

THE CONSEQUENCES OF CRUELTY: THE ESCALATION OF SERVANT AND SLAVE ABUSE, 1750-1780

Michael V. Kennedy
University of Michigan-Flint

ABSTRACT

As the need for reliable labor sources increased in British North America during the 18th century, there was a rise in the numbers of servants and slaves imported. In the Mid-Atlantic region, dependence on various types of bound labor was characteristic of commercial and industrial expansion. The two major wars of the 18th century, however, the Seven Years War and the War for American Independence, created unusual opportunities for both servants and slaves to seek their freedom through flight. The common reaction by masters after the mid-1750s was to increase their controls over bound workers and impose more severe punishments for any misdemeanors, particularly attempts to run away. The results were a radical change in the treatment of indentured servants, and the promotion of the very reaction that masters were trying to prevent—increased flight.

“August 12, 1762, Run away from the subscriber, living in Bethel, Chester County (Pennsylvania)...has a Steel Collar round his neck...”¹ “September 15, 1762, Eight Pounds Reward. Run away last night from the Patapsco Furnace, near Elk Ridge Landing (Maryland)...had on Darbies (hackles), with Chains, on their Legs...”² “Baltimore Town, June g24, 1771. Five Pounds Reward. Run Away, last night, from the subscriber...has the marks of a severe whipping given him lately...”³ “May 24, 1773, Fifty Shillings Reward. Run away, last night, from the subscriber, in Mansfield township, Burlington County (New Jersey)...his back (if examined) will appear to have lately been under the discipline of the cat o’ nine tails.”⁴ These runaway ads, taken from among thousands of notices in Mid-Atlantic newspapers, may seem familiar to those who have read or heard of similar descriptions of antebellum slaves fleeing southern plantations and attempting to make their way north to freedom. The runaways described, however, John Frazier, George Seymour and Stephen Hawkes, William Springate and John Crawford respectively, collared, chained and whipped, were all indentured servants—white citizens of the Mid-Atlantic colonies of the British Empire.

Conditions and treatment of bound workers, including slaves but primarily indentured servants, changed radically beginning in the mid-1750s and continued through the period of the American Revolution. The clear signs of more severe controls and greater punishments in order to secure increased production are evident in the physical condition and frequency of runaways over three decades. Runaway ads from eighteen different regional newspapers form the basis for this investigation which proposes that

the legal differences between servants and slaves blur under conditions that demand increased economic output from the most available sources of labor.⁵

For over half a century, historians have been arguing the differences between servitude and slavery in British North America. Beginning with Richard Morris and Abbott Emerson Smith in the late 1940s, a clear delineation was made between indentured servants, who were primarily laborers with contracts required to work for another for a set number of years in order to pay off a debt, and slaves, who were owned outright by masters for their lifetimes. Even before perpetual slavery for blacks became codified in the British colonies from the 1660s to the 1690s, there were identifiable distinctions in their treatment as opposed to white servants. Throughout the colonies, bound blacks were typically required to work twice the number of years as whites, had lower expectations of property ownership when freed, as a result could rarely vote and could not testify against whites in court. Indentured servants had the basic rights of English Common Law and were bound by contract to work. Indentures also required certain evidences by masters, including food, shelter, clothing, in most instances some kind of manual training, often the teaching of reading and writing and also freedom dues that included new clothing, tools, and sometimes cash at the conclusion of their contracts. Servants had the right of appeal in court in circumstances of ill treatment, either physical abuse, undue extensions of their contracts, lack of provisioning, or absence of freedom dues. By the turn of the eighteenth-century, any gray areas had been removed, as laws from the Carolinas to Massachusetts identified slaves as property, required them to be bound for life, their children to be bound for perpetuity, barred slaves from property ownership, disallowed them the right to sue or bear witness in court, and gave their masters extensive rights to discipline and punish them at will.⁶

Under New Jersey law, a servant could win his or her freedom if a master's treatment or discipline was excessive.⁷ In Pennsylvania, servants could seek relief for grievances in court with the possibility of having their term of service commuted.⁸ Recently, it has been clearly shown that servants not only held rights that placed them above slaves legally and socially, but that they frequently exercised those rights. For example, in colonial Maryland, servants not only sought redress for physical and economic grievances in court, but sued successfully nearly 85 percent of the time.⁹

The lot of servants, however, was not an easy one. Colonies based their local statutes for control of servants on English laws developed between the 15th and 16th centuries, which allowed masters to correct their servants for neglect of duty or insubordination, and even severe punishments were found justified if the servant "gave provocation."¹⁰ If a servant brought suit against a master for ill treatment, but was found to be "prevaricating," he or she was liable to be imprisoned "at hard labor" with the discretion of the court after completing their term of service.¹¹

It is clear that servants' access to the legal system, while not affording universal protections, tempered the treatment of masters. In a purely economic sense, a master wanted to maximize the labor potential of servants, and the best way to do that was to negotiate a workable compromise wherein both parties to the contract believed they

THE CONSEQUENCES OF CRUELTY

were being treated fairly.¹² This arena of negotiation did not exclude slaves either. As has been shown by Robert Fogel and Stanley Engerman in their controversial *Time On The Cross*, and more recently by a number of historians of slavery in British North America, including Ira Berlin, Betty Wood, and Philip Morgan, despite the letter of the law, masters routinely negotiated with slaves in order to ensure the highest quantity and quality of labor possible. This negotiation included, with obvious exceptions, minimum physical coercion compared to the extremes masters' were allowed under the law.¹³

Circumstances could alter this balance of negotiation, however, and at times it was altered dramatically. The situation that indentured servants and slaves found themselves in between 1754 and 1783 was not an enviable one, and the turbulent times of war and political upheaval turned the world in which servants were generally treated better than slaves, upside-down.

Limits to the numbers of both servants and slaves coming into the colonies after 1754 made the labors of already-bound workers much more valuable. The pressures to produce at higher levels in order to maintain or increase commercial profits created a situation where the system of control and punishment in the Middle Colonies became unbearable for both servants and slaves.¹⁴ The results of these new pressures were a cycle of increasing violence and increasing flight from violence that exacerbated existing problems within the systems of bound labor beyond the capacity of either the law or society to control it.

The keys to industrial and commercial growth are accessibility to resources, availability of labor, and sufficiency of capital for investment. These requirements were gradually met between about 1720 and 1750 in the Mid-Atlantic region of British North America. Entrepreneurs were active in their roles as, or influence on, proprietary and government officials to secure sometimes vast land holdings with extensive woodlands, containing important minerals, having accessibility to waterways, and with large areas of arable land.¹⁵

The frontiers of the region were stretched steadily over these three decades into the lands of Northwestern New Jersey, South-Central Pennsylvania, Western Maryland and the areas west of the Hudson River in New York. The territories occupied by Europeans expanded by 500 percent in little over thirty years, with business interests taking the lead through the forming of partnerships, companies and corporations that pooled sufficient capital for the establishment of commercial mills, including sawmills, oil mills and fulling mills, and particularly ironworks. The number of these operations in the region increased nearly fourfold during this time, as labor and support communities followed industry.¹⁶

Business owners were active in the construction of improved transportation systems, building mill roads that connected commercial operations and nearby market towns, as well as established access to waterways, such as the Susquehanna, Lehigh, Orange, Sassafra, and Musconetcong Rivers, as well as to the Hudson and Delaware Rivers and the Delaware and Chesapeake Bays.¹⁷ By the early 1750s, still-evolving internal system of roads and waterways not only enabled the movement of both raw materials and fin-

ished products over distances of 200 miles or more, but allowed for greater access to imported materials that were carried from coastal ports. Despite the increased interest of English merchants and the British Parliament by 1746 in extending greater controls over American markets, little was done prior to 1763 because colonial markets were expanding rapidly enough to satisfy the profit demands of both international and domestic producers.¹⁸

Industrial and commercial development could not have expanded without access to growing labor supplies. While increasing numbers of agriculturalists worked part-time for local companies as everything from colliers and miners to teamsters and cooks, the core of the workforce in these businesses had to be full-time workers, and they had to be reliable—which in the eighteenth century meant controlled. From the 1720s to the mid-1750s, the Mid-Atlantic region was the scene of a rapid increase in the numbers of indentured servants, redemptioners, and slaves who formed the base on which industrial and commercial growth was possible. German and Irish immigration into the region during the three decades prior to the Seven Years War was approximately 70,000, and over 90 percent of these were servants. From 1718 on, convict servants were sent regularly to Maryland, and nearly 12,000 were sent to the Middle Colonies as a whole prior to 1775. The number of slaves in the Mid-Atlantic rose from approximately 17,000 in 1720 to 52,000 in 1750. The vast majority of these bound workers, more than three-quarters of them, worked directly in industry as full-time employees, were hired out by their masters for part-time work, or worked in various support categories. Workers tangential to industry were involved in the growing of food to feed the industrial workforce, work in artisan shops making such items as tools or barrels, or working in warehouses, on the docks, or on ships as part of the commercial end of business.¹⁹

The expanding world of colonial business came to a rather abrupt halt by late-1754, as the outbreak of fighting along the Mid-Atlantic frontier signaled the beginning of what would become, in 1756, the Seven Years War. The Great War for Empire was not officially declared between France and England until nearly two years after French-allied Indians and British colonists started routinely killing each other and trying to burn the other out in the most extensive frontier conflict in America to that point. The war had multiple effects, including the ultimate creation of what is called the First British Empire along with the destruction of French power in the Western Hemisphere. On the domestic front, the effects on labor and labor relations in the Mid-Atlantic region were dramatic, and the chain-reaction started at the conjunction of three rivers in Western Pennsylvania would not see its fullest effects until after the American Revolution nearly three decades later.

From 1720 to 1754, runaway ads dotted regional newspapers in the Mid-Atlantic, calling on any and all to aid in the identification and capture of fugitive servants and slaves. Rewards were offered, along with “reasonable charges,” including the cost of maintenance and transport for the servant’s return.²⁰ The advertisements, in order to better the chances of identification, included all discernable characteristics of the fugitive. Descriptions of clothing and physical features were prominent. On February 22, 1740,

THE CONSEQUENCES OF CRUELTY

Matthew McDaniel ran from the service of Margaret Jackson in New Jersey. He is described as Irish, about 21 years of age:

...of middle stature, well set, dark complexion'd, and short black Hair; had on...an old Felt Hat, a dark colour'd silk Handkerchief, a red and white Cotton Cap, two Ozenbrig shirts, one old, the other new; an old dark colour'd Cloth Coat, with two other Coats, one homespun, the other brown Holland; an old homespun dark colour'd Jacket, wide Ozenbrigs Trowsers, white Dimmity Breeches, old worsted stockings, and a pair mill'd stockings; two pairs of shoes, one of Calf-skin with narrow square Toes, the other old round-toed ones.²¹

Abraham Magee ran away from his master, Philip Marot of Bordentown on October 15, 1750. The ad reads:

...of middle stature, about 25 years of age, of a pale complexion, a taylor by trade, and a good workman, has black hair, and a red beard, but has his hair off, and wears a linen cap: Had on when he went away, a light colour'd homespun drugget coat, a brown drugget jacket, two pairs of breeches, one pair fustian, the other buckskin, an ozenbrigs shirt, two pair of stockings, one pair blue worsted, the other thread, a castor hat, about half worn, a new pair of neats leather shoes, with brass buckles.²²

While physical descriptions are evident, careful descriptions of clothing are primary identifiers. Eighty-nine percent of the notices for fugitive servants prior to 1754 describe them as being "well set" or "well made," with dark, ruddy, fair, fresh, or pale complexions. Dark or brown hair abounds and most were clean-shaven. Runaways were called out for being tall, "of middle stature," or short. Some were heavy and some were thin. More distinct characteristics were rarely declared. Visible marks, such as scars, missing appendages or lameness would greatly aid in identification, but were not often mentioned among servants. Few, like Francis Lemmons in 1721, ran with "a scar on his lip...a great scar on his left shoulder and a scar on his right side."²³ Between 1720 and 1754, only six percent of servant ads mentioned an obvious physical injury, with less than three percent clear victims of physical abuse. The early indicators of a change in treatment came in the early 1750s.

In December, 1752, Thomas Wood was captured and brought to the Chester County jail in Pennsylvania. He was given away by the "iron collar, about his neck" put on him by his master, John Smith of Maryland.²⁴ When John Burroughs of Trenton, New Jersey advertised his fugitive servant, Robert Whitehead, in April, 1753, he listed the runaway's clothing extensively, but the only physical characteristics he noted were that Whitehead had been "both whipped and branded."²⁵ These descriptions are the first occurrences of this type of treatment to appear in servant ads. While this level of abuse certainly occurred in some instances prior to this time, it is likely to have been very rare, or evidence would have appeared in earlier notices.

Evidence of ill-treatment, while not routine, could be noted much earlier among runaway slaves. Nearly fourteen percent of slave ads from 1720 to 1754 contained evidence of some level of abuse, including signs of whipping and branding. While not to make light of this harsh treatment, over three-quarters of the runaway slave notices from the Mid-Atlantic in this period describe the fugitives as “well made,” “likely looking,” or “healthy” rather than scarred, branded, collared, or lame, which was similar to the descriptions of servants from the same era.²⁶

After 1754, conditions in the treatment of bound labor began to change quickly and dramatically. With the outbreak of fighting on the western frontiers the frequency of servant and slave flight increased. As free men in Maryland, Delaware, Pennsylvania, New Jersey and New York joined their militia units and were more routinely absent from home, bound workers began to run when they had a chance. Due to the disruptions of war, typical enforcement lagged and fewer servants were captured and returned. This success gave encouragement to other servants to run when they found the opportunity.²⁷

In 1755, the number of runaways appearing in Mid-Atlantic newspapers more than doubled over the year before, and exceeded the previous annual high by 45 percent. In 1756, the year war was officially declared and conflict escalated, the runaway figures rose 88 percent over 1755. The annual numbers of runaways declined after that for the remainder of the Seven Years War, but not through lack of effort on the part of bound laborers to get away. After 1755, the number of servants arriving in America from Europe declined by over 90 percent, as the sea war endangered and disrupted shipping. Imports of servants reached a nadir in 1759. Since the typical servant contract was for five years, 20 percent of indentures expired every year. Added to the success rate of runaways early in the war, attrition succeeded in reducing the overall population of servants to less than one-quarter of the 1754 level by 1759. Even so, the number of runaway servants in 1760 was 184 percent higher than in 1753.²⁸

As the number of servants imported dropped, the signs of increased controls over remaining servants became more apparent. After 1755, runaway ads reflect greater levels of abuse. Through 1763, the number of servants listed with signs of ill treatment rose to over ten percent. Nearly five percent were advertised as wearing iron collars or chains, or having been whipped or branded. Another four percent showed signs of being beaten, with multi-scarred faces, broken noses and blackened eyes. Greater severity of treatment can also be seen in notices for runaway slaves, as one in five advertised were collared, branded, whipped or beaten.²⁹

The increased frequency and greater severity of beatings do not generally appear to have affected the ability of servants or slaves to work. This kept the individual profitability of bound workers relatively stable. There were other indicators of an increase in labor pressures that are less obvious, but worthy of note. Between 1755 and 1763, compared to the previous 35 years, the percentage of fugitives described as missing digits or appendages, or walking stooped over or hump-backed doubled, and those listed as limping or being lame increased by nearly three times.³⁰

Although the Seven Years War did not officially end until the Treaty of Paris was signed in 1763, significant fighting in North America was over by the end of 1761. In

THE CONSEQUENCES OF CRUELTY

1762, indentured servants began to arrive in the Mid-Atlantic colonies from Britain in small numbers once again, now supplemented by larger shipments of slaves. Neither immediately met the pre-war labor needs of the area, but by 1765 imports of bound labor was higher than ever. Problems for the controllers of labor were not over, however. The expected post-war recession had not ended with the arrival of sufficient numbers of indentures and slaves at colonial ports. New imperial legislation appearing with the Sugar Act of 1764 and the Stamp Act in 1765 brought about significant outrage—first among commercial and business interests in the colonies who saw their profits at risk. Claims that Parliament had abridged the rights of Englishmen abounded, and the “sons of Liberty,” so named by Parliamentarian Isaac Barre in 1766, promoted boycotts of English goods and the increase of home manufacture to make up for shortages of imports.³¹

Non-importation agreements in several colonies were approved or supported by the local legislatures, and while not universal, seemed to be backed by a majority of the population as a way to both avoid taxation and aggressively protect their rights.³² The drop-off in imports meant lower profits for many colonial businesses, but it also opened opportunities for domestic entrepreneurs to gain greater controls of local markets by producing needed commodities themselves. These attempts to fill production voids translated down from ironworks, mills and tanneries to artisan shops and local farmers.³³

In order to produce higher quantities of a greater variety of goods domestically, producers needed both higher numbers of workers, and greater controls over those workers. The attempts to acquire larger numbers of bound laborers can be seen in the increased immigration figures from 1765 to 1774, but the exercise of greater strictures of control can also be seen in the numbers of runaways and their descriptions.

John Williams, an indentured shoemaker at Samuel Cheesman's tannery and currier shop, ran on the 27th of December, 1765. He is described as having “a large Scar on his Forehead, one on each Cheek, and several on his Arms and Body...”³⁴ Williams was an unruly servant who needed to be managed with a strong hand. John Heran, who fled from a Brickyard in Delaware on June 8, 1766, could be discovered by the bruises on his brow and by the “pair of iron hand cuffs” he wore.³⁵ Robert Jones, if he managed to get his leg irons off before he was found, could be identified by the galls, or sores, “about his ancles” from “being ironed.” Jones, 30 years of age, despite a “rugged look” was stooped and round-shouldered from heavy work.³⁶ Edward Clemons, 23, ran with “chains on his leg.”³⁷ Patrick Bickum, also 23, also with a “lock on his leg” ran in June of 1772.³⁸ Matthew Simpson fled with his iron collar still about his neck, and Cornelius Conine, 20, stooped and round-shouldered, could be best identified by the scars of his whipping.³⁹ And the list goes on and on.

Slaves did not fair any better, as the notices for black fugitives showed the intensity of new controls. Shadwell, a slave from Baltimore County, Maryland, escaped despite being secured with “an Iron Collar, and a Pair of Iron Fetters double riveted.”⁴⁰ Cuff could be identified by the brand on his cheek “P.R.” and Dick, who pretended he was free and named John Linch, would have a hard time explaining his iron collar and the chains on his legs.⁴¹

There was another change in the pattern of ill-treatment of bound workers in the decade prior to the American Revolution. While sixteen percent of slaves who were advertised as runaways had signs of abuse, the percentage of servants described with physical damage nearly doubled from the previous decade to over eighteen percent. It is possible that with the greater frequency and success of servants' flight, a larger percentage of indentures were being physically abused than slaves were. The number of servants listed as having been whipped increased by 83 percent. Those collared or chained went up by 213 percent. The number of beaten, bruised, and scarred rose by an appalling 254 percent. Servants who could be identified by their missing fingers and toes increased by 91 percent; the stooped over, bent, or hump-backed increased by 115 percent; the lame increased by 127 percent. Signs of multiple injuries also increased as in cases such as that of Solomon Leetch, who ran from Lersh's mill near Baltimore on September 29, 1771. Leetch was described as stooped, wearing an iron collar, although he may have filed it off "as he attempted it once before," and missing "two joints of his forefinger on his right hand." The collaring, fettering and chaining of both slaves and servants was most certainly reserved for those who had not been deterred by beatings.⁴²

The instances of abuse to slaves did not increase as dramatically between 1764 and 1774 as they did with servants, but ill-treatment rose. The percentage of runaway slaves whipped or beaten increased by 39 percent; those collared or chained increased by 43 percent; stooped by 51 percent; missing digits by 60 percent; the hobbled or lame by 82 percent. As with servants, descriptions of multiple injuries became more common. When Ham escaped from Robert McGhee's mill in Cranbury, New Jersey on August 26, 1770, he was "bent over," lame from having "one of his knee pans broke," with "a large scar on the back of his leg," and missing "one joint of his little finger."⁴³

Rather than calling out servants or slaves as "well made," or "ruddy complexioned," it was much more likely to describe all types of bound servants who ran as "sullen," with a "down look," "a noted liar and a villain," and the like.⁴⁴ Within the cycle of violence, action and reaction, it is probable that more servants and slaves were less pliable and complaisant in their labors as work regimens increased and controls became more severe. As employers pressed for more production, bound laborers were more liable to try to remove themselves from unpleasant surroundings. As more workers fled, masters exerted more controls and increased the level of punishments, and as a result, more workers ran when the first opportunity arose.

Over time, there are indicators that greater punishment resulted in greater determination to run away. Edward Williams, with his down look, swollen legs, and back "not well where he has been whipped for running away" was being sought in August, 1773, having run away for the fourth time within two months.⁴⁵ In September of the same year, James Dick, a Scots servant from New Jersey with a down look wore an iron collar during his flight, which was put on him as this was "the eighth time he ran away." As abuses escalated, workers were more anxious to attempt escape. The resultant flight from punishment enhanced the labor shortages masters were trying to avoid. In the completion of a vicious cycle, masters became even more draconian in their attitudes and actions.⁴⁶

THE CONSEQUENCES OF CRUELTY

The increased number of runaways from the mid-1760s to the mid 1770s is, on one hand, reflective of the growth in the number of servants themselves, as there were approximately 40 percent more servants in the region in 1774 than in 1763.⁴⁷ If the annual percentage of runaways from the available pool of servants during the Seven Years War is compared to the annual percentage of runaway from 1764 to 1774 the increase in frequency is more evident. Between 1754 and 1763, approximately one of every ninety-nine servants fled. Between 1764 and 1774, one in forty ran at least once.⁴⁸ Clearly, a servant was twice as likely to attempt an escape after the Seven Years War as during the war.

Between 1763 and 1774, the slave population in the region also increased by nearly 40 percent.⁴⁹ During the Seven Years War, one in approximately 2700 slaves was advertised as a fugitive. In the decade after the war, one in 1300 was listed as a runaway. Again, it appears that the frequency of flight doubled in the decade after the war.⁵⁰

The War for American Independence saw both increased opportunities for flight among servants and slaves as well as a continuation of controls and punishments. The revolution provided additional incentives for both servants and slaves to run. The call to arms that spread through the colonies in the summer of 1775, both from the Continental Congress and from most colonial legislatures did not differentiate between free and bound enlistees. In fact, Congress voted to encourage the enlistment of servants to fill out the ranks as late as 1777.⁵¹ Rumors abounded that service in the Continental Army or militia units would win automatic freedom for both servants and slaves.⁵² Though this rumor was not true, the flood of runaways continued, both to enlistment officers and over the hills behind them.

While the legislatures of Delaware, New York and Pennsylvania allowed servants to enlist with their masters' consent and Maryland and New Jersey did not even require that consent, holders of servants everywhere, particularly among business interests, raised a loud cry of protest.⁵³ In 1776, the Council of Safety in Philadelphia responded by stating that "all such workmen as are necessary to be employed at the Iron Works in casting Cannon or Shott for the Public be ordered not to leave their Respective Works..." This order was later expanded to include mills, and all other industries vital to the war effort.⁵⁴ These declarations, however, did nothing to stop servants and slaves from fleeing to join the Continental forces, Loyalist regiments, or simply to escape.

Even if the Continental Congress or the legislatures had the power to keep runaways from joining the rebel ranks, the lure of service with the British was potentially more fruitful. In November 1775, the royal governor of Virginia, Lord Dunmore declared "all indentured Servants, Negroes...free that are able and willing to bear Arms, they joining His MAJESTY'S Troops as soon as may be..." Dunmore's offer of freedom, while it would not be kept, enticed innumerable bound workers to attempt reaching the British lines.⁵⁵

Masters, whether Loyalist or Rebel, faced the prospect of losing their servants and slaves to Dunmore's call, and both responded with attempts of greater controls and punishments. Between 1775 and 1780, descriptions of abuse in runaway ads for both ser-

vants and slaves increased to nearly 20 percent of those listed. In 1775 and 1776, the number of servants advertised as fugitives increased by 31 percent over previous highs. By 1777, however, runaway servant advertisements in area newspapers nearly disappeared completely.⁵⁶

A combination of factors can account for this situation. First was the immediate depletion of large numbers of servants in the first year and a half of the war. At least fifteen percent of the servant population had run from bondage by 1777, if advertisements during the previous two years are any indicator. In addition, many masters had allowed their servants to enlist in the militia through support for the rebel cause. Other masters began to receive compensation for their servants if they allowed them to enlist. Both Maryland and New Jersey paid compensation by 1777. Given the concerns over servant flight, it is likely that many masters opted to let their servants go in return for legislative payments.⁵⁷ These combined cases probably drained the servant pool by thirty percent or more.

A second factor was executive action by the government of the new United States. By 1777, the Supreme Executive Council of the United States had ordered the properties of all traitors, meaning Loyalists, confiscated and sold "at public Vendue" in order to raise money for the cause. Properties included real property and material goods, including slaves and the contracts of servants. While slaves were not freed under these conditions, servants were given the option of having the remainder of their contracts sold or entering the army, in which case their contracts were voided. While it is unknown how many servants in each colony opted for the latter condition, it was probably a significant number, since over 20 percent of taxpayers in the Mid-Atlantic were at one time or another declared Loyalists.⁵⁸

Third, the role of attrition came into play as it had during the Seven Years War. After May 1775, no new servants were entering the colonies. Over the next two years, approximately 40 percent of servants who had become indentured prior to the onset of war completed their contracts and gained their freedom. Taken together, by the end of 1777, the pool of servants was barely ten percent of what it had been in 1774.

There is a fourth, though perhaps minor, factor. Disruptions of the war prevented routine publication of newspapers in the Mid-Atlantic region, the only area of the colonies where fighting continued from the fall of 1775 to the spring of 1782. A number of newspapers ceased production completely, while others, like the *Pennsylvania Gazette*, suspended operations during the British occupation of Philadelphia and eastern Pennsylvania from the late summer of 1777 through the summer of 1778. Since the *Pennsylvania Gazette* was the main newspaper for the region of eastern Pennsylvania, Delaware and southwestern New Jersey, its suspension effected over a quarter of the population of the region. Masters who lost servants in that area may have felt it was foolish to throw good money after bad in trying to advertise runaways in newspapers too far afield.

In 1779, runaway servant figures were only 5 percent of what they had been at their peak in 1775. For the first time, in the latter years of the war, the number of runaway slaves exceeded that of servants. Between 1778 and 1783, runaway slaves outnumbered

THE CONSEQUENCES OF CRUELTY

fugitive servants by five to one. This proved again some advantages that servants held over slaves. Runaway slaves were always more readily recognized, simply because of their color. Few masters allowed their slaves to serve the rebel cause, with or without compensation. Governments holding Loyalists' confiscated property were much less likely to offer slaves the choice to serve in return for freedom. Servants with a few months to a few years left on their contracts were much less valuable for resale than slaves who served for life. The sale of a slave could bring the government much needed capital. Perpetual slavery could not be affected by a slowdown in imports. Slaves had no contracts that could be fulfilled in time. Under these circumstances, there were still plenty of slaves in the region ready and willing to run throughout the war whenever the opportunity presented itself. In the meantime, slaves continued to face the level of escalated punishments they had shared with servants over the previous quarter of a century.

The conclusion of the War for American Independence in 1783 saw the end of the brutalization of servants in the Mid-Atlantic region. First of all, the rhetoric of the revolution worked better for whites than it did for blacks. Iron collars, chains, and to a great extent whipping, were reserved for slaves. While gradual emancipation laws appeared in Pennsylvania, New Jersey and New York, slaves remained in those states until the late 1830s, 1861 and 1863 respectively. Delaware and Maryland passed no emancipation laws, and the institution died there in 1865. The numbers of indentured servants migrating to the United States never approached the figures of the late 1760s and early 1770s. The institution of indentured servitude was dying in the face of a new movement toward free wage labor, which had been slowly growing since the mid-eighteenth century. Servants were too much trouble, cost too much, argued too much, ran too much, and they were too hard to control.

Free workers cost nothing but the wages paid to them *after* they produced saleable commodities. Free workers did not have to be housed or fed, and rated no freedom dues. If they ran from their work, there was no investment lost, only the time it took to sign on a new wage laborer. And so the moment in time passed and with it, three decades of servant abuse. As stated above, that shadow would not pass for slaves in the region for another eight long decades.

Notes

1. *Pennsylvania Gazette*, August 12, 1762.
2. *Maryland Gazette*, September 23, 1762.
3. *Pennsylvania Gazette*, July 4, 1771.
4. *Pennsylvania Gazette*, June 2, 1773.
5. *American Weekly Mercury*, 1720-1744; *Maryland Gazette*, 1745-1782; *New Jersey Gazette*, 1777-1782; *New Jersey Journal* 1779-1780; *New York Gazette*, 1730-81; *New York Evening Post*, 1745-48; *New York Journal*, 1767-1780; *New York Mercury*, 1754-1768; *New York Packet*, 1779; *New York Weekly Journal*, 1740-41; *New York Weekly Post-Boy*, 1744-49; *Pennsylvania Chronicle*, 1767-1772; *Pennsylvania Evening Post*, 1776-1778; *Pennsylvania Gazette*, 1729-1783; *Pennsylvania Journal*, 1743-77; *Pennsylvania Packet*, 1772-1779; *Rivington's New York Gazetteer*, 1773-1775; *Royal Gazette*, 1779-1780. Hereafter, references to cumulative data will be cited as *Runaway Ads*, 1720-1783. It should be noted that the runs of these newspapers are far from

ESSAYS IN ECONOMIC AND BUSINESS HISTORY (2004)

complete, with the *Pennsylvania Gazette* having the best run at approximately 81 percent, and *New York Evening Post* having the worst at less than 50 percent. Also, the years during the American Revolution, 1775-1783 see greater disruptions, with only 55 percent of the editions of the *Pennsylvania Gazette* available, as well as regular disruptions in the *Maryland Gazette*, *New York Gazette*, and the other newspapers published during the revolution. In all, only about 65 percent of the publishing dates during the war have newspapers to reference. In addition, it is clear that war news held priority of space, and advertisements of all kinds declined by up to 80 percent in some editions. It is also possible that the dearth of runaway advertisements after 1777 reflects pessimism on the part of masters of having any chance at all in servant or slave's recapture and return. While the lower sampling will affect the aggregate figures of runaways, I believe that the percentages derived from them and the conclusions drawn will still be accurate.

6. Richard B. Morris, *Government and Labor in Early America* (New York: Columbia University Press, 1946, passim; Abbott Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776* (Chapel Hill: University of North Carolina Press, 1947), 3-25; Paul G.E. Clemens and Lucy Simler, "Rural Labor and the Farm Household in Chester County, Pennsylvania, 1750-1820," in Stephen Innes, ed., *Work and Labor in Early America* (Chapel Hill: University of North Carolina Press, 1988), 106-143; Roger Ekirch, *Bound for America: The Transportation of British Convicts to the Colonies, 1718-1775* (Oxford: Clarendon Paperbacks, 1987); David W. Galenson, *White Servitude in Colonial America* (New York: Cambridge University Press, 1981); Farley Grubb, "Immigration and Servitude in the Colony and Commonwealth of Pennsylvania" (PhD diss., University of Chicago, 1984); Sharon V. Salinger, *To Serve Well and Faithfully: Labor and Indentured Servants in Pennsylvania, 1682-1800* (New York: Cambridge University Press, 1987); Farley Grubb and Tony Stitt, "The Liverpool Emigrant Servant Trade and the Transition to Slave Labor in the Chesapeake, 1697-1707: Market Adjustments to War," *Explorations in Economic History* 31 (1994), 376-405; Russell R. Menard, *Migrants, Servants, and Slaves: Unfree Labor In Colonial British America* (Burlington, VT: Ashgate, 2001);

7. *Laws of the State of New Jersey* (New Brunswick: New Jersey State Legislature, 1800), 305, microforms, Michigan State University Library.

8. *Pennsylvania Statutes-at-Large IV* (Philadelphia: John Stevens & Co., 1853), 247.

9. Christine Daniels, "'Liberty to Complain': Servant Petitions in Maryland, 1652-1797," in Christopher L. Tomlins and Bruce H. Mann, *The Many Legalities of Early America* (Chapel Hill: University of North Carolina Press, 2001).

10. Morris, *Government and Labor*, 461, from *Statutes of English Common Law, 33 Hen. VIII c 12*.

11. *Pennsylvania Statutes-At-Large IV*, 247; Farley Grubb, "The Statutory Regulation of Colonial Servitude: An Incomplete Contract Approach," *Explorations in Economic History* 37 (2000), 42-75.

12. Morris, *Government and Labor*, 500-512.

13. Robert W. Fogel and Stanley L. Engerman, *Time On The Cross: The Economics of American Negro Slavery* (Boston: Brown, Little & Co., 1974); Betty Wood, *Women's Work, Men's Work: The Informal Slave Economies of Lowcountry Georgia* (Athens: University of Georgia Press, 1995); Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: The Belknap Press of Harvard University Press, 1998); Philip D. Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry* (Chapel Hill: University of North Carolina Press, 1998).

14. Michael V. Kennedy, "The Home Front during the War for Independence: The Effect of Labor Shortages on Commercial Production in the Mid-Atlantic," in Jack. P. Greene and J.R. Pole, eds., *A Companion to the American Revolution* (Malden, MA: Blackwell Publishing, 2000), 332-341.

15. Morris, *Government and Labor*, 1-54; Stephen Innes, *Labor in a New Land: Economy and Society in Seventeenth-Century Springfield* (Princeton: Princeton University Press, 1983); Michael V. Kennedy, "From Furnace to Farm: Capital, Labor and Markets in the Pennsylvania Iron Industry, 1716-1789," (PhD diss., Lehigh University, 1996), 3-73, and "Wheels of Commerce: Market Development in the Lehigh and Musconetcong River Valleys, 1740-1800," in Jean R. Soderlund and Catherine Parzinski, eds., *Backcountry Crucibles: The Social and Economic Development of the Lehigh Valley* (Bethlehem, PA: Lehigh University Press, forthcoming, 2004).

16. Kennedy, "Furnace to Farm," 229-270, and "'A Landscape fit for shipping': The Expansion of Commercial Frontiers in New Jersey and Pennsylvania, 1693-1800," (unpublished paper presented at the Twenty-Sixth Annual Economic and Business History Society Conference, Albany, New York, April 2001);

THE CONSEQUENCES OF CRUELTY

Peter O. Wacker, *The Musconetcong Valley of New Jersey* (New Brunswick, NJ: Rutgers University Press, 1965), 127. By the 1740s, there was routine commercial traffic within and among Mid-Atlantic colonies in commodities such as milled lumber, linseed oil, iron pot ware and stoves. Between 1720 and 1750, businesses producing commercial commodities grew in number from approximately 400 to over 1600, and continued to increase to over 3000 in the region by the eve of the American Revolution. Figures are extrapolated from existing business records: Accokeek Furnace Journal, 1749-1760 (Historical Society of Delaware, *hereafter* HSD); John Anderson Accounts, 1725-1728 (Alexander Library, Rutgers University, New Brunswick, New Jersey, *hereafter* ALR); William Bird Sawmill Accounts, 1741-1747 (Historical Society of Pennsylvania, Philadelphia, *hereafter* HSP); Brant Accounts, 1748-1753 (New Jersey Historical Society, Newark, *hereafter* NJHS); Colebrookdale Furnace Records, 1735-1752 (HSP); Durham Ironworks Records, 1727-1750 (Bucks County Historical Society, Doylestown, Pennsylvania, *hereafter* BCHS); Durham Ironworks Ledger, 1744-1749 (HSP); Fletcher Accounting, 1749-1751 (ALR); Peter & Curtis Grubb Saw Mill Accounts, 1745-1750 (HSP); Samuel Harrison Fulling and Saw Mill Accounts, 1725-1766 (NJHS); Holmes Grist Mill Accounts, 1737-1760 (ALR); Hopewell Ironworks Ledgers, 1741-1750 (HSP); Jacob Janeway Grist and Cider Mill Accounts, 1737-1747 (ALR); Johnson's Grist Mill Accounts, 1750 (ALR); Kingsbury Furnace Receipt Book, 1746-1750 (HSD); Mount Pleasant Ironworks Ledger, 1737-1744 (HSP); New Pine Forge Ledgers, 1744-1763 (HSP); North-East Forge Journals, 1745-1751 (HSD); Pine Saw Mill Accounts, 1733-1757 (HSP); Pine Forge Accounts, 1730-1750 (HSP); Pool Forge Ledger, 1749-1750 (HSP); John Potts' Ledger, 1744-1745 (HSP); Thomas Potts Tannery & Currier Accounts, 1726-1744 (NJHS); Thomas Potts, Jr. Grist and Saw Mill Accounts, 1737-1744 (HSP); Principio Furnace Ledgers (including Lancaster Furnace Accounts), 1728-1749 (HSD); Reading Furnace #2 Accounts, 1736-1750, William Branson and Lynford Lardner Papers (HSP); Rutter Saw and Grist Mill Accounts, 1735-1753 (HSP).

17. Kennedy, "Wheels of Commerce," and "A Landscape."

18. Carole Shammas, *The Pre-Industrial Consumer in England and America* (New York: Oxford University Press, 1990); Jack P. Greene, "The Origins of the New Colonial Policy, 1748-1763," in Greene and Pole, eds., *A Companion*, 101-111.

19. Marianne Woceck, "German and Irish Immigration to Colonial Pennsylvania," *Proceedings of the American Philosophical Society* 133 (1989), 128-143; Smith, *Colonists in Bondage* 116-119; Kennedy, "Furnace to Farm," 101-103; *Historical Statistics of the United States: Colonial Times to 1970* Part 2 (Washington, D.C.: U.S. Department of Commerce, Bureau of the Census, reprint ed., 1989), 1168; Farley Grubb, "The Transatlantic Market for British Convict Labor," *Journal of Economic History* 60 (2000), 94-122, esp. 94, 103; Robert V. Wells, "Population and Family in Early America," in Greene and Pole, eds., *A Companion*, 39-50.

20. Typical of over 90 percent of runaway ads is one posted by William Newbold of Burlington County, New Jersey from August 9, 1757: "...an Irish servant man named John Ashton...whosoever takes up and secures said runaway...shall receive Forty Shillings reward, and all reasonable charges..." from *New York Mercury*, August 22, 1757; *Runaway Ads, 1720-1783*.

21. *Pennsylvania Gazette*, March 6, 1740.

22. *Pennsylvania Gazette*, November 1, 1750.

23. *American Weekly Mercury*, May 18, 1721.

24. *Pennsylvania Journal*, December 26, 1752.

25. *Pennsylvania Gazette*, April 26, 1753.

26. *Runaway Ads, 1720-1783*.

27. *Maryland Gazette*, 1754-1763; *New York Gazette*, 1754-1763; *Pennsylvania Gazette*, 1754-1763; Morris, *Government and Labor*, 443-446.

28. *Maryland Gazette* 1753-1763; *New York Gazette*, 1753-1763; *Pennsylvania Gazette*, 1753-1763.

29. Examples can be found in the *Maryland Gazette*, April 4, 1756; *New York Mercury*, October 1, 1759; *Pennsylvania Journal*, June 24, 1762; *Pennsylvania Gazette*, September 27, 1762, among numerous others.

30. *New York Gazette*, 1755-1763; *Maryland Gazette*, 1755-1763; *Pennsylvania Gazette*, 1755-1763; *Pennsylvania Journal*, 1755-1763, *passim*.

31. Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain* (New York: Vintage Books, 1974); Richard Alan Ryerson, *The Revolution is Now Begun: the Radical Committees of Philadelphia, 1765-1776* (Philadelphia: University of Pennsylvania Press, 1978); Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge MA: The Belknap Press of

ESSAYS IN ECONOMIC AND BUSINESS HISTORY (2004)

Harvard University Press, 1965); Edmund Morgan, *The Stamp Act Crisis*; David W. Conroy, "Development of a Revolutionary Organization, 1765-1775," in Jack P. Green and J.R. Pole, *A Companion to the American Revolution* (Malden, MA: Blackwell Publishers, 2000), 216-218.

32. Rebecca Starr, "Political Mobilization, 1765-1776," in Green and Pole, *A Companion*, 223-226.

33. The agricultural production of flax exploded in the 1760s, intended to be beaten, soaked and processed for manufacture into clothing.

34. *Pennsylvania Gazette*, January 2, 1766.

35. *Pennsylvania Gazette*, June 12, 1766.

36. *Pennsylvania Gazette*, November 11, 1769.

37. *Pennsylvania Gazette*, August 30, 1770.

38. *Pennsylvania Gazette*, June 25, 1772.

39. *Pennsylvania Packet*, May 10, 1773; *New York Gazette*, August 16, 1773.

40. *Pennsylvania Gazette*, September 26, 1765.

41. *Pennsylvania Gazette*, January 18, 1770 and May 19, 1770.

42. *Maryland Gazette*, 1764-1774; *New York Gazette*, 1769-1774; *New York Journal*, 1767-1774; *New York Mercury*, 1764-1768; *Pennsylvania Chronicle*, 1767-1772; *Pennsylvania Gazette*, 1764-1774; *Pennsylvania Journal*, 1764-1774; *Pennsylvania Packet*, 1772-1774; *Rivington's New York Gazetteer*, 1773-1774, *passim*; *Pennsylvania Gazette*, October 17, 1771.

43. *Maryland Gazette*, 1764-1774; *New York Gazette*, 1769-1774; *New York Journal*, 1767-1774; *New York Mercury*, 1764-1768; *Pennsylvania Chronicle*, 1767-1772; *Pennsylvania Gazette*, 1764-1774; *Pennsylvania Journal*, 1764-1774; *Pennsylvania Packet*, 1772-1774; *Rivington's New York Gazetteer*, 1773-1774, *passim*; *Pennsylvania Journal*, September 6 and October 4, 1770.

44. *Pennsylvania Gazette*, October 17, 1771, June 18, 1772, October 19, 1774.

45. *Pennsylvania Gazette*, August 25, 1773.

46. *Pennsylvania Gazette*, September 8, 1773.

47. Smith, *Colonists in Bondage*, 335-337; Kennedy, "The Home Front," 333-334.

48. *Maryland Gazette*, 1754-1774; *New York Gazette*, 1769-1774; *New York Journal*, 1767-1774; *New York Mercury*, 1754-1768; *Pennsylvania Chronicle*, 1767-1772; *Pennsylvania Gazette*, 1754-1774; *Pennsylvania Journal*, 1754-1774; *Pennsylvania Packet*, 1772-1774; *Rivington's New York Gazetteer*, 1773-1774; Smith, *Colonists in Bondage*, 307-337; Ekirch, *Bound for America*, 105-177; Galenson, *White Servitude*, 81-186. Percentages derived from the figures of an annual average of approximately 8500 bound servants in the region, 1754-1763, with an annual average of 99 runaways, and an annual average of 12,000 bound servants, 1764-1774, with an annual average of 301 runaways.

49. *Historical Statistics of the United States: Colonial Times to 1970, Part 2*, (Washington, D.C.: U.S. Department of Commerce, Bureau of the Census, reprint ed., 1989), 1168-1175; Everts B. Greene and Virginia D. Harrington, *American Population Before the Federal Census of 1790* (New York: Columbia University Press, 1932), 88-133.

50. *Maryland Gazette*, 1754-1774; *New York Gazette*, 1769-1774; *New York Journal*, 1767-1774; *New York Mercury*, 1754-1768; *Pennsylvania Chronicle*, 1767-1772; *Pennsylvania Gazette*, 1754-1774; *Pennsylvania Journal*, 1754-1774; *Pennsylvania Packet*, 1772-1774; *Rivington's New York Gazetteer*, 1773-1774. The average number of slaves held in the region between 1754 and 1763 was 73,000, and an average of 28 different slaves was advertised annually. The average number of slaves held in the region between 1764 and 1774 was 90,000, and an average of 70 different slaves was advertised annually.

51. *Journals of the Continental Congress* v. VII (Washington, D.C., Library of Congress, microform), 262.

52. William Miller, "The Effects of the American Revolution on Indentured Servitude," *Pennsylvania History* 7 (July, 1940).

53. Morris, *Government and Labor*, 291; Kennedy, "The Home Front," 334-335.

54. *Colonial Records of Pennsylvania* X (Harrisburg: Pennsylvania State Printing Office, 1852), 662; Kennedy, "The Home Front," 335.

55. *Lord Dunmore's Proclamation*, <http://collections.ic.gc.ca/blackloyalists/documents/official/dunmore.htm>.

56. *Maryland Gazette*, 1775-1782; *New Jersey Gazette*, 1777-1782; *New Jersey Journal*, 1779-1780; *New York Gazette*, 1775-1781; *New York Journal*, 1775-1780; *New York Packet*, 1779; *Pennsylvania Evening*

THE CONSEQUENCES OF CRUELTY

Post, 1776-1778; *Pennsylvania Gazette*, 1775-1783; *Pennsylvania Journal*, 1775-1777; *Pennsylvania Packet*, 1775-1779.

57. *Maryland Archives: The Laws of Maryland*, June session, 1777, ch. viii; *Laws of the State of New Jersey*, March 15, 1777, ch. XX, 14.

58. *Colonial Records XI*, 479, 504, 537, 745-746.

