. It granted to the assignee, "his Executors, Administrators or assigns" the "Services and Employment" of the person being indentured from the date of the instrument until his arrival in a colonial port and afterwards for a stated period according to the "Custom of the Country." In consideration, the assignee agreed to pay the indentured's passage and to "allow him Meat, Drink, Apparel and Lodging, with other Necessaries" during the term indentured and at the end of

²⁸Bruce, Economic History of Virginia, Volume I, pp. 57-60.

the term to pay him "the usual Allowance, according to the Custom of the Country in the like Kind."²⁹ There are two key provisions other than the specified term of contract. The indenture is assignable; that is, it was negotiable. The servant could be sold, traded or assigned to any other master at will without his consent during his indenture period. The other was that his food, shelter, clothing, treatment and rights were subject to the customs of a land he did not know. Customs are separate entities from laws, although controlled to some extent by them. To what extent the best interests of the indentured were served either for good or evil is more appropriately discussed in a later section.³⁰

An interesting question arises when trying to determine exactly when the indentured system was introduced in the colonies. Most historians ignore the question completely. Others are vague to the point of ignoring it. With others, it is simply a matter of definition. This study is devoted to an analysis of the economic effects the institution of indentured servitude had upon the growth and direction of this country. For this reason it is of crucial importance to the study. The answer could throw some light upon questions

²⁹From frontispiece in Herrick, White Servitude.

³⁰See Chapter IX of this paper.

of greater import. Do the thinking patterns of a people determine the institutions and direction of this society? Or does the haphazard and opportunistic development of institutions determine the direction and thinking of the society? Why did the indentured system take root and spread in the English colonies of America and not in Latin or French Colonial America? It is not that the French and Spanish were unaware of the system nor that there was a marked difference in either their land area, population or state of technological development in 1600. They did use the system of indentured servitude extensively in some areas of production but based upon a different philosophy. There was an absence of private gain in their exploitation of the indentures. All of these countries were within reasonable limits at about the same stage of economic development at this point in history. Ironically enough, the idea of settling the colonies with indentured servants could have been borrowed by the English from the Spanish and certainly the Spanish practice influenced the English development of the servitude system.³¹

Many dates could be cited as the beginning of the indentured system. One could say it was started by the Indians

³¹See J. J. Carney's article, "Legal Theory of Forced Labor" in Hispanic-American Studies, Number 3 (Miami: University of Miami Press, 1942), pp. 26-30.

who held white captives before the founding of Jamestown.³² This will be dismissed as irrelevant to the objective of this thesis because our concern is with white indentured servitude only. Or one could say that the original colonists were "obviously" not indentured servants and that the system began with the first shipment of male prisoners from English jails to Jamestown in 1620.³³ This would require, though, a silence on the status of both the orphans shipped in 1618 and the women prisoners shipped in 1619, as well as the Negroes who arrived in Jamestown in the same year. It would also require ignoring the question of whether the status of the original "Adventurers" of 1607 and the original "Planters" of 1609 were not indeed genuine indentured servants and if not, then, to what extent. Further, it would leave unexplained why the first Virginia Assembly in 1619 would pass a law dealing with the treatment of servants and the enforcement of the contract made in England. Also it would require ignoring the status of those transported to the plantations known as hundreds beginning in 1617. And, lastly, does saying the original settlers were indentured servants, too, but "different" suffice to dissociate

³²John Spencer Bassett, Slavery and Servitude in the Colony of North Carolina. Johns Hopkins Studies in History and Politics (Baltimore: Johns Hopkins Press, 1896), p. 45.

³³This is the interpretation by A. E. Smith, Colonists in Bondage, pp. 9-13.

them from the system?³⁴ It does not appear so.

The plan under which Jamestown was founded was essentially an indentured contract. The original group was to be housed, fed and clothed by the company for seven years. Rations were to be drawn from a common warehouse. The "Adventurers" were to work company land and all produce above expenses belonged to the company as a dividend to the financial backers in London. Capital invested was to be returned to the investors at the end of seven years; then the land and profit, if any, were to be divided according to the amount of money invested, between the planters and the investors. Each planter was considered to own one share.

The company administrators in the early years were strict taskmasters. Work was performed in gangs. The adventurers were disciplined and regulated more severely than most of the later regular indentured servants. Punishment was cruel and inhuman. It was meted out in many instances for the most trivial of offenses. One offender "had a bodkin thrust through his tongue and was chained to a tree until he

³⁴ McCormac uses this approach and correctly recognizes it as an adaptation of the apprenticeship system. See McCormac, White Servitude in Maryland, p. 9.

perished."³⁵ Many committed suicide to escape their misery. Although a few had escaped back to England, the restrictions against returning were not lifted until 1616.³⁶

The only arguments that can be made for considering them other than indentured servants are that they were indentured to a company rather than an individual and that they were to share in the land distribution and profits, if any, at the expiration of their servitude. If in theory this was true, in reality it was not. As it turned out, there were no profits to be distributed in 1616. There was an administrative shake-up that year and each planter was allotted fifty acres of land. The new administration also set up a program whereby anyone going to the colonies or paying the transportation of another person was promised fifty acres for himself and each person so transported. This was the beginning of the headsright system which spread throughout most of the colonies. These headsright claims became the foundation upon which the plantations called the hundreds were built. These commercial undertakings were formed by associations of absentee owners who used the indenture contract to control the servants

³⁵Quoted from Oliver Perry Chitwood, A History of Colonial America. Third Edition (New York: Harper and Row Publishers, 1961), p. 62.

³⁶Alexander Brown, editor, The Genesis of the United States (New York: Russell and Russell, Inc., 1964), p. 797.

they sent over to work in the plantations. Legally the associations were partnerships. In practice, the authority, control and treatment of the servants were the same as that of the Virginia Company. Both the company and the associations used hired managers and foremen. The Hundreds were quasi-governments run on a baliff basis. They were treated as separate administrative units for civil and military purposes.³⁷ The Hundreds in turn gave each of their freed indentures 25 acres after three to five years service.³⁸

There is ample proof, though scattered, that the indentured system was well established before 1619. It is unreasonable to assume that legislation would be passed in that year dealing with a non-existent problem. The first free assembly ever held in America meted out to an unruly servant the cruel punishment of having his ears nailed to a pillory for four days and of being shipped each day that he was so impaled.³⁹ There is some evidence that it was common practice to send both male and female prisoners to the colonies by

³⁷ Wesley Frank Craven, The Virginia Company of London, 1606-1624 (Williamsburg: Virginia 350th Anniversary Celebration Corporation (Historical Book No. 5), 1957), pp. 32-35.

³⁸ Nettels, Roots of American Civilization, p. 141.

³⁹ Colonial Records of Virginia. Laws of General Assembly 1619. State Senate Document. Richmond, Virginia, p. 24.

1616.⁴⁰ Vagabonds, it is said, were transported as early as 1612.⁴¹ One authority claims there were 800 indentureds out of a total Jamestown population of 1,261 in 1619.⁴² Kidnapping had already become a practice by 1618.⁴³ One British official even surmised that the indentures were better workers than the original colonists.⁴⁴ The action of the Virginia assembly in 1619 was merely the first legal recognition of a system already quite widespread.

Virginia was not the only colony to be founded upon the indentured system. Most of the colonies were. The Massachusetts Bay Colony was founded upon essentially the same basis as Jamestown. Its beginning, too, was based upon a seven-year indenture period for the colonists, common storehouses, common ownership of output and common sleeping quarters. Contrary to American myth, this planting of English colonists by the Plymouth Group of the Virginia Company was just as much

⁴⁰Brown, Genesis of the United States, pp. 739-740.

⁴¹Nettels, Roots of American Civilization, p. 141.

⁴²Craven, The Virginia Company, p. 40.

⁴³The Virginia Magazine of History and Biography, Volume IV (Richmond: The Society of the History and Biography of Virginia, 1893-1919), p. 228.

⁴⁴Calender of State Papers, Colonial, 1574-1660, p. 12.

an economic enterprise as was Jamestown. Of the 102 passengers landed by the Mayflower, only 35 were Pilgrims. Such folk heroes as John Alden and Miles Standish were among the non-Pilgrim group.⁴⁵ The Carolinas, Pennsylvania and other proprietor colonies were founded upon the indenture system, too. Actually in Maryland property could not be bought until after 1648. Title to property was obtained solely through the head-rights system of importing servants. Lord Calvert himself brought many servants over.⁴⁶

Regular apprenticeship forms were used for indenturing servants in the beginning. The apprenticeship system was to universally practiced in England that it appeared to be a cold-blooded mania in the eyes of some Europeans. Regular printed servant indenture forms were available by 1636 and were copyrighted.⁴⁷ The wording of the two was essentially the same. The difference to those indentured was only in the attitude people held toward the two types of labor. In time an indentured apprentice was considered socially above an indentured servant. Age was not a determining factor between the two. A decision was rendered by the Supreme Court of

⁴⁵ Nettels, Roots of American Civilization, p. 142.

⁴⁶ Mathew Page Andrews, The Founding of Maryland (Baltimore: The Williams and Williams Company, 1933), pp, 43, 68.

⁴⁷ A. E. Smith, Colonists in Bondage, p. 17.

Pennsylvania in 1793 which made a legal distinction between the two. The ruling was to the effect that a child could not be indentured out within the state by a parent unless it was in the best interests of the child. This meant indenturing out children only as apprentices.⁴⁸ This ruling was late in the American indenture experiment and was somewhat arbitrary. The Court ruled at the same time that emigrant children still could be indentured out as servants since it appeared to be in the best interests of both the state and that particular group of children. There were cases in which indentured servants were converted into apprenticeships simply by inserting the phrase "teaching the art or trade of - - -" into an indentured servant's contract.

Besides the greater esteem in which the apprentice was held there were some practical and theoretical differences. Presumably one difference was that children could not be apprenticed out against their will. This was theoretical because the orphans sent to Jamestown in 1618 and later were sent out as apprentices against their wills.⁴⁹ This was also a practice within England itself. Another area of questionable distinction was what did "learning a trade" actually mean?

⁴⁸Herrick, White Servitude, pp. 5-6.

⁴⁹McCormac, White Servitude in Maryland, p. 9.

Some apprenticeship contracts specified learning housewifery. Others specified labor and various other menial occupations. Sometimes the contract specified nothing more than to learn a trade, art or labor.⁵⁰ On the other hand, many servant's indentures specified that the person was to be taught the rudiments of education. In many cases, German emigrant servant indentures specified that they be taught how to read the Bible in English. In the case of skilled workers, sometimes their indenture provided that they do no field work.⁵¹ On the other hand, in England apprentices to artificers could be forced by law to work in the fields during harvest. Thus there was such a general overlapping that the contracts themselves were hardly indications of the person's status.

There was one truly distinguishing difference between an indentured servant and apprentice, and this innovation was developed in America. The indentured apprenticeship could not be sold. If the master died, then the apprentice was transferred to another master in the same trade.⁵² On the other hand, the indentured servant could be bought and sold at will in the market place like any other commodity. Toward the end

⁵⁰Herrick, White Servitude, p. 6.

⁵¹A. E. Smith, Colonists in Bondage, p. 17.

⁵²Morris, Government and Labor in America, p. 364.

of the indenture era the colonies began to legislate some restrictions upon the sale of indentured servants toward the end of their period of bondage.

The sale of indentured servants grew out of the greed of the semi-freed Jamestown servants and the Virginia Company's concession to that greed. In the company's restructuring in 1612, it granted each of the old planters personal use of three acre plots to appease them their grumblings and dissatisfactions. Later, the newly arriving company servants, who had been imported to work on company land, were "rented" out to the old planters for nominal charges. This renting out accustomed the planters to the idea of buying and selling of fellow human beings, a prerequisite to the system that was to develop later.⁵³

⁵³A. E. Smith, Colonists in Bondage, p. 8.

CHAPTER IV

THE ROOTS OF THE SYSTEM

We search in vain for the origin of master and servant of the same race.¹

The indentured system was firmly established in Virginia by 1618. It is doubtful, though, whether the system as it existed at that time would have had much of an economic impact upon the growth and development of the colonies. A similar system of indentured servitude had and continued to exist in Latin colonies with only negligible effects. In Virginia at that time there were company indentured servants and those who belonged to the association known as the hundreds. In both cases these could be looked upon as peons of a sort.

Development of institutions of far-reaching consequences do not come in cataclysmic steps. This is true of the institution of indentured servitude, too. For this institution to develop, two prerequisites were necessary. There had to be a socially acceptable vehicle for the large scale recruitment, transportation and the forced servitude of laborers. The foundation for this vehicle was the apprenticeship

¹Cheesman A. Herrick, White Servitude in Pennsylvania (Philadelphia: John Joseph McVey Publisher, 1926), p. 10.

system as it existed in England at the time. The other prerequisite was the legality and abetment of the system. These elements were combed from various provisions of the Elizabethan Poor Laws. It was the adaptation and modification of these instruments by the enterprising merchants of England, the ship's captains, and colonists that created the American indentured system.

In the development of the indentured system three shipments of persons to the colonies in three successive years played decisive roles. The shipments assured that the system would be a major factor in the destiny of the United States. The first of these shipments was that of a group of orphans picked up off the streets of London. That city had taken up a voluntary collection of 500~~l~~ in 1618 to pay for transporting these waifs and street urchins to Jamestown for distribution among the colonists. They were indentured out as apprentices to serve until age 24.

After an investigation the Privy Council gave this scheme its blessings. The legality of this action seems not to have been raised. The wishes of the children involved were not taken into consideration either, as were those in the proposed shipment of another 100 in 1619. This second shipment was not actually made until the following year. However, both of these questions when raised were deemed solved by the authority of

43 Elizabeth c.2.² This law provided for the compulsory apprenticing out of any children whose parents were on the poor rates. An assessment of one-eighth of the annual poor rates was levied to provide the transportation of this second group.³ Thus began with these shipments, the mass involuntary transportation of persons to the colonies to be used as the tools of private individuals for their own personal gain. It killed the idea of developing a purely voluntary indentured system. It also established the principle of government involvement in both paying for and recruiting these individuals.

The second shipment of import in the development of the system was a shipment of marriageable young poor girls as prospective brides for the colonists. The significance of this shipment was that it was undertaken for, among other reasons, the purposes of making a profit over and above the transportation costs. These young girls were cautioned not to fall in love with servants. Obviously the servants could not pay the costs. The charge to the amorous planters was

²The English follow the practice of codefying all statutes according to the reign of the sovereigns. The first number, 43, as in the above quoted statute, refers to the 43rd year of reign of Elizabeth I. The c.2 denotes code 2 or the second law passed in that year of reign. This British method will be used in this paper when referring to other English statutes.

³Abbott Emerson Smith, Colonists in Bondage, White Servitude and Convict Labor in America, 1607-1776 (Chapel Hill: University of North Carolina Press, 1947), p. 148.

150 pounds of tobacco, an amount calculated to make a profit for the company.⁴

The third shipment in the evolution of the indenture system of special significance to this study was a shipment of prisoners. Governor Dale, as early as August 1611, had requested shipment of prisoners from English jails, "as do the Spaniards people in the Indies,"⁵ but the first actual group shipment of prisoners was made to Virginia in 1620 at the insistence of James I. This shipment, by the way, was made against the company's wishes.⁶ Although the shipment was by a Royal Commission to the Privy Council, the authority for such commission seems to be rooted in the Elizabethan Poor Laws also.⁷ This event paved the way for later mass shipments, not only of convicts but also military, political and religious adversaries of either the British Government

⁴ Susan Myrna Kingsbury, The Records of the Virginia Company of London, Volume II (Washington: Government Printing Company, 1918), pp. 255-256.

⁵ Calender of State Papers. Great Britain. Colonial Series, 1574-1660 (London: Longman, Green, Longman and Roberts, 1860), p. 12.

⁶ Cheesman A. Herrick, White Servitude in Pennsylvania (Philadelphia: John Joseph McVey Publisher, 1926), p. 116.

⁷ Eugene Irving McCormac, White Servitude in Maryland, 1634-1820 (Baltimore: Johns Hopkins Press, March-April 1904), p. 92.

or those who controlled it.

These were the three ingredients for the establishment of the indentured system: the vehicle; the legality; and expansion of the basic groups to include both voluntary and involuntary persons including adults. Only the conversion of the apprenticeship indenture form to a negotiable instrument was needed for the American variety of indentured servitude to be born. How this came about is harder to pinpoint. The indenture system adopted by both branches of the Virginia Company was the British apprenticeship form.⁸ The conditioning process for the acceptability began with the reshuffle of the London Company in 1612 when it agreed to permit the old colonists to work three acres of land for their own use and to reduce their compulsory work on public lands to one month per year. These semi-freed servants were then permitted to "rent" out the newly arriving company indentures for a modest charge. The actual evolution, though, of the assignable clause probably developed from the activities of the agents for the hundreds. The oldest surviving indenture contract, dated September 7, 1619, does not contain the assignment provision.⁹ It is known, though, that the hundreds had

⁸Curtis P. Nettels, The Roots of American Civilization (New York: Appleton-Century-Crafts, Inc., 1963), pp. 222-223.

⁹A. E. Smith, Colonists in Bondage, pp. 14-15.

agents recruiting servants in England as early as 1620.¹⁰ It would follow that the inclusion of an assignable provision would become necessary in time to transfer the indenture from the control of the recruiting agents to the authority of the owners of the hundreds. This probably came about with the development of the first regular printed indenture forms mentioned earlier. With this development the system was born.

This particular form of indentured servitude developed in America differed from any preceding form of servitude in the history of man. It was also different from any subsequent innovations in the relationships of those who control wealth and those who serve them. To this author's knowledge, this was the first time in history a free person could become the chattel of another free person without the loss of his freedom being a result of war. A second important distinction was the temporary nature of the chattel.¹¹

Few institutions created by man for the benefit of

¹⁰ A. E. Smith, Colonists in Bondage, p. 58.

¹¹ These statements could be questioned by quoting Exodus 21:2 in which Hebrews did purchase other Hebrews as seven year slaves. This was different, though, from the American institution because further reading indicates that the Jewish practice arose only from the selling of daughters, indenturing for civil damages and inability to pay debts only. Further, there was the absence of the profit motive which shall be shown later was the key to the whole American system.

mankind can withstand the assault made upon it over a long period of time to convert it into a tool for the agrandizement of the greedy. This is especially true when the social restraints are weak. The justification for the creation of the institution thus becomes perverted to serve the ends against which that institution was designed.

Indentured servitude is only one of myriad examples. One must reach back into the Middle Ages to the beginning of the apprenticeship system to understand how it was converted from its original purpose. In the beginning it was developed to maintain a respectable station in life for craftsmen and workers and to assure a high standard of workmanship. In the end it became a tool for the degradation of people for the profit and prestige of the few. So perverted, the indentured system created a social discontinuity for the indentured servant and so conditioned him to the acceptance of change that the development of American democracy and technology was virtually assured.

The economic philosophy of the Middle Ages was one of the "just" price and the "just" wage. It was thought that the station of people in life was in some manner pre-ordained. Human beings, it was thought, occupied some orbital status in life and that this status was about as immutable as that of the heavenly bodies. Individuals earned their claim to an

eternity of bliss by suffering in silence and patiently bearing the social and economic privations of their fleeting earthly sojourn. However bleak such a philosophy was, it entailed a sense of social responsibility among all members of society that had to be abandoned before man could be reduced to the status of a chattel. Such a philosophy of life dictated that each man's economic gain from the employment must be of such reward that his economic status remained the same. If he were born to be a craftsman, a merchant or a peasant, he could not rise above that status. On the other hand, neither could he become worse off by the operations of the economic system. The apprenticeship system was born out of such a philosophy.

The inroads made into the destruction of the apprenticeship system as a means of the maintenance of status and its reduction to a tool of exploitation came in small steps. The first step necessary for any such conversion necessitated a denial to any group of laborers any voice in the determination of what they were willing to sell their labor for. As long as control of the wages rested in the hands of the craft guilds, even if the control of these guilds was in the hands of the employing masters, no such chattel relationship could develop.

The single most revolutionary piece of legislation in the annals of mankind dealing with the relationship of those who control wealth and those who do not was the Statute of

Labourers of 1349, legally referred to as 23 Edward III c.7. This act does not deal directly with the institution of apprenticeship nor with the various legal refinements that permitted its debasement and the broadening of its base for later exploitation of the masses. Its singular importance rests upon the fact that it was an abrupt break with all traditional ideas of man's relationship to one another while, ironically enough, appearing at the same time to be upholding the "just price" doctrine that prevailed at that time.¹²

One would not expect an act of such import as 23 Edward III c.7 to arise out of ordinary times; nor did it. The Black Plague which ravaged Europe from 1344 to 1348 reached London in the latter year and spread from there throughout England. Over one-half of the population was destroyed. Because of what is now known in economic jargon as the interaction of the forces of supply and demand, those laborers who were fortunate enough to have survived the Plague, unlike the laborers of old who

... were not wont to eat of wheaten bread, their meat was of beans or coarser corn and their drink of water alone, cheese was a feast to them, their dress was of hoddens grey; then was the world ordered aright for folk of this sort.¹³

¹²Sir George Nicholls, A History of the English Poor Law (1854) (New York: Augustus M. Kelley, 1967), pp. 36-41.

¹³Nicholls, English Poor Law, pp. 36-41.

sought higher wages. That scarce new breed of laborers had taken a liking to the dainties of life. The law sought to dull that appetite. That the statute was a direct consequence of the Great Plague is acknowledged in the leading sentence:

Because a great part of the people, and especially workmen and servants, late died of the pestilence, many seeing the necessity of masters and great scarcity of servants, will not serve unless they may receive excessive wages and some willing to beg in idleness than by labor to get their living...¹⁴

The statute then continues to set forth the following radical principles: The voluntary giving of alms was forbidden upon pains of imprisonment, "so that thereby they may be compelled to labor for their necessary living." Every person,

...man and woman of whatever condition, free or bond, able in body and within the ages of three score years... and not serving any other, shall be bound to serve him which him shall require, and take only the wages, livery, need or salary which was accustomed to be given in the places where he oweth to serve.¹⁵

The statute then sets the determinant of the "just wage" and the penalty for violation as follows:

...for their labor and workmanship above the same that was wont to be paid to such persons five or six common years next before; and if any man take more, he shall be committed to the next gaol.¹⁶

¹⁴Nicholls, English Poor Law, pp. 36-41.

¹⁵Nicholls, English Poor Law, pp. 36-41.

¹⁶Nicholls, English Poor Law, pp. 36-41.

Because the law was ineffective in controlling the wages of labor "to the great damage of the great men (presumably the land owners)" an amendment, 25 Edward III c.1, was passed two years later which required that laborers be required to serve by the year and forbidden to "go out of the town where he dwelleth in the winter, to serve in the summer, if he may serve in the same town."¹⁷

In the above mentioned two acts are the seeds of all the subsequent acts which have a direct bearing upon the debasement of the apprenticeship system. Even more important, they are the roots of the treatment of vagabondage in such a manner that in time it broadened the base of the indentured system to include them. In these two acts are the foundations for the arbitrary intervention of the state into the distribution of alms by either individuals or church; forcing laborers to work for wages to which they are unwilling to work voluntarily; the arbitrary setting of wages by authorities who stand to profit by setting the rates low; the arbitrary setting of the length of the work contract; and the root of the parochial settlement laws.

The perversion of the apprenticeship system into a tool of exploitation suitable for the expansion of the American

¹⁷Nicholls, English Poor Law, pp. 36-41.

indentured system necessitated the curtailment of the power and independence of the guilds in their operations. This was accomplished over time through various laws. The first of the more important of these was the confiscation of guild estates used for the support of aged craftsmen.¹⁸ Action to accomplish this was projected by Henry VIII and accomplished by the guardians of his son in the Act, I Edward VI c.4. The final blow to the apprenticeship system as an institution of status preservation was with the passage of the Statute of Apprentices, 5 Elizabeth c.4, in 1563. The relevant provisions of this Act was the granting to the Justices of the Peace authority to set each year the wages "and other orders" of all apprentices, servants, laborers and artificers in all of the crafts, arts and skills. It provided further for the forceable indenturing out as an apprentice any person needed in any craft or art, especially that of "husbandry." Imprisonment was the alternative.¹⁹

The broadening of the base is derived from the same Act of 1349. This stems from the forbidding of the voluntary

¹⁸R. H. Tawney and Eileen Powers, Tudor Economic Documents, Volume I (London: Longmans, Green and Company, Ltd., 1965), p. 117.

¹⁹No age is specified. See Section XXVIII. Another section, V, indicates that the ages covered were twelve to age sixty. See J. R. Tanner, Tudor Constitutional Documents, A.D. 1485-1603 (Cambridge: University Press, 1951), pp. 502-506.

giving of alms to beggars. Throughout the Middle Ages the church had been the backbone of charity for the support of the poor. Church ales were only one of the major means of fund-raising. These were festival affairs that lasted three and four days.²⁰ The suppression of the church's charitable activities was not effective until the dissolution of the Catholic churches and the confiscation of their lands which began in 1536 during Henry VIII's reign. In the same year the first step toward the establishment of state enforced charity system was taken. The Beggars Act of 1536, 27 Henry VIII c.25, made a distinction between the "poor people" and "sturdy vagabonds." For the former, local responsibility was called for through voluntary alms collections. The responsibility for these collections rested upon all "mayors, governors, and head officers of every city, borough, and town corporate and the church-wardens or two other of every parish."²¹ From this time on the treatment of these two groups evolved along separate lines both of which are important to the establishment of the indentured system.

²⁰S. and B. Webb, English Local Government, Volume VII, pp. 11-12.

²¹Tanner, Tudor Constitutional Documents, pp. 479-481.

The evolution of the handling of the vagabonds included the establishment of houses of correction of involuntary inmates which were in effect workhouses of perpetual commitment since release from them was only to be obtained by the agreement of someone to hire out that person on an annual basis. The only crime necessary for commitment was that of being unemployed. One law of exceptional savagery and one which set a precedent for the establishment of life indentures later in the colonies was the Act of 1547, I Edward VI c.3. This Act provided for the enslavement of a vagabond to any informer who turned him in to a Justice of the Peace. The enslavement was for two years and provided that he "...only give the slave bread and water ... and cause said slave to work by beating, chaining or otherwise..." Should the slave escape he was to be branded with the letter "S" on the "forehead or ball of cheek" and "the runaway to be the said master's slave for ever."²²

The care of the impotent poor evolved along similar lines. Voluntary alms were abolished and a system of forced alms instituted. Later compulsory Poor Rates were established for their maintenance and putting to work. Workhouses were

²²Paul A. Hughes and Robert F. Fries, Crown and Parliament in Tudor-Stuart England (New York: G. P. Putnam's Sons, 1959), pp. 77-78.

established for these purposes. Under these statutes, families on the Rates were broken up and provision made for the forced bonding out of their children as apprentices. Release from the workhouses was secured only in the same manner as from the houses of correction. It is from both of these places that many of the indentured servants that came to America were taken. All of the laws mentioned to this point were codified and elaborated on in the Elizabethan reforms of 1598. These laws are known as the Elizabethan Poor Laws, 39 Elizabeth c.1 through c.6. Some modifications were made to these in 1601. Since no new principles were introduced, these are less important than the laws of 1598.

The break from the system of social and economic thought espoused by the schoolastics is reflected in the evolution of these laws. One of the major manifestations of the change in the attitude of social responsibility by those who control property and the maintenance of the orbital concept of social structure is reflected in the levying of the Poor Rates themselves. The Poor Rates, established by 39 Elizabeth c.3 for the entire nation, were to be raised "by taxation of every inhabitant, parson, vicar and other, and every occupier of lands, houses in said parish..."²³ The law was passed by

²³G. W. Prothero, Selected Statutes and other Constitutional Documents, Elizabeth and James I. Fourth Edition. (Oxford: Clarendon Press, 1954), p. 96.

aristocrats who, for the most part, were absentee landlords. As most lawmakers have done they served themselves well. Because the tax was levied on heads and not property, many marginal families were thrown upon the rates themselves because they could not pay those rates and still be self supporting.

The perversion of the apprentice system and the establishment of slavery has been dealt with already. It was not pointed out that apprenticeships to merchants were restricted to children of parents who owned estates yielding either two or three pounds income per year while "artisans" were permitted to take "apprentices from parents who have no land."²⁴ It thus became a tool of class control.

The broadening of the base to include unemployed adults in those likely to be caught up in the indenture system and the perversion of the apprenticeship principle for exploitation by private individuals would not have, within themselves, exerted such a great influence upon the development of the indentured system had not the numbers of people in these classes begun to plague England in something approaching a geometric ratio. The problem of the increasing hordes of "vagabonds,

²⁴ James E. Thorold Rogers, A History of Agriculture and Prices in England 1259-1793 (Oxford: Clarendon Press, 1887), pp. 612-613.

rogues and sturdy beggars" as well as the "impotent poor" was explained away by the wealthy of the period as "over-population." Such a notion followed logically from the scholastic philosophy which was still respectable in that period. Why such a "surplus" population existed and why its economic existence was steadily worsening was something the ruling class of property owners never understood and therefore never dealt with realistically.

There are many causes for the tremendous increase in poverty in the Sixteenth and Seventeenth Centuries besides those already mentioned. One of these was the first enclosure movement which reached its peak in the Sixteenth Century. There seems to have been a genuine paternalistic concern by the Tudor and Stuart dynasties about the increase in poverty during their reigns.²⁵ That they recognized the enclosures taking place then as a factor in the worsening condition of the poor is manifest in the various laws enacted during the period. A typical example of such awareness is 39 Elizabeth c.2, one of the laws codified into the Elizabethan Poor Laws.

²⁵This paternalistic concern of the Tudors and Stuarts is only an apparent contradiction to the statutes being passed at the time. There were two power struggles during these two centuries; the Tudors' struggle of the crown versus the aristocracy and the Stuarts' struggle against the growing mercantilist class. Thus are found such conflicting laws as the suppression of the poor while at the same time efforts, such as the tillage laws mentioned below, to curb the greed of the landed aristocrats and merchants.

It is a rather weak law dealing with the maintenance of tillage in a few specified counties of the realm. A small fine per acre was to be imposed for the conversion of land previously devoted to tillage into pasturage.²⁶ The causes of the enclosure movement were purely economic and purely profit motivated. It arose from the strengthening of the throne, especially under Henry VIII, and the growing desire among the English merchant class for expansion of trade with a "favorable balance" settled by an inflow of Spanish gold. Wool and woolen manufactures were by far the major commodities England had to exchange. Thus developed the enclosure movement and the displacement of hordes of serfs who had enjoyed their rights in the open fields from "tyme out of mynd." One shepherd and a herd of sheep could replace whole villages of tillers of the soil. Oliver Goldsmith's poem, "The Deserted Village," is a description of just such a happening. The laws such as 39 Elizabeth c.2 were completely ineffective in stemming the enclosures. Man's ingenuity, instead of being directed toward solving the dislocations caused by this movement which was prodded by the new god, Profit, was used to find means to circumvent both the law and its intent. A single row, plowed diagonally across a pasture, newly converted,

²⁶Tawney and Powers, Tudor Economic Documents.

was found sufficient to maintain it in tillage.

Another basic cause for the increasing numbers of poor thrown upon the poor rates and subjected to the vagrancy laws was inflation. This, too, was recognized as a cause by some sympathetic thinkers of the period but not by such a sufficient number of the influential as to cause the government to grapple with the problem.²⁷ The problem of poverty in that age was as "obvious" to a majority of the merchants and landlords as it is to the affluent majority now; people were poor simply because they were improvident, lazy, or idle drunkards. The ingenuity of those who control wealth is as blind as it is boundless in justifying their acquisitive propensities by demeaning the masses that support them.

Inflation is no new problem confronting mankind nor was it then. It has been a means to finance governments, to accelerate wealth accumulation and for capital formation ever since Julius Caesar invented the system of coin debasement as a means of taxation. Inflation was probably a more critical problem in the Sixteenth Century than before or since. There were several basic factors responsible for the spiraling upward movement of prices during the century. The inflow of Aztec and

²⁷See John Hales, A Discourse of the Common Weal of this Realm of England (1549), the second dialogue, edited by Elizabeth Lammond (Cambridge: 1893).

Incan gold and silver into Europe through Spain was the major cause. The English obsession for the accumulation of "plate" as a measure of national wealth attracted these metals to England. This was justified by the invention and use of the "favorable balance of trade" theory.²⁸ About this same time, improvement in the technology of mining caused the reopening of several silver mines in Europe and this increased the inflationary pressures. The coin debasement activities of "old copper-nose," Henry VIII, added to the gravity of the problem in England.²⁹

E. J. Hamilton seems to have thought that there existed a surplus income for peasants and laborers over and above the subsistence level at the beginning of the Sixteenth Century.³⁰ The assertion is at best questionable. Be that as it may, the seriousness of the inflation during the century and its degrading effects upon the masses is reflected in the following table:

²⁸There seems to have been no avarice on the part of the wealthy in either the Middle Ages or Ancient world to hoard gold and silver for their own sakes. The possession of objects of art, spices, silks, etc., was as much an expression of the "good life" as a cupboard full of silver and gold.

²⁹Rogers, Agriculture and Prices in England, Volume 5, pp. 610-611.

³⁰Earl J. Hamilton, "Price and Progress," The Journal of Economic History, XII, 1952, pp. 325-349.

Wages and Prices 1500-1600³¹

Year	Wool by TOD		Corn by Quarter		Carpenter Wages by Day		Unskilled Laborer Wages by Day	
	S.	d.	S.	d.	S.	d.	S.	d.
1500	6	8	6	1½	0	6	0	2
1550	20	0	16	0	0	8	0	5
1592	19	8	20	10	1	0	0	8
1597	18	5½	52	4½	1	0	0	8

These are selected items and prices but representative of kindred items of the major groups that concern this study. Wool was the basic component of England's major export, textiles. Corn was the staple food of the masses. The wages of carpenters were typical of all craft wages, while unskilled wage rates in all employments were fairly standard.

The upward redistribution effects of this inflation is apparent. The approximate threefold increase in the price of wool explains in part the shift from tillage to pastorage. The manyfold increase in the price of corn indicates the profitable position of the landlord and at the same time the plight of the unlanded masses who were forced to rely upon their labor alone for subsistence. The wage rate schedule reflects the deteriorating economic condition. One would be

³¹The prices and wages compiled in this table were taken from the comprehensive wages and price tables compiled by James E. Thorold Rogers in A History of Agriculture and Prices in England, 1259-1793, Volumes IV and V (Oxford: Clarendon Press), pp. 496-499.

tempted to agree with the conclusions Hamilton sought if these prices revealed the true picture of the Sixteenth Century and if one assumes that the wages listed at the end of the century were sufficient to maintain a subsistence level of living for the masses. The error lies not in the figures themselves but in the misinterpretation of those prices by ignoring basic institutional and economic factors that could not possibly be reflected in them. Wages did not raise in line with prices because it was in the best interests of the merchant and land-owning classes to keep them low. Their authority to set wages through the Quarter-sessions of the justices of the peace has already been discussed. The effectiveness of their control is reflected in the table. Rogers was quite vehement in his condemnation of both the motive and the practices of these justices of the peace. He pointed out that the wage rates were deliberately and ruthlessly set below the subsistence level because they knew the difference in the wages they set and the subsistence level would be made up by supplements from the rates. The poor rates were, in effect, converted into a subsidy for landowners inasmuch as the lower wage rates meant more rent could be charged to the tenant farmers.³² These charges appear to be true. The fact that over one-half of

³²Rogers, Agriculture and Prices in England, Volume IV p. 499.

all the people in England has been estimated to have been on the rates in various periods during this time tend to confirm this.³³

The existence of such a large mass of poor was an indispensable instrument in the development of the indentured system in America. The rapid growth of the *déraciné* class can be summarized in four basic developments and their accompanying ripples: (1) the perversion of the apprenticeship system to private gain; (2) the development of wage control; (3) the enclosure movement caused by the need for an export goods; and, (4) inflation because of the gold and silver inflow. The orbital theory of social structure broke down. The polarization of the orbital groups into two, the wealthy and the masses, was still explained away within the framework of the scholastic philosophy as overpopulation.

In the development of the indenture system the scholastic philosophy was indispensable. It was not, however, an important factor in populating the colonies once the indentured system was perfected. Its role became passive. The export of the English poor by the government, although advocated by various writers from time to time from 1582, was never instituted as

³³Dorothy Marshall, English People in the Eighteenth Century (New York: Longmans, Green and Company, Inc., 1956), pp. 26-27.

a systematic solution to the overpopulation of England. By the time the colonies had developed enough to serve as such a dumping ground for the surplus laborers, the English Civil War had taken place and the Mercantilist doctrines were replacing those of the schoolmen. The previously excess population, according to the theory of the new school of thought, became the "necessitous poor" and efforts were taken to curb the exportation of those classes.

The ascending of mercantile doctrines completely changed the whole direction of American colonial development. Mercantilism as a practical philosophy contained two conflicting tenets for the development of purely English colonies in the same manner that the Latin American colonies were Spanish or Portuguese. On one hand, mercantilism demanded that the "necessitous poor" be kept in England for exploitation by the merchant manufacturers. On the other hand, with the enthronement of the new god, Profit, any activity that was lucrative took on all the attributes of respectability and was not to be denied. John Locke had already by 1690 developed a theory not only morally justifying unlimited acquisition but making it a desirable objective. Slave trade was only one of the means to this end.³⁴ Profit from the transportation and sale of

³⁴This is not to say that slavery was forced upon the plantation owners of the southern and middle colonies. The monopoly in slave trade gained by the English in the treaty

indentures was already well established. A populous colonial empire, dependent upon the mother country for manufactures and as a supplier of raw materials was also a necessity in the eyes of the mercantilists. The resolving of the problem of cheap labor at home and the profit derived from supplying and populating the colonies had a most profound effect upon American colonial development. The shift in the search for emigrants for the colonies from England itself to Europe, especially Germany, Ireland and Scotland, determined the development of a new breed of people. The amalgamation of these races along with the Dutch, Swiss, Swedes, Huguenots and the others became the American people.

of Utrecht, 1713, was certainly instrumental in the rapid shift to slavery in the South. The development of slave trade and its employment in the colonies was a mercantilist policy. British royalty was owners and directors in some of the slave trading companies. See McCormac, White Servitude in Maryland, pp. 75-78.

CHAPTER V

RECRUITMENT OF INDENTURED SERVANTS IN ENGLAND

Compared to these people (English), every Indian is a gentleman; and the effect of this kind of civil society seems only to be depressing multitudes below the savage state that a few might rise above it.

--Benjamin Franklin¹

It is easy to fall into the belief that most of the indentured servants eagerly came to early colonial America. Immigration quotas in some countries now are filled up for years in advance. Countless immigrants did pour voluntarily into America in the Nineteenth Century and the Twentieth Century. The passages of the Immigration legislation in 1920 checked the influx of the hordes. America is the promised land in the eyes of most of the world's peoples. People have always sought a land of milk and honey. That particular dream is as old as civilization. It explains the various mass migrations of humanity recorded in the folk lore of mankind before the art of writing was invented.

The majority of the colonists who came to America in the Seventeenth Century were under no such illusions. This legend of the populating of the colonies is a much abused

¹Carl Van Doren, Benjamin Franklin (New York: 1938), p. 393.

explanation.² Even from the beginning the lure and hopes of quick fortunes were not much of a motivating factor. Many of the new recruits sent by the Virginia Company after its reorganization in 1609 chose the company's offer of wages rather than a share in the land and profits after a seven year indenture.³ It was not until after the colonies had become well established in the Eighteenth Century that the "milk and honey" urge played an important role in the peopling of the colonies, and even then they had to be duped. For most of the first century of colonial development the greatest part of those colonists who found their way to American shores were either involuntary indentures for some cause or another, the riff-raff of the British Isles, or reluctant volunteers who had been duped and seduced by propaganda of various sources.

It is easy to find one's self believing that poverty motivated those earliest settlers to surrender seven or so years of their life in the new world in the hope of finding prosperity later. Later when such hope was almost assured

²There was much original propoganda to this effect written in the Sixteenth and Seventeenth centuries in sermons, tracts, and books. Typical accounts can be found in such publications as Nova Britannia: Offering Most Excellent Fruits by Planting in Virginia, and Robert Gray's Good Speed to Virginia. Later writers have perpetuated this myth.

³Wesley Frank Craven, The Southern Colonies in the Seventeenth Century (Baton Rouge: Louisiana State University Press, 1949), p. 19.

of realization, it became a factor in migration. That assurance was lacking during much of the colonial period. Poverty, especially when it is bathed in ignorance, is not such a strong motivating force that it will cause large groups of individuals to break their cultural, social and family ties and seek their fortune in the wilderness. Poverty can more easily cause the loss of all hope for betterment. The social and family attachments are much stronger and more necessary among the majority of the poverty stricken than the attractions of economic gain. Adam Smith's self-centered economic man simply does not exist among the downtrodden masses. Ignorance among the masses is one of the greatest forces in shaping the conservatism of the poor. Further, the idea of human progress was foreign not only to the poor of that day but also among the educated. Self-betterment of one's conditions over inherited economic status was impossible to conceive until only recently. Fear of the uncertainties of change, just any change, born out of ignorance makes, in the eyes of the deprived, their hunger and suffering bearable to the extent they continue on in their miserable condition.⁴ In a study of the year 1688, Gregory King estimated over one-half of the total

⁴ Abbott Emerson Smith, Colonists in Bondage, White Servitude and Convict Labor in America, 1507-1776. (Chapel Hill: University of North Carolina Press, 1947), p. 43.

population of England was being subsidized by the poor rates. It has been estimated that a third of the total revenue collected in England at this time was spent on supporting the poor but even so people died annually from starvation.⁵ Yet, in spite of these conditions of degradation, kidnapping and other ruses had to be resorted to by sea captains and their agents to fill their ships with human cargo. One need not look to historical data to verify such uneconomic conduct of humanity. To understand this, one need only reflect why clerks, laborers, craftsmen and others even today continue to work in small rural communities when they know they can always increase their real income, and in some instances they can double it, by moving no further than a nearby large urban area.

The basic motive behind the settling of the American colonies was profit, the respectability of which was born out of the commercial revolution.⁶ When interest taking became moral in the new Christianity and profit the chief aim of all human activity, it was inevitable that traffic in human bondage

⁵Gregory King, "Natural and Political Observations and Conclusions upon the State and Condition of England," Two Tracts, edited by G. E. Barnett (Baltimore: 1936), p. 31.

⁶A. E. Smith had this to say: "Few servants could raise the money, and few who could do so cared to spend it in emigrating, for the real stimulus to emigration was not the desire of servants to go to America, but the desire of merchants to secure them as cargo." See A. E. Smith, Colonists in Bondage, p. 39.

would become big business once it was discovered to be profitable, and once the vehicle for its exploitation evolved. The profit aspects of the institution of indentured servitude is more sinister than apparent at a casual inspection. The profit or gain to the servant in bondage was never a primary concern. He simply was a tool for the profit of others. His interests were secondary and the benefits he received, if any, were incidental. The indentured system that was the major factor in populating the colonies and determining their ethnic, cultural and social make-up was developed, expanded and exploited out of the profit motive almost exclusively.

The traffic in human bondage grew in time to be a complicated system as it became more and more big business. There were several groups who profited from the supply side of the system as well as several groups on the demand side. The central figures in this multi-tiered profit structure were the sea captains. They did not merit this position because their profits were necessarily the greatest of all those involved although their returns were quite lucrative. Their importance was derived from their position as the critical link between the supply of the indentured servants on one side of the Atlantic and the demand for them on the other. The economics of transportation would have dictated the development of recruiting efforts on their part even if the

profits in such transportation had not been so fantastic. Raw materials and bulk goods were the major exports of the colonies. Manufactured goods were the major imports of the colonies partly because of the underdeveloped nature of the colonies and partly because of deliberate mercantilist policy. Recruitment of passengers to fill up the partially loaded ships sailing to the colonies for the transportation of cargoes of tobacco, cotton, timbers and other such bulky items for English manufacturers, consumers, or for trans-shipment made economic sense as well as mechanical sense even if the passage fares were at a normal return. Indentured servants served as ballasts on westward trips.⁷

Some idea of the tremendous profits to be made in the transportation of indentured servants can easily be determined. The 500: collected in 1618 for the transportation of 100 orphans in that year indicate a fare of 5: per passenger in the early years of the indentured system. That fare indicates a normal and established rate of profit in passenger transportation. There are many records that confirm this original fare. Nor did the fare change over time. A recruiting prospectus issued in 1681 listed fares to Pennsylvania as 5: for adults, 50 shillings for children, while sucklings were free.⁸ In a letter written

⁷Warren B. Smith, White Servitude in South Carolina. (Columbia: University of South Carolina Press, 1961), pp. 41-42.

⁸Carl Wittke, We Who Build America (Cleveland: The Press of Western Reserve University, 1964), p. 7.

in the 1740's by George Lucas to his daughter Eliza he mentions the fare, presumably from Ireland, as being 4⁺ , 4 shillings.⁹ The above fares listed are for indentured servants from Britain and does include food and other necessaries during the passage across the Atlantic. Note is taken here because this was not the case with the redemptioners which will be treated later.

There would have been no exploitation of the indentured servants in the Atlantic traffic had those so transported been sold for the simple cost of his passage. In too many instances this is either stated or inferred by writers of the subject.¹⁰ This simply was not the case for there exists too many records to the contrary. The actual selling price of the indentured passengers in the earlier part of the Seventeenth Century in Maryland has been estimated at 15 to 20 .¹¹ Professor McMaster

⁹Harriot Horry Ravenel, Eliza Pickney (New York: Charles Scribner's Sons, 1896), pp. 124-125.

¹⁰This is noted by A. E. Smith, p. 34. For an example see T. J. Wertenbaker's First Americans, p. 24. This is his explanation: "The planters and their agents agreed to pay the immigrant's passage to America, and he in turn found himself to make good the sum by working after reaching the colony. In this way, the indentured, or indented, servant, as he was called, sold his labor in the better market. It would have required a lifetime for him to save enough from his wages in England to pay his fare, but in Virginia the work of four or five years was sufficient."

¹¹A. E. Smith, Colonists in Bondage, p. 38.

even stated that in the latter years of the system's existence the price of 20 $\frac{1}{2}$ lS.6d was universal.¹² The actual selling price of the indentured naturally depended upon the age, sex, state of health of the servant, as well as the length of time to serve. The above prices seem to be accurate. Peter Kolm indicated a rule of thumb that the price of an indentured servant could be calculated at a price of 3 $\frac{1}{2}$ for each year of the indenture period. Since he also stated that the usual indentured period was for four years the average selling price amounted to 14 for each servant transported.¹³ Whichever figures one chooses to use, it is seen that a considerable profit over and above the transportation fares was pocketed by the ship's captains. The same source gives the average annual wage of free labor in the colonies as varying from 8 for maid servants to 16 for a male servant "with some ability."¹⁴ In the absence of exploitation, which many authors infer, then the indenture periods would have varied from three to nine

¹²John Bach McMaster, A History of the People of the United States, Volume II (New York: Appleton and Company, 1913), p. 558.

¹³David C. Douglas, editor, English Historical Documents: American Colonial Documents to 1776 (London: Eyre and Spottiswoode, 1964), p. 486.

¹⁴Douglas, American Documents, IX, p. 485.

months as the wages earned in that time would have repaid the cost of transportation.

Greed, once set free from social and cultural restraints, knows no limits. The new Protestant ethic of the respectability of profit seeking and the legality of the indentured system served the captains well. Lucrative as the traffic would have been had it been conducted legitimately, the captains found means to increase their human cargo the colonies by resorting to kidnapping. This practice started out as occasional mild deceits by luring ignorant and gullible or simple minded persons aboard the ships. Once aboard the victims were locked up until the ship was put out to sea.¹⁵ From this modest start a great traffic in bonded servants began. Captains in their eagerness to fill their ships with human cargo, paid up to two pounds sterling for every person brought to them and did so without asking questions. Thus developed a corps of independent recruiters around the ports. Independent is used here to describe the activities of those who, because of their own greed, acted independently in contrast to agents sent over to England by the colonists, especially by the hundreds, to recruit indentured servants for them. It is known that the Berkley hundred had agents in England as early as 1618.¹⁶

¹⁵A. E. Smith, Colonists in Bondage, p. 68.

¹⁶A. E. Smith, Colonists in Bondage, p. 58, and pp. 68-69.

Genuine kidnapping began quite early. There are records of kidnapping as early as 1618 on a regular basis.¹⁷ The fact that the kidnapping system started so early and developed into big business so rapidly makes a hoax of the position, held by many authors, that the indentured system was grasped by the masses of English deracines as a means of salvation. There simply were no long lines of volunteers waiting to seek a way out of their miserable conditions at home. Men and women from various stations of life undertook the enterprise of furnishing the ships with human cargo. Among them were respected merchants, craftsmen, housewives and some of the shiftless themselves turning on their own kind.¹⁸ The profit or gain from such activity was too tempting for many to resist. Captains paid these people 40 shillings up to 3s per head depending upon the demand in colonies at that particular time.¹⁹ Craftsmen wages, using carpenters as the mean average, were making one shilling, no pence in 1600 and one shilling, 8 pence in 1700 per week.²⁰

¹⁷The Virginia Magazine of History and Biography, Volume VI (Richmond: The Society of the History and Biography of Virginia, 1893-1919), p. 223.

¹⁸A. E. Smith, Colonists in Bondage, p. 60.

¹⁹William Bullock, Virginia Impartially Examined (London: 1969), p. 47.

²⁰James E. Thorold Rogers, A History of Agriculture and Prices in England 1259-1793, Volume V (Oxford: Clarendon Press, 1887), pp. 664-670.

This indicates that the kidnapping of one person would bring the agent the equivalent of from six months to three years skilled wages and was inducement enough to cause it to spread rapidly. Thus developed another link in the exploitation of the indentured servant.

The methods of recruitment varied all the way from what might be called legitimate operations to outright kidnapping. There was no distinct division between the two in the spectrum of the recruiting operations. In some instances the colonists, while on visits or business trips to Britain, did their own recruiting.²¹ The activities of the recruiting agents of colonists, shipping companies, sea captains and merchants fall into less distinct shades of legitimacy. Beginning with the Virginia Company of London's first preserved broadside for recruiting in 1609, deceit and fraudulent misrepresentations were an integral part of recruiting. That particular broadside promised company housing, private gardens, orchids, food and clothing and a share in the profits, while nothing was said that the colony was run by martial law.²² As it turned out, no one was freed until 1616. Broad sides were used

²¹Ravenel, Eliza Pickney, pp. 124-125.

²²Alexander Brown, editor, The Genesis of the United States (New York: Russell and Russell, Inc., 1964), pp. 248-249.

extensively through the lift of the indentured system and their descriptions were said to be so seductive and alluring that it was impossible to resist them.²³

The use of these broadsides spread all over the British Isles and even to the heart of Europe including Switzerland. As long as the overpopulation theory of the philosophers was dominant, it was not necessary to recruit beyond Britain. These recruiters, who came to be known as crimps and spirits in England, hired pipers and drummers to attract attention. Equipped with armfuls of broadsides, they combed all of the British Isles in search of recruits. They were particularly active during the rural fairs. Dressed in finest manner possible to convey an idea of affluence, they represented themselves as prosperous planters returned to recruit others to join them in a "land flowing with milck and honey."²⁴

Even such ostentations of wealth was not sufficient to attract enough recruits to supply the demand for indentured servants. Other and more dubious methods were devised to obtain recruits. In many instances deals were made with constables, sheriffs, mayors and other important civil administrators to round up involuntary recruits among the poor. Such

²³William Eddis, Letters from America - Historical and Descriptive (1769-1777) (London: 1792), pp. 67-68.

²⁴A. E. Smith, Colonists in Bondage, p. 55.

schemes were easy to effect and extremely difficult to detect and expose. The method was simple. Undesirables, in the eyes of the constables or other enforcers of the law, were rounded up and charged as vagabonds, rogues or sturdy beggars under the Elizabethan Poor Laws. Conviction carried with it commitment to a workhouse, or upon refusal, an alternative to transportation to the colonies. This would not have been much help by itself. The convenient provision for schemers was that if "any of the said rogues shall appear to be dangerous..." they could be "conveyed unto such beyond the seas as shall be assigned by the Privy Council."²⁵

The evolution of the Vagrancy Act, 39 Elizabeth c.4 has already been treated. Its significance as a tool in the recruitment of the indentured servants can only now be established. This refinement of the vagrancy law was promulgated only 12 years before the establishment of Jamestown. No greater authority than conviction by a quarter-sessions court consisting of two justices of the peace was necessary for banishment to the colonies. That it was abused by both those officials who wanted to rid their districts of "undesirables" to lighten the burden of the poor rates and those

²⁵ J. R. Tanner, Tudor Constitutional Documents, A.D. 1485-1603 (Cambridge: University Press, 1951), p. 487.

who, motivated by greed, used deals with the crimps to profit themselves is amply documented.²⁶ The mayor of Bristol was actually charged with and tried on such a charge. Just how many were duped into indentured servitude in this manner is impossible to determine but they must have been innumerable.

The true significance of the vagabond acts as factors in the recruitment of indentured servants can only be understood when the full range of those potentially and actually subject to the law is revealed. As early as 11 Henry VII c.2, passed in 1495, the definition of vagabonds and rogues had included scholars, soldiers and seamen. The law changed over time to meet the whims of those in power and as the economic conditions changed. The list contained in 39 Elizabeth c.4 is sufficient to show just how inclusive the vagrancy laws were. Among those numerated were begging scholars, shipwrecked seamen and idle persons. Others enumerated were anyone

...using any sutable craft or unlawful games and plays, or feigning themselves to have knowledge in physiognomy, palmistry, or other like crafty science, or pretending that they can tell destinies, fortunes, or other like fantastical imaginations; all persons that be or utter themselves to be proctors, procurors, patent gatherers, or collectors for gaols, prisons or hospitals; all fencers, bearwards, common players of interludes, and minstrels wondering abroad ... all jugglers, tinkers, pedlars, and petty chapmen wondering abroad; all wondering

²⁶ Herrick, White Servitude, p. 116, and A. E. Smith, Colonists in Bondage, pp. 79-80 and 163-170.

persons and common labourers being persons able in body, using loitering and refusing to work for such reasonable wages as is taxed or commonly given in such parts where such persons do or shall happen to abide, not having living otherwise to maintain themselves.²⁷

An accompanying act, 39 Elizabeth c.3 also permits the designation of vagabond or rogue to be applied to anyone who permits any member of his family to fall upon the rates.²⁸ When it is remembered that over one-half of all the families in England were on the rates then the possibility of recruitment by abuse of these laws is easily seen to be unlimited.

The active recruitment of felons committed to prisons was another facet of the enterprising merchants and agents activities. Those caught up in this aspect of the indentured system were usually referred to as the "King's Passengers" or "seven year passengers." Their terms were variously either seven years, fourteen years or life depending upon the gravity of their offense. English prisons were overcrowded with inmates during the colonial period. This was partially due to the dislocations in the English economy caused first by the enclosure movement and later by the industrial revolution. It was also partially caused by the severe manner in which the English dealt with those guilty of even the most petty of

²⁷Tanner, Tudor Constitutional Documents, pp. 484-488.

²⁸Tanner, Tudor Constitutional Documents, p. 491.

crimes. There were, for example, over 300 capital offenses during this time. Since the theft of no more than a shilling or a loaf of bread was a capital offense there seem to have been no category of crime now referred to as misdemeanor.²⁹ Beggars, vagabonds, etc., were sent off to workhouses. Captains, merchants and agents all signed lucrative contracts with cities and the crown for the processing and deportation of these felons. Active recruitment of indentured servants was engaged in by the ships captains and agents among what few non-felon prisoners there were, such as prostitutes, panderers, etc. There are records that indicate the latter type of recruitment may have been an enjoyable task especially the recruiting of women prisoners.³⁰

The shipment of prisoners to the colonies is mentioned as early as 1612.³¹ The practice of transporting felons was only ended by a resolution by the Continental Congress in 1778. Shipments, then, continued during the entire colonizing

²⁹Herrick, White Servitude, p. 117, Eugene Irving McCormac, White Servitude in Maryland, 1634-1820 (Baltimore: Johns Hopkins Press, March-April 1904), pp. 95-96.

³⁰A. E. Smith, Colonists in Bondage, p. 141.

³¹Curtis P. Nettels, The Roots of American Civilization (New York: Appleton-Century-Crafts, Inc., 1963), pp. 140-141.

period.³² At least nine of the colonies received shipments of these prisoners with the bulk of them being transported to Virginia and Maryland. This is a much greater source of indentured servants than most Americans care to admit, including even the most avid of genealogists.³³

Convicts were preferred by the captains because they sold for more money. This was because of the greater length of their indenture period. There is evidence that some prisoners were convicted and transported upon manufactured evidence. One of the incentive for this practice was the offering of a 100^s reward for the conviction of any robber captured within a five mile radius of London.³⁴ Even some wealthy and educated persons were sent to the colonies under the felony laws. Four so transported were wealthy enough to ride from the jail to the ship in a carriage accompanied by the merchant who held the transportation contract while the other prisoners were marched along in the streets in chains.³⁵

³²A. E. Smith, Colonists in Bondage, pp. 119-124.

³³Genealogists, it is said, shun the records of Newgate and Bridewell prison records although it would yield a mint of information about the ancestry of many of the prominent colonial families, and their present day descendants. In Old Bailey alone there are 110 manuscript volumes. See Jernegan, p. 49 and J. D. Butler, "British Convicts Shipped to American Colonies," American Historical Review, II, pp. 12-34.

³⁴McCormac, White Servitude in Maryland, p. 100.

³⁵A. E. Smith, Colonists in Bondage, p. 125.

The prisoners also paid their own cabin fares and were not chained in the holes.

The criminal law for felons was both severe and unbending. Upon the conviction of a felony, the gallows was compulsory. Judges did not have the authority to be lenient. The only exception to this was when the felon pleaded clergy. Then, by royal pardon, the sentence could be commuted to transportation to the colonies. This was resorted to in a wholesale manner. Justices of the peace periodically submitted lists of convicted felons to the crown and the sentences were commuted automatically.³⁶ These long waiting periods were partially responsible for the crowded jail situation. Since the choice of the gallows or exile to the colonies had to be decided by the prisoner himself, one could almost be sure of which choice would be made. There are records, though, of a few cases in which persons, who had served such sentences previously, insisted upon the gallows rather than be returned.³⁷ The pleading of clergy was somewhat discriminatory inasmuch as only the felons who could read were able to avoid the gallows when their crimes were trivial. It was assumed in those days that anyone who could read was a member of the cloth. This

³⁶ A. E. Smith, Colonists in Bondage, pp. 89-91.

³⁷ A. E. Smith, Colonists in Bondage, p. 129.

discrimination was eliminated by an act of Parliament in 1705 which provided that those wishing to plead the benefit of clergy no longer had to prove that they could read. The same act, though, contained a list of felonies which were declared non-clergable by law.³⁸

The avarice of those engaged in the traffic in human bondage led from past the bounds of the deals with magistrates concerning the vagabonds. In those instances the jails throughout the country served as detention depots for the convicted. In the case of kidnapping, jails could not be used for this purpose. Kidnapping of persons for transport to the colonies as noted previously began as early as 1618. Methodical kidnapping began with the first recorded exchange of emigrants for money in the colonies which was the first shipment of young girls to the colonies as prospective wives.³⁹ After this time the occasional kidnappings by the captains were taken over by regular agents in the ports and the captains merely had to pay these operators 2 to 3s per head to make up their loads. Women would entice children, especially the poor, into their homes by offers of sweets. They then clipped their hair to make them more unrecognizable and held them prisoners until the captains called.

³⁸A. E. Smith, Colonists in Bondage, p. 90.

³⁹Virginia Magazine, VI (1898-1899), pp. 228-230.

Adult recruits were duped by male operators in various manners. These ranged from wild tales about America to getting them drunk enough to sign indenture forms and then hold them as prisoners after they sobered up until they were placed aboard ships. The need for places of detention of these persons caused the setting up of residences called Cooke's houses" for this purpose. There was a need for these for even legitimately recruited indentures since the person signing the indenture might change his mind and abscond with his clothing and provisions issue. As these Cooke's houses became common throughout the Isles, they were also used for the housing of kidnapped people as well. With the development of these housing facilities kidnapping became national in scope.

Kidnapping rose rapidly as a major source of indentured servitude. Most accounts estimate as high as 10,000 persons per year were so transported.⁴⁰ That it was widespread is borne out by testimony against one person that he had kidnapped people at the rate of 500 per year over a two year period.⁴¹ One report was made by the British Attorney General

⁴⁰ Oliver Perry Chitwood, A History of Colonial America (New York: Harper and Row Publishers, 1961), p. 341.

⁴¹ Phillip Alexander Bruce, Economic History of Virginia in the Seventeenth Century, Volume I (New York: MacMillan and Company, 1896), p. 618.

in 1664 that nearly all voyages going to the colonies had at least some persons being illegally transported.⁴² Especially around the ports, much apprehension and fear pried on the minds of the people, particularly the poor. Two words had been coined by 1645 to describe these activities and the crimps themselves. Since children were especially vulnerable to seizure the word "kidnabber," or kidnapper, was used to describe all of the activities of seizing, holding and selling of people against their wills. Those agents, or crimps, engaged in this specialty were called "sperritts" or spirits.⁴³ Although children, the ignorant, the naive and drunks were the most numerous recruited in this manner, all classes of people were subject to be seized. There are records of several of the aristocracy who were "spirited" off and served indenture periods. Some even stayed in America while others returned home afterwards and sued their abductors.⁴⁴

So prevalent was kidnapping by 1645 Parliament issued

⁴²A. E. Smith, Colonists in Bondage, p. 73.

⁴³Richard B. Morris, Government and Labor in Early America (New York: Columbia University Press, 1946), p. 337.

⁴⁴The two best known cases are those of James Annesly, son of Lord Atham and Peter Williams. The story of the latter's trial is especially interesting because it describes the operations of the Cooke's houses and also how easily collusion was obtained with judges and clerks to circumvent whatever laws there were in force to protect against such occurrences. See Herrick, White Servitude, pp. 148-156.

a decree ordering the ministers of justice to be diligent in their search for such activity. Port officials were ordered to search all ships for kidnapped persons. In 1657, of 19 servants aboard one ship searched, 11 had been "spirited."⁴⁵ Various regulations were passed from time to time throughout British rule to curb the practice. In spite of all these efforts kidnapping continued right up to the Revolutionary War with hardly a ripple. Typical of such misdirected effort was the creation of a registry office by an act of Parliament in 1664. Actually, the registry office was created more for protection of the merchants and ships' captains than for protection of the preyed upon. Registration was both voluntary and upon a fee basis. The fee was intended to be the major source of income of the official in charge of the registry offices. It appears that some elements of the poor had larceny in their hearts, too, and found ways to sate it. Some persons would, it appears, voluntarily sign an indenture, draw their ration of clothing, food and other supplies, then have their friends threaten to bring charges of kidnapping against the merchant or ship's captain if they were not released. Another problem faced by those engaged in bondage traffic was the genuine volunteers who were deserting spouses, apprentices

⁴⁵ A. E. Smith, Colonists in Bondage, p. 71.

deserting masters or even convicts escaping from jails. These volunteers escaped their problems but the agents faced the wrath and sometimes court action by irate spouses or masters on charges of "spiriting."⁴⁶

There were other groups of Englishmen that were caught up in the system of indentured servitude. These groups can be classed broadly as military, political and religious groups. The military and political prisoners shall be treated in the following chapter because most in the categories were Scotch and Irish although many were English, too. Catholics, as a group, shall also be treated in the following chapter for the same reason. The Protestant groups were mostly English and deserve consideration here.

The case of the Puritans, or Pilgrims, is well known. Their departure from England was more for religious persecution and the desire of the Puritans to escape it than use of the vagrancy laws and indenture mechanism. What is much less well known is that the Plymouth colony was settled more from a profit motive than for religious considerations in spite of the popular myth to the contrary. The Virginia Company was composed of two groups of investors, the London group and the Plymouth group of merchants and investors. The London Company's

⁴⁶Morris, Government and Labor in America, pp. 338-339.

activities were centered in the environs of Virginia and in time became better known than the other. The Virginia Company of the Plymouth group operated to the north, centering its activities, by accident, in New England. It was no less profit motivated than the London group. Those colonists landing at Plymouth Rock were company indentured servants exactly the same as the Jamestown group.⁴⁷ Their mode of living was probably more communal than the Jamestown group because of the high percentage of women in the initial group. The proof of the supremacy of the profit motive over the religious is evident from the makeup of those who came over in the Mayflower. Of the 102 company indented settlers, only 35 were Pilgrims. Such noted historic figures of the Plymouth colony as Miles Standish, John Alden and Richard Warren were non-Pilgrims.⁴⁸ Besides the company indentured colonists, there were also twelve personal, voluntary indentured servants in the Mayflower passenger list. This colony also received some of the transported felons from England.⁴⁹ The less universal use of indentured servants, as the system developed, was not due at all

⁴⁷ Nettels, Roots of American Civilization, p. 142.

⁴⁸ Nettels, Roots of American Civilization, p. 142.

⁴⁹ J. D. Butler, "British Convicts Shipped to American Colonies," American Historical Review II (New York: MacMillan Company, October 1895), pp. 15-21.

to moral scruples against human bondage or lack of an appreciation of the economic importance of the institution. It was simply their wariness of having non-Puritans among them.⁵⁰

The Quakers posed a different problem. They were subject to being charged under the vagrancy laws and transported as regular seven year's Kings Passengers. The authority for this was 16 Charles II c.4. In many respects they were Sixteenth Century versions of modern day hippies. According to A. E. Smith, they had a penchant for drifting around much as rogues and vagabonds. Their personal cleanliness and mode of dress was little different. Further, their fanaticism for their own religion was such that they showed little respect for either the civil and social mores of their society or consideration for the sensitivity of those subscribing to the orthodox religions.⁵¹ Those who, when sentenced to transportation, could pay their own fare were not sent as indentures. Some who did pay their fare did not escape the jaws of the system. Those who wound up in Boston and could not pay their "fine" there were sold into servitude by the Puritans to people in the other colonies.⁵²

⁵⁰Herrick, White Servitude, p. 325.

⁵¹A. E. Smith, Colonists in Bondage, pp. 175-176.

⁵²Herrick, White Servitude, p. 10.

CHAPTER VI

EXPANSION OF THE SUPPLY OF INDENTURED SERVANTS UNDER MERCANTILISM

They described Pennsylvania as a land of Elysian fields flowing with milk and honey, where gold and silver could be picked up on the hills, and servants could become independent and live like noblemen.¹

Queen Elizabeth was still signing manumissions freeing serfs from her estates as late as 1576.² The self-contained world of feudalism was breaking down. The ideas and the scholastic philosophy of social order generated by the type of society in which poverty and degradation of the masses was explained away as "overpopulation" still dominated the thinking of those in power until the Cromwellian Revolt. The replacement of the philosophy of the scholastics by the ideas of the mercantilists was not abrupt. They were developing and being practiced all along. It was only after the merchant class gained ascendancy that their policies were put into practice. The effects of carrying out the new policies after 1640 caused

¹Marcus W. Jernegan, Laboring and Dependent Classes in Colonial America, 1607-1783 (New York: Frederick Unger Publishing Company, 1960), p. 50.

²R.H. Tawney and Eileen Powers, Tudor Economic Documents, Volume I (London: Longmans, Green and Company, Ltd., 1965), p. 71.

not only a shift in the source of the supply of indentured servants but also a change in the destiny of the colonies. The colonies would no longer be English in the sense that Spanish colonies were Spanish. They would create a new breed of human beings.

The two overriding ideas of the mercantilists were profit for the enterprising and the accumulation of plate for the mother country. All of their policy decisions and activities were subordinated and complementary to these two fundamental tenets. For trade they needed manufactures, since England was poor in any natural resources. The manufacturing process, at that time, the putting out system, required many workers. The roving hordes of rogues, vagabonds and sturdy beggars came to be looked upon as an indispensable reservoir of labor which was more needed at home for exploitation than in the colonies. The parochial settlement laws of 1662 were efforts to root the roving hordes to land, the fruits of which they did not share.³ Just as the efforts of the Tudors were not successful in spurring mass migrations of the "overpopulation" neither did the efforts of the mercantilists succeed in effectively stopping the outflow of the necessitous poor.

³James E. Thorold Rogers, A History of Agriculture and Prices in England 1259-1793, Volume V (Oxford: Clarendon Press, 1887), p. 15.

These mercantilist ideas did shift the emphasis of the recruiters and traffickers in human bondage toward Scotland, Ireland, Europe and Africa. The Royal African Slave Company presented a petition to the British government for a monopoly in slave trade justifying its position by stating that slave trade was necessary for the existence of the plantations.⁴ This was not so but it reflected the thinking of the times.

The marketers of indentured servants turned first toward Scotland. Although many of the Royalist forces defeated by Cromwell were English the majority of them were Scottish. The disposition of these military prisoners was somewhat perplexing. A few were condemned to the coal mines in England and others were sold off as mercenary soldiers to European princes.⁵ As their numbers increased other solutions had to be found. It was too dangerous for the internal security of the Commonwealth to release them. They might bear arms again. Mass executions was a little too coldblooded for the Puritans. One entry in the Calender of State Papers dated December 13, 1653, throws some light on how the rebels were treated.

⁴Cheesman A. Herrick, White Servitude in Pennsylvania (Philadelphia: John Joseph McVey Publisher, 1926), p. 14.

⁵Abbott Emerson Smith, Colonists in Bondage, White Servitude and Convict Labor in America, 1607-1776 (Chapel Hill: University of North Carolina Press, 1947), pp. 153-154.

It reads:

The resolution about the Scotch rebels is to hang all ministers and officers; of the common sort one in ten is to be executed, one forced to confess and the rest sent to the plantations.⁶

It was the intent of the Commonwealth at first that the prisoners be indentured for life to rid England of possible future threat. Merchants were invited to tender contracts in 1648 for their removal and surety required. There is no record that this original group was sold into slavery in the colonies. It is indicated that the colonists treated them as regular seven year passengers and then released them. Their transportation in actual practice amounted to being exiled for life with the indenture tacked on.⁷ Many were purchased by wealthy colonial Scotchmen and set free while others managed to secure parliamentary permission to return.

The shipment of Scottish military prisoners continued for nearly a century. Large numbers were sent after the battle of Worster in 1653. The supply of indentured servants swelled as Cromwell's men continued mopping up operations in the Scottish hills. A peak was reached in the crushing of

⁶Quoted from Calender of State Papers. Great Britain. Colonial Series for December 13, 1666, in Eugene Irving McCormac, White Servitude in Maryland, 1634-1820 (Baltimore: Johns Hopkins Press, March-April 1904), p. 96.

⁷A. E. Smith, Colonists in Bondage, p. 158.

Monmouth's rebellion in 1685 preceding the Glorious Revolution. Because of the religious nature of the struggle, rebellions of various degrees of seriousness continued until the defeat of the Young Pretender, Charles Stuart, in 1746 ended these rebellions forever.⁸ Over this period Scots were sent to all the colonies from Maine to South Carolina.⁹ Their terms of indenture as set by the crown tended to become more lenient over time, normally being set at 14 years, but later at 10 years. In the end, it became seven years. These prisoners, being soldiers, were fine specimens of humanity and brought premium prices in the indenture market, ranging up to 30.¹⁰

The economic conditions of Scotland were worse than in England even in the earliest of this period. Rack-renting as well as a series of bad years of crops made Scotland a ripe area for the crimps. Their operation here was much the same as it was in England. The deception of posing as wealthy planters returned to spread the gospel of the colonies was especially successful. In many instances these were freed indentures, hired by the planters and merchants to return to

⁸Ian Charles Cargill Graham, Colonists from Scotland, Emigration to North America, 1707-1783 (Ithaca: Cornell University Press, 1956), p. 43.

⁹A. E. Smith, Colonists in Bondage, pp. 155-157.

¹⁰A. E. Smith, Colonists in Bondage, p. 157.

their own districts so that their pitch was even more effective.¹¹

Many factors were at work to make Scotland a prime source. The peculiar customs of the race, their chauvanism, and religion were among these. There are records that show many persons, accused of crimes, petitioned the judges to banish them to one of the American colonies without a trial because in their mind whatever the outcome would be they could not "after being Accused of such Crimes think of passing the remainder of his life in this Country with any degree of Comfort and Satisfaction."¹² As early as 1617, the Star Chamber ordered a census made of notorious and lewd persons as well as border ruffians for the purposes of sending them to the colonies. Cromwell even imposed a rent surtax for payment to those engaged in taking up these rogues and vagabonds for transportation. Although these were the riffraff of Scotland they were welcomed in the colonies.¹³ Others, for religious reasons, were willing to indenture themselves. Between 1660 and 1688 the constant efforts of the British to enforce the Anglican Church upon the Scotch caused many to

¹¹Herrick, White Servitude, pp. 259-260.

¹²Quoted in A. E. Smith, Colonists in Bondage, pp. 133-134.

¹³A. E. Smith, Colonists in Bondage, pp. 144-147.

leave. For some reason the Scotch were the most liked of all the foreign indentured servants.

As sorry as the economic conditions were for the poor in Scotland, they became worse after 1745 causing a mass exodus of servants to the colonies. The British, through Parliamentary action, deliberately set out to crush the Scotch as a nationalistic race. Clansmen were forbidden to wear their tribal dress. Hereditary powers of the chieftans were taken away and they were forced to dismiss their armed retainers. Communal ownership of land was abolished by law. This land was then distributed among British commissioners and Scots that had been loyal to the English Crown during the Pretender's uprising.¹⁴ The mercantilist policies were applied and roving masses of uprooted Scotsmen were deliberately created. Small land owners were evicted and their land consolidated into large sheep pastures in a sort of methodical planned enclosure movement. Then exploitation of those left on the land through the introduction of rents and rent-racking practices reduced these clansmen to semi-serfs. From such a degraded status it was natural for these Scots to be taken in by the distortions of the crimps.

The Irish were an even greater source of indentured servants. They also suffered more at the hands of the British

¹⁴Curtis P. Nettels, The Roots of American Civilization (New York: Appleton-Century-Crafts, Inc., 1963), pp. 388-389.

than did the Scotch. The Irish had been introduced into the colonies as early as 1627 as servants but did not become an important source until the persecutions began under the Puritans. Following the English they were the most important source of indentured servants from a numerical standpoint. Measured in other terms, they were even more important, though. Because of the particular nature of their persecutions, they were the most educated and cultured of all the colonists except maybe the Huguenots. They became the teachers and clerks of the colonists. Nearly every boat arriving after 1660 contained these educated classes yet they brought a lower price in the colonies than the unskilled workers.¹⁵ This is some indication of the relative merits the colonists placed upon profit with respect to cultural achievements. George Washington was educated by a former indentured Irish convict.¹⁶

British persecution of both the Scotch and Irish had religious implications. In the case of the Scotch people the persecutions were of two basic types, each distinct in its social and legal origin. That phase of persecution under criminal laws was preserved as such while the persecutions

¹⁵McCormac, White Servitude in Maryland, p. 41.

¹⁶Jonathan Baucher, A View of the Causes and Consequences of the American Revolution (New York: Russell and Russell, 1967), pp. 183-184.

of military and political prisoners based upon military law retain its separate identity throughout the century. This was not so in the case of the Irish.

The persecution of the Irish was unique in many respects. It was more vicious, more methodical and carried on over a greater period of time. One of the reasons for this ruthlessness stemmed from mercantilist policy implications. In the first place Ireland was considered outside the sheltered area covered by their protectionist policies. In 1670 the Irish were forbidden to stock ships for the Atlantic crossings. Between 1665 and 1680 the Irish were prohibited from exporting to Britain various of their livestock such as cattle, sheep and pigs as well as the products derived from their livestock industry. Thus banned in both England and Scotland were the importation of Irish beef, mutton, cheese, pork, butter and kindred products. Efforts by the Irish to convert production to other industries was thwarted, too. When the Irish had, by concentrating on sheep raising, become competitors of the English in the European markets for wool and woolen goods, the English then, in 1699, prohibited, by the Woolen Act, the export of either raw wool or woolen manufactures from Ireland to any country.¹⁷ The results of these British policies

¹⁷Quoted in Nettels, Roots of American Civilization, p. 387.

of suppression upon the economic and social conditions of Ireland is easily grasped from a quote from Dean Swift's Irish Tracts written in the 1720's. He wrote of Ireland:

Whoever travels through this country and observes ... the faces and the habits and dwellings of the natives, would hardly think himself in a land where either law, religion, or common humanity was professed. The old and sick are every day dying and rotting by cold and famine and filth and vermin. The younger laborers cannot get work, and consequently pine away for want of nourishment to a degree that if at any time they are accidentally hired at common labor they have not the strength to perform it.¹⁸

The mercantilist policies of trade suppression would not have, by themselves, reduced the Irish race to such depravity. Other factors were at work, too. The Irish had been conquered and subjected to English landlords soon after William the Conqueror's reign in England. Oppressive measures only began to grow in intensity beginning in 1607-1609 due to uprisings upon the accession of James I. These resulted in the establishment of "Plantations" in northern Ireland upon land confiscated from rebellious Irish. These estates were actually given to companies upon the condition that they be people by Protestants, mainly from Scotland.¹⁹ Cromwell, upon conquering the land, set upon an ambitious plan of giving the island in the form of land grants to his soldiers and to

¹⁸ Nettels, Roots of American Civilization, p. 387.

¹⁹ Nettels, Roots of American Civilization, p. 387.

Protestant Irish, all except the two most western counties into which he attempted to move all of the Irish Catholics.²⁰

Part of the uniqueness of the Irish persecution was that it was more political than either military or criminal as in the case of the Scotch. As Herrick points out, the causes for their transportation were crimes against the law rather than organized rebellion.²¹ One might philosophically look upon their persecution as a form of ostracism and exile as old as civilization itself. In the case of the Irish such clear lines of distinction between the military and the criminal persecution that was maintained with respect to the Scotch became fused in the case of the Irish.

Political prosecutions were begun under the vagabond laws and the majority of all of the Irish indentured servants were transported under them. Under the social and political anarchy caused by Cromwell's Irish policies of land confiscation and removal, almost any inhabitant could be hauled before two justices of the peace and declared a vagrant. Human nature, being what it is, no doubt permitted the English magistrates to rid their jurisdictions of many political agitators in this manner. Through time other politically and

²⁰A. E. Smith, Colonists in Bondage, p. 163.

²¹Herrick, White Servitude, p. 116.

religiously inspired government decrees subjected the educated classes to forced indenture. For example, 8 Anne c.3 provided for the indenturing of Irish schoolmasters who practiced their profession.²² The earlier shipments of Irish under Puritan oppression were for the most part Catholic, as might be expected. Catholics were banned from all civil and military offices. The colonies were so alarmed by the great influx that head taxes were placed upon the importation of Irish into some of the colonies to discourage the practice. Their fear was that an unrestricted flow of Catholics into the colonies would eventually cause them to become papish. Those who did come were excused from military service for the same reason.²³

In time political persecution was extended to the so-called Protestant Scotch-Irish of northern Ireland. In 1704 a Parliamentary Act excluded Presbyterians from both civil and military duty. Faced thus with a choice of poverty, hunger or accepting the Episcopalian rites in order to remain, many chose to come to America. Fifty-five shiploads settled from Belfast alone between 1714-1720.²⁴ Many of these later educated

²²Herrick, White Servitude, p. 159.

²³McCormac, White Servitude in Maryland, pp. 30-31.

²⁴Nettels, Roots of American Civilization, p. 388, and A. E. Smith, Colonists in Bondage, p. 48.

and trained Irish were bought by schools or groups of families, acting collectively, to serve as schoolmasters.²⁵ This use of the indentured servant was practiced in all of the colonies. Since no distinction was made between these political and criminal prisoners they were looked upon as convict teachers. Baucher estimated that two-thirds of all the teachers in Maryland were convicts. Some churches even hired indentures as pastors.²⁶

The political and military motives for the confiscation of Irish estates and forced removal were one cause of the degradation of the Irish. The ever growing economics of greed was something apart. In the turmoil caused by the former, exploitation caused by the growing respectability of greed was all the more easy and rampant. Back-renting by the English absentee landlords further worsened the already deplorable conditions of the Irish. Rents were raised as much as double and triple on leases around 1720. Those who would not pay were evicted.²⁷ Crimps were especially active in Ireland and the hopelessly exploited inhabitants were even more gullible to their misrepresentation of the land of milk and honey. Only the lack of transportation prevented them

²⁶ Herrick, White Servitude, p. 272.

²⁷ Nettels, Roots of American Civilization, p. 388.

from emigrating almost en masse. Four thousand, five hundred were reported to have arrived in the river Delaware in one season alone.²⁸

It is generally conceded that the success of the recruiting agents was due to their secrecy, misrepresentation and fraud. The ethical and legal aspects of their activities could be looked upon in the same light contemporary people look upon present day advertising. One cannot look upon the other activities of the crimps, generated by the new respectability of greed or profit, in any such light. There were no practices used by those engaged in African slave trading any more treacherous or brutal or immoral as those engaged in Irish recruitment. "Licences" were granted to merchants and assorted persons in what appears to be a wholesale manner for the export of various special groups of the Irish people. Records are found where some agents advertised that they held monopoly rights to recruit servants from a specific area.²⁹ The practice was started by Cromwell's invitation to merchants for the disposition of political prisoners but was quite easily and logically extended to criminal prisoners as well. The year 1653 was an especially fateful year for the development

²⁸ American Historical Association, Annual Report, 1896 (Washington: Government Printing Office), p. 488.

²⁹ Herrick, White Servitude, p. 159.

of the mechanics of licenses. In May of that year a proclamation declared the application of English Poor Laws relating to rogues, workhouses and such applied to the whole of Ireland. Overseers of the poor were justices of the peace and other law enforcement agents rather than church officials as in England. In July of that same year, these overseers were authorized to negotiate with merchants for the transportation of "vagrants" to America. This opened the way for wholesale abuse.³⁰ Sir William Petty estimated the number so transported at 40,000 in one three-year period.³¹ There is no way to tell just how many were caught in this web.

The commissions that followed the authorizations to each precinct to negotiate with merchants became numerous. In September a license was granted to transport 400 Irish children to Boston. Another in the same month was given to transport 250 Irish women and 300 men. Others such as these are found: warrants for the transportation of 500 "natural Irishmen";³² all the prisoners in the jails of five towns were turned over to one merchant, a John Mylam. The list appears

³⁰A. E. Smith, Colonists in Bondage, p. 165.

³¹Sir William Petty, The Political Anatomy of Ireland (London: 1691), ch. IV.

³²Calender of State Papers. Great Britain. Colonial Series, 1574-1660 (London: Longman, Green, Longman and Roberts, 1860), p. 401.

innumerable from scanning the Colonial State Papers from 1653 forward.³³ A. E. Smith takes the position that the abuses arising out of the application of the vagrancy laws to Ireland were not by the "English Government at Westminster" but by collusion of merchants, agents and sea captains with local administrators. While this may or may not be true, one is still faced with the puzzling problem what purpose or function does a central government serve if it cannot or does not enforce the directives it sends down. One could, it appears, find modern parallels such as Negroes remaining second class citizens for more than a hundred years after their theoretical liberation from social inequality. Nevertheless, Smith did go on to conclude that this opened up "a period of licensed Kidnapping on a large scale."³⁴

Nothing is to be gained by going into the myriad records of gruesome details of the amorality of this human bondage traffic. That abuses were rampant is known from a Council of State decree in 1656 which complains:

For the money's sake /they/ have enticed and forced women from their children and husbands, and children from their parents, who maintained them at school.³⁵

³³Calender of State Papers, p. 422.

³⁴A. E. Smith, Colonists in Bondage, pp. 163 and 167.

³⁵Quoted in A. E. Smith, Colonists in Bondage, p. 168.

Even English, living in Ireland, received the same treatment.³⁶ It would appear that such language in this and other decrees was more lip service by magistrates than either concern or effort on their part to stop the abuses. Henry Cromwell, in writing about a recommendation to transport 1,500 or 2,000 Irish lads between 12 and 14 years of age to the colonies, probably better expressed the general attitude of the government toward such abuses when he justified such a proposal by stating Ireland did not need them and that "it may be a meanes to make them better English-men, I meane, rather, Christianes."³⁷ The most immoral of all the schemes was one that forcefully rounded up of, "for their own goode, and likely to be of soe great advantage to the publique," 1,000 young Irish girls for transportation to Jamaica for breeding purposes to build up a population.³⁸

The Germans, especially those who came over in large numbers after 1680, were equally deracines and for essentially the same reasons. They were essentially the same in that they were persecuted to a large extent for their religious beliefs and that they were exploited by those over them. This was

³⁶ A. E. Smith, Colonists in Bondage, p. 168.

³⁷ A. E. Smith, Colonists in Bondage, pp. 168-169.

³⁸ A. E. Smith, Colonists in Bondage, pp. 168-169.

accomplished by confiscation of their property and by rack-renting. Yet they were different in that they came for the most part of their own free will supposedly and came in family groups. Other differences were that they came as redemptioners more than as indentures and were saddled with a language handicap. For these reasons they were generally referred to as "free-willers" or "redemptioners."

Social and economic forces were at work in Europe, as well as England, to concentrate the land and wealth in the hands of the few. The peasant class of Europe was reduced to the subsistence level. The mercantilist philosophy that in all commercial exchanges the gain of one must be at the expense of others, was as much a tenet of faith on the Continent as it was in Britain. The constant warring during the Seventeenth Century was as much motivated by economic causes as it was by religious ones. Many of the ruling classes in Germany were Catholic while most of the masses were Protestant. The petty princes of disunited Germany's principalities used religious persecution as an excuse for exploiting the peasants for the benefit of themselves. No little part of this was caused by the attempts of the German nobles to imitate the glories of the French court.³⁹

All wars cause social and economic dislocations. Southern

³⁹ Nettels, Roots of American Civilization, pp. 384-385.

Germany, where most of the Thirty Years' War was fought, was devastated the whole period. Yet peace did not come with the ending of the conflict in 1648. Throughout the Seventeenth Century came other wars in monotonous succession. Following the Thirty Years' War were the hostilities of Louis XIV against the Dutch, the War of Spanish Succession, etc. Periodic crop destroying raids were conducted by French forces into Germany, especially the Palatinate, to weaken the resistance of the anti-French forces. The same tactics were used during the ensuing War of the League of Augusburg and later in the War of Spanish Succession. Even cities such as Heidelberg, Worms and Mannheim were burned and sacked. To the misery of the peasants was added more suffering by crop failures and pestilences following in the wake of these wars.⁴⁰

It would be equally as true to say that the economic causes of the wars led to the religious persecutions as it is to say that the religious wars were the cause of the peasants' economic distress.⁴¹ In the face of such emotional and hopeless frustration, it is man's tendency to turn toward spiritual

⁴⁰ Carl Wittke, We Who Build America (Cleveland: The Press of Western Reserve University, 1964), p. 67.

⁴¹ Gottlieb Mittelberger, Journey to Pennsylvania (Cambridge: Belnap Press, 1960), p. viii.

experiments to alleviate the pangs of material want. Multitudes of dissident sects sprung up. Most of these were of the pietist variety. Among these were the Mennonites, Dunkards, Schwenkfelders, New Mooners, Separatists, Quietists, Brinser Brethren, etc.⁴² Some of these sects still survive today. These sects grew out of the economic chaos of the time rather than the other way around. The consequences of this sectarian development among the Protestants was that these sects were persecuted by the orthodox Protestant church group as well as both by the Catholics in something of a pecking order.

Agents of the merchants and sea captains who trafficked in human hope found Germany a fertile ground for their recruiting. The agents there were known as Newlanders or soul snatchers.⁴³ Their activities were monotonously the same as the crimps in Britain and Ireland in both deception and exploitation. In their flashy clothes and massive gold watch chains they posed as prosperous settlers willing to help their countrymen escape their miserable condition by going to America where

Elysian fields abounding in products which require no labor; that mountains are full of gold and silver, and that the wells and springs gushed forth milk and

⁴² Carl Wittke, We Who Build America, p. 76.

⁴³ Carl Wittke, We Who Build America, p. 68.

and honey; that he who goes there as a servant becomes a lord; as a maid, a gracious lady.⁴⁴

They guided their herds of emigrants down the Rhine to the ports of Holland, collected their eight to ten dollars per head from the merchants and captains and kept whatever valuables they had talked the emigrants into entrusting to them to safekeep.⁴⁵ The trip down the Rhine took four to six weeks and, with the thirty-six toll points at each of which a full customs examination was made, few who had money to start had any when they arrived in the Dutch ports.⁴⁶ The long waits for the ships depleted even more their scant reserves so that by the time the ship left most had been reduced to redemptioner status. So many arrived without any funds that the Dutch government resorted to requiring bond from the agents to cover any costs the government incurred in feeding the destitute emigrants.

The engenuity of the Newlanders and merchants found many ways to further their profit in exploiting the emigrants. Among them were the ransacking of baggage left on the docks "to be sent on another ship"; merchant-captain agreement to divert the ship from where the passengers wanted to go to

⁴⁴Quoted in Nettels, Roots of American Civilization, p. 385.

⁴⁵Herrick, White Servitude, pp. 184-185.

⁴⁶Mittelberger, Journey to Pennsylvania, p. 11.

other ports where the sale of the redemptioners would bring more money; the interception of unfavorable mail from America by the agents and, in some instances, forging substitute letters praising the conditions in America. Some Newlanders claimed colonial government authorization to collect legacies of emigrant colonists. They also brought greetings to the relatives inviting them to come. Many old people were so lured by the Newlanders in hopes that the younger relatives would follow along. A good account of these abuses and others can be found in Mittelberger's Journey to Pennsylvania.⁴⁷

The exodus of Germans did not begin in earnest until around 1680 through the recruiting activities of William Penn himself. There was a natural affinity between his Quakerism and the sectarians of Germans. Penn made several visits to Germany, promoted companies to encourage emigration and published pamphlets and broadsides extolling the merits of his colony. His writings were translated not only into German but Dutch and French as well.⁴⁸ Germans became the main source after 1700 and continued to come in large numbers up to the end of the indentured system in the Nineteenth Century. By 1717 they had already come in such large numbers to

⁴⁷Mittelberger, Journey to Pennsylvania, pp. 26-32.

⁴⁸Herrick, White Servitude, pp. 48-51.

Pennsylvania that the colonial authorities became worried. The fear was that the Germans' unfamiliarity with both the language and the laws of the colonies might be of "dangerous consequences."⁴⁹

The mercantilist policies of the British government encouraged the peopling of the colonies from other sources as a means to keep her necessitous poor at home. Many who came to America might not be called indentured servants by some authors. Among these financially aided were the German and the French Huguenots who the crown itself paid for the transportation, the supplying of equipment and and settling of the emigrants. A few were settled in all of the colonies in this manner. In other instances the colonies themselves financed the passage of the emigrants by taxing slaves as in the case of South Carolina.⁵⁰ These emigrants were in every sense just as much uprooted, oppressed and socially discontinuous as their brethren who were indentured to individuals. Wittke even states as much about the New York settlement which was the largest single immigration to America.⁵¹

⁴⁹Herrick, White Servitude, p. 172.

⁵⁰A. E. Smith, Colonists in Bondage, p. 6 and p. 23; Warren B. Smith, White Servitude in South Carolina (Columbia: University of South Carolina Press, 1961), p. 53; and, Wittke, We Who Build America, pp. 69-71.

⁵¹Wittke, We Who Build America, p. 69.

It is easy in discussing the economic conditions, the religious persecutions of the Germans, and other factors to come to the conclusion that these were the overriding causes of the great exodus of Germans to America. This is the impression most often left upon the minds of readers of the literature. The real cause for this exodus is the same as the exodus of English and Irish; that is, the profit motivation of the "thieves of human beings," as Mittelberg refers to the merchants and Newlanders. Of them A.E. Smith had this to say: "Most observers agreed that these men were the principle influence stimulating the large annual movement from Germany and Switzerland to the Colonies."⁵² MacCormac, on the other hand, made the observation that "Another indication that a large proportion of the German and Dutch immigrants to Maryland belong to that class who were unable to 'pay their freight' is the remarkable falling off in the whole number of German immigrants after laws were passed which made it unprofitable to deal in servants."⁵³

The Irish, English, Scotch and German emigrants made up the bulk of those brought to the colonies as bonded servants.

⁵²A. E. Smith, Colonists in Bondage, p. 61.

⁵³McCormac, White Servitude in Maryland, p. 32. His use of the word unprofitable is misleading. He really meant the loss of economic or excess profit to the extent that recruiting to generate traffic was unprofitable.

They were by no means the only ones involved in the indentured system. Reference is made in the preceding paragraph to the Dutch and Swiss. The Dutch can be considered along with the Germans as being in the same category of persecution and exploitation. The Mennonites, for example, were followers of a Dutch priest.

The Swiss were in a somewhat different situation. Being more isolated, they were able to avoid much of the destruction, famine and misery caused by the religious and political wars that plunged Germany into such chaos. Yet the masses of the Swiss were just as degraded economically as the Germans. There were two basic causes for this. That timeless and universal attitude of contempt held by the non-producers of every society toward the producing classes that support them was a little more strong and a little more overt among the Swiss patrician families. The working classes could hold little hope for improving their lot when oppressed by such laws as restriction from the vegetable market until after the leisure class had picked over the daily offerings, and the forbidding of artisans from carrying their wares under the arcades of Bern so as not to interfere with the comfort of the wealthy.⁵⁴

⁵⁴See A. B. Faust, "Swiss Emigration to American Colonies in the Eighteenth Century," American Historical Review, XXII (New York: MacMillan Company, October 1916).

The second cause of the plight of the Swiss masses was the peculiar mixture of British mercantilism with the older scholastic orbital philosophy of society. Initially the Swiss ruling classes encouraged the migration of lower class Swiss to rid themselves of overpopulation. They especially encouraged the poorest classes and others that might be considered undesirable to migrate. On the other hand, the acceptance of the profit motive of mercantilism permitted the economic exploitation of the masses for the benefit of the rulers. The aristocracy recruited their poverty stricken to be sent out to various European powers as mercenary soldiers. At one time (1740) 69,000 were so impressed. Once the outflow of emigrants cut into this profitable operation, efforts were made to halt the migrations.⁵⁵

The French caught up in indentured servitude are harder to assess. The supply of French indenture servants was of two classes, one Catholic, the other Protestant. The Catholic portion were the Acadians dispersed throughout the colonies. Of these, it is known that all of the poor were indentured. In Pennsylvania, for example, regulations were made for the setting out of Acadian children and for the forced indenture of the adults who could find no work.⁵⁶ The same arrangement

⁵⁵ Nettels, Roots of American Civilization, p. 390.

⁵⁶ Herrick, White Servitude, pp. 111-112.

was provided in South Carolina and is likely to have been true of the other colonies.⁵⁷ The Acadians' plight was unique in two respects, both of which tended to make them outcasts. Their religion caused them to be hated and looked upon with suspicion because of the French-English wars. Thus those that wished to find work were hard pressed to do so. The second reason was the resistance of the Acadians to accept indentured servitude when either offered or forced upon them. They insisted, with logic, that they could not be forced to work because they were prisoners of war and should be treated as such rather than as servants.

The French Protestants, the Huguenots, were different. Their chief influx was in the years following the Revocation of the Edict of Nantes. Although these Protestants were horribly persecuted in France, they were banned from leaving. Although they were of middle class origin, the efforts of the French government to keep those escaping the country from taking their wealth with them, caused most to arrive in England destitute. The British government in 1687, with the aid of charitable contributions, paid their passage to America and supplied them with provisions and tools for one year.⁵⁸ Most

⁵⁷ W.B. Smith, White Servitude in South Carolina, pp. 36-37.

⁵⁸ A. E. Smith, Colonies in Bondage, p. 23.

of the colonies set up by them (except those in South Carolina) failed and the settlers dispersed. For example, in Rhode Island they were unhospitably received and the title to their land challenged. They were finally attacked and scattered.⁵⁹ As in the case of German refugees sent over by the crown during the same period, some were treated as government indentured servants and eventually became indentured to individuals.⁶⁰ It is certain that, although many of the Huguenots became leading families, some of them did get caught up in the indentured system. Smith indicates that several very large plantation grants were given during this period in the Carolinas on the condition that they be settled by foreign Protestants. One was for 1,200,000 acres and stipulated the transporting of 6,000 Protestant indentures.⁶¹

Other nationalities played lesser roles in the indentured system. Yet practically all of the nationalities of Europe and even other continents show up in the records. W. B. Smith culled twelve European nationalities out of servant ads in just the South Carolina Gazette over a 25 year period of time. These ran from Norwegians to Portuguese.⁶²

⁵⁹Wittke, We Who Build America, pp. 23-28.

⁶⁰Nettels, Roots of American Civilization, p. 393.

⁶¹A. E. Smith, Colonists in Bondage, p. 23.

⁶²W. B. Smith, White Servitude in South Carolina, pp. 44-48.

The Virginia Company started early with foreigners. Some Polish and Dutch indentures were sent over as early as 1608.⁶³ A search of early records indicates that a Turk was imported to Virginia as early as 1635 and an Algerian later.⁶⁴ There were 18 languages being spoken in New York as early as 1646.⁶⁵

⁶³Wesley Frank Craven, The Southern Colonies in the Seventeenth Century (Baton Rouge: Louisiana State University Press, 1949), p. 13.

⁶⁴Phillip Alexander Bruce, Economic History of Virginia in the Seventeenth Century, Volume II (New York: MacMillan and Company, 1896), pp. 53-54.

⁶⁵Wittke, We Who Build America, p. 15.

CHAPTER VII

THE ECONOMICS OF TRANSPORTATION

No form of profit-making enterprise--not even the slave trade or slavery itself--exhibited the horrors which accompanied the immigrant traffic in indentured servants.¹

Greed is a human invention. Man was born selfish, but not greedy. Man in his primitive state took from others to the extent that he could by killing or chasing away others, satisfy current wants just as other animals still do. There was nothing vicious in this such as human inventions of claiming the whole valley for one's own use alone when he can't possibly use it effectively, or assuming the right to divide the New World between two favorite followers from a chair in the Vatican. Such greed had to be invented and painstakingly expanded and developed before one could traffic in the misery of his own kind for no greater motive than acquiring such sums of "profit" he knows he could never spend. Nowhere is the tabula rasa concept of the development of man's morality more clearly seen to unfold so completely and so rapidly than in the transportation of bonded servants.

Shipping companies and sea captains, like everyone

¹Curtis P. Nettels, The Roots of American Civilization (New York: Appleton-Century-Crafts, Inc., 1963), p. 390.

else, were entitled to a fair return for the services they rendered. This, as has already been determined, was a stable 5£ for food and passage for each adult during the Seventeenth and Eighteenth Centuries. The economic interests of the Plymouth and London Virginia Companies, the individual colonists, the one hundreds and the colonial proprietors assured that those transplanted arrived alive and usable. In the earlier period, up to 1680, there appears to be no systematic depravity developed on the ocean crossings. The 5£ per person entitled the passenger to reasonable provisions of food, space, and other necessities for the trip and still provided an adequate return to the ships' captains. One author estimated the actual cost involved to be about one-half the fare charged. The colonial government of Georgia, in one instance, paid only 4£ per person.²

The idea that excess profit was to be made in the transportation of indentured servants developed for several reasons. The voluntary surrendering of the Virginia Company of London's monopoly of transporting passengers to the colony was one. The demonstration that profit could be made by the Virginia Company's sale of prospective wives was another. The permission granted to captains to solicit indentures from

²William Bullock, Virginia Impartially Examined (London: 1969), pp. 48-49. Allen D. Candler, editor, The Colonial Records of the State of Georgia (Atlanta: 1904-1916), Volume I, p. 209, Volume II, p. 115 and p. 117.

prisons was still another. As early as 1618, there existed a price differential between the passenger fare and the price colonists were willing to pay. As this differential increased, the means to exploit it increased. The price varied from 5£ to a high of 50£.³ The normal sales price, though, was 14-15£ over the entire colonial period.

The headrights system, mentioned in an earlier chapter, became the prime mover for profit motivation. This system was one of the unique innovations made by the English colonies to encourage settlement. The Virginia Company originated the system in 1616 in an honest effort to shore up its sagging financial situation. The system spread to most of the colonies.⁴ The amount of land granted under the headrights varied both over time and space. The smallest grants were twenty-five acres for each person transported to Virginia up to one hundred and fifty acres in South Carolina.⁵ The system fit the theoretically feudalistic schemes tried by some of the proprietor states such as Maryland and South Carolina. It became the single most important factor in the build-up of servant traffic

³Warren B. Smith, White Servitude in South Carolina (Columbia: University of South Carolina Press, 1961), pp. 28-30.

⁴Abbott Emerson Smith, Colonists in Bondage, White Servitude and Convict Labor in America, 1607-1776 (Chapel Hill: University of North Carolina Press, 1947), p. 15.

⁵W. B. Smith, White Servitude in South Carolina, p. 6.

but not because of the attractiveness of the offer to settlers.

The headrights system became a many splendored thing for all who reveled in profit-making. Of present concern is the way in which sea captains and merchants of human bondage used it for selfish ends. W. B. Smith, who made a study of land grants in South Carolina, turned up documents in which land grants were given to captains for the transportation of servants.⁶ Such cases are recorded as the sea captain who brought seventy-one servants to Maryland, collected his land certificates, and then sold the land to a colonial official the same day.⁷ Some states had laws against such practices, but Bruce pointed out,

The perversion of the head right from its original purposes grew more and more palpable with the progress of time, the certificate being granted without the slightest regard for the requirements of the law.⁸

He then described a case in which a ship's captain filed for headrights for certain people he had transported into Virginia. The persons he claimed to transport were passengers who had paid their own fare and his seamen. This went on year after year. The ships' sailors also took advantage of the scheme

⁶W. B. Smith, *White Servitude in South Carolina*, pp. 11-20.

⁷A. E. Smith, *Colonists in Bondage*, pp. 41-42.

⁸Phillip Alexander Bruce, *Economic History of Virginia in the Seventeenth Century, Volume I* (New York: MacMillan and Company, 1896), pp. 519-520.

and swore they transported themselves and claimed their individual headrights; and all of them disposed of their certificates for a price before sailing back to England. Many sea captains, though, kept their land and hired overseers to manage it for them.⁹ The abuses led to laws curtailing such fraud. Maryland passed such a law in 1683, South Carolina in 1693 and Virginia in 1705. These dates are interesting. They coincide with the shift in recruitment from Britain to elsewhere and from the indentured to the redemptioner system. Nearly all accounts list the year 1680 as the year in which redemptioner system became a source of bonded servants and 1708 or 1709 as the date redemptioner traffic became an important source.¹⁰ From then on the indentured form became less important while the redemptioner became increasingly more important. After 1780 the traffic was almost exclusively redemptioner.

It is generally stated that redemptioners got off by selling themselves out for two year periods since they made their deals in the colonies where wages were higher. In the beginning this was undoubtedly true. Later, because of abuses, they were put under the customs.¹¹ The ingenious

⁹Bruce, Economic History, Volume I, pp. 520-524.

¹⁰A. E. Smith, Colonists in Bondage, pp. 20-22, and Herrick, White Servitude, p. 169 and pp. 171-175.

¹¹A. E. Smith, Colonists in Bondage, p. 232.

methods man devises to exploit his fellowman comes slowly and laboriously, but man is a persistent creature. At first the agreements between the sea captains and the redemptioners provided a period, usually thirty days, for the redemptioner to sell himself out before the captain could take matters into his own hands and sell the redemptioner for the passenger fare or unpaid portion in cases where the redemptioners had paid a part. The redemptioner system had started early, though, and had had time by 1680 to develop some of its exploitative characteristics.

To see how the growth of the redemptioner system grew from the rather innocent beginnings, one needs to remember that one of the two basic differences between the redemptioner and the indentured servant was that the redemptioner had to furnish his own food and passage necessities, whereas the indentured servant did not. The traffic in indentures and redemptioners began more or less as a side-line for many merchants and sea captains. The bulky products, such as timbers, tobaccos, rice, sugar, etc., were from the colonies to Europe. It was good business sense and seamanship that caused many captains to seek out redemptioners and indentures. Not only could pocket change be made from their sale, but they served the function of ship's ballasts. This combination of purposes was secondary to the profit motive of the commodity trade;

therefore, the treatment of the passengers was secondary also. Nathan Russell wrote, in 1767, that on one particular ship 450 were crowded into a ship space large enough to accommodate only 200 by Eighteenth Century standards. Although the agreement called for 19 inches width per person, "they scarcely had seven."¹² In addition, the rations were cut to about a fourth ration. As a result, more than one hundred died on the trip, while the rest were in such pitiful condition upon arrival that the church wardens took up a collection of more than 200 for their relief. An objective view of the whole sordid mess would be that not only were the merchants callous to their health and life, but were subsidized for doing so. Unfortunately, such types of subsidies from the poor to the wealthy is still current in the Twentieth Century.

Once the profitability of traffic in redemptioners had been established, various schemes were devised to increase the rate of profit over and above the passage fare debt incurred. On arrival, the redemptioners were refused permission to go ashore to search for a relative who might redeem them or to strike their own bargain with an artisan or other to take

¹² Nathaniel Russell to Rev. Ezne Stiles Corles Town, July 19, 1767, in Gratz Collection Pennsylvania Historical Society. Quoted in W. B. Smith, White Servitude in South Carolina, p. 42.

advantage of the favorable colonial labor market.¹³ This in turn gave the captains the right to dispose of the redemptioner on his own terms. Ads were run in port papers that the shipload of servants had arrived and were on display aboard the ship for prospective purchasers' convenience. The agreements made in Europe between the ships' captains and the redemptioners were in many cases oral. When written, they were in vague terms. Sometimes, for example, the whole load of passengers signed the same redemptioner agreement.¹⁴ In such cases the redemptioner came under what was known as the customs of the country and could be sold for the specified length of period in effect at that particular port and time.

The usual period defined by the customs of the country was four or five years. It originally grew out of mal-practices of the indentured system but became applicable to redemptioners later. The sea captains and merchants trafficking in indentured servants had invented various practices to exploit their cargoes of humans. One of these was to get, by hook or crook, the indentured's copy of his agreement. Then, by claiming in port that he never had a copy or that he was a felon, he could be sold at a higher price. Another evil invented was the conversion of actual full-paying passengers by claiming they were

¹³Herrick, White Servitude, p. 195.

¹⁴See illustration of one in which all passengers signed the same form. Herrick, White Servitude, p. 4.

indentured servants without papers. One particular notorious case is recorded. A passenger was sold as a convict in Williamsburg, Virginia. When he died three days later, 3000 were found on his body.¹⁵ There is no way to tell just how prevalent this scheme was. The tearing or cutting of indentured forms was tried at one time, with the captain and the indentured each keeping one half. These could be matched up on disposition of the servant to see that no deception took place. To the extent that the indentured's half was stolen or forcibly taken from him on the high seas, it served no protective function at all.

The redemptioner's case was different. Colonial courts would uphold the captains' claims as to the charges held against the redemptioner instead of following the statutory indentured time limits. By about 1760 the sea captains and merchants had devised ingenious means to run the charges up against the passenger to whatever amount they thought they could get, not just out of the sale of the redemptioner but out of friends, relatives, or valuables he had on him. In the case of one dead man brought in to port, 97~~8~~8s was charged against him, and Herrick states that it was paid. Such indebtednesses were

¹⁵Quoted from the Pennsylvania Gazette, April 23, 1772, in a footnote by Herrick, White Servitude, p. 141.

recorded in "munstering books" and, when settled, marked "paid by Heirs," "paid by brother," etc.¹⁶

As the prices being paid for bonded servants rose in the colonies so did the charges brought against the redemptioners. Various sorts of imaginary charges and transactions were invented to bring these charges up to what the traffic would bear. One author was led to conclude the universal price of the redemptions was set at 21£1s6d.¹⁷ As mentioned earlier, the redemptioners were to furnish their own food and necessaries on the trip over. This was the wedge to the wholesale invention of charges. "Head charges" were invented. This was the charge for a place to sleep and was usually set at one to three pounds sterling per person. "Freight charges" ran up to 16£. Money advanced could be any amount. One person had over 21£ listed as advanced to him. A service or handling charge was usually added. Even such a basic necessity as water was sold by the pint and charged against the redemptioners' accounts.

The redemptioners were, in another respect, different from either the slave or the indentured servant, and this led

¹⁶Herrick, White Servitude, p. 186.

¹⁷John Bach McMaster, A History of the People of the United States, Volume II (New York: Appleton and Company, 1913), p.558.

to more brutal treatment and exploitation of them than of either of the others. Dead slaves or indentured servants brought no return in America. These came as individuals. The redemptioners came more as families so that usually there were some surviving members of the families which the sea captains held responsible for the charges of their dead members. It is reported that some ship masters even wished death upon parents to lighten the expenses of the trip and at the same time be reimbursed by the sale of the children who brought higher prices because of the longer indenture periods provided for them. In some instances the captains would hold even strangers responsible for the dead on the ship. Diffenderffer described one case in which the captain held 34 surviving passengers responsible for the charges he had listed against the one hundred fifty odd redemptioners he had started out with.¹⁸

Most authorities on the subject agree that the redemptioners, because survivors could be charged, were treated worse than slaves.¹⁹ While the economies of slave trade provided profitable operations with some losses, the redemptioner

¹⁸ Frank R. Diffenderffer, German Immigration into Pennsylvania through the Post of Philadelphia (1700-1775) Part II, The Redemptioners (Lancaster: 1900), pp. 62-63.

¹⁹ Nettels, Roots of American Civilization, p. 390.

trade provided profitable operations with some losses, the redemptioner trade provided more leeway. Far from maintaining the normal 18 inch by seven feet sleeping room, ships were so crowded that some were forced to remain on deck at all times. One contemporary observer estimated that as many as 800 people were put on ships of no more than 300 tons burden.²⁰ As long as the unrestrained pursuit of profit was the motivation and within the prevailing legal limits, there was no reason for the unscrupulous to treat them any better. Most of the deaths at sea were thrown overboard. Mittelberg reported that on one ship only 21 survived of 340 persons who started the trip.²¹ This must have been an exceptional case; however, death tolls of two-thirds of the passengers were not uncommon.²²

The conditions aboard ship, besides being overcrowded, were horrible beyond belief. There were no sanitary accommodations at all. Men, women and children were crowded into stinking filthy holes without regard to age, sex or physical condition. Children under seven seldom survived. Mittelberger's account states that he saw bodies of 32 children thrown

²⁰Report of American Historical Association, Annual Report, 1896 (Washington: Government Printing Office, p. 644.

²¹Gottlieb Mittelberger, Journey to Pennsylvania (Cambridge: Belnap Press, 1960), p. 25.

²²Nettels, Roots of American Civilization, p. 391.

overboard on one of his voyages.²³ Because of the unsanitary conditions in the ships' holes, low food rations, the unsanitary nature of what food was given, contagious diseases ran rampant on the ships that trafficked in human cargo.²⁴ Scurvy, smallpox, typhus, dysentery, and other such diseases regularly claimed from one-third to one-half of the passengers.²⁵ The only fresh air available to those in the lower decks came through the hatches and these had to be closed during storms and bad weather when it was most needed.

There are even cases reported where ships' captains were prosecuted for murder because of their lack of adequately provisioning and overcrowding their ships.²⁶ All of these abuses could have been prevented at little cost had the ships' captains, the English Board of Trade and colonial officials showed any genuine concern at the time. Actually, forced air ventilators were installed on some ships in 1649 at a cost of 30 to 35£ and passengers arriving on such ships were in

²³Mittelberger, Journey to Pennsylvania, p. 15.

²⁴Mittelberger in above noted that bread contained red worms and spider webbs while the water was dirty black. Diffenderffer wrote of cases where rats and mice were sold to the redemptioners for 8 pence to two shippings each. See Diffenderffer, The Redemptioners, pp. 62-63.

²⁵Nettels, Roots of American Civilization, p. 391.

²⁶Herrick, White Servitude, pp. 164-165.

excellent health.²⁷

The inhumane conditions of the ships can be explained almost exclusively in terms of the economics of transportation. The shift from the indentured to the redemptioner form of recruitment meant the safe arrival and well being of the passenger cease to be an economic or profit inspired motive. Surviving passengers or family members already in the colonies would make up for losses due to disease, starvation and washing overboard while at sea.²⁸ Ship owners sometimes chartered the lower decks to agents by the ton so that was no incentive to either manifest much concern for overloading or underprovisioning the ship's galley. Under the most favorable conditions ships could make the trip in eight to ten weeks, but many crossings lasted four months and some even a year. Ships were provisioned seldom for more than twelve and at most fourteen weeks journey. To have done so would not have been economic or profitable. As a result, cannibalism was resorted to on some trips.²⁹ Whatever the

²⁷William Priest, Travels in the United States of America, 1793-1797 (London: 1802), pp. 142-148.

²⁸Much of this was to be expected since many ships were deliberately overloaded to the point that passengers had to be rotated on deck. This was true even during storms at sea. See Herrick, White Servitude, pp. 187-188.

²⁹A. E. Smith, Colonists in Bondage, pp. 213-214.

degraded state from which these people came, they were reduced lower than even the livestock brought across. Whatever social and economic status they had enjoyed before, it was lost in crossing. It is no wonder that they could become so indifferent to human suffering and even death that they would curse their mother, father, brothers and sisters and lay unconcerned or in a stupor beside a corpse until some crewman removed the body with boat hooks.³⁰

If the depravity above could be excused on the grounds of economic pursuit within the sanctity of the law, there were other practices that could not. Crewmen many times took advantage of female passengers.³¹ Stealing and pilfering of the belongings of the dead and the sick were common. Cover-up for such illegal activities was easy. The sea captains were not required to report to any colonial official the number of passengers he began his voyage with, how many died at sea, nor to produce any of the goods of those belonging to them. Even after such laws were passed, there is no proof that the laws were followed.

Arrival in colonial port did not free the redemptioners from the ruthless clutches of the captain nor insure that they

³⁰ Marcus W. Jernegan, Laboring and Dependent Classes in Colonial America, 1607-1783 (New York: Frederick Unger Publishing Company, 1960), p. 51.

³¹ Carl Wittke, We Who Build America (Cleveland: The Press of Western Reserve University, 1964), p. 113.

could receive medical attention nor ample provisions. As the economies of human cargo transportation developed, ships' captains found it to their pecuniary advantage to hold all passengers aboard ship until such time as they had received their claimed charges. Naturally the able bodied healthy younger indentures were bought up first, while the sick, the aged, and children were the last to find purchasers if, indeed, they ever did. Because of the practices of the captains to hold these disabled passengers aboard ship after reaching port, many redemptioners died within sight of the land they had suffered so long to reach, when they could have been saved. Jacob Shoemaker, the caretaker of the "strangers' burying ground," told, under oath, in November 1757, that he had burried over 253 persons within the past three months. These were the bodies of those who had died on only five ships in the Philadelphia Harbor, but they were not the only ones that had so died in port.³² All those who had died at sea were buried there.

Some captains used ingenious ways to increase their profits from those who survived. Many convicts were upped to a respectable status by the use of wigs and clean cloths upon arrival. Others, it is recorded, convinced their

³²Herrick, White Servitude, pp. 188-189.

passengers to claim trades and crafts which they did not possess. The argument was that they could more readily be sold and at a higher price, thus reducing the time they had to serve as indentures before they became free. These people were advertised in the port papers. On the day of display, they were put on display on deck while prospective buyers felt their muscles, walked them up and down the deck, and talked with them to determine their age, morality, docility, and other characteristics before buying them. As one author described it, "The whole scene bore resemblance to a cattle market."³³

Those passengers, single or family groups, that arrived with their health somewhat intact, had still not reached the depths of degradation and social and economic disorientation to which they were destined. It was to the captains' advantage to sell each passenger off at the highest possible price. Parents, in order to redeem themselves from the clutches of the captain, were forced into the unhappy position of selling off their older children to the highest bidder. Some writers have criticized the immigrants for doing this, but such criticism certainly does not take into consideration either the barbarous treatment these people

³³A. E. Smith, Colonists in Bondage, p. 221.

had suffered or the alternatives they had before them.³⁴ Children from ten years up brought higher prices in the market place because of their youth, strength, endurance, tractability, and especially because their time of indenture was longer. In these cases, part of their sale price could be used to reduce the parents' charges. Anyone between 10 and 17 served to age 21, while older people served less. Children between 5 and 10 usually could not be sold for more than their charges, while those 5 and under had to be given away free to anyone who would take them and promise to maintain them to age 21.³⁵ In many instances, even the selling of children was not sufficient to satisfy the accounts of the captains so that each member of a family, including the husband and wife, were sold to different buyers in different parts of the colonies, never to be reunited. Resale of these chattel indentures was common. In those instances when the buyers of other members of the family was known, tracing them became impossible. This was especially true in the case of children who, as they grew up in an alien land with different customs, tended to lose any identity with their real families. Not all families were so separated. Some managed to be sold to

³⁴Herrick, White Servitude, p. 191.

³⁵Herrick, White Servitude, p. 212.

one buyer originally. But, again, this was no guarantee that the family ties could keep them together because of the chattel nature of the indenture and because of the different lengths of the indenture periods of each family member.³⁶ The end result for many of the indentured persons was to sever them almost completely from any social and economic continuity they had ever had. They were truly deracines.

³⁶ Herrick, White Servitude, p. 212.

CHAPTER VIII

THE ECONOMICS OF COLONIAL USAGE

The spirit of migration has gone forth, it is encouraged not only by shipowners and ship masters engaged in the passenger trade but by societies formed here to encourage emigrants, at the head of which are extensive landholders who by this adventitious increase of the population, secure rapid and enormous fortunes.¹

That there were fantastic profits on the supply side of the indentured servant traffic has already been shown. That the coveting of those profits led to the complete disregard for the sanctity of human rights and life, has also been shown. Whatever social or economic distinctions those European deracines had when they embarked was in one manner or another reduced to the lowest denominator in the crossing of the Atlantic. That denominator was something lower than the status of the slave. In the words of one colonial merchant, he states that he

...never saw an Instance of cruelty in ten or twelve years experience in that branch [African slave trade] equal to the cruelty exercised upon these poor Irish... Self-interest prompted the babtised Heathen [ships' captains and crews] to take some care of their wretched Slaves for a Market, but no other care was taken of

¹Quoted from a Phineas Bond report to the British Government from the Annual Reports, American Historical Association, 1897, pp. 566-567.

those poor Protestant Christians from Ireland but to deliver as many as possible alive on Shoar upon the cheapest terms.²

Were the real purpose of this traffic for the peopling of the colonies and to rid Europe of its excess of poor as is generally claimed, then the indentured servants' greatest ordeal would have been over. The two or more years of labor to pay for their passage would have been a downhill coast to their freedom in the land of milk and honey. Unfortunately, it was not.

According to Alfred Marshall, supply is only one side of the market scissors. Demand is the other. Whatever the profits of supply, there would be none were there no demand. In the case of the demand for indentured servants, the profit of those who demanded was the prime mover for the development and expansion of this traffic in human bondage. Neither humanitarian, patriotic, nor any other considerations were of any serious consequences. Chattel property rights in the ownership of one's own kind offered many opportunities to "profit" for the owners of such chattels and for all of them were exploited.

The keystone of the whole indenture system was the

² Quoted from Henry Laurens, Letters 1767-1771, p. 289 by Warren B. Smith, White Servitude in South Carolina (Columbia: University of South Carolina Press, 1961), p. 83.

headrights system. As noted before, it started with the issue of the land patents for the hundreds granted by the Virginia Company in 1616. In the beginning it did fulfill the noble intentions of its inventors to offer the incentive for, and the accomplishment of, increasing the European population of the colonies for the general benefit of all concerned.

Some of the abuses of the headrights system by ships' captains and crew members have already been mentioned. These abuses by themselves would not have been sufficient to sustain the indentured system. There had to be buyers for these headrights claims in the form of colonial land speculators. As was noted in the case before colonial officials were quite active in this field of endeavor. Buying up land claims from speculators placed the budding colonial aristocracy at an advantage over his English or European counterpart. Primogeniture and the law of entails were inventions to preserve estates intact as well as providing some measure of worldly recognition of personal immortality. The fact that Thomas Jefferson opposed both is not per se evidence of any egalitarian principles on his part.³ Where European patriarchs had to send second and younger sons into clergy, government

³Jefferson did not, for example, oppose chattel ownership of either slaves or indentured servants of one's own breed. See Cheesman A. Herrick, White Servitude in Pennsylvania (Philadelphia: John Joseph McVey Publisher, 1926), p. 97.

civil service, or purchase military commissions for them, their American counterparts merely bought up claims and created new plantations for every son who wanted one.

Headrights began inconspicuously as three acre grants to the original planters in 1613 while they were still under indenture to the Virginia Company and still obligated to farm the company's land.⁴ The establishment of the hundreds offered some excess profit motive in the headrights system to the transporters of servants, and it was from here that the commercial aspects of the system developed. Land was not given to the servants who came but to those who paid their transportation. Fifty acres were originally awarded for each person transported with some general understanding that 25 acres would be given to the transported after three to eight years service.⁵ By 1618 the Virginia Company was granting 50 acres to individuals who transported others to the colony. This system spread from Virginia to nearly every other colony in America.⁶

⁴Wesley Frank Craven, The Virginia Company of London, 1606-1624 (Williamsburg: Virginia 350th Anniversary Celebration Corporation (Historical Book No. 5), 1957), p. 33.

⁵Oliver Perry Chitwood, A History of Colonial America (New York: Harper and Row Publishers, 1961), p. 141.

⁶Abbott Emerson Smith, Colonists in Bondage, White Servitude and Convict Labor in America, 1607-1776 (Chapel Hill: University of North Carolina Press, 1947), p. 15.

The customers of the land speculators were not limited to those wishing to create chains of plantations. Since the headrights system was a colonial innovation, the amounts of land given for the importation of servants varied over time in all the colonies. These variations in acreage bonuses ran from 400 or 500 acres to the 25 acres just mentioned. South Carolina started by allowing 150 acres for each male transported, 100 for each female and 50 for each child under 16.⁷ The most typical example of the abuses that developed early from the headrights system and the fluid nature of the grants is Maryland. Every "first adventurer" in 1633 was granted 2,000 acres for each five servants brought in and lesser amounts for women and children. In 1635 the amount was cut in half. Title to land was acquired only by the transportation of servants. This law was changed fifteen years later (1648) so that some portions of the grants could be sold. Freed servants were entitled to claim land as if they transported themselves. Many freed servants not only failed to claim their land, but refused to do so according to a report of the Lieutenant Governor of Maryland. A year later speculators must have. Charles Calvert, who succeeded his father in 1675, made the following report:

⁷W. B. Smith, White Servitude in South Carolina, pp. 6-7.

My father used to allow fifty acres of land for every servant imported...These rights have of late years been mostly bought up from merchants and commanders by the Collectors and Deputy Surveyors of the province, who often disposed of the same to the poor inhabitants at excessive rates.⁸

The profitable nature of the dealings in human bondage on this side of the Atlantic is perhaps even better summed by Wertenbaker both as to the profits of transportation and the windfall of the headrights system. He states, in a study of the land patents granted in Virginia and Maryland from 1634 to 1700:

In both Virginia and Maryland the patents were granted almost exclusively as a reward for bringing immigrants into the colonies, and any person who paid for the transportation either of himself or of another could claim his portion of acres...The patents ran all the way from 50 acres to ten thousand...Over and over again, both in Maryland and in Virginia, in the transfers of small holdings it is stated that the property in question had belonged to a more extensive tract. In some cases we can trace the disintegration step by step.⁹

The activities just discussed presumably were within the word if not within the spirit of the law. The sole purpose of these operations was to gain title to large tracts of land for speculative reasons.

⁸A discussion of this evolutionary process is discussed in Eugene Irving McCormac, White Servitude in Maryland, 1634-1820 (Baltimore: Johns Hopkins Press, March-April 1904), pp. 15-23.

⁹Thomas Jefferson Wertenbaker, The First Americans, 1607-1690 (New York: The MacMillan Company, 1927), pp. 29-30.

As time passed, the headrights system became the Pandora's box for satiating the greed of every colonist that prayed at the altar of Profit. In Bruce's words:

From the very inauguration of the system of headrights, it was abused and evaded by every contrivance which ingenuity could suggest...The perversion of the headright from its original purpose grew more and more palpable with the progress of time, the certificate being granted without the slightest regard for the requirements of the law.¹⁰

The statement is valid. Only a few of the malpractices should show the unlimited ingenuity of the schemes. Some men specialized in marrying a succession of wives and claiming headrights for each.¹¹ One planter successfully secured eight headrights. This number corresponded to the number of times he had crossed the ocean in each direction.¹² The abuses by captains and crews has been mentioned. Chain grants resulted as high as five for the importation of one servant. Claims of headrights of 50 acres each for the transportation of only one servant was granted frequently to the following in this order: the captain who brought him, the merchant who purchased him, the planter who purchased him from the merchant

¹⁰Phillip Alexander Bruce, Economic History of Virginia in the Seventeenth Century, Volume I (New York: MacMillan and Company, 1890), pp. 518-520.

¹¹Bruce, Economic History, Volume I, pp. 518-520.

¹²Bruce, Economic History, Volume I, pp. 518-520.

dealing in human bondage, and if the servant was purchased jointly by two planters, each had a valid claim. Colonial clerks, in time, were issuing headright claims to anyone presenting a list of names copied from old books of records. By the end of the Seventeenth Century some clerks in the colonial land offices were simply selling headrights to anyone willing to pay a bribe of up to five shillings for each without any pretension of compliance of the law.¹³ Some states, such as South Carolina, in tightening the loopholes in the abuse of the headrights system, were forced to pay state financed bounties to the importers of indentured servants in order to attract new immigrants.¹⁴

If it can be admitted that the ships' captains were the keystone in the traffic of human bondage, then the apparatus on the supply side in Europe was duplicated in some awesome symmetry on the demand side on this side of the Atlantic. On the supply side, were the Cooke's houses as part collectors of the indentured recruits and beyond them the crimps and Newlanders that scouraged the countryside duping, kidnapping, inveigling and coercing the reluctant poor. On the demand side

¹³See Bruce, Economic History of Virginia, Volume I pp. 521-525 for a good account of all these abuses.

¹⁴W. B. Smith, White Servitude in South Carolina, p. 19; McCormac, White Servitude in Maryland, pp. 19-20; Herrick, White Servitude, p. 17.

were the port dealers or merchants of human bondage to whom the traffic was a sideline.¹⁵ Beyond them were the dispensers of the human commodities. This latter group fanned out over the colonial countryside driving their human chattels before them in groups of up to 50 people. This class of entrepreneur was not surprisingly referred to as "soul drivers." A few of these colonial merchants, with the greatest business acumen, managed to garner almost all of the profit to be had in the traffic in human bondage. This was accomplished by voyaging to Europe in the spring and serving as their own crimp or Newlander, leasing their human cargo space by the ton for the return passage, then peddling their own wares in the backlands of America in the fall. Usually, though, they purchased their chattels from port merchants in auctions. These soul drivers, it has been recorded, commonly used such phrases as "choice," "well-disposed," and "handsome" in describing their human wares.¹⁶ Even such sordid legitimate business transactions had their brighter moments. It appears that one soul driver who had reduced his wares to one evidently sophisticated Irish servant, on awakening found himself sold to the innkeeper where he had just the night before put himself

¹⁵A. E. Smith, Colonists in Bondage, pp. 41-42.

¹⁶Carl Wittke, We Who Build America (Cleveland: The Press of Western Reserve University, 1964), pp. 9-10, and Herrick, White Servitude, pp. 212-213.

and his chattel up for lodging. The Irish servant had, however, just before departing with his cash, warned the purchaser that his newly acquired servant was quite crafty and would probably claim to be the master, as he had done on other occasions.¹⁷

As profitable as the traffic in human bondage had been to all those various links in supplying the servants, this American institution would not have ever materialized had not the ultimate user--the planter or town craftsman--also reaped more than a normal profit from the employment of these unfortunates. The profit reaped by the ultimate purchaser of the indentured servant can be determined in some measure by the difference between the price paid for the servant and what the planters crudely calculated as the marginal product of added servant. Some mention of indentured cost has been made previously. Since these prices varied over time, from port of debarcation, and the particular variations in demand caused by the availability of that close substitute, slaves, only rough estimates are possible, but these are quite revealing.

From the earliest times the profits were high. A. E. Smith emphatically states that "never during the colonial

¹⁷From Martin, History of Chester, p. 190 in footnote of Herrick, White Servitude, pp. 213-214.

period did it cost more than five or six pounds sterling to transport a servant to the plantations."¹⁸ This figure included not only the transportation costs, the food, but also a profit for the merchant doing the shipping. The cost, on the other hand, to the planter in the earlier part of the Seventeenth Century varied from 6£ up for four-year indentures. Convicts in Maryland in 1775 sold for between 15 and 20£. These would be seven-year indentures.¹⁹ As noted previously, some Scotch sold for as high as 50£ but again these were by contract for either life or 14 years. Of course age, skill, strength were factors to be considered, but the above would indicate a range of 2 to 4£ per year times the length of the indenture period. Bruce made calculations for a series of years and found an average of Ca.3£ per year of unserved time for men and about 1£ per year for women.²⁰ Calculations from various other terms and sale prices tend to confirm these figures. Herrick points out that the palatines were selling for about two pounds for each year of indentured service.²¹

¹⁸ A. E. Smith, Colonists in Bondage, pp. 37-38.

¹⁹ McCormac, White Servitude in Maryland, p. 42.

²⁰ Bruce, Economic History of Virginia, Volume II, pp. 51-52.

²¹ Herrick, White Servitude, pp. 201-202.

Mittelberger indicates that indentures in Pennsylvania who had the opportunity to marry customarily could purchase their unserved time at 5 to 6£ per year remaining.²² How much custom this was and how much of the foregone profit was considered as a wedding gift, was not indicated.

The value of the indentured servant to his master can also be roughly determined. Herrick states that indentured servants brought less than one-half as much per year as a free laborer commanded in the market place.²³ How much less, he does not say. The daily rate of wages in Middlesex County, Virginia, at the close of the Seventeenth Century was 12d. per day. Calculations indicate an annual wage of about 15£ sterling. Maid service during the same period was around 6£ sterling.²⁴ Other authors list, on the other hand, at rates up to 3 shillings per day, indicating an annual wage in the neighborhood of 25 to 35£.²⁵ Henry Laurens wrote in 1763 that he was willing to pay 25£ sterling per annum

²²Gottlieb Mittelberger, Journey to Pennsylvania (Cambridge: Belnap Press, 1960), p. 19.

²³Herrick, White Servitude, p. 37.

²⁴See Bruce, Economic History of Virginia, Volume II, pp. 48-50.

²⁵Herrick, White Servitude, p. 204.

plus board and lodgings for a Cooper.²⁶ All of the above wage figures would indicate a marginal productivity of an indentured servant to the owner at an average of something above 25£ per year. This conclusion is confirmed by appraisals of contemporaries. A member of the Council of Maryland stated that the experience of all plantations using indentured servants was a realized annual profit of 50£ sterling for each bonded servant used. He further stated the profit was commonly more.²⁷

The planters and artificers who used indentured servants were no less ingenious in finding means to enhance the margin of profit they secured from their chattels than any of the others who trafficked in that particular American institution of bondage. These subtleties and innovations used by the masters to maximize their profits ranged from what might be aptly called amoral to the unconsciencable yet in most instances remained within the letter of statutory law or what is known as common law; that is, a body of judicious decisions rendered over time by property owning justices of the peace. This is not to say in the descriptions that

²⁶ W. B. Smith, White Servitude in South Carolina, p. 26.

²⁷ A. E. Smith, Colonists in Bondage, p. 27.

follow that all masters were cruel, inhuman and merciless to their servants, anymore than what has been described to this point indicates all ships' captains, crimps, merchants of human bondage and others engaged in the traffic were all completely insensible to the misery of their charges. It is to affirm, though, that the changing mores of the societies involved, the established work day, modes of transportation and other economic and social institutions, even under the most favorable circumstances, reduced these pawns to a status lower than they had ever known and that on the worse side of the bell-shaped curve of treatment these human beings were treated worse than either cattle or slaves.

The idea of economic self-interest which was replacing the scholastic concept of an orbital social order dictated to every rational man to work his chattels as hard and long as he could and to spend as little in their maintenance as absolutely necessary. This in too many instances was the case. There is something utterly illogical, insane and ungodly in the mental make-up of the human mind that causes human beings to revel in the degradation of their own race and faith yet be moved to compassion for slaves of other races or ethnic groups or for brute animals. Invariably horses were amply cared for to insure the maximum use of their physical strength and just as invariably turned out

to pasture when they became too old to work. The same was true for slaves. One authoritative source even states that such treatment was required for slaves after their usefulness was gone. Yet repeatedly the literature on the subject states that the indenture fared worse.²⁸ This is easily enough explained in terms of self interest. The master's interest in the indenture was for a stated number of years while his interest in his slaves was for life. It was, therefore, in the master's interest to prolong the slave's life as long as possible. The indentured servants in many instances were fed less, worked harder and in some cases were crippled and broken in health for life when they finished their indenture. This was especially true in the southern colonies. One author even states that the lives of the indentures were protected in theory only.²⁹

There was much brutal treatment administered to the indentured servants. It would be impossible to prove that such brutality was deliberately inflicted to cause the servants

²⁸ Bruce, Economic History of Virginia, Volume II, p. 60; Herrick, White Servitude, p. 275; McCormac, White Servitude in Maryland, p. 75; Nettels, The Roots of American Civilization, pp. 321-322.

²⁹"Their lives were in theory protected by law, but when an indentured servant came to his death from prolonged ill usage, or from excessive punishment, or even from sudden violence it was not easy to get a verdict against the master." John Fiske, Old Virginia and Her Neighbors, Volume II (Boston: Houghton, Mifflin and Company, 1897), p. 178.

to run away, although this was the most common complaint of those who did and were caught. To any extent that this was the case, it was to the economic interest of the master if the servant was caught--and they usually were--because the penalties were, though changing over time, quite severe in adding additional time to the servants indenture. For example, an act was passed in Maryland in 1638 that provided the death penalty for running away. Just as with most English laws of this period, the ultimate penalty was not intended to be invoked. The law provided for the benefit of clergy. Thus the sentences were commuted to additional servitude not to exceed seven years.³⁰ The same penalty was imposed upon anyone aiding such a fugitive. There may have been abuses of this law because nine years later the penalty was reduced to serving only double the time of absence with enough additional time to cover recovery and court costs. Later, laws changed made the ratio ten days of additional time for each day of absence.³¹ Additional modification made the laws fairly

³⁰McCormac, White Servitude in Maryland, pp. 51-52.

³¹A. E. Smith had this to say: "Obviously the penalties of extra service were imposed principally for the enrichment of master; there can be no possible reason for the Maryland law with a punishment five times as severe as that of Virginia except that the planters of that colony more openly pursued their own advantage." A. E. Smith, Colonists in Bondage, p. 270. See also McCormac, White Servitude in Maryland, p. 55.

enforcible by requiring passes for all travelers including free men and bonuses to informers in addition to agreement between colonial administrations to return each other's runaways.³² After a study of court records and newspaper ads for runaways, one author was more surprised that there were so few instead of that there were so many.³³

Avoidance of paying freed dues was another means for the economic colonist to minimize his costs. Freedom dues varied from colony to colony and over time, too. Laws were passed in all of the colonies requiring the payment of certain clothes, provisions, tools or cash. There were two methods used to avoid these payments. The most common was to cut the servant's rations and begin working him furiously some three months or so before his time was up so that the poor creature would gladly sign a forfeiture of his freedom

³²It appears from ads that in some instances masters did not really want the return of some troublesome servants. In these cases the ads usually offered a reward of "six-pence and no charges." One master with poetic ambitions had inserted in a paper a long ad of which the following is a part.

...Whoever doth him safely secure
Of a reward they may be sure,
Six-pence at least I do propose
To give for him and all his clothes;
or clear me of him forever and mind,
and his indenture away I will sign...

From the Pennsylvania Gazette, March 6, 1776. Quoted in Herrick, White Servitude, p. 229.

³³McCormac, White Servitude in Maryland, p. 48.

dues just to get an early out.³⁴ The second method was to encourage indentures to enlist in the British army shortly prior to the end of his indenture period. This had been a problem through most of the colonial period, especially during the sporadic French-English skirmishes. One governor who actually had advised masters to encourage such enlistments so that they could legally avoid paying freedom dues then complained that the same masters who took his advice turned around and made claims against the crown for damages.³⁵

There were many other methods used within and without the letter of the law to enrich the master at the expense of the indentured freedom. Among those turned up in colonial court records are the practices of destroying old indenture forms and claiming longer verbal indentures, altering old indentures, forging new indentures of longer terms and a host of other such schemes. Perhaps the most vicious profit augmenting schemes of all was the entrepreneurial innovations dealing with the breeding of and perpetuating existing indentured stock. Again there were two levels of activities. Bastardy was a problem among female servants. Certainly this was no invention of the indentured servants as the problem is

³⁴W. B. Smith, White Servitude in South Carolina, p. 83.

³⁵Herrick, White Servitude, p. 231.

as old as civilization itself. The intensity of the problem, though, was abetted by the customs of the land to the extent that servants were forbidden to marry without the consent of the master. For whatever economic advantage there was to the master, it was in no way conducive to the proliferation of the rate under the auspices of what is referred to as legitimacy. Certainly there was economic loss sustained by the master whose female servant bore a child during her indenture. On the other hand, the way both written and common law operated, there were definitely possibilities of economic gain. In all colonies the sin was atoned by whipping the female, and male if known, with 21 lashes. If the master paid a 30 shilling fine in lieu of the whipping, he was awarded several months additional time. Childbirth normally entailed a loss of one to two months, yet in many states the additional time awarded the master was a statutory one year. In other states the court was at liberty to set any time it saw fit. There were many cases where two to three years were awarded.³⁶

The care of bastard children, according to English common law, fell upon the county. If the father was known and was also a servant who in most instances had no assets, the county bore the expenses until the servant completed his

³⁶ There is a good discription of this aspect of indentured servitude in A. E. Smith, Colonists in Bondage, pp. 270-274.

indenture. At that time the sheriff would take him into custody and sell him for reimbursement. Freed men who sired a bastard were given the ceremonial lashes, paid for the child's support and sometimes paid a fine to the female's master. As could be expected, masters also fathered children by their maids. The maid servant had an uphill battle to prove such accusations but were successful in many instances. Sometimes the servant was taken away and sold to another master. Sometimes nothing was done. In most instances there were no penalties against the masters for such seductions.³⁷ There are cases where masters were energetic enough in their pursuit of self interest that they claimed the extra years service of the maid for their own sexual activity.³⁸ A statute passed in Virginia in 1672 went so far as to state, "Late experiments show that some dissolute masters have gotten their maides with child, and yet claime the benefitt of their service."³⁹ In some instances the masters were awarded the services of the bastard children

³⁷ John Spencer Bassett, Slavery and Servitude in the Colony of North Carolina (Baltimore: Johns Hopkins Press, 1896), pp. 83-84.

³⁸ Foster Rhea Dulles, Labor in America, A History (New York: Thomas Y. Crowell Company, 1955), p. 8. A good summary of the laws and changes in them of the several colonies is found in Richard B. Morris, Government and Labor in Early America (New York: Columbia University Press, 1946), pp. 349-354.

³⁹ Morris, Government and Labor, p. 353.

to age 21, which would prove to be a considerable economic bonus.

The social and economic problem of bastardy simply cannot be written off as being due to the low origin of the servants. The economic incentives to the masters to encourage illicit relationships among their servants and to engage in it themselves, was too great to be dismissed as shown above. Further, it is illogical to assume maid servants would seduce masters to their own detriment. There is even one case on record in which a maid preferred the ritualistic lashings rather than marry the master-father of her child, claiming that "he was a lustful, very lustful man."⁴⁰ On the other hand, there is a case in which a master's daughter freely admitted that the father of her illegitimate child was her father's servant, which tends to indicate that no one class had any superiority in the matter of sexual morality.⁴¹

Nowhere is the subjugation of morality to personal economic gain more easily discerned than in the case of mulatto bastardy. A typical introduction to this particular problem is:

⁴⁰Morris, Government and Labor, p. 353.

⁴¹A.E. Smith, Colonists in Bondage, p. 273.

Among the servants imported into the colony, there were often women of a very low type, who during their term of servitude intermarried with negro slaves.⁴²

Or:

A great increase of illegitimate mulatto children in the 18th century is one evidence of low moral standards.⁴³

While it is true the indentured women brought into the colonies were not of the "better" classes, with whatever implications of higher moral aptitude that is supposed to imply, such approaches as above simply ignore the problem of protecting whatever chastity these women may have had in the face of the very compromising circumstances these maids endured in Cooke's houses, ship holes and as chattels to real, lonely, this-world oriented planters. All the colonies passed quite severe laws dealing with illicit relationships between the two races and of interracial marriages. The penalties provided for such mesalliances show the economic incentives they offered to the more profit minded planters. Seven additional years were added to the time of the female servant in South Carolina, and the mulatto became the master's slave.⁴⁴

⁴²McCormac, White Servitude in Maryland, p. 60.

⁴³Marcus W. Jernegan, Laboring and Dependent Classes in Colonial America, 1607-1783 (New York: Frederick Unger Publishing Company, 1960), p. 55.

⁴⁴W. B. Smith, White Servitude in South Carolina, p. 77.

A Maryland act in 1664 awarded the mulatto to the master for life and further stipulated that any servant or free white woman marrying a slave had to serve her husband's master during his lifetime.⁴⁵ A Pennsylvania law in 1722 provided for mulatto children to be indentured to age 31 and inter-racial fornication or adultery resulted in indentures for the parties of up to seven years.⁴⁶ White women who gave birth to mulattos were indentured for five years in Virginia while the mulatto was indentured to age 30.⁴⁷ All of the states from New York to Georgia tried to cope with this problem.

It is difficult to assess these laws. They were paradoxical in that they encouraged the very problems they were designed to cure. In every instance the appeal of what was to be gained by the bonded's masters tempted many to encourage such liaisons. White indentured women were housed near the slaves' quarters, etc. Some masters even encouraged such marriages.⁴⁸ McCormac, in discussing the Maryland law, sums

⁴⁵Jernegan, Laboring and Dependent Classes, p. 55; McCormac, White Servitude in Maryland, p. 68.

⁴⁶Herrick, White Servitude, p. 92.

⁴⁷W. W. Hening, editor, Statutes of Virginia, Volume III (Richmond), p. 87.

⁴⁸Nettels, Roots of American Civilization, pp. 322-323.

up rather well the general effect of all these laws when he wrote:

Instead of preventing such marriages this law enabled avaricious and unprincipled masters to convert many of their servants into slaves. While this act continued in force, it did more to lower the standard of servitude than any other law passed during the whole period.⁴⁹

As indicated above, this law was repealed. The law which repealed it is of some interest itself. It provided that any master who "shall by any Instigation procuremt knowledge permission or contrivance whatsoever" cause such cohabitations to forfeit the balance of the woman's indenture period instantly, set the child free and imposed an additional penalty of 10,000 lbs. of tobacco.⁵⁰ All of the other colonial laws of this nature were also repealed and for the same reason.

⁴⁹McCormac, White Servitude in Maryland, p. 68.

⁵⁰Quoted in Herrick, White Servitude, p. 69.

CHAPTER IX

THE CUSTOMS OF THE COUNTRY

Thos. Garnett, servant to Capt. Wil. Powell, was condemned to stand four days with his ears nailed to a pillory, for extreme neglect of his master's business and impudent abuse. Capt. Henry Spelman, who confessed to having spoken to the indians very irreverently and maliciously against the government was degraded of his title at the head of his troop and condemned to seven years servitude to the colony...

July 30, 1619, James City
in Virginia¹

The "customs of the country," an expression so often found in indentured forms, court rulings and legislative acts, date almost from the beginning of the system. These "customs," as is implied by the word itself, are a conglomeration of legislative laws, common law derived from common sense--and some not too common sense--decisions of the non-legally trained justices of the peace. Also the treatment of the indentured servants by their masters over time grew into the traditional concepts of master-servant relation. The above quote, taken from the minutes of the first free assembly in America, points out two important facts that

¹Calender of State Papers. Great Britain. Colonial Series, 1574-1660 (London: Longman, Green, Longman and Roberts, 1860), p. 22.

are much ignored. The "customs of the country" began being spelled out in legal form from the very beginning of any semblance of self rule in America, and these customs started out being exceedingly severe.² Had the institution of indentured servitude been strong enough to resist change and reform, we undoubtedly would still have it with us today. The second important fact and one that is almost completely ignored in all the literature dealing with bondage, is that native free colonists in America became bonded from the very beginning and that they continued to be bonded throughout the life of the institution.

The indenturing of free born Americans, the bonding of free immigrants who came to the colonies and the bonding of native Indians who got caught up in the system, constitute the last major source of indentured servants. These were alluded to earlier but a discussion of who they were and how

² Aptheker's general comment on the treatment of the indentures over the entire period was as follows: "In an age noted for savagery and in a country where sadism was institutionalized as regards the relationship with the Indian and the Negro peoples it is to be expected that the treatment accorded to indentured servants by omnipotent masters lusting for wealth, was abominable. As the researches of Abbot E. Smith, Richard B. Morris and others have shown, these unfree workers were frequently beaten, were branded, chained to their tasks, had salt rubbed in their wounds... Herbert Aptheker, A History of the American People, The Colonial Era (New York: International Publishers, 1966), pp. 46-47.

their indenture came about was best postponed to this point. The causes of the bondage of these native free men are so involved with the customs of the country that it would have been premature to discuss them prior to now.

In all of the original colonies those other than the administrators, proprietors, or soldiers were all indentured servants, either personal or company. Since there were no jails in the beginning, punishment of either civil or criminal offenses took the form of corporeal punishment, as Mr. Thos. Garnett's sentence demonstrated. The punishments meted out by Capt. John Smith are notorious in this respect. He even was heartless enough to have two of the company indentures, called "Original Planters," shot for running away. The case of a free man was different. He could be punished by being indentured, as the case of Capt. Henry Spelman illustrates. This became an important source of indentured servants.

There were many causes for the indenturing of local inhabitants. Perhaps the most important of the causes was indenturing for indebtedness. It is not just a strange coincidence that the general abolition of debtors prison by most of the states during the Jacksonian era coincided with the end of the indentured system in the 1820's and and early 1830's.³

³As noted before, the position taken here is that all of the original colonists were indentured servants except the

This "custom of the country" of indenturing local inhabitants was a curious blend of several factors. Certainly the English institution of debtors prison was a contributing factor. Many of those indentures sent to all the colonies came out of debtors prison. This is especially true of Georgia. Nearly all of the original colonists in that state came out of such prisons. Another factor was the mercantilist doctrine that all must work. Workhouses were the practical application of that doctrine in England and it was effective there. These institutions were tried in most of the colonies but proved quite ineffective. Escape was easier, land was free, and capital investment was so low that almost anyone could easily become a planter himself. Indenturing of those indebted became the American adaptation. Another factor was that puritanical obsession that an idle mind (or hands) is the devil's workshop. It is a constant source of amazement that those who advocated this policy in both England and

administration. A person who arises by bugle, works in gangs, takes all his provisions from a communal store and cannot return home for seven years simply is not free. See Curtis P. Nettels, The Roots of American Civilization (New York: Appleton-Century-Crafts, Inc., 1963), p. 222, and A. E. Smith, Colonists in Bondage, White Servitude and Convict Labor in America, 1607-1776 (Chapel Hill: University of North Carolina Press, 1947), p. 8.

America were the landed aristocrats, the idle rich. The last influence was taken from the Mosaic code and tended to lend moral as well as legal justification to the institution. It was a part of Hebrew law that persons who stole and debtors who could not meet their obligations were either sold or sold themselves into indentured servitude.⁴

Over time in the colonies various criminal, as well as civil offenses, were added to the causes for which local courts were permitted to mete out terms of bondage. One person was indentured for a period of seven years by court order for stealing deer skins to the value of 40 shillings.⁵ Unfortunately some were indentured for contracting "Morbus Gallecus."⁶ The list ran the gamut of criminal offenses from arson to forgery. Of the civil offenses, two women were sold by the overseer of the poor in Philadelphia on

⁴ Leviticus 25:35, 39-41, and Exodus 22:3. It is interesting to note that the law concerning freedom due by law in Massachusetts was nothing more than a rephrasing of Deuteronomy 15:13 which states: "And when you set him (an indentured servant) free from your service you must not send him away empty handed."

⁵ John Spencer Bassett, Slavery and Servitude in the Colony of North Carolina (Baltimore: Johns Hopkins Press, 1896), p. 85-86.

⁶ Richard B. Morris, Government and Labor in Early America (New York: Columbia University Press, 1946), p. 347.

no greater offense other than that they were public charges.⁷ One German girl was sold by an overseer "for no other fault but impertinence to her mistress."⁸ Many interesting cases of such indenturing could be quoted but the extremes to which innocent people could be caught up in the system is seen in the actions of the colonial sheriffs. Because of the runaway problem and the pass-legislation mentioned earlier, colonial law enforcement officials used the vagrancy laws to round up wandering persons and those who could not give good account of themselves. The assumption was that they were escaped servants. When these people were not claimed by any masters, after ads were run in the papers and a reasonable lapse of time, they were released provided they could pay for their jail lodging charges. If not, they were sold into servitude to reimburse the sheriffs.⁹

Children were a major source of native bred indentures. It was only natural that most orphans thrown upon the overseers of the poor would be sold into indenture. In other instances both parents and guardians resorted to the practice. This was especially prevalent among those debtors who had children.

⁷Cheesman A. Herrick, White Servitude in Pennsylvania (Philadelphia: John Joseph McVey Publisher, 1926), p. 106.

⁸Herrick, White Servitude, p. 11, pp. 106-107.

⁹Herrick, White Servitude, p. 107.

They sold their children to avoid being sold themselves.¹⁰ The usual period of indenture of children was to the age of 21, regardless of his or her age at the time the indenture was signed. What is discussed here are genuine indentures of children and not apprenticeships. It was noted earlier that in the beginning there was no legal difference between the two but in time a legal distinction was made.¹¹

Another group of American bred indentures were the political prisoners growing out of the French-English struggle for control of the North American continent. The native French of Nova Scotia, called Acadians, were distributed among the various colonies by a council of war order. Many of this group posed a serious problem to the colonial administrators. Many signed indentures of short terms in order to gain their freedom, but others refused to do so, insisting that they were forcibly removed from their homes and possessions and therefore should be treated as prisoners of war.¹²

Kidnapping, as a source of indentured servants, was not limited to transatlantic traffic. There are many cases

¹⁰Gottlieb Mittelberger, Journey to Pennsylvania (Cambridge: Belnap Press, 1960), p. 69.

¹¹Morris, Government and Labor, pp. 363-364.

¹²Warren B. Smith, White Servitude in South Carolina (Columbia: University of South Carolina Press, 1961), pp. 36-37.

recorded in colonial court records. Coastwise shipping offered the greatest opportunity for this type of business venture. Land transportation between colonial cities was almost nonexistent and communication facilities quite limited. Morris lists several of these cases. One boy, 14 years old, was kidnapped in Annapolis and sold into indenture no further away than Philadelphia.¹³

Indians played no small role in the home supply of indentured servants. It is true that successful escape was easier for them and that they did not survive well under indenture because of their susceptibility to the white man's diseases, their low stamina for agriculture, and their temperamental addiction to freedom. Nevertheless, many certainly did get caught up in the system. Indian children furnished the greater part of this supply. The early planters realized that with the young being tractible, had a better probability of being trained to master European technological methods and practices. The contracts of indenture of Indian children were zealously guarded and enforced by statute in early Virginia primarily to avoid any possibility of controversies that might lead to an Indian uprising.¹⁴ On the other hand, considerable

¹³Morris, Government and Labor, p. 344.

¹⁴Phillip Alexander Bruce, Economic History of Virginia in the Seventeenth Century, Volume II (New York: MacMillan and Company, 1896), pp. 54-55.

numbers of adults were indentured in spite of their weaknesses enumerated above. The first comprehensive census of South Carolina taken on September 17, 1708, reported the following breakdown of total population:

Free white population	3,960
White indentured servants	120
Negro Slave Total	4,100
Indian "slaves"	
men	500
women	600
children	300
Total Indian Servants	<u>1,400</u>
TOTAL POPULATION	9,580 ¹⁵

The indentured system was about one hundred years old at the time of this census, yet the indentured Indians comprised almost 17 percent of the total population. Bonded Indians were an important factor in the institution of indentured servitude in all of the colonies including New England. Captives taken in some of the Indian wars were sold into servitude in New England.¹⁶

The last group of native bonded servants were those that can be classified as voluntary indentures. It was a common practice for colonists in financial straits to sell themselves into servitude for various reasons. Some did so

¹⁵W. B. Smith, White Servitude in South Carolina, p. 128.

¹⁶Thomas Jefferson Wertenbaker, The First Americans, 1607-1690 (New York: The MacMillan Company, 1927), p. 232.

to settle old debts without being forced to by the courts. One such case came to light only because the person who indentured himself complained in court of ill treatment later.¹⁷ In some instances no reasons were given for voluntary indenturing while in others savings seems to have been the motives. There are some indentures in existence where the contract calls for the payment of a specific sum of money as the consideration for signing the agreement.¹⁸ There was also a type of contractual indentured service. Some commercial contracts of indebtedness contained a clause to the effect that in the event of a default the borrower would automatically become indentured for a stated period of time.¹⁹

There was still another class of self indentured servants that were not locally bred. This group was composed of immigrants sufficiently independent to pay their own passage to the colonies yet who still sold themselves into indenture either to gain experience in American farming techniques or colonial industrial techniques before either purchasing land or setting themselves up in business.²⁰ This practice permitted

¹⁷Herrick, White Servitude, p.105.

¹⁸Herrick, White Servitude, p. 106.

¹⁹Herrick, White Servitude, p. 106.

²⁰Carl Wittke, We Who Build America (Cleveland: The Press of Western Reserve University, 1964), pp. 9-10.

the immigrant to acclimatize himself to the weather as well as the new social conditions. Thomas Jefferson even wrote that this was a common practice among the freed immigrants.²¹ In this manner they learned the customs and American values, thus assuring them a better chance of a successful operation once they did engage in business for themselves.

Many of the customs of the country have already been discussed to some extent in conjunction with other topics. Among these were the ban against marrying without the consent of the master, the extension of the period of indenture for running away, freedom dues and the length of the initial indenture period. In the earlier days of the system the indentured contract spelled out in writing most of these conditions because at that time most of the contracts were made in England under formal conditions. Once profit became the motivating force, kidnapping became widespread along with all the other abuses of recruiting. Colonial assemblies and courts were forced to take over the responsibility of setting forth within limits what the customs were in respect to time to serve for these. This was in part necessary when disputes arose between captains and passengers when neither had papers

²¹ Thomas Jefferson, Writing of, (1760-1826), Volume II Collected and edited by Paul Leicester Ford. (New York: Putnam's, 1892-1899), p. 159.

to prove his claims. In the case of children it became the responsibility of the court to determine the age of the servant inasmuch as that was the determining factor in how long his indentured period would be. Both court and legislative action became more imperative as the sources shifted from the British Isles to the Continent where a language barrier was a source of misunderstanding. As mentioned previously, in many cases these redemptioners had only a verbal agreement with the captain.

In the first 180 years of the indentured system, whatever justice there was for the servant was scant. This should be expected. Constables, justices of the peace and all other administrators were men of property, the owners of the servants. Regardless of what the background of the indentured contract he became a chattel for the length of his term. He had no control over his working conditions, the length of the workday, his meals or sleeping quarters. He could be sold without his consent and could be sold repeatedly.²² He was looked down upon as of the baser sort of humanity while those against whom he complained were the peers and in most instances the friends of those who were to judge him.²³ It is more

²²Herrick, White Servitude, pp. 214-215.

²³A. E. Smith, Colonists in Bondage, pp. 245-246; Bassett, Slavery and Servitude, pp. 83-84.

surprising that as much justice as did prevailed.

Corporal punishment of the indentured was one of the prerogatives of the master sanctioned by the customs of the country. Mittelberger noted that many of the more educated Germans, unaccustomed to manual work or tasks to which they were assigned, were beaten unmercifully until they learned their duties well.²⁴ Unlike the slaves, chattel whites could complain in court of abusive treatment. This can be considered theoretical justice, though, as masters' words were more accepted than the complaining servant. One female servant who evidently felt she was entitled to some free time complained. Her mistress unabashedly told the court she, under no circumstances, would permit her servants to "go to play or be idle." For the trouble of making complaint, the poor maid was ordered stripped and given 30 lashes.²⁵ In some instances masters were punished for brutality, but for the most part the judges were lenient in those few cases where convictions were made. Probably typical of such sentences was that meted out to a mistress who was charged with beating her servant severely and sadistically. She then rubbed salt in the wounds, and the maid died. She was fined

²⁴Mittelberger, Journey to Pennsylvania, p. 28.

²⁵Foster Rhea Dulles, Labor in America, A History (New York: Thomas Y. Crowell Company, 1955), p. 9.

300 lbs. of tobacco for "unreasonable and unchristianlike" conduct.²⁶ Sometimes in cases of unusual cruelty the servant was set free and in other cases the servant was sold to another master by the court and the mistreating master reimbursed for his loss. Whatever the seriousness of the complaint, the punishment was at the discretion of the judge.

One of the legal customs of the country that seems rather cruel to this day and age, was putting heavy iron collars on indentures sometimes with the name of the master engraved upon it. This was especially true of those servants who were prone to running away.²⁷ There were other customs of the country restricting the freedom of the servants. Servants were prohibited from engaging in trade.²⁸ This was probably intended to reduce the temptation to steal and sell property of the master. They were forbidden from entering taverns, purchasing liquor or even leaving the premises of the master without his consent.²⁹ The master could lease out his indentured servant and claim any payments earned by him. Even worse, if the servant worked in his spare time,

²⁶Dulles, Labor in America, p. 9.

²⁷Herrick, White Servitude, p. 231.

²⁸Herrick, White Servitude, p. 29.

²⁹Nettels, Roots of American Civilization, p. 321.

his earnings could be taken away from him by the master.³⁰

The life of the indentured servant would have been more tolerable had not the masters abused the servants in spite of the customs and laws of the land. Although moderate by colonial standards, these customs were ignored in many instances, and relief in local courts, as noted above, was erratic at the very best. Brutality, of course, was the greatest complaint. There is an ample number of cases where charges of neglect of providing food and clothing to make this an important factor in the further degradation of the bonded servant. Perhaps the most irresponsible of all the loss minimization practices invented by the masters was that of freeing sick servants early to avoid the costs involved in maintaining and treating them.³¹ Courts were not much help in stopping this treatment. In fact, one court ruled that if the charged master did not provide for the treatment of a servant, whose legs were in danger of rotting, within six days the court would free the servant!³² One servant was freed by a court for increasing abuse and ill treatment that eventually resulted in his sale to an Indian.³³ Another

³⁰A. E. Smith, Colonists in Bondage, p. 234.

³¹Bassett, Slavery and Servitude, p. 82.

³²A. E. Smith, Colonists in Bondage, p. 247.

³³A. E. Smith, Colonists in Bondage, p. 247.

serious abuse, as mentioned earlier, was the stepped-up work shortly before the end of the indenture period to force the servant to sign a release foregoing payment of the freedom dues.

Protection of the rights and lives of the indentured servant fared much better in the legislative assemblies than in common law court decisions. This undoubtedly was caused by the more distant removal of legislators from the biasing influence of their peers and constituents and to the fact that many former indentured servants became legislators and assembly men.³⁴ Pressure upon colonial governments for reform came in the form of groups, such as the Pennsylvania Abolition Society and the German Society of Pennsylvania.³⁵ There were similar societies in other states. The first law on record dealing with limiting the freedom of agents and masters in making indenture contracts was passed by the Maryland Assembly in 1638. It was not restrictive but certainly a start. Males over 18 were limited to terms of four years, while those under 18 served to age 24. Females over 12 years of age were limited to four years of service while

³⁴Seven freed men were in the Virginia Assembly as early as 1629. Eugene Irving McCormac, White Servitude in Maryland, 1634-1820 (Baltimore: Johns Hopkins Press, March-April 1904), p. 45.

³⁵Herrick, White Servitude, p. 254.

those less than 14 could be indentured for seven years.³⁶

The first comprehensive code for the treatment was also passed in Maryland in 1676 entitled "An Act relation to Servants and Slaves." Other states were slow to follow, but all did in time except the New England states. Probably due to the Puritanical sense of moral justice, strict, certainly, but fair in their own minds, the treatment of the indentured servants pretty well paralleled that of the states with codes.³⁷ New York was the second state to pass a code in 1684. Pennsylvania followed with one in 1700. By 1717 New Jersey, North and South Carolina and Virginia all had codes. The last state to do so was Georgia, who got around to passing one in 1796.³⁸ It may be said in the defense of Georgia that indentured servitude as a widespread institution did not start as early there as elsewhere. It was, it is to be remembered, originally set up as a colony of independent, unencumbered, mobile, small land holders so as to be an effective fighter group acting as a buffer between Spanish Florida and England's more productive colonies.

³⁶ McCormac, White Servitude in Maryland, p. 44.

³⁷ A. E. Smith, Colonists in Bondage, pp. 228-229.

³⁸ A. E. Smith, Colonists in Bondage, pp. 228-229.

The colonial laws and codes became more and more restrictive of the liberties taken with then indentured servants mainly due to the increasing representation of that group by freed men being elected to legislative bodies. All of these acts to some extent chipped away at the profits of those engaged in trafficking or using bonded labor. To be sure, the earlier laws were largely ignored, provided little if any penalties, or were unenforcible. They became stronger over time. The Pennsylvania code of 1700 provided that no unhealthy or sickly ship should approach a city nearer than a mile. Later in 1742, a "pesthouse" was built by the colony and the ships' captains and owners were forced to pay nursing charges. Boston was the most effective in quarantine regulation, though.³⁹ These acts cut into the profits of the ships' captains but were weak to the extent that the captains were permitted to reimburse themselves from the passengers personal effects and presumably by additional charges against the redemptioners.⁴⁰ Seven years later, a more effective law was passed requiring a berth space of 1-1/2 feet wide and 6 feet long for each passenger. Since nothing was said in that particular law about heights, the law was modified

³⁹ A. E. Smith, Colonists in Bondage, p. 219.

⁴⁰ Wittke, We Who Build America, pp. 107-108.

in 1766 requiring a height of 3 feet 9 inches. In addition, a surgeon with ample medicine was required to be on board and that various sanitary measures be taken during the Atlantic crossing.⁴¹ To the extent these laws were enforced, excess profits steadily fell in the traffic. Other states as well were engaged in trying to control these abuses.

Other laws were enacted which cut into the exploitation of the indentures by planters and artificers. Stricter and more enforcible port registration laws were passed.⁴² In 1810 a law was passed by Pennsylvania requiring masters to provide six weeks of schooling for each year of a minor's indenture period.⁴³ Various other laws were passed, each restricting in one area or another some of the perogatives of masters with their servants. Laws were passed reducing the penalty time awarded for runaway servants. Other laws set heavier and heavier penalties for negligence on the part of masters. Laws were passed forcing masters to provide doctors care for their servants. Virginia even passed a law permitting masters the right to haul into court medical doctors whom they thought might be charging exorbitant fees

⁴¹Wittke, We Who Build America, p. 8.

⁴²Herrick, White Servitude, p. 255.

⁴³Herrick, White Servitude, p. 363.

for the treatment of servants.⁴⁴ Other laws prohibited the sale of indentured servants who had less than a year to serve.⁴⁵ In nearly all states before the end of the system, masters were prohibited from discharging their sick servants early to avoid the care of them.⁴⁶ Both Virginia and Maryland placed head taxes on all immigrants around the turn of the Eighteenth Century.⁴⁷ The taxes were, in part, to restrict immigration.

In 1817 a law was passed that signed the death knell of redemptioner trade to Maryland. The act provided that minor males to be set free at 21 and girls at 18 regardless of any agreement made either in the colonies or in Europe. The maximum indenture for adults was limited to four years in spite of any other agreements to the contrary. Further, no person could be held for the passage fare of any other person dead or alive.⁴⁸

An act passed in Pennsylvania in 1818 had the same

⁴⁴ Bruce, Economic History, Volume II, pp. 13-14.

⁴⁵ A. E. Smith, Colonists in Bondage, p. 233.

⁴⁶ A. E. Smith, Colonists in Bondage, p. 236.

⁴⁷ A. E. Smith, Colonists in Bondage, p. 220.

⁴⁸ McCormac, White Servitude in Maryland, p. 47.

effect for redemptioner traffic in that state. This act completely eliminated the abuses of sea captains. Bills of lading had to be furnished each passenger. Each passenger was to be put on shore, along with all his belongings, without any additional charge. Penalties for violation of the above was \$150.00. The captains were to support the immigrants they brought over with proper food, drink, and care free for 30 days after they landed. The sick was to be cared for under penalty of \$500.00. No indenture separating a husband and wife was valid without their own consent. Further, a full accounting had to be made of the belongings of any passenger who died at sea.⁴⁹ Even the federal government was waking up to the public pressure against abuses. In March 1819 a law was passed to control overcrowding aboard ships. A fine of \$150.00 was to be collected for each passenger above the amount of two passengers per each five tons of the ship. The ship was forfeited to the federal government if more than 20 above the legal limit were transported.

The effectiveness of the above laws can be determined by looking at the contrasting figures. Niles' register showed that 5,817 passed Mayence in the first 15 days of May 1817 going to the colonies. It was estimated that during the

⁴⁹Herrick, White Servitude, p. 263.

summer of 1817 some 18,000 Germans had left Baden, Germany, alone. On the other hand, for the 14 months period beginning on October 1, 1819, a total of only 329 Swiss and German immigrants landed at the Baltimore and Philadelphia ports.⁵⁰

The drastic reduction in the number of German and Swiss immigrants was not entirely due to federal and state laws on this side of the Atlantic. Switzerland about this time refused to grant passports to anyone migrating to the United States who could not produce a bill of exchange of 200 or more florins (ca35). Holland at the same time tightened its regulations controlling the transient emigrant traffic. Various German principalities, too, such as the Palatinate state, initiated more restrictive measures against emigrants leaving.⁵¹

There were other factors that caused the indenture traffic to slow down and eventually die. Little wars as well as big wars have eternally had a dislodging effect upon the status quo of both victor and vanquished in all times and places. So did the Revolutionary War. Traffic in indentured traffic came to an almost complete halt during the hostilities. In fact, the system itself almost ceased

⁵⁰McCormac, White Servitude in Maryland, pp. 109-110.

⁵¹Herrick, White Servitude, p. 260.

because all except children that had been brought in before the war had served out their terms.⁵² Another cause was a Parliamentary Act, 26 George II c.67, which forbid the transportation of indentures in British ships after the war.⁵³ This was a measure designed more to punish the colonies for their successful revolt than it was for humanitarian reasons. Actions were taken to reduce the seduction of not only English but also Scotch and Irish persons. Phineas Bond, British consul in Philadelphia, felt that the English Constitution would not permit the banning of English emigration but that the exodus could be stopped by other methods designed to reduce the profit incentive of the traffickers, such as requirements for increased comfort of those leaving.⁵⁴ One of the measures taken was to require twice the ship tonnage per person for English immigrants coming to America as was required for their passage elsewhere. Even American ships were detained in Irish ports in 1793 and forbidden to take not only indentured servants out but also any tradesmen or seamen.⁵⁵

⁵²Herrick, White Servitude, p. 254.

⁵³Herrick, White Servitude, p. 254.

⁵⁴Herrick, White Servitude, p. 255.

⁵⁵Herrick, White Servitude, p. 259.

The Revolutionary War victory did much to stir public sentiment against the institution of white servitude. Many of the American soldiers who fought were enlisted indentures, and most of the others were ex-indentures or sons and grandsons of indentures. Many of those were set free upon their discharge from the Army. In some states, such as Pennsylvania, the state reimbursed the masters for the loss of their servants. A good example of just how electric the idea of independence had become took place in New York in 1784. A group of citizens, upon finding out that a ship load of indentures had arrived, paid for their passage and set them free. They asked only to be paid back in small installments out of their wages.⁵⁶ Their reasoning was simply that traffic in indentured servitude was contrary to the idea of liberty--something they had just gained.

The institution of white bondage for all practical purposes came to an end in the early 1830's in all of the colonies. Wittke sets the date as 1831 in Pennsylvania, while McCormac sets the effective date in Maryland at 1819, although some cases where individuals had brought indentured persons in are recorded as late as 1835.⁵⁷ All of the factors

⁵⁶A. E. Smith, Colonists in Bondage, p. 284.

⁵⁷Wittke, We Who Build America, p. 12; McCormac, White Servitude in Maryland, p. 111.

discussed above played a part in the demise of the system. In spite of all these influences, one is forced to believe that the system would have lingered on in its deathbed a long, long time had not a coup de grace been administered. There were still some profits to be made. The final blow ending the institution Marx might have referred to as the built-in seeds of destruction of every synthesis. It was the abolition of imprisonment for debt in the United States by most states. These laws were passed as a result of the Jacksonian revolution. With the abolition of imprisonment for debt, there was no legal way to compel runaway servants to complete their contracts.⁵⁸

There is a sequel to the death of the institution of white servitude. It is ironic indeed that during the most destructive and costly war, as far as casualties are concerned, that this country has ever been engaged in, that a group of leaders on the side whose professed objective was to eradicate black slavery from this country, would conspire and push through a preoccupied Congress a law whose sole purpose was to resuscitate the dead indentured white servitude system in a modified form.⁵⁹ Yet this is what happened.

⁵⁸Karl F. Geiser, Redemptioners and Indentured Servants in the Colony and Commonwealth of Pennsylvania (Supplement to Yale Review, X, August 1901), p. 42.

⁵⁹Charlotte Erickson, who made a study of the American Emigrant Company, takes a different position from the one

In 1864, an act was passed by Congress entitled, An Act to Encourage Immigration. The date selected for signing the act is something stronger than the word "ironic" signifies. It was signed into law July 4, 1864. The act, itself, provided that labor contracts signed abroad in consideration of money advanced for transportation to the United States, would be held valid in U. S. courts when registered with the newly created U. S. Commission of Immigration. Further, it provided that any unfilled contract could serve as a lien upon any future land acquired by that immigrant.⁶⁰ The act resulted in the immediate formation of the American Emigrant Company by the backers of the bill. The company continued to function until the 1890's.

The founders of the American Emigrant Company were an impressive group of top echelon government figures and industrial titans. A few of them were:

Secretary of the U. S. Treasury Chase
 Secretary of State William Stewart
 Eber B. Ward, President of Iron and Steel Association
 Edward Atkinson, a textile manufacturer
 Henry Cary, industrialist and writer on economic issues

stated here. She does not deny that it was a "refurbished" indentured act but only that its backers were simon pure in intent. See her book, Charlotte Erickson, American Industry and the European Immigrant, 1860-1885 (Cambridge: Harvard University Press, 1957).

⁶⁰Erickson, American Industry and European Immigrant, pp. 10-11.

and a host of bankers, merchants and lawyers. Regardless of their stated intentions, the modus operandi of the organization can be summed up briefly. The Commissioner of Immigration, E. Prushing Smith, was a good friend of Cary. The company shared the office of the Superintendent of Immigration in New York. The consular service forwarded the A.E.A.'s "Orders to Import Worker" forms, giving government sanction to their operation. It advertised itself as the "Handmaid to the new Immigration Bureau." It secured official permission to select from among those workers arriving in New York who had paid their own way and send them out to industry on a "fee" basis. It persuaded the London consul to pay a recruiter out of his "secret service fund."⁶¹ Some foreign governments bonded the recruiters, such as France, and the company got the consuls to do their recruiting discreetly for it.⁶²

The practical objectives of the company were two. The overall objective was to recruit cheap skilled labor for American industry. The specific objective was to recruit strike breakers to combat American unionism. In both of these they were successful for a while. Throughout the life of the

⁶¹ Erickson, American Industry and European Immigrant, pp. 1-15.

⁶² Erickson, American Industry and European Immigrant, pp. 25-26.

company, American employers constantly used these emigrants in industrial warfare.

The effectiveness of this limited form of indentured servitude, the contract laborer, was hampered by adverse court decisions. Craftsmen were lured away from Europe by contracts offering much higher money wages than they were making in Europe. The company was less than honest, though, in not telling these recruits what those "higher" wages would buy; that is, the real wage offered. Those who came soon found out that their real wages were much smaller than they had been led to believe. Further, they learned that their contracted nominal wage was much lower than that received by their American counterpart. Many changed to higher paying jobs and were sued. The courts ruled in favor of the contracted laborer in this manner: He was legally liable for repayment of the monetary obligation of the contract. He, however, could not be forced against his will to continue working for the contracting employer to satisfy the contract. These adverse decisions did not stop the practice. Ignorance of the law by the incoming emigrants still made the operation profitable. Through primarily the efforts of the Knights of Labor, the Foran Act was passed in 1885 outlawing all contract labor. It was a paper victory. No provision was made for enforcing the law, and it was ignored by employers. Contract

laborers continued to come into this country in large numbers until more enforceable laws were passed in 1903 and 1907.⁶³

The attempted revival of the indentured system by the American Emigrant Company illustrates two important facts. In the first place, it proved conclusively that there was profit to be made even with a modified indentured system. It proved that apologists are simply wrong who argue that the indentured system was a necessary evil during the colonial period to carry on the work of the period, but that it died a natural death when there was enough free labor to do these tasks so that the system served no useful purpose.

The second fact is, it showed the ambivalence of the human mind. Greed in the form of slavery was not to be tolerated. That enriched a planter aristocracy. Greed, though, in the form of slave wages was a respectable trait. It enriched artificers and manufacturers. However one wishes to look upon the activities of the company, it was a calculated scheme to suppress wages in this country. And again, however one wishes to look upon low wages, it meant increased human misery for the masses who created the wealth that enriched the controllers of industry. Many northern workers opposed the Civil War before it began because they realized there was

⁶³Erickson, American Industry and European Immigrant, pp. 170-171.

little difference in their economic status and that of the slaves. For one thing, slaves were never laid off and permitted to starve. The economic poverty, the crowded hovels, the long hours, the working conditions are too well documented to need attention here. It demonstrates decisively how the greedy can at the same time condemn itself in one form, and yet in another equally assiduous form be chauvinistically exalted as respectable, patriotic and progressive. The evolution of greed into its multivariate form is a spectacle to behold. Its acceptance by a supposedly rational society is even more spectacular to behold.

CHAPTER X

CONCLUSIONS

The rich stay in Europe; it is only the middling and the poor that emigrate...Everything tended to regenerate them; new laws, a new mode of living, a new social system; here they are become men:...Formerly they were not numbered in any civil list of their country except in those of the poor; here they rank as citizens...¹

There are many explanations for the invention and the demise of the unique American institution of indentured servitude. Chattel slavery is as old as civilization itself. White bonded servitude, though, as it developed in the English speaking colonies, was so novel that one could describe it as an aberration in the economic and social patterns of man's historical relationship to man. This new relationship lasted in its original form from the founding of the colonies to the early 1830's, something over 220 years. This is more than two-thirds of the total history of the United States from the founding of the colonies to the present time. Then beginning again, during the Civil War, it revived in a modified form and continued to exert an influence well into the Twentieth Century. The balladeer who complained that "I owe my

¹Quoted from Hector St. John de Crevecoeur in Letters from an American Farmer by Carl Wittke, We Who Build America (Cleveland: The Press of Western Reserve University, 1964), p. 4.

soul to the company store"² was immortalizing one of the more enduring aspects of white bondage. Unfortunately, all of the vestiges of indentured servitude is still with us. In spite of opposition by organized labor, a citizen in Maryland can this veryday go to the state prison and, for a nominal sum, "rent" him a prisoner for the day.

The indenture servitude system arose from a colonial adaptation and hybridization of two institutions arising during the Middle Ages; one good from the standpoint of society as a whole, and the other bad. The good one, the apprenticeship system, was a craft innovation designed to assure the quality of manufactures but more importantly to maintain the social and economic status of artificers in their orbital relationship to the rest of society. This was in the best tradition of the scholastic philosophy. The bad one arose as a consequence of the greatest disaster to befall mankind in the recorded history, the Black Death. The Statute of Laborers, which arose out of this plague, can be considered another operation of human relationship inasmuch as it was the first attempt of a few free men to coerce, by legislation, other free men to work for a wage to which they would not voluntarily agree. The Statute of Artificers of 1562 which

²An American folk song.

fused these two principles furnished the necessary legality for the development of the system.

The third essential element in the evolution of the white bondage system was the development of the headrights system as an inducement to transport emigrants to the colonies. Without this innovation, the system would not have developed. It was the keystone to the profits that were pocketed from the exploitation of the system by those trafficking in human bondage. These profits were large enough to line the pockets of crimps and newlanders operating in the far corners of Europe all the way to the ultimate users, the masters who operated on the frontier of the American colonies. When legislation, both in Europe and America, choked off these profits, the system ended.

As A. E. Smith noted, there is enough data concerning the indentured servitude system to justify any theory.³ The thesis of this study is that any theory concerning the development and demise of the system which does not recognize the overpowering role played by the profit-motive is a misinterpretation of history. Certainly there were some altruistic, humanitarian, patriotic and religious motives at work in the

³Abbott Emerson Smith, Colonists in Bondage, White Servitude and Convict Labor in America, 1607-1776 (Chapel Hill: University of North Carolina Press, 1947), p. 290.

development, use and demise of the system. These should be recognized and relegated to their proper place with respect to this American experiment. Any theory that plays these other motives up as major causes is simply chauvinistic apologies for a cruel colonial institution. There are too many of these theories to be refuted one by one, but some of the most recurring arguments shall be noted.

One of the most common theories advanced by the apologists is the "repayment" argument.⁴ A synthesis of this approach is that the overwhelming majority of immigrants coming to America were the poor of Europe clamoring for passage to America but lacking the necessary passage fare. Because of the subsistence wage in Europe, many would not have been able to save enough in a lifetime to pay their own way and thus the indentured system was a blessing. This theory proposes that it was the only means for their economic salvation.⁵ This theory's chief weakness is that it ignores the fact that the term of indenture in most cases had

⁴Typical of this approach is Thomas Jefferson Wertenbaker, The First Americans, 1607-1690 (New York: The MacMillan Company, 1927). Also see Eugene Irving McCormac, White Servitude in Maryland, 1634-1820 (Baltimore: Johns Hopkins Press, March-April 1904), p. 9.

⁵Wertenbaker, First Americans, p. 9. McCormac states "Many prosperous tradesman and planter would have to had stayed in Europe and eke out a miserable existence." White Servitude in Maryland, p. 35.

absolutely no correlation to the cost of transporting. It ignores also that poverty and discontent have never been by themselves incentives enough for such mass migrations of a single class out of a society.⁶ The restraining influence of ignorance, fear of the unknown, attachment to family and other social institutions and plain inertia would restrain most. These people were simply "recruited," duped, cajoled, threatened, kidnapped, and sentenced to come because of the profit to be made by others.

Usually associated with the above argument, but not always, is that white indentured servitude was the most practical way to people and exploit a new colony short of chattel slavery.⁷ The argument seems to rest on the assumptions that plantations must have cheap labor, that they were more efficient than small farms, and that free labor would have proved too expensive relative to the wealth of that society in general at that time.⁸ This argument simply ignores the fact that successful colonization of new lands without the indentured system both pre- and post-dates this American invention. This theory seems to be that the profits

⁶ A. E. Smith, Colonists in Bondage, pp. 43-44.

⁷ Marcus W. Jernegan, Laboring and Dependent Classes in Colonial America, 1607-1783 (New York: Frederick Unger Publishing Company, 1960), p. 45.

⁸ McCormac, White Servitude in Maryland, p. 33.

reaped by the colonial planters and artificers was set by some mechanistic natural law and that these productive members of society had to pay the consequence. It also implies that the colonial society, in imitation of the old, had to have a landed and merchant aristocracy. The argument requires no comment.

Both these theories lead to the conclusion that this necessary aberration in the economic and social relationship collapsed of its own weight once the colonies were peopled enough to be self-generating, that an ample supply of free laborers existed to do the tasks, that the black slaves' "superiority" in agriculture had been proven, and the machine process in manufacturing had reduced the demand for labor.⁹ In answer, it can be argued that the Negro's "superiority" at best was his life indenture, his tendency toward self-perpetuation by breeding indentured offspring, and the cheapness of his upkeep due solely to his exemption from the protection of the customs of the country dealing with food, drink and clothing. The machine argument is absurd. Machine technology was not that advanced in the 1830's. Machines at that stage of manufacturing technology did not replace human labor; instead, they were used to increase

⁹Jernegan, Laboring and Dependent Classes, p. 56.

output primarily for the benefit of their controllers. Indentured servants ran them prior to the 1830's and the American Emigrant Company was partially successful in having them manned again after 1865 by the modified form of indentured servitude, the contract laborer.

An understanding of the true impact of the indentured servitude system upon the economic, social and political development of the United States is impossible without taking into account the completeness of his cultural discontinuity from the Old World. The lowly origin of these bonded servants is not, within itself, sufficient to explain these developments. To verify this position, one need only to look at how completely the parent countries institutions were so completely transplanted to their colonies by the Greeks, the Romans and other ancient peoples.

One need not go to antiquity for comparisons. The contemporary colonization and development of Latin America offer an excellent contrast in parallel developments. Bernard Moses offers an interesting thesis on why the Latin colonies became miniature parent countries while the English colonies did not.¹⁰ His thesis can be reduced to three essential

¹⁰ See American Historical Association, Annual Report, 1911 (Washington: Government Printing Office), "Colonial Society in America," by Bernard Moses, pp. 143-149.

differences. Catholic Spain and Portugal were not experiencing the social, religious, and economic turmoil experienced by England, primarily, and by Northern Europe to a lesser degree. Their cultural institutions were much stronger and rigid, especially the Catholic church. The ecclesiastical power tier permitted no independent authority outside of itself. Second, the secular authorities permitted no land grants except in feudalistic blocks so that no large middle class could develop. And third, the emigrants to the English speaking colonies were predominately Protestant which was conducive to democracy. Each person was his own king in religious matters and nearly so in control of his personal and real estate.

Moses' thesis is correct as far as it goes. If that were all, one would be hard put to explain why later colonization efforts, such as the British colonies of Australia, New Zealand, and even Canada to an extent, did not likewise make such a decisive cultural break. An even more recent example is the U. S. colonization of Alaska. In all of these cases the colony, as in the case of Latin America, became a miniature replica of the mother country. The answer does not lie exclusively in the religion and poverty of the emigrees.

The great divergent development of American economic,

social and political institutions from the European is more fully explained by the more complete break of colonial immigrants from their cultural heritage. No other colonial effort was so overwhelmingly stocked by the dredges of so many societies. Deracines that these peoples were to start with, they were reduced even lower, much lower. Cultural values, established and refined over the centuries, however good or bad, could not and did not survive the nadirs of degradation that most of these bonded servants suffered, first on the high seas and later under their masters. The many accounts of these immigrants, so "indifferent to life and death," lying beside corpses until the bodies were removed by ship crews, all the while cursing themselves, the day of their birth, their mother, father, sister, brother, and wife or husband could be written off as irrational ravings of temporarily demented human beings.¹¹ Maybe they were. Even granting this, these degrading experiences had pronounced, enduring effects upon these immigrants, in the long run, that were reflected in the new social institutions that developed in America.

That touted American trait, rugged individualism,

¹¹ Gottlieb Mittelberger, Journey to Pennsylvania (New York: Augustus M. Kelley, 1967), pp. 13-14.

is one of the effects of the indentured's degradation. Only the most hardy survived, and it was difficult for these survivors to attribute their survival to a benevolent creator or the compassion of their fellow creatures. This is a recurring pronouncement of European visitors to Colonial America. Mittelberger had this to say:

Many people do not reveal their own particular beliefs to anyone. Further more there are many hundreds of adults who not only are unbaptized, but who do not even want baptism. Many others pay no attention to the Sacraments and the Holy Bible, or even to God and His Word. Some do not even believe in the existence of a true God or Devil, Heaven or Hell, Salvation or Damnation, the Resurrection of the Dead, the Last Judgement and eternal Life, but think that everything visible is of merely natural origin.¹²

And again:

Also many parents follow the custom of themselves acting as sponsors for their children, because they have no trust or confidence in other people when it comes to this important matter...Others who are themselves baptized nevertheless do not have their children baptized....Also, [when asked to reply] that nobody keeps his baptismal vows and that it is therefore not necessary to pay the minister a thaler for the ceremony.¹³

And again:

If a man in Pennsylvania is betrothed to a woman, and does not want to be married by an ordained preacher, he may be married by a J. P. Wherever he wants.¹⁴

¹²Mittelberger, Journey to Pennsylvania, pp. 21-22.

¹³Mittelberger, Journey to Pennsylvania, p. 52.

¹⁴Mittelberger, Journey to Pennsylvania, p. 69.

Another colonial writer, deCrevecoeur, after noting the mongrel parentage of Americans, pointed out that their religion, race and ideas tended to amalgamate and that the closer to the frontier the more lawless the people became.¹⁵ The fact, as noted by many writers, that they were treated worse than slaves tended to make the cultural cleavage irrevocable.

The cultural discontinuity, however complete, does not, within itself, explain why the American economy and the related social institutions changed so rapidly. Certainly after all the degradations, the abrupt change to a primitive frontier economic environment, the struggle against the elements and the Indians, they developed a sense of self-reliance and a distrust for both law and lawyers as well as their fellowman.¹⁶ But such attitudes could have led, along with the widespread illiteracy, to economic stagnation or even economic regression--a sort of American Dark Ages. On the

¹⁵Hector St. John deCrevecoeur, Letters from an American Farmer (London: J. M. Dent and Sons, Ltd., 1926), p. 41.

¹⁶Chitwood says: "During the seventeenth century there was a general prejudice against lawyers throughout the colonies, and the practice of the legal profession was discouraged by a number of legislative enactments. Most of the judges were also without legal training and so neither bench nor bar was versed in English common law." Oliver Perry Chitwood, A History of Colonial America (New York: Harper and Row Publishers, 1961), p. 154.

other hand, rapid economic progress and social change did come about. The reason for this is that the other necessary ingredients, besides weaker social institutions, were present. In the first place, however lowly the origin of these indentured servants, the technological continuity of Western civilization was maintained. The other ingredient was the frontier nature of the colonies. All of the contact between the two cultures was not warring and killing, nor was it a one-way street. There was an acculturation of the two societies. Marriages between the two took place early.¹⁷ The colonists adopted many of the Indian crops and learned the Indian techniques for growing them. Many of the colonists' tools, brought from Europe, were ill-designed for colonial usage and were redesigned to be more effective. The looseness of the social institutions, the frontier nature of the society, the cross-fertilization of the two cultures, the resourcefulness of the individualistic freed servant, all together made rapid economic progress inevitable.¹⁸

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For example, John Rolf, the discoverer of a method to cure tobacco, married Pochahantas, daughter of an Indian chief.

18

Phyllis Deanne, an English Economic historian, summed up the adaptability and Yankee ingenuity quite aptly as follows: "On the other hand, American inventiveness had begun to be apparent to contemporaries even before American manufacturers began to compete with British manufactures on world markets.

Unfortunately there is no way to make an accurate estimate of the number of immigrants who came to the colonies as indentured servants or redemptioners. The percentages quoted in the literature are more in the order of guesstimations rather than estimations. Random examples, for instance, are: Dr. Geiser, using the Philadelphia register as his source, estimated a ratio of about two-thirds as the percentage of indentures, out of the total of "foreign immigrants," landing in Pennsylvania from 1776 to 1804.¹⁹ John R. Commons, it is said, estimated that nearly half of the white immigrations came over as indentured servants, which Morris considers very conservative. On the other hand, a study of those leaving London between December 1773 and October 1775 reveals 87

By the time of the Great Exhibition of 1851, 'the well informed knew that an American was more likely than an Englishman to get tiresome and expensive handicraft operations done for him by machinery'. The Americans, with their shortage of labour and with the interprising attitudes characteristic of an immigrant community, were exceptionally receptive to labour-saving improvements." Phyllis Deanne, The First Industrial Revolution (Cambridge: University Press, 1967).

19

Karl F. Geiser, Redemptioners and Indentured Servants in the Colony and Commonwealth of Pennsylvania (Supplement to Yale Review, X, August 1901), p. 41.

percent came as bonded servants.²⁰ There are myriad estimates of the ratio of indentents to free persons for almost any specific year in any of the given colonies which were made by colonial administrators. There are any number of estimates made for particular years for specific colonies by writers on the subject, too. For example, Wittke estimates one-sixth of the population of Virginia in 1683 were white indentures.²¹ Aptheker fairly well summarizes all of these estimates by stating that at any given moment during the colonial period between 10 and 15 percent of the total white population was under indenture.²² All of these estimated percentages for specific years are meaningless as a means of determining the percentage of immigrants who came over. These figures reveal nothing about what percentage of those counted as free were freed men or descendents of freed men.

Between one-half and two-thirds is the standard estimate used by most writers as the percentage of total white immigration

²⁰The 87% figure comes from the Public Records Office, Treasury Papers, London, and published in the New English Historical and General Registry, p. 315. Richard B. Morris, Government and Labor in Early America (New York: Columbia University Press, 1946), p. 315.

²¹Wittke, We Who Build America, p. 9.

²²Herbert Aptheker, A History of the American People, The Colonial Era (New York: International Publishers, 1966), pp. 35-36.

to America who came as indentures. In fact, A. E. Smith, who has probably done more research than any other in this area, flatly states, "Not less than one-half, nor more than two-thirds of all white immigrants" coming to the colonies were indentured servants of one form or another.²³ It is unfortunate that these figures seem to have stuck and are bandied about as somewhat accurate estimates. There has been nothing turned up in this study to indicate such estimates are realistic at all. Smith, for example, in his studies turned up the following percentages in widely scattered dates: Out of less than 1,000 men transported in 1621, 900 "were upon the charge of private men."²⁴ He estimates again 75% in 1666 to Virginia went as indentures.²⁵ We saw previously a figure of 87% as late as 1773-1775. In those cases where ship passenger figures are broken down between regular passengers and indentured ones, the lists invariably list more than half as indentured and in most cases much higher. How one can come up with lower figures is unexplained.

²³ A. E. Smith, Colonists in Bondage, p. 336.

²⁴ Emphasis on private mine. The others could have been company indentured servants. A. E. Smith, Colonists in Bondage, p. 16.

²⁵ A. E. Smith, Colonists in Bondage, p. 298.

There is reason to believe these estimates were conscientiously or subconscientiously set low. No individual is proud of skeletons in the family closet. It is less likely that a whole people would be. The British never relented reminding the colonists that their "Adam and Eve emigrated from Newgate," and that "the most substantial men of most of the provinces are the children or grandchildren of those who came at the King's expense, that is thieves, highway men and robbers."²⁶ Franklin and other colonial writers expended much energy trying to refute such statements. Franklin's maternal grandmother, by the way, was an indentured servant who married "up." Later scholars tend to understate the importance of either the number of or accomplishments of the bonded servant. A case in point is Smith's analysis immediately following his 75% figure quoted above. This must be quoted at length to show what appears to be gross rationalizations by a first rate scholar on the subject:

My own inferences from the general mass of evidence are that of indentured servants, about one in ten was a sound and solid individual who would if fortunate survive his "seasoning," work out his time, take up land, and wax decently prosperous. Perhaps another one in ten would become an artisan, following his trade in some town, or perhaps a hired overseer on a plantation, and thus live a useful and comfortable life without

²⁶ Cheesman A. Herrick, White Servitude in Pennsylvania (Philadelphia: John Joseph McVey Publisher, 1926), p. 140.

owning any land. The other eight either died during their servitude, returned to England after it was over, or became "poor whites," and occupied no substantial position in the colonies either as workers or as proprietors. They were no sturdy pioneers. Doubtless they were not the vicious wretches observers claimed them to be, but certainly they were shiftless, hopeless, ruined individuals, raked up from the lower reaches of English society by emigrant agents, kidnappers and officers of the law. There is no reason to believe that they improved measurably in the eighteenth century...²⁷

The above statement is based on an analysis of the land books from 1670 to 1680 of headrights claimed by indentures. The analysis is weak for many reasons by virtue of the questions left unasked and answered. How many of these were political prisoners such as teachers, preachers and professionals? How many bought good land from speculators rather than take up random culled over headrights? How many squatted on fertile land in the Shenandoah? How accurate is the "Perhaps another one in ten would become an artisan"?²⁸

There are many reasons why the one-half to two-thirds figure appears to be much too low. In the first place, this bracket is not arrived at by any statistical methodology. All available data is too skimpy, too inaccurate and too spotty for anything like a statistical approach to be used. A. E. Smith, who appears to have made the most exhaustive studies

²⁷ A. E. Smith, Colonists in Bondage, pp. 299-300.

²⁸ Emphasis mine.

of a statistical nature, admits this in his introductory paragraph to his appendix. The questionable nature of the one-half to two-thirds bracket is evident from a perusal of his appendices. His sources are mainly simple lists of the number of servants sentenced to the colonies by various magistrates' records for various years; lists from Treasury Books listing those that came at the King's expense; various journal reports of total passengers leaving English, Scottish, Irish, and German ports, some of which list estimations of the percentage indentured (not verified); some estimated census reports with reported current indented servants figures listed; various colonial port registration lists for various time periods; some of which list passenger and servants separate and some which do not; and various other miscellaneous sources. There are no figures anywhere which would give a person a starting point to begin an accurate statistical study.

No author, so far as this study has determined, has stated just how the one-half to two-thirds figures were determined. In every case where there has been preceding data discussed it has been, as above, port registries, court records, and indenture registry office records. No author has intimated in any manner that he has considered any of the known leakages. For example, the number of kidnapped in some cases is listed as 10,000 per year, while others

estimate for the same year one-half that amount. Local court indentures are referred to as "small." There have been no estimates turned up of people being self indentured. Neither do any of the authors mention any effort to estimate the number of "converted" passengers, of captains who unloaded passengers at non-registry ports or beaches to avoid regulations. The fact that legislation was passed by various assemblies providing fines for non-registry of indentures by masters "within six months" of purchase is proof of wholesale disregard for these measures. Land books are even less reliable. There are many reasons why many indentured servants would not claim headrights. Professionals such as teachers and preachers had no use for or knowhow to use the land. Craftsmen, journeymen and shopkeepers had less reason to leave the populated areas. Even those who planned to become planters, in many instances, found it advantageous to take an overseer's job upon completion of their term. These jobs were paid by percentages of crop output and increases in livestock.²⁹

²⁹ See John Speneer Bassett, Slavery and Servitude in the Colony of North Carolina (Baltimore: Johns Hopkins Press, 1896), p. 85; Phillip Alexander Bruce, Economic History of Virginia in the Seventeenth Century, Volume II (New York: MacMillan and Company, 1896), p. 47; and Chitwood, Colonial America, p. 343.

As the populated places increased, the frontier moved further west, and slavery increased, the appeal of the headrights became nothing more than an investment opportunity for the land speculators and established planters. Another fallacy was that New York and the New England colonies quite early discovered a more sociably desirable use for land than giving it away in headrights. They used the distribution of land in large tracts as subsidies to their wealthy families.³⁰

The data surveyed in this paper indicates the one-half to two-thirds figure to be a wholly unrealistic underestimation for the reasons listed above. Even assuming momentarily those conservative estimates to be correct, Americans, both during the colonial period and up to about 1820, would be a people overwhelmingly of indentured heritage. Census figures for the decennial years 1790 through 1830 show the Negro population to be roughly twenty percent.³¹ These added to the white indentured estimates would raise the range to between seventy and eighty-four percent. Be that as it may, an interpretation of the data covered in this study indicates a more realistic percentage of white indentures would be about 90percent. This

³⁰ Aptheke, History of American People, pp. 37-38.

³¹ Historical Statistics of the United States, Colonial Times to 1957 (Washington: U. S. Department of Commerce, 1960), p. 9.

figure appears more accurate not only for the reasons listed above, but for the following: In none of the sparse data where a separation of indentured servants from passengers is there a breakdown of just who those passengers were. Neither has any source been encountered which even raised the question. It is contended here that this is a crucial consideration. Noted previously was the fact that some court indentured servants paid their own way over as passengers, especially Scotch political prisoners. These probably were miniscule. What is not, though, are the colonial administrators and British soldiers. These certainly were passengers but in no manner can be considered as immigrants. Added to this is the fact that they were rotated throughout the colonial period. Another factor which would cause an over-statement of free immigrants is that the passenger tallies do not distinguish how many were foreign visitors, English merchants on a business trip, foreign merchants, or even colonial planters and businessmen returning from England. Noted earlier was the planter who claimed eight headrights for his four round trip Atlantic crossings. DeCrevecouer, as already noted, pointed out, "The rich stay in Europe."³² Then, too, it has been shown that it was hard enough to get even the deracines to break loose from their lightly planted roots much less the wealthier who

³²Quoted in Wittke, We Who Build America, p. 4.

had stronger orbital positions in the ruling class of Europe. Few of the wealthy who came stayed. The hundreds, discussed earlier, were absentee administered. It is known that Lord Calvert's heirs did visit their inherited colonial property at least once. America at the end of the colonial period simply was a race descended from bonded servants, including the sprouting colonial aristocracy.

The distribution of indentured servants is much more even among the colonies than may be implied at this point. More attention has been paid to the colonies of Pennsylvania, Maryland, and Virginia because there is more data concerning these colonies. With the exception of New York, they were the most populous. Further, they received the bulk of the deported convicts generating considerable colonial complaints. New York and the New England states received their proportionate share of indentured servants with the exception of the slave traffic. Slavery was not profitable due to a number of factors among which are: greater clothing need, acclimatization posed a greater problem, the smaller and more diversified farming techniques required greater technological knowhow, more and closer supervision and greater ability to communicate. The same is true for manufacturing. The need was for white indentures who could step into these tasks already conditioned to do them.

There was a steady stream of indentured servants into the North Eastern states during the colonial period.³³ New York even petitioned English authorities in 1693 to send them all the prisoners from Newgate that were to be transported.³⁴ Puritan New England, with its wariness of foreign influence, quite early showed its preference for children as servants, presumably because they were more tractible as far as religious friction was concerned.³⁵ Adult recruiting was limited to white "fit 'instruments' for a religious commonwealth."³⁶ The distribution of freed indentures in this area once they were freed was pretty well restricted to the urban areas where their opportunities were limited to crafts and trade. This was due to a lack of the headrights system being used as mentioned earlier.

The distribution of freed bonded servants in the Middle and Southern colonies, especially from Pennsylvania to South Carolina, was more rural for two reasons. The first was, as might be expected, the use of the headrights system.

³³Herrick, White Servitude, p. 10.

³⁴Jernegan, Laboring and Dependent Classes, p. 49.

³⁵A. E. Smith, Colonists in Bondage, pp. 149-150.

³⁶Curtis P. Nettels, The Roots of American Civilization (New York: Appleton-Century-Crafts, Inc., 1963), p. 42.

The other, it appears, was more important. The climate was warmer which encouraged more and varied agricultural activity. Even more important was the vast fertile tracts, such as the Shenandoah Valley, just across the Blue Ridge, to be had for no greater price than the scalps of a few Indians. This was not true of the New Englanders where rocky infertile hills hemmed them in.

The piedmont, for the most culturally discontinuous, the more independent, must have appeared as a haven. This is true of the Germans in Pennsylvania and South Carolina as well as Anglo-Saxon, Scotch and Irish in between. Muhlenberg is quoted as saying, "The German people have spread themselves from north to south in America, over more than a thousand miles."³⁷ The settling of the piedmont is very well summed up in the following quote from Warren B. Smith, writing of South Carolina:

In the back country these people met another group coming down from the north many of whom were servants just freed or sons of servants. The largest bodies of the German and Scotch-Irish who settled the piedmont and mountainous regions from Maryland to Georgia came to America through the ports of Philadelphia and Newcastle, Delaware...were gradually pushed toward the south, til they were met by a smaller stream of the same people who came through the port of Charleston to South Carolina and thence to the frontier.³⁸

³⁷Quoted from Halle Reports by Herrick, White Servitude, p. 181.

³⁸Warren B. Smith, White Servitude in South Carolina (Columbia: University of South Carolina Press, 1961), pp. 90-91.

These migrations to the "back country" continued in ever-increasing numbers throughout the colonial period.

The settlers, most of whom were former indentured servants or descendents of them, have been condemned by nearly all colonial writers. Charles Lee, writing to James Monroe, was especially critical. In denouncing those in the backlands, he referred to them as

...a banditti of low Scotch-Irish whose names usually began with Mac--and who are either the sons of imported servants or themselves imported servants.

It is true these former indentureds were extremely independent and it is for this same reason that they were important in shaping the future of America. It was a group of these squatters that tested the young Republic soon after it was founded in what is referred to as the Whiskey Rebellion. A perfect epitome of many of these backland freed servants is registered on a tombstone in the Shenandoah Valley. It reads:

Here lies the remains of ^{was not a servant} John Lewis, who slew the Irish lord, settled in Augusta County, located the town of Staunton, and furnished five sons to fight the battles of the American Revolution.³⁹

Considerable attention has been devoted to the former bonded servants in the back country. This was done deliberately because it is through them that the fullest impact of the indentured system upon the American economy, its vitality, and

³⁹Quoted in Wittke, We Who Build America, p. 55.

its progressiveness can be demonstrated. Even if one could deny that the Jacksonian upheaval in the 1820's and 1830's did give the United States new vigor, more democracy and alter its future, he would still not disprove that former indentures and their progeny had shaped America to a tremendous extent. Certainly these frontiersmen, fighting the monied interests of the tidewater and Eastern cities, were the backbone of the Jackson movement. The point is that it took more than these westerners to elect a president of the United States against such wealthy special interests. Jackson carried the working classes of people in the Eastern part of the United States as well. They, too, for the most part, were former indentured servants or descendents of bonded servants. The economic and social gains of the Jackson movement are many. Among some of the most important in the area of developing democracy were free public education in most of the states, abolition of imprisonment for debt, mechanic liens laws and the right to vote without restrictions of property ownership. These freedoms, it appears, were those cherished most by those who, at one time in their lives, had been chattel to other human beings.

There were two types of indentured servitude existing side by side in America--black slavery and white bondage. The first tended toward the building of and perpetuation

of a landed aristocracy. Indentured white servitude, on the other hand, tended toward democracy. The truth of this was expressed by such revered colonial leaders as Washington, Jefferson and Franklin.⁴⁰ That these leaders foresaw correctly was verified by the Jacksonian Revolution.

A list of former indentured servants who became famous or wealthy could be made. It would be useless. All of the original planter aristocrats were either former company indentured servants or personal indentured servants. Many more married former indentured servants while others' offspring married former indentured servants or their offspring. Many more who gained modest wealth and fame were former indentured servants who had lost that association of name and rank. That was quite easy to do in a fluid society.⁴¹ Even some indentured children took the name of their masters' family.⁴² It is doubtful if one out of ten at the end of the colonial period did not have a direct lineal parent numbered among the indentured servant class.

⁴⁰Herrick, White Servitude, p. 278.

⁴¹A. E. Smith, Colonists in Bondage, p. 303.

⁴²Herrick, White Servitude, p. 282.

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