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Seventeenth-Century Maryland**



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From Servant to Freeholder:  
Status Mobility and Property Accumulation in  
Seventeenth-Century Maryland

Russell R. Menard\*

**M**ILES Gibson, Stephen Sealus, and William Scot all arrived in Maryland as indentured servants in the 1660s. They completed their terms and soon accumulated enough capital to purchase land. Thereafter, their careers diverged sharply. Gibson, aided by two good marriages, gained a place among the local gentry and served his county as justice of the peace, burgess, and sheriff. At his death in 1692, he owned more than two thousand acres of land and a personal estate appraised at over six hundred pounds sterling, including nine slaves.<sup>1</sup> Sealus's career offers a sharp contrast to that of his highly successful contemporary. He lost a costly court case in the mid-1670s and apparently was forced to sell his plantation to cover the expenses. He spent the rest of his days working other men's land. By 1691, Sealus was reduced to petitioning the county court for relief. He was "both weake and lame," he pleaded, "and not able to worke whereby to maintaine himselfe nor his wife." His petition was granted, but the Sealus family remained poor. Stephen died in 1696, leaving an estate appraised

\* Mr. Menard is a historian for the St. Mary's City Commission. He wishes to thank Sydney James, Lois Carr, Cara Ryan, Gregory Stiverson, Alan Day, Phebe Jacobsen, Edward Papenfuse, Carville Earle, and Allan Kulikoff for helpful criticism of this essay.

<sup>1</sup> Baltimore County Land Records, IR#PP, 64 (all manuscript sources cited in this essay are in the Maryland Hall of Records, Annapolis, Md.); Patents, XII, 269, 283; IB&IL#C, 22, 29, 44, 63, 65; Testamentary Proceedings, 15C, 51; Kenneth L. Carroll, "Thomas Thurston, Renegade Maryland Quaker," *Maryland Historical Magazine*, LXII (1967), 189; William Hand Browne *et al.*, eds., *Archives of Maryland . . .* (Baltimore, 1883- ), VII, 349; XV, 253; XVII, 142; Inventories and Accounts, XII, 152-153; XIII A, 53-58; XX, 208-209.

at £18 6s.<sup>2</sup> William Scot did not approach Gibson's success, but he did manage to avoid the dismal failure of Sealus. He lived on his small plantation for nearly forty years, served his community in minor offices, and slowly accumulated property. In his will, Scot gave all seven of his sons land of their own and provided his three daughters with small dowries.<sup>3</sup>

Although interesting in themselves, these brief case histories do not reveal very much about the life chances of servants in the seventeenth century. They do suggest a range of accomplishment, but how are we to tell whether Scot, Sealus, or Gibson is most typical, or even if any one of them represents the position that most servants attained? Did servitude offer any hard-working Englishman without capital a good chance of becoming, like Miles Gibson, a man of means and position in a new community? Or did servitude only offer, as it finally offered Stephen Sealus, a chance to live in poverty in another place? Perhaps Scot was more typical. Did servitude promise poor men a chance to obtain moderate prosperity and respectability for themselves and their families? How much property and status mobility did most servants manage to achieve in the seventeenth century? This essay examines the careers of a group of men who immigrated to Maryland in the seventeenth century in order to provide some of the data needed for answers to such questions.<sup>4</sup>

The study of mobility requires an assessment of a man's position in society for at least two points in his career, a task that the general absence of census materials, tax lists, and assessment records makes difficult.

<sup>2</sup> Patents, XI, 334, 573; XII, 342, 427; *Md. Arch.*, LXVI, 18-19, 138-139; Dorchester County Land Records, Old#3, 101-103; Old#4½, 121; Inventories and Accounts, XIV, 67.

<sup>3</sup> Somerset County Judicials, DT7, 146; SC, 134; Somerset County Land Records, L, 22; Patents, XXII, 59, 77; XIX, 562; Rent Roll, IX, 15; Somerset Wills, Box 2, folder 50; Inventories and Accounts, XXXIV, 159-160; XXXV, 280.

<sup>4</sup> Useful studies of indentured servants in colonial history include Thomas J. Wertenbaker, *The Planters of Colonial Virginia* (Princeton, 1922); Richard B. Morris, *Government and Labor in Early America* (New York, 1946); Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776* (Chapel Hill, 1947); Marcus Wilson Jernegan, *Laboring and Dependent Classes in Colonial America, 1607-1783* (Chicago, 1931); Mildred Campbell, "Social Origins of Some Early Americans," in James Morton Smith, ed., *Seventeenth-Century America: Essays in Colonial History* (Chapel Hill, 1959), 63-89.

Nevertheless, a study of mobility among servants is possible because we know their place in the social structure at the beginning of their careers in the New World. Servants started at the bottom of white society: they entered the colonies with neither freedom nor capital. Since we can define their position on arrival, measuring the degree of success they achieved is a fairly simple task. We can, as the capsule biographies of Gibson, Sealus, and Scot demonstrate, describe their progress in the New World. A study of the fortunes of indentured servants and the way those fortunes changed over time provides a sensitive indicator of the opportunities available within colonial society.

The broadest group under study in this essay consists of 275 men who entered Maryland as servants before the end of 1642, although the main concern is with 158 for whom proof exists that they survived to be freemen.<sup>5</sup> Not all the men who came into Maryland as servants by 1642 are included in the 275. No doubt a few servants escape any recorded mention, while others appear who are not positively identified as servants. One large group falling into this latter category included 66 men, not specifically called servants, who were listed in the proofs of headrights as having been transported into the colony at the expense of someone else to whom they were not related. It is probable that all of these men emigrated under indentures, but since proof was lacking they have been excluded from the study.<sup>6</sup>

The mortality rate among these servants was probably high. One hundred and seventeen of the 275—more than 40 percent—did not appear in the records as freemen. The deaths of 14 of the missing are mentioned,<sup>7</sup> but we can only speculate on the fate of most of the servants

<sup>5</sup> The period could have been extended to include those arriving as late as 1644 or 1645, but this seemed pointless. It was only necessary to have a group large enough so that an occasional error would not alter percentages drastically; 158 seemed adequate for that purpose.

<sup>6</sup> The terms servant and servitude covered a wide variety of men and situations in the 17th century and the terms of the contracts the men in this sample served under are not known. However, I am confident that the men under study shared three characteristics: first, they did not pay their own passage; second, they arrived in Maryland without capital; third, they were bound in service for a term of years. As a means of determining whether the selection process contained any significant bias, the careers of the 66 transportees were also studied. Including them would have slightly strengthened the argument presented in this essay.

<sup>7</sup> *Md. Arch.*, I, 17; IV, 22-23, 49, 52-53; V, 192, 197; Raphael Semmes, "Claiborne vs. Clobery et als. in the High Court of Admiralty," *Md. Hist. Mag.*, XXVII (1933), 181, 185-186.

who disappeared. Some may have been sold out of the province before their terms were completed, and some may have run away, while others may have left Maryland immediately after becoming freemen. A majority probably died while still servants, victims of the unusual climate, poor food, ill housing, hard work, or an occasional cruel master, before they had a chance to discover for themselves if America was a land of opportunity.

For the 158 who definitely survived the rigors of servitude, opportunity was abundant. Seventy-nine to 81 (identification is uncertain in two cases) of the survivors, about 50 percent, eventually acquired land in Maryland. To be properly interpreted, however, this figure must be understood within the context of the careers of those who failed to acquire land. Fourteen of those who survived servitude but did not acquire land in Maryland died within a decade of completing their terms. Another 25 left before they had lived in the colony for ten years as freemen. These figures are conservative, for they include only those for whom death or migration can be proven. Twenty-five of the 158 survivors appear only briefly in the records and then vanish without a trace, presumably among the early casualties or emigrants. Furthermore, there is no reason to believe that those who left were any less successful than those who remained. At least 11 of the 25 known emigrants became landowners in Virginia. Only 13 to 15 of the 158 servants who appeared in the records as freemen (less than 10 percent) lived for more than a decade in Maryland as freemen without becoming landowners.<sup>8</sup>

Those who acquired land did so rapidly. The interval between achieving freedom and acquiring land, which was discovered in forty-six cases, ranged from two years for Richard Nevill and Phillip West to twelve for John Norman and Walter Walterlin. Francis Pope, for whom the interval was seven years, and John Maunsell, who took eight, came closer to the median of seven and one-half years.

The holdings of the vast majority of those who acquired land were small. Most lived as small planters on tracts ranging in size from fifty acres to four hundred acres, although fourteen former servants managed

<sup>8</sup> The figure of 10% may be too high. A few of the men who do not appear as landowners may have held freeholds on one of the private manors for which we do not have records.

to become large landowners, possessing at least one thousand acres at one time in their lives. Zachary Wade, who owned over four thousand acres at his death in 1678 and about five thousand acres in the early 1670s, ranked with the largest landowners in Maryland.<sup>9</sup>

Inventories of personal estates, taken at death, have survived for 31 of the 158 former servants. Analysis of the inventories reinforces the conclusion that most of these men became small planters. About 60 percent of the inventories show personal property appraised at less than one hundred pounds sterling.<sup>10</sup> Men whose estates fell into this range led very simple lives. In most cases, livestock accounted for more than half the total value of their personal possessions. At best their clothing and household furnishings were meager. They either worked their plantations themselves or with the help of their wives and children, for few of these small planters owned servants and even fewer owned slaves. In Aubrey Land's apt phrase, they led lives of "rude sufficiency."<sup>11</sup> But they fared no worse than the bulk of their compatriots and probably better than if they had remained in England.

Not all former servants remained small planters. Twelve of the thirty-one left estates appraised at more than one hundred pounds. Men such as John Halfhead, Francis Pope, and James Walker could be described as substantial planters. Their life style was not luxurious, but their economic position was secure and their assets usually included a servant or two and perhaps even a slave.<sup>12</sup> Two men, Zachary Wade and Henry Adams, gained entry into the group of planter-merchants who dominated the local economy in the seventeenth century. Wade, whose estate was appraised at just over four hundred pounds, was wealthier than 95

<sup>9</sup> For a list of Wade's land at his death, see his will in Charles County Wills, 1665-1708, 54-56.

<sup>10</sup> The use of £100 as a cutoff point is derived from Aubrey Land, "Economic Base and Social Structure: The Northern Chesapeake in the Eighteenth Century," *Journal of Economic History*, XXV (1965), 642. There is no way of determining whether these inventories constitute a representative sample. My impression is that they are biased in favor of the wealthiest and that a more complete series would show 75 to 80% of the estates worth less than £100. Prior to the early 1680s, estates were appraised in tobacco. I have translated them into sterling according to the average price of tobacco in the year the inventory was taken. See Russell R. Menard, "Farm Prices of Maryland Tobacco, 1659-1710," *Md. Hist. Mag.*, forthcoming, for details.

<sup>11</sup> Land, "Northern Chesapeake," *Jour. Econ. Hist.*, XXV (1965), 642.

<sup>12</sup> Testamentary Proceedings, V, 363-365; Inventories and Accounts, I, 394-397, 500-503; III, 63-65.

percent of his contemporaries, while Adams left an estate valued at £569 15s. 1d. when he died in 1686.<sup>13</sup>

There are still other measures of mobility which confirm the picture of abundant opportunity for ex-servants that the study of property accumulation has indicated. Abbot E. Smith has estimated that only two of every ten servants brought to America in the seventeenth century became stable and useful members of colonial society, but if we take participation in government as indicative of stability and usefulness, the careers of the 158 men who survived servitude demonstrate that Smith's estimates are much too low, at least for the earlier part of the century.<sup>14</sup>

Former servants participated in the government of Maryland as jurors, minor office holders, justices of the peace, sheriffs, burgesses, and officers in the militia. Many also attended the Assembly as freemen at those sessions at which they were permitted. The frequency with which responsible positions were given to ex-servants testifies to the impressive status mobility they achieved in the mid-seventeenth century. Seventy-five or seventy-six of the survivors—just under 50 percent—sat on a jury, attended an Assembly session, or filled an office in Maryland. As was the case with landholding, this figure must be understood in the light of the careers of those who failed to participate. Fourteen of the nonparticipants died within a decade of becoming freemen; another twenty-seven left the province within ten years of completing their terms. There is no reason to assume that those who left did not participate in their new homes—two of the twenty-seven, John Tue and Mathew Rhodan, became justices of the peace in Virginia, while two others, Thomas Yewell and Robert Sedgrave, served as militia officer and clerk of a county court respectively.<sup>15</sup> If we eliminate the twenty-five

<sup>13</sup> Inventories and Accounts, V, 197-203; VIII, 389; IX, 239-244. The statement on Wade's relative wealth is based on an analysis of all inventories filed in the 1670s.

<sup>14</sup> Smith, *Colonists in Bondage*, 299-300. In an earlier essay Smith used an estimate of 8% and explained this low figure by reference to the "at best irresponsible, lazy, and ungoverned, and at worst frankly criminal" character of the typical servant! "The Indentured Servant and Land Speculation in Seventeenth Century Maryland," *American Historical Review*, XL (1934-1935), 467-472.

<sup>15</sup> Lyon G. Tyler, "Washington and His Neighbors," *William and Mary Quarterly*, 1st Ser., IV (1895-1896), 41, 75; Charles Arthur Hoppin, "The Good Name and Fame of the Washingtons," *Tyler's Quarterly Historical and Genealogical Magazine*, IV (1922-1923), 350; *Md. Arch.*, IV, 540-541.

who appeared but fleetingly in the records, only sixteen or seventeen (slightly more than 10 percent) lived for more than a decade in the province as freemen without leaving any record of contribution to the community's government.<sup>16</sup>

For most former servants participation was limited to occasional service as a juror, an appointment as constable, or service as a sergeant in the militia. Some compiled remarkable records in these minor positions. William Edwin, who was brought into the province in 1634 by Richard Gerard and served his time with the Jesuits, sat on nine provincial court juries and served a term as constable.<sup>17</sup> Richard Nevill, who also entered Maryland in 1634, served on six provincial court juries and was a sergeant in the militia.<sup>18</sup> A former servant of Gov. Leonard Calvert, John Halfhead, served on eleven juries and attended two sessions of the Assembly.<sup>19</sup> John Robinson managed, in five years before his death in 1643, to attend attend two Assemblies, sit on three provincial court juries, and serve as constable and coroner of St. Clement's Hundred.<sup>20</sup>

A high percentage of the 158 survivors went beyond service in these minor posts to positions of authority in the community. Twenty-two of them served the province as justice of the peace, burgess, sheriff, councillor, or officer in the militia. They accounted for four of Maryland's militia officers, twelve burgesses, sixteen justices, seven sheriffs, and two members of the Council.

For nine of the twenty-two former servants who came to hold major office in Maryland, tenure was brief. They served for a few years as an officer in the militia or as a county justice, or sat as burgess in a single session of the Assembly. During most of John Maunsell's twenty years in Maryland, participation was limited to occasional service as a juror.

<sup>16</sup> The figure of 10% is probably too high. The absence of county court records for St. Mary's and Calvert counties and the partial loss of those for Kent—three of the four counties in which most of the men lived—make a complete study of participation impossible. Undoubtedly some of the men counted as nonparticipants sat on juries for which the records are lost.

<sup>17</sup> Patents, I, 20, 38; AB&H, 5; *Md. Arch.*, IV, 33, 260, 403; X, 74, 134, 143, 273, 295; XLI, 119, 340.

<sup>18</sup> Patents, I, 20, 38; AB&H, 244; II, 79; *Md. Arch.*, IV, 238, 240, 444; X, 54, 116, 525; XLI, 340.

<sup>19</sup> Patents, I, 121; II, 579; *Md. Arch.*, I, 72, 116; IV, 9, 21, 180, 237, 240, 349, 409, 447; LVII, 309.

<sup>20</sup> *Md. Arch.*, I, 120; III, 89; IV, 9, 21, 176.



In 1649, he was returned as burgess from St. Mary's County.<sup>21</sup> Daniel Clocker, who started out in Maryland as a servant to Thomas Cornwallis, compiled an impressive record of minor office holding. He sat on numerous provincial court juries, served St. Mary's County as overseer of the highways, and was named to the Common Council of St. Mary's City in 1671. In 1655, when many more qualified men (Clocker was illiterate) were barred from office because of their Catholicism or suspect loyalty, he was appointed justice in St. Mary's County, a post he held for three years at most. Clocker was appointed militia officer by the rebellious Governor Josias Fendall in 1660, but again his taste of power was brief.<sup>22</sup> John Cage, also a former servant to Cornwallis, was appointed to the Charles County bench in April 1660, but sat for only six months. Although Cage lived in Maryland for eighteen years after his brief term as justice, his participation was limited to infrequent jury duty.<sup>23</sup> James Walker sat as justice in Charles County for a little more than two years. He lived in Maryland for more than thirty years, but this is the only recorded instance of his holding office.<sup>24</sup>

Thirteen of the twenty-two men who acquired office could count themselves among Maryland's rulers in the first few decades following the founding of the province. Two even reached the Council, although neither became a major figure in the provincial government. John Hatch first participated as a provincial court juror in February 1643. By December 1647, he had been appointed sheriff of St. Mary's County. He was elected to the Assembly from St. George's Hundred in 1650 and from Charles County in 1658 and 1660. Hatch also sat as justice in Charles County from 1658 to 1661. He was appointed to the Council in 1654 and served until 1658. His son-in-law, Governor Fendall, again elevated him to the Council in 1660 during the rebellion against Lord Baltimore. Although after 1661 he was excluded from major office because his loyalty to the proprietor was suspect, he did manage to compile an impressive record of accomplishment for a man who entered Maryland as a servant.<sup>25</sup> Robert Vaughan also entered Maryland as a servant,

<sup>21</sup> *Ibid.*, I, 237.

<sup>22</sup> Patents, AB&H, 36, 244; *Md. Arch.*, IV, 230, 539; X, 295, 473; XLI, 427; XLIX, 29, 206; LI, 387; LVII, 597.

<sup>23</sup> Patents, II, 570; AB&H, 244; *Md. Arch.*, IV, 213; LIII, 69, 92, 363, 502, 543.

<sup>24</sup> *Md. Arch.*, XLI, 87-88.

<sup>25</sup> *Ibid.*, I, 249-261, 380; III, 311-314; IV, 181, 349; XLI, 62, 87-88; LIII, 76.

probably to Lord Baltimore. Vaughan attended the 1638 session of the Assembly as a freeman. He must have been an able man, for he was already both a sergeant in the militia and constable of St. George's Hundred. In 1640, he was returned as burgess from St. Clement's Hundred. He moved to Kent Island in 1642, probably at the urging of Governor Calvert, who sorely needed loyal supporters on the island which was a hotbed of opposition to his interests. Vaughan sat as justice of Kent for twenty-six years before he died in 1668 and served as an officer in the militia for at least that long. He was a member of the Council in 1648.<sup>26</sup>

Although Hatch and Vaughan were the only former servants to reach positions of importance in the provincial government, eleven others became men of real weight in their counties of residence. These eleven averaged more than ten years on the bench, more than three sessions as burgess, and just under two years as sheriff. Zachary Wade, formerly a servant to Margaret Brent, was returned to the Assembly from St. Mary's County in 1658 and from Charles County from 1660 to 1666. He sat as justice of Charles County in 1660 and was reappointed in 1663. Wade served on the bench for a year and then stepped down to take a term as sheriff. He returned to the bench in 1667 and sat until his death in 1678.<sup>27</sup> Henry Adams was brought into Maryland in 1638 and served his time with Thomas Greene, who later became governor. He was first appointed to the Charles County bench in 1658 and served continuously as justice until his death in 1686, with the exception of one year, 1665-1666, during which he was sheriff. Adams also represented Charles County in the Assembly in 1661, 1663-1664, and in every session from 1671 to 1684, when illness prevented him from assuming his seat.<sup>28</sup> Nicholas Gwyther started out in Maryland as a servant to Thomas Cornwallis. Although he was never appointed justice and sat only once in the Assembly, his seven years as sheriff of St. Mary's County and three years as sheriff of Charles County made him one of the mainstays of Maryland's county government.<sup>29</sup>

<sup>26</sup> Patents, I, 99; *Md. Arch.*, I, 2, 85, 125, 259-261, 426; III, 124-127, 211-213.

<sup>27</sup> Patents, II, 575; *Md. Arch.*, I, 380-383, 426; II, 8; III, 492; V, 21; XLI, 62; LIII, 76.

<sup>28</sup> Patents, I, 18; AB&H, 377; *Md. Arch.*, I, 396; III, 424, 519; XIII, 54; XLI, 87-88.

<sup>29</sup> Patents, AB&H, 60; *Md. Arch.*, I, 369, 460; X, 124; XLI, 88.

The significant role played by former servants in Maryland's government in the mid-seventeenth century and the opportunities available to industrious men can also be seen in an examination of the officials of Charles County in the years immediately following its establishment in 1658. Six justices were appointed to the Charles County bench by a commission dated May 10, 1658. Four of them—John Hatch, James Lindsey, Henry Adams, and James Walker—began their careers in Maryland as servants. In the next three years, four more ex-servants—John Cage, James Langworth, Francis Pope, and Zachary Wade—were appointed justices. Hatch, Wade, and Adams also represented the county in the Assembly in this period. Nicholas Gwyther, another former servant, was Charles County's first sheriff; four of the five men who immediately succeeded Gwyther were former servants. In the late 1650s and early 1000s, Charles County was governed by men who had entered the province under indentures.<sup>30</sup>

The accomplishments of those former servants who were especially successful were recognized by the community through the use of titles of distinction. At least 19 of the 158 survivors acquired the title of mister, gentleman, or esquire and retained it until they died. The 13 men who achieved positions of importance in the colony's government were all honored in this fashion. Office was not, however, the only path to a title. John Courts, for example, rode to distinction on his son's coattails. Although his father acquired a substantial landed estate, John Courts, Jr., started from humble beginnings, nevertheless married well, and, perhaps as a result of his father-in-law's influence, gained appointment to the Charles County bench in 1685. He represented the county in the Associator's Assembly and was appointed to the Council in 1692, a position he held until he died ten years later as one of Maryland's wealthiest men, leaving an estate worth over £1,800, including thirty slaves and six servants. John Courts, Sr., was regularly addressed as mister after his more illustrious son was appointed to the Council.<sup>31</sup> A few other men were honored with titles for part of their lives, but

<sup>30</sup> *Md. Arch.*, I, 380-383, 396, 426, 451, 460; II, 8; III, 481, 492, 519; XLI, 87-88; LIII, 69, 76.

<sup>31</sup> *Ibid.*, XVII, 380; Charles County Inventories, 1673-1717, 143-148, 311; Charles County Accounts, 1708-1735, 47-49, 51-54, 72-73; David W. Jordan, "The Royal Period of Colonial Maryland, 1689-1715" (Ph.D. diss., Princeton University, 1966), 351, 352.

lost them before they died, as in the case of John Cage, who was only called mister during his brief tenure as justice.<sup>32</sup>

Although the personal history of each of these 158 men is unique, common patterns may be discerned. We can construct a career model for indentured servants in Maryland in the middle of the seventeenth century which should reveal something about the way opportunity was structured and what options were open to men at various stages in their lives. We can also identify some of the components necessary for constructing a successful career in Maryland.

As a group, the indentured servants were young when they emigrated. While they ranged in age from mere boys such as Ralph Hasleton to the "old and decrepit" Original Browne, the great majority were in their late teens and early twenties. Age on arrival was determined in thirty-six cases with a median of nineteen.<sup>33</sup> Probably most were from English families of the "middling sort," yeomen, husbandmen, and artisans, men whose expectations might well include the acquisition of a freehold or participation in local government.<sup>34</sup>

The careers of these men suggest that a few had formal education. Robert Vaughan and Robert Sedgrave both served as clerks in county court, a position requiring record-keeping skills.<sup>35</sup> Cuthbert Fenwick was attorney to Thomas Cornwallis, who was probably the wealthiest man in Maryland in the 1630s and 1640s. It seems unlikely that Cornwallis would have allowed a man without education to manage his estate during his frequent absences from the province.<sup>36</sup> These men were, however, not at all typical, for most of the 158 survivors were without education. Total illiterates outnumbered those who could write their names by about three to two, and it is probable that many who could sign their names could do little more.<sup>37</sup>

<sup>32</sup> *Md. Arch.*, X, 160; LIII, 69, 92, 318.

<sup>33</sup> Patents, AB&H, 151; *Md. Arch.*, X, 192; Semmes, "Claiborne vs. Clobery," *Md. Hist. Mag.*, XXVIII (1933), 184.

<sup>34</sup> Campbell, "Social Origins," in Smith, ed., *Seventeenth-Century America*, 63-89.

<sup>35</sup> *Md. Arch.*, IV, 540-541; Donnell MacClure Owings, *His Lordship's Patronage: Offices of Profit in Colonial Maryland* (Baltimore, 1953), 146.

<sup>36</sup> *Md. Arch.*, I, 85.

<sup>37</sup> Determining literacy was difficult because there are few original papers. It was assumed that if a clerk recorded a man's mark, that man was illiterate, and

A servant's life was not easy, even by seventeenth-century standards. Probably they worked the ten to fourteen hours a day, six days a week, specified in the famous Elizabethan Statute of Artificers. Servants could be sold, and there were severe penalties for running away. They were subject to the discipline of their masters, including corporal punishment within reason. On the other hand, servants had rights to adequate food, clothing, shelter, and a Sunday free from hard labor. Servants could not sue at common law, but they could protest ill-treatment and receive a hearing in the courts. Cases in this period are few, but the provincial court seems to have taken seriously its obligation to enforce the terms of indentures and protect servants' rights.<sup>38</sup> No instances of serious mistreatment of servants appear in the records in the late 1630s and early 1640s. Servants were worked long and hard, but they were seldom abused. Moreover, the servant who escaped premature death soon found himself a free man in a society that offered great opportunities for advancement.<sup>39</sup>

None of the indentures signed by these servants has survived, but it is possible to offer some reasonable conjecture concerning the terms of their service. John Lewger and Jerome Hawley, in their *Relation of*

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that if a clerk recorded a signature when transcribing a document that also contained the mark of another man, the man whose signature was recorded could sign his name. This method is not foolproof, but it seems the best available given the limitations of the data. There were 37 illiterates and 24 who could write their names.

<sup>38</sup> A bill considered but not passed by the 1639 Assembly describes rules governing master-servant relations that were probably followed in practice. *Ibid.*, I, 52-54. For a revealing example of the provincial court's concern for the rights of servants, see *ibid.*, IV, 35-39. For discussions of the legal status of indentured servants, see Lois Green Carr, "County Government in Maryland, 1689-1709" (Ph.D. diss., Harvard University, 1968), 315-319, 583-584; and Morris, *Government and Labor*, 390-512.

<sup>39</sup> Edmund S. Morgan presents an understanding of the treatment of servants in Virginia just before the settlement of Maryland that differs sharply from the one offered here in "The First American Boom: Virginia 1618 to 1630," *WMQ*, 3d Ser., XXVIII (1971), 195-198. Even if servants were as abused and degraded as Morgan suspects, consideration of the opportunities available to ex-servants in Virginia in the 1620s and 1630s might alter his perspective on the institution. For evidence of extensive mobility among former servants in early Virginia, see Wertenbaker, *Planters of Colonial Virginia*, 60-83.

*Maryland*, offered some advice to men thinking of transporting servants into the province and they also printed a model indenture. A servant was to work at whatever his master "shall there imploy him, according to the custome of the Countrey." In return, the master was to pay his passage and provide food, lodging, clothing, and other "necessaries" during the servant's term "and at the end of the said term, to give him one whole yeeres provision of Corne, and fifty acres of Land, according to the order of the countrey."<sup>40</sup> The order or custom of the country was specified in an act passed by the October 1640 session of the Assembly. Upon completion of his term the servant was to receive "one good Cloth Suite of Keirseay or Broadcloth a Shift of white linen one new pair of Stockins and Shoes two hoes one axe 3 barrels of Corne and fifty acres of land five whereof at least to be plantable." The land records make it clear that the requirement that masters give their former servants fifty acres of land cannot be taken literally. In practice, custom demanded only that a master provide a servant with the rights for fifty acres, an obligation assumed by the proprietor in 1648. If a servant wished to take advantage of this right and actually acquire a tract, he had to locate some vacant land and pay surveyor's and clerk's fees himself.<sup>41</sup>

The usual term of service, according to Lewger and Hawley, was five years. However, they suggested, "for any artificer, or one that shall deserve more than ordinary, the Adventurer shall doe well to shorten that time . . . rather then to want such usefull men."<sup>42</sup> A bill considered but not passed by the 1639 Assembly would have required servants arriving in Maryland without indentures to serve for four years if they were eighteen years old or over and until the age of twenty-four if they were under eighteen.<sup>43</sup> The gap between time of arrival and first

<sup>40</sup> *A Relation of Maryland . . .* (1635), in Clayton Colman Hall, ed., *Narratives of Early Maryland, 1633-1684*, Original Narratives of Early American History (New York, 1910), 99. On the authorship of this pamphlet, see L. Leon Bernard, "Some New Light on the Early Years of the Baltimore Plantation," *Md. Hist. Mag.*, XLIV (1947), 100.

<sup>41</sup> *Md. Arch.*, I, 97; III, 226; Patents, I, 27, 99; AB&H, 101, 102. A 50-acre warrant could be purchased for 100 pounds of tobacco or less. *Md. Arch.*, IV, 319, 328.

<sup>42</sup> *Relation of Maryland*, in Hall, ed., *Narratives of Early Maryland*, 100.

<sup>43</sup> *Md. Arch.*, I, 80.

appearance in the records as freemen for the men under study suggests that the terms specified in this rejected bill were often followed in practice.

Servants were occasionally able to work out arrangements with their masters which allowed them to become freemen before their terms were completed. John Courts and Francis Pope purchased their remaining time from Fulke Brent, probably arranging to pay him out of whatever money they could earn by working as freemen. Thomas Todd, a glover, was released from servitude early by his master, John Lewger. In return, Todd was to dress a specified number of skins and also to make breeches and gloves for Lewger. George Evelin released three of his servants, Philip West, William Williamson, and John Hopson, for one year, during which they were to provide food, clothing, and lodging for themselves and also pay Evelin one thousand pounds of tobacco each.<sup>44</sup> Such opportunities were not available to all servants, however, and most probably served full terms.

On achieving freedom there were three options open to the former servant: he could either hire out for wages, lease land and raise tobacco on his own, or work on another man's plantation as a sharecropper. Although custom demanded that servants be granted the rights to fifty acres of land on completing their terms, actual acquisition of a tract during the first year of freedom was simply impracticable, and all former servants who eventually became freeholders were free for at least two years before they did so. To acquire land, one had to either pay surveyor's and clerk's fees for a patent or pay a purchase price to a landholder. The land then had to be cleared and housing erected. Provisions had to be obtained in some way until the crop was harvested, for a man could not survive a growing season on a mere three barrels of corn. Tools, seed, and livestock were also necessary. All this required capital, and capital was precisely what servants did not have.<sup>45</sup> Wage labor, sharecropping, and leaseholding all offered men a chance to accumulate

<sup>44</sup> *Ibid.*, IV, 27, 283; V, 183; Patents, II, 509.

<sup>45</sup> According to John Hammond, some masters did permit their servants to accumulate capital while still under indenture. *Leah and Rachel, or, the Two Fruitfull Sisters Virginia and Maryland* (1656), in Hall, ed., *Narratives of Early Maryland*, 292. However, there is no evidence to support Hammond's assertion that this practice was extensive.

enough capital to get started on their own plantations and to sustain themselves in the meantime.

Wages were high in mid-seventeenth-century Maryland, usually fifteen to twenty pounds of tobacco per day for unskilled agricultural labor and even higher for those with much needed skills. These were remarkable rates given the fact that a man working alone could harvest, on the average, no more than fifteen hundred to two thousand pounds of tobacco a year.<sup>46</sup> Thirty-two of the 158 survivors were designated artisans in the records: 11 carpenters, 4 blacksmiths, 5 tailors, 4 sawyers, 2 millwrights, a brickmason, mariner, cooper, glover, and barber-surgeon. These men probably had little trouble marketing their skills. At a time when labor was scarce, even men who had nothing but a strong back and willing hands must have found all the work they wanted. However, few of the 158 men devoted themselves to full time wage labor for extended periods. Instead, most worked their own crop and only hired out occasionally to supplement their planting income.

Nevertheless, some men did sign contracts or enter into verbal agreements for long-term wage labor. There were some differences between their status and that of indentured servants. They probably could not be sold, they could sue at common law for breach of covenant, and they may have possessed some political privileges.<sup>47</sup> There were severe restrictions on their personal freedom, however, and their daily life must have been similar to a servant's. Wages ranged from eleven hundred to fifteen hundred pounds of tobacco a year plus shelter, food, and clothing. Ex-servants occasionally hired out for long terms, perhaps because of heavy indebtedness or lack of alternative opportunities, or perhaps because of the security such contracts afforded. Recently freed

<sup>46</sup> Manfred Jonas, "Wages in Early Colonial Maryland," *Md. Hist. Mag.*, LI (1956), 27-38. For the amount of tobacco a man could produce in a year, see Lewis Cecil Gray, *History of Agriculture in the Southern United States to 1860*, I (Washington, D. C., 1932), 218-219; Carr, "County Government in Maryland," appendix IV, 94-96; Arthur Pierce Middleton, *Tobacco Coast: A Maritime History of Chesapeake Bay in the Colonial Era* (Newport News, Va., 1953), 103.

<sup>47</sup> For an exception to the general rule that men with long-term wage contracts could not be sold, see *Md. Arch.*, IV, 173-174. For purposes of taxation, wage laborers were considered freemen, but it is not certain that for political purposes they were counted among the freemen of the province. See *ibid.*, I, 123. Biographical studies suggest that, in general, political participation was limited to heads of households.



servants may have found long-term wage contracts an attractive means of making the transition from indentured laborer to free colonist.<sup>48</sup> While long-term wage labor was, in a sense, a prolongation of servitude, it could also serve as a means of capital accumulation and an avenue of mobility.

The records reveal little of the extent or conditions of sharecropping in the 1640s, but it is clear that several of the 158 former servants did work on another man's plantation for a share of the crop.<sup>49</sup> By the 1660s—and there seems no reason to assume that this was not also the case in the earlier period—working for a “share” meant that a man joined other workers on a plantation in making a crop, the size of his share to be determined by dividing the total crop by the number of laborers. Contracts often required the plantation owner to pay the cropper's taxes and provide diet, lodging, and washing, while obliging the cropper to work at other tasks around the plantation.<sup>50</sup> The status of such sharecroppers seems indistinguishable from that of wage laborers on long-term contracts.

Most of the 158 former servants established themselves as small planters on leased land immediately after they had completed their terms. There were two types of leases available to ex-servants, leaseholds for life or for a long term of years and short-term leaseholds or tenancies at will. Although these forms of leaseholding differed in several important respects, both allowed the tenant to become the head of a household. As householders, former bondsmen achieved a degree of independence and a measure of responsibility denied to servants, wage laborers, and sharecroppers. Heads of households were masters in their own families, responsible for the discipline, education, and maintenance of their subordinates. They formed the backbone of the political community, serving on juries, sitting in Assembly, and filling the minor offices. The favorable man/land ratio in early Maryland made the for-

<sup>48</sup> *Ibid.*, I, 166, 173-174, 201, 286, 468. John Hammond recommended that immigrants without capital sign year-long wage contracts when they arrived in the colonies. *Leah and Rachel*, in Hall, ed., *Narratives of Early Maryland*, 293.

<sup>49</sup> Patents, III, 18; *Md. Arch.*, X, 208.

<sup>50</sup> For examples of sharecropping arrangements, see Talbot County Court Proceedings, 1685-1689, 287; Charles County Court and Land Records, H#1, 160-162; *Md. Arch.*, XLIX, 326-327.

mation of new households a fairly easy task and servants usually became householders soon after completing their terms.<sup>51</sup>

In many ways there was little difference between land held in fee simple and a lease for life or for a long term of years. Such leases were inheritable and could be sold; they were usually purchased for a lump sum and yearly rents were often nominal. Terms varied considerably, but all long-term leaseholds provided the tenant a secure tenure and a chance to build up equity in his property. Such leases were not common in seventeenth-century Maryland, although a few appear on the private manors in St. Mary's County in the 1640s. Probably men were reluctant to purchase a lease when they could acquire land in fee simple for little additional outlay.<sup>52</sup>

Tenancies at will or short-term leaseholds, usually running for no more than six or seven years, were undoubtedly the most common form of tenure for recently freed servants. In contrast to long-term leases, short-term leaseholds offered little security, could not be sold or inherited, and terminated at the death of either party to the contract. Their great advantage was the absence of an entry fee, a feature particularly attractive to men without capital. Since land was plentiful and labor scarce, rents must have been low, certainly no higher than five hundred pounds of tobacco a year for a plantation and perhaps as low as two hundred pounds. Rent for the first year, furthermore, was probably not demanded until after the crop was in. No contracts for the 1640s have survived, but later in the century tenants were often required to make extensive improvements on the plantation. Although tenure was insecure, short-term leaseholding afforded ample opportunity for mobility as long as tobacco prices remained high. In the 1640s and 1650s, leaseholding benefited both landlord and tenant. Landlords had their land cleared, housing erected, and orchards planted and fenced while receiving a small rental income. Tenants were able to accumulate the capital necessary to acquire a tract of their own.<sup>53</sup>

<sup>51</sup> For some indication of the status of heads of households in early Maryland, see *Md. Arch.*, I, 123, 197.

<sup>52</sup> For examples of long-term leases, see *ibid.*, LIII, 127; LX, 51-52; Baltimore County Deeds, RM#HS, 218-219.

<sup>53</sup> For examples of short-term leases, see *Md. Arch.*, LX, 305; LIV, 12-13, 79-80, 244-245; Charles County Court and Land Records, I#1, 41; K#1, 33-34.

Prior to 1660, small planters, whether leaseholders or landowners, frequently worked in partnership with another man when attempting to carve new plantations out of the wilderness. Much hard work was involved in clearing land, building shelter, and getting in a crop; men who could not afford to buy servants or pay wages often joined with a mate. Partners Joseph Edlow and Christopher Martin, John Courts and Francis Pope, John Shirtcliffe and Henry Spinke, and William Brown and John Thimbelly were all former servants who arrived in Maryland before the end of 1642. They must have found their "mateships" mutually beneficial, since, except for Martin who died in 1641, all eventually became landowners.<sup>54</sup>

Some men—about 10 percent of those former servants who lived in Maryland for more than a decade as freemen—did not manage to escape tenancy. Rowland Mace, for example, was still a leaseholder on St. Clement's Manor in 1659, after which he disappeared from the records.<sup>55</sup> The inventory of the estate of Charles Steward, who lived on Kent Island as a freeman for more than forty years and was frequently called planter, indicates that he was operating a plantation when he died in 1685, but Steward failed to acquire freehold title to a tract of his own.<sup>56</sup> A few others acquired land, held it briefly, and then returned to leaseholding arrangements. John Maunsell had some prosperous years in Maryland. He arrived in the province in 1638 as a servant to William Bretton and served about four years. He patented one hundred acres in 1649 and added five hundred more in 1651, but he could not hold the land and in 1653 sold it all to William Whittle. He then moved to St. Clement's Manor, where he took up a leasehold, and was still a tenant on the manor when he died in 1660.<sup>57</sup> John Shanks, although he too suffered fluctuations in prosperity, ended his career on a more positive note. Entering Maryland in 1640 as a servant to Thomas Gerard, he must have been quite young when he arrived, for he did not gain his freedom until 1648. In 1652 he patented two hundred acres and also purchased the freedom of one Abigail, a servant to Robert Brooke, whom he soon married. He sold his land in 1654, and, following Maunsell's

<sup>54</sup> Patents, II, 534, 550; III, 6-7; *Md. Arch.*, IV, 92-93.

<sup>55</sup> *Md. Arch.*, LIII, 627.

<sup>56</sup> Inventories and Accounts, VIII, 373.

<sup>57</sup> Patents, I, 68-69; II, 438; AB&H, 373, 380, 421; *Md. Arch.*, LIII, 627, 630.

path, took up a leasehold on St. Clement's Manor. Shanks, however, managed to attain the status of a freeholder again, owning three hundred acres in St. Mary's County when he died in 1684. His inventory—the estate was appraised at just under one hundred pounds—indicates that Shanks ended life in Maryland as a fairly prosperous small planter.<sup>58</sup>

Most of the 158 former servants, if they lived in Maryland for more than ten years as freemen, acquired land and held it for as long as they remained in the province. Almost any healthy man in Maryland in the 1640s and 1650s, if he worked hard, practiced thrift, avoided expensive lawsuits, and did not suffer from plain bad luck, could become a landowner in a short time. Tobacco prices were relatively high, and, while living costs may also have been high, land was not expensive. Even at the highest rates a one hundred-acre tract could be patented for less than five hundred pounds of tobacco, and even the lowest estimates indicate that a man could harvest twelve hundred pounds in a year.<sup>59</sup> Again barring ill-health and misfortune, retaining land once acquired must not have been too difficult a task, at least before tobacco prices fell after the Restoration.

Hard work and thrift were, of course, not the only paths to landownership. For some the fruits of office cleared the way. William Empson, for example, was still a tenant to Thomas Baker in 1658, after ten years of freedom. In 1659, Nicholas Gwyther employed him as deputy sheriff, and in the next year Empson was able to purchase a plantation from his former landlord.<sup>60</sup> Others charmed their way to the status of freeholder. Henry Adams married Mary Cockshott, daughter of John Cockshott and stepdaughter of Nicholas Causine, both of whom were substantial Maryland planters. To the historian, though perhaps not to Adams, Miss Cockshott's most obvious asset was twelve hundred acres of land which her mother had taken up for her and her sister Jane in 1649.<sup>61</sup>

For most former servants progress stopped with the acquisition of a small plantation. Others managed to go beyond small planter status

<sup>58</sup> Patents, AB&H, 15, 78, 101, 232, 319-320, 411; *Md. Arch.*, LIII, 627, 633, 635; Willis, IV, 91; Inventories and Accounts, VIII, 373-375; IX, 83.

<sup>59</sup> *Md. Arch.*, I, 163.

<sup>60</sup> *Ibid.*, XLI, 344; LIII, 26, 74-75.

<sup>61</sup> Patents, II, 535; *Md. Arch.*, XLI, 169-174.

to become men of wealth and power. What was it that distinguished the 13 former servants who became men of importance in Maryland politics from the other 145 who survived servitude?

Education was one factor. We have already seen that a few of the 158 probably possessed some formal training. Early colonial Maryland did not have enough educated men to serve as justices or sheriffs, perform clerical and surveying functions, or work as attorneys in the courts. Under such conditions, a man proficient with the pen could do quite well for himself. Men such as Cuthbert Fenwick, Robert Vaughan, and Robert Sedgrave found their education valuable in making the transition from servant to man of consequence. While approximately 60 percent of the 158 who survived servitude were totally illiterate, only 2 of the 13 who came to exercise real power in Maryland and only 7 of the 22 who held major office were unable to write their names.

Marriage played a role in some of the most impressive success stories. Henry Adams's marriage has already been mentioned. Zachary Wade married a niece of Thomas Hatton, principal secretary of Maryland in the 1650s.<sup>62</sup> James Langsworth married a Gardiner, thereby allying himself with a very prominent southern Maryland family.<sup>63</sup> Cuthbert Fenwick married at least twice. We know nothing of his first wife, but Fenwick found fame and fortune by marrying in 1649 Jane Moryson, widow of a prominent Virginian, a niece of Edward Eltonhead, one of the masters of chancery, and a sister of William Eltonhead, who sat on the Maryland Council in the 1650s.<sup>64</sup>

It would be a mistake, however, to overestimate the significance of education and marriage in the building of a successful career. Certainly they helped, but they were not essential ingredients. Nicholas Gwyther became a man of consequence in Maryland, but married a former servant.<sup>65</sup> John Warren served as justice of St. Mary's County for nine years, but could not write his name.<sup>66</sup> Daniel Clocker and John Maunsell both held major office in Maryland. Both were illiterate and both married

<sup>62</sup> Carr, "County Government in Maryland," appendix IV, 371-373.

<sup>63</sup> Wills, I, 133-141.

<sup>64</sup> Harry Wright Newman, *The Flowering of the Maryland Palatinate . . .* (Washington, D. C., 1961), 280-290; Patents, III, 413-414.

<sup>65</sup> *Md. Arch.*, X, 32.

<sup>66</sup> *Ibid.*, V, 33; LXVI, 5.

former servants.<sup>67</sup> Clearly, Maryland in the middle of the seventeenth century was open enough to allow a man who started at the bottom without special advantages to acquire a substantial estate and a responsible position.

It seems probable that Maryland continued to offer ambitious immigrants without capital a good prospect of advancement throughout the 1640s and 1650s. But there is evidence to suggest that opportunities declined sharply after 1660. True, the society did not become completely closed and some men who started life among the servants were still able to end life among the masters. Miles Gibson is a case in point, and there were others. Philip Lynes emigrated as a servant in the late 1660s and later became a member of the Council and a man of considerable wealth.<sup>68</sup> Christopher Goodhand, who also entered Maryland as a servant in the late 1660s, later served as justice of Kent County and left an estate appraised at nearly six hundred pounds.<sup>69</sup> However, in the latter part of the century men such as Gibson, Goodhand, and Lynes were unusual; at mid-century they were not. As Table I illustrates, the chances that a former servant would attain an office of power in Maryland diminished sharply as the century progressed.<sup>70</sup>

This reduction in the proportion of former servants among Maryland's rulers is directly related to basic demographic processes that worked fundamental changes in the colony's political structure. The rapid growth in the population of the province during the seventeenth century affected the life chances of former servants in at least two ways. First, there was a reduction in the number of offices available in

<sup>67</sup> Patents, II, 581; AB&H, 35, 150; *Md. Arch.*, XLIX, 29, 290.

<sup>68</sup> Patents, XVI, 411; XVIII, 110; *Md. Arch.*, XXVII, 181; Inventories and Accounts, XXX, 280; XXXIIB, 128; Wills, XII, 151A.

<sup>69</sup> Patents, XV, 379; XVII, 65; *Md. Arch.*, XVII, 379; Inventories and Accounts, WB#3, 542; XXVI, 326.

<sup>70</sup> This is not intended to exclude the possibility of cyclical fluctuations similar to those identified by P. M. G. Harris in "The Social Origins of American Leaders: The Demographic Foundations," *Perspectives in American History*, III (1969), 159-344. Biographies of the men who held major office in Maryland from 1634 to 1692 do not reveal any obvious cyclical patterns, but this is not a long enough period to provide a fair test for Harris's hypothesis. It may be that further research will reveal cyclical changes within this long-term decline. This issue is discussed more fully in my dissertation, "Politics and Social Structure in Seventeenth Century Maryland," to be submitted to the University of Iowa.

TABLE I  
SERVANT OFFICE HOLDERS, 1634-1689

(Former servants serving as burgess, justice of the peace, and sheriff in Charles, Kent, and St. Mary's counties, Maryland, 1634-1689, by date of first appointment.)

	<i>New Officials</i>	<i>Servants</i>	
		<i>Number</i>	<i>Percent</i>
1634-1649	57	11-12	19.3-22.8
1650-1659	39	12	30.8
1660-1669	64	9	14.1
1670-1679	44	4-5	9.1-11.4
1680-1689	46	4	8.7

proportion to the number of freemen, resulting in increased competition for positions of power and profit. Secondly, there was an increase in the number of men of wealth and status available to fill positions of authority. In the decades immediately following the founding of the province there were simply not enough men who conformed to the standards people expected their rulers to meet. As a consequence, many uneducated small planters of humble origins were called upon to rule. Among the immigrants to Maryland after the Restoration were a number of younger sons of English gentry families and an even larger number of merchants, many of whom were attracted to the Chesapeake as a result of their engagement in the tobacco trade. By the late seventeenth century, these new arrivals, together with a steadily growing number of native gentlemen, had created a ruling group with more wealth, higher status, and better education than the men who had ruled earlier in the century. As this group grew in size, poor illiterate planters were gradually excluded from office. Table II, which focuses on the educational levels of all major office holders by measuring literacy, demonstrates the degree and rate of change.<sup>71</sup>

<sup>71</sup> The argument in this paragraph is a major theme of my dissertation. See also Jordan, "Royal Period of Colonial Maryland," and Bernard Bailyn, "Politics and Social Structure in Virginia," in Smith, ed., *Seventeenth-Century America*, 90-115.

TABLE II  
ILLITERATE OFFICE HOLDERS, 1643-1689

(Illiterates serving as burgess, justice of the peace, and sheriff in Charles, Kent, and St. Mary's counties, Maryland, 1634-1689, by date of first appointment.)

	<i>New Officials</i>	<i>Illiterates</i>	
		<i>Number</i>	<i>Percent</i>
1634-1649	57	16	28.1
1650-1659	39	9	23.1
1660-1669	64	17	26.6
1670-1679	44	1	2.3
1680-1689	46	4	8.7

Former servants also found that their chances of acquiring land and of serving as jurors and minor office holders were decreasing. Probably the movement of prices for tobacco and land was the most important factor responsible for this decline of opportunity. During the 1640s and 1650s, the available evidence—which, it must be admitted, is not entirely satisfactory—indicates that farm prices for Chesapeake tobacco fluctuated between one and one-half and three pence per pound.<sup>72</sup> After 1660, prices declined due to overproduction, mercantilist restrictions, and a poorly developed marketing system that allowed farm prices to sink far below those justified by European price levels.<sup>73</sup> By using crop appraisals and other data from estate inventories, it is possible to construct a fairly dependable series for farm prices of Maryland tobacco from 1659 to 1710. In the 1660s, prices averaged 1s. 30d. per pound. For the 1670s, the average was just over a penny. During each of the next three decades the average price was less than a penny per pound.<sup>74</sup> Falling tobacco prices were not, however, the only obstacle to land acquisition, for while tobacco prices were going down, land prices were

<sup>72</sup> Gray, *History of Agriculture*, I, 262-263; Wertebaker, *Planters of Colonial Virginia*, 66.

<sup>73</sup> Jacob M. Price, "The Tobacco Adventure to Russia: Enterprise, Politics, and Diplomacy in the Quest for a Northern Market for English Colonial Tobacco, 1676-1722," *American Philosophical Society, Transactions*, N.S., LI (1961), 5-6; Wertebaker, *Planters of Colonial Virginia*, 88-96.

<sup>74</sup> Menard, "Farm Prices of Maryland Tobacco," *Md. Hist. Mag.*, forthcoming.



going up. V. J. Wyckoff has argued that the purchase price of land increased by 135 percent from 1663 to 1700.<sup>75</sup>

One consequence of these price changes was a change in the nature and dimensions of short-term leaseholding. In the 1640s and 1650s, tenancy was a typical step taken by a man without capital on the road to land acquisition. However, falling tobacco prices and rising land prices made it increasingly difficult to accumulate the capital necessary to purchase a freehold. In the 1660s fragmentary results suggest that only 10 percent of the householders in Maryland were established on land they did not own. By the end of the century the proportion of tenants had nearly tripled. Tenancy was no longer a transitory status; for many it had become a permanent fate.<sup>76</sup>

A gradual constriction of the political community paralleled the rise in tenancy. In years immediately following settlement, all freemen, whether or not they owned land, regularly participated in government as voters, jurors, and minor office holders.<sup>77</sup> At the beginning of the eighteenth century a very different situation prevailed. In a proclamation of 1670, Lord Baltimore disfranchised all freemen who possessed neither fifty acres of land nor a visible estate worth forty pounds sterling. This meant, in effect, that short-term leaseholders could no longer vote, since few could meet the forty pounds requirement.<sup>78</sup> Furthermore, by the early eighteenth century landowners virtually monopolized jury

<sup>75</sup> "Land Prices in Seventeenth-Century Maryland," *American Economic Review*, XXVIII (1938), 81-88. It seems reasonable to assume that rents rose with land prices.

<sup>76</sup> These assertions concerning tenancy are based on Carr's work on Prince George's County in the early 18th century (see "County Government in Maryland," 605), on Carville Earle's work on Anne Arundel, and on my research on Charles, St. Mary's, and Somerset counties. The work on Charles and St. Mary's is summarized in Menard, "Population Growth and Land Distribution in St. Mary's County, 1634-1710" (unpubl. report prepared for the St. Mary's City Commission, 1971). A copy of this report is available at the Maryland Hall of Records.

<sup>77</sup> For example, 34 men sat on the first three juries convened in the provincial court in 1643. Twenty-three of them did not own land, and nonlandowners were a majority on all three. *Md. Arch.*, IV, 176-177, 180, 191.

<sup>78</sup> Charles M. Andrews, *The Colonial Period of American History*, II (New Haven, 1936), 339-340; Carr, "County Government in Maryland," 608. Inventories were found for 17 nonlandowners who died in Somerset County in the period 1670-1690. Only three had estates worth more than £40, and two of those three had sources of income other than planting.

duty and the minor offices.<sup>79</sup> In the middle of the seventeenth century, most freemen in Maryland had an ample opportunity to acquire land and participate in community government; by the end of the century a substantial portion of the free male heads of households were excluded from the political process and unable to become landowners.

Evidence for this general constriction of opportunity can be seen in the careers of the children of the 158 survivors. No attempt was made at a systematic survey of the fortunes of the second generation, but enough information was gathered in the course of research to support some generalizations. In only one family did the children clearly outdistance the accomplishments of their father. John Courts's son, John Jr., became a member of the Council, while his daughter, Elizabeth, married James Keech, later a provincial court justice.<sup>80</sup> Of the 22 former servants who came to hold major office in Maryland, only 6 either left sons who also held major office or daughters who married men who did so. The great leap upward in the histories of these families took place in the first generation. If the immigrants managed to become small, landowning planters, their children maintained that position but seldom moved beyond it. If the immigrants were somewhat more successful and obtained offices of power, their children sometimes were able to maintain the family station but often experienced downward mobility into small planter status.

In order to provide more direct evidence that opportunities for men who entered Maryland without capital were declining, an effort was made to study the careers of a group of servants who arrived in the 1660s and 1670s. The problems encountered were formidable. The increase in population and the fact that by this time servants could end up in any one of ten counties in Maryland made simple name correlation from headright entries unreliable. To surmount this difficulty an alternative approach was developed. In 1661, in order to regulate the length of service for those servants brought into the colony without indentures, the Assembly passed an act requiring that masters bring their servants into the county courts to have their ages judged and

<sup>79</sup> Carr, "County Government in Maryland," 606. My research in Somerset County confirms Carr's findings.

<sup>80</sup> Wills, XII, 215-217. See also n. 31 above.

registered.<sup>81</sup> Using a list of names from this source simplified the problem of identification by placing the servants geographically and providing precise information about their age and length of service. Even with these additional aids, career-line study of obscure men proved difficult and the sample disappointingly small. However, the results did confirm inferences drawn from data about price changes and tenancy and offered support for the argument that as the century progressed, servants found it increasingly difficult to acquire land and participate in government.

From 1662 to 1672, 179 servants were brought into the Charles County Court to have their ages judged.<sup>82</sup> Only 58 of the 179 definitely appeared in the records as freemen, a fact which in itself suggests declining opportunities, since there does seem to be a relationship between a man's importance in the community and the frequency of his appearance in the public records.<sup>83</sup> Of the 58 of whom something could be learned, only 13 to 17—22 to 29 percent—eventually became landowners. Furthermore, none acquired great wealth. Mark Lampton, who owned 649 acres in the early 1690s, was the largest landowner in the group and the only one who owned more than 500 acres. Robert Benson, whose estate was appraised at just over two hundred pounds, left the largest inventory. Lampton was the only other one of the 58 whose estate was valued at more than one hundred pounds.<sup>84</sup>

A study of the participation of these men in local government indicates that opportunities in this field were also declining. Only twenty-three to twenty-five of the fifty-eight sat on a jury or filled an office, and the level at which they participated was low. Only one, Henry Hardy, who was appointed to the Charles County bench in 1696, held major office.<sup>85</sup> A few others compiled impressive records as minor office

<sup>81</sup> *Md. Arch.*, I, 409-419.

<sup>82</sup> Charles County was chosen for two reasons. First, many of the servants who arrived by 1642 settled there, so it provides geographical continuity; second, there are exceptionally good 17th-century records for the county.

<sup>83</sup> In this connection, in a similar study of 116 servants brought into Prince George's County from 1696 to 1706, only 5 to 8 appeared as heads of households on a nearly complete tax list of 1719, so the project was abandoned.

<sup>84</sup> Patents, NS#2, 34; Charles County Court and Land Records, Q#1, 120-121; S#1, 343-344; Wills, XI, 200; Inventories and Accounts, 19½B, 136-138; XXI, 292-293.

<sup>85</sup> Hardy was also the only one of the 58 to acquire a title of distinction. Charles County Court and Land Records, V#1, 20-21. It is probable that the

holders. Mathew Dike, for example, sat on eight juries and served as overseer of the highways and constable, while Robert Benson was twice a constable and fourteen times a juror.<sup>86</sup> For most of these men, however, occasional service as a juror was the limit of their participation. Five of the twenty-three known participants served only once as a juror, while another six only sat twice.

The contrast between the careers of these 58 men and the 158 who entered Maryland before 1642 is stark. At least 46 of the 58 lived in the province as freemen for over a decade. In other words, 50 to 57 percent lived in Maryland as freemen for more than ten years and did not acquire land, while 36 to 40 percent did not participate in government. Only about 10 percent of the 158 who arrived in the earlier period and lived in the colony for a decade as freemen failed to become landowners and participants.<sup>87</sup>

How successful, then, in the light of these data, was the institution of servitude in seventeenth-century Maryland? The answer depends on perspective and chronology. Servitude had two primary functions. From the master's viewpoint its function was to supply labor. From the point of view of the prospective immigrant without capital, servitude

Richard Gwin who was appointed justice in Baltimore County in 1685 is identical with the Richard Gwin brought into Charles County Court to have his age judged by Francis Pope in 1664. Gwin was "living in Adultry" and was not allowed to sit on the bench. *Md. Arch.*, V, 524-525; XVII, 380; LIII, 451; Baltimore County Court Proceedings, 1682-1686, 358.

<sup>86</sup> Charles County Court and Land Records, H#1, 338; I#1, 176; K#1, 384; M#1, 208, 223; N#1, 166, 323; P#1, 7; Q#1, 27; R#1, 136, 237, 369, 482; S#1, 2, 28, 247, 275, 279; V#1, 42, 133, 210, 241, 333, 351.

<sup>87</sup> There are two possible objections to this comparison. Although I do not think either is valid, both are difficult to refute. First, it could be argued that the quality of servants declined over the course of the century. Mildred Campbell, however, noticed no such change in the status of servants leaving Bristol from 1654 to 1685. "Social Origins," in Smith, ed., *Seventeenth-Century America*, 63-89. Secondly, although the first group includes servants in general and the second only redemptioners, it does not follow that there are significant differences between the two categories. Both groups consisted largely of poor, illiterate farmers and artisans; both also included a few poor but educated men. Henry Hardy, for example, seems to have had some education, while the three Dulany brothers arrived in Maryland as redemptioners. Aubrey C. Land, *The Dulanys of Maryland: A Biographical Study of Daniel Dulany, the Elder (1685-1753), and Daniel Dulany, the Younger (1722-1797)* (Baltimore, 1955), 3.

was a means of mobility, both geographic and social; that is, it was a way of getting to the New World and, once there, of building a life with more prosperity and standing than one could reasonably expect to attain at home. Its success in performing these two quite different functions varied inversely as the century progressed. Prior to 1660, servitude served both purposes well. It provided large planters with an inexpensive and capable work force and allowed poor men entry into a society offering great opportunities for advancement. This situation in which the two purposes complemented each other did not last, and the institution gradually became more successful at supplying labor as it became less so at providing new opportunities. Some men were always able to use servitude as an avenue of mobility, but, over the course of the century, more and more found that providing labor for larger planters, first as servants and later as tenants, was their permanent fate.