

## INTRODUCTION

During the fall term of my sophomore year, I completed Professor Theodore C. DeLaney's History 340, American Colonial. One of the first assigned readings was Edmund Morgan's *American Slavery, American Freedom: The Ordeal of Colonial Virginia*. Morgan's stark portrait of the indentured servants' lives contrasted what I had previously learned. Until that point, all I knew about English indentured servants in the American colonies was that they were poor English immigrants who served for seven years in return for transportation to North America. From Morgan's work, I learned that indentured came from a wider range of classes than I previously thought, that a large percentage of them never lived to experience freedom, and that servants who survived experienced conditions more similar to slavery than I ever imagined.

When I had to select a topic for a term paper, I decided to examine the social and economic mobility open to English immigrants in seventeenth century Virginia. I concluded that multiple factors, including labor skills and wealth, determined a person's opportunities for advancement. Opportunities were limited from the start, and decreased in the late seventeenth century when white laborers lost their rights to black slaves. As a result, a disparity between rich and poor widened.

Of all the papers I have read, the work of DeLaney and Lee, my term paper for American Colonial was the most enlightening. I especially enjoy studying social history and chose to use this paper as a spring board into an Honors Thesis. I already was familiar with numerous primary and secondary sources, and I readily located enough

**Lindsay Hagerman**  
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Supervised by:  
**Dr. Theodore DeLaney**  
**Dr. Holt Merchant**  
**Dr. Alison Bell**

## INTRODUCTION

During the Fall term of my sophomore year, I completed Professor Theodore C. DeLaney's History 340: American Colonies. One of the first assigned readings was Edmond Morgan's *American Slavery, American Freedom*. Morgan's bleak portrait of the indentured servants' lives contrasted what I had previously learned. Until that point, all I knew about English indentured servants in the American colonies was that they were poor English immigrants who served for seven years in return for transportation to North America. From Morgan's work, I learned that immigrants came from a wider range of classes than I previously thought, that a large percentage of them never lived to experience freedom, and that servants who survived experienced conditions more similar to slavery than I ever imagined.

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Of all the papers I have completed at Washington and Lee, my term paper for American Colonies was the most enjoyable to write. I especially enjoy studying social history, and chose to use this paper as a spring board into an Honors Thesis. I already was familiar with numerous primary and secondary sources, and I easily located enough

resources to support a thesis. Throughout my research, Morgan's *American Slavery, American Freedom* served as a major resource, not only as a secondary source but as a tool to locate other sources.

Leyburn Library and the Law Library house a large collection of primary and secondary sources relevant to my topic. Most other sources, particularly journal articles, were available via the internet. The availability of resources on campus was particularly fortunate given the lack of records from colonial Virginia. The most formidable challenge in determining people's prospects for social mobility is acquiring data about the status of immigrants before they arrived in Virginia, their living conditions in the colony, and their experiences after they earned their freedom. For a significant portion of this information, I relied on county court records which included records of immigrants' ages and terms of indenture, conflicts between masters and servants, and punishments for a wide range of offenses. Journal entries written from many perspectives, from a poor indentured servant to wealthy landowner Landon Carter, also offer valuable insights into the plight of English immigrants.

English indentured servants came from a variety of socioeconomic backgrounds. Some served as tutors to the children of men who bought their contracts while others toiled endlessly in the tobacco fields. Planters often made it extremely difficult, if not impossible for them to advance,<sup>1</sup> and most indentured servants lacked the skills and education necessary to propel them beyond a menial status. Ultimately, as the title to this thesis indicates, the gap between what immigrants with "Genteel Ambitions" expected to

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<sup>1</sup> Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton and Co, Inc.), 216; and John J. McCusker and Russell R. Menard, *The Economy of British America, 1607-1789* (Chapel Hill: University of North Carolina Press), 238-9.

find in Virginia and the “Harsh Realities” widened, and most indentured servants failed to prosper in the New World.

## CHAPTER ONE

In order to evaluate the status of indentured servants in colonial Virginia, the student must analyze standards of treatment of servants in the context of history. During the seventeenth century, the term “servant” was not derogatory. Today the word signifies a menial status, but then a “servant” was anyone who agreed to work under the supervision of another person for an arranged period of time.<sup>1</sup> A servant did not necessarily belong to a lower class. Indentured servants belonged to a wide variety of classes and had vastly differing educations and skills. The relationships between masters and servants also varied widely.<sup>2</sup> Colonial law protected indentured servants from abuse as well as delineated their rights to enter contracts, own property, serve in militias, and sue in court.<sup>3</sup>

Unfortunately, competitive individualism, or self-reliance and accumulation of wealth within a market economy, were Virginia’s defining characteristics and encouraged masters to exploit labor.<sup>4</sup> Therefore, the law did not reflect reality for most indentured servants. Court records, diaries and other sources reveal that indentured servants

<sup>1</sup>Thomas F. Wertchubin, *Peasants and Plebeians in Virginia: or the Origin and Development of the Great Classes of the Old Dominion* (Charlottesville, VA: The Porch Company, 1910), 163.

<sup>2</sup>Samuel B. Evans and Anne H. Rutman, *A Place in Time: Middlesex County, Virginia 1659-1704* (New York: W.W. Norton & Co., 1984), 124.

<sup>3</sup>Walter Emerson Smith, *Colonies in Bondage: White Servants and Coerced Labor in America*, 2nd ed. (Gloucester, MA: Peter Smith, 1965), 348.

<sup>4</sup>Debra B. Quint, “Immigrant Origins of the Virginia Gentry: A Study of Cultural Transplantation,” *William and Mary Quarterly* (October 1987), 635-5.

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<sup>2</sup> Darrett B. Rutnam and Anita H. Rutman, *A Place in Time: Middlesex County, Virginia 1650-1750* (New York: W.W. Norton & Co., 1984), 134.

<sup>3</sup> Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America, 1607-1776* (Gloucester, MA: Peter Smith, 1965), 248.

<sup>4</sup> Martin H. Quitt, “Immigrant Origins of the Virginia Gentry: A Study of Cultural Transmission and Innovation,” *William and Mary Quarterly* (October 1988): 638-9.

suffered extensive physical abuse. Some historians argue that conditions for servants in Virginia were more arduous and demeaning than in England, and that Virginia landowners treated their servants like Englishmen treated property or animals.<sup>6</sup>

A notable example of abuse occurred in 1649. Two servants, Joseph Mulders and Michael Mikay, testified about the extreme physical abuse Charity Dallen suffered at the hand of her mistress, Deborah Fernehaugh. Mulders described Dallen's head "beaten as soft as a sponge, in one place" and her arms and neck "full of blacke and blew bruises and pinches."<sup>7</sup> He noted the frequency of the assaults, and Mickay's testimony reaffirmed his account. The court ordered Dallen to serve the remainder of her indenture, or until Deborah Fernehaugh sold her, in the house of Mr. Thomas Lambard.<sup>8</sup> The testimony of two servants did not provide the exclusive basis for the ruling; instead, the court cited "many other often Complaints, by other sufficient testimonies."<sup>9</sup> Servants' testimony lacked the credibility necessary to convict a mistress of such charges. Only after numerous complaints over a long period of time did the court take Dallen from her mistress, and the court did not imprison or fine Fernehaugh for her assaults. Although the court removed the servant from her house, Fernehaugh maintained control over Dallen and power to sell and perhaps profit from her servant. This example illustrated the heavy burden of proof necessary for abused servants to win suits against their masters and the leniency of punishments imposed on defendants who had abused them.

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<sup>6</sup> Morgan, 126-8.

<sup>7</sup> "An Assault on Charity Dallen, 1649," in *The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689*, ed. Warren M. Billings (Chapel Hill: University of North Carolina Press, 1975), 136.

<sup>8</sup> "An Assault on Charity Dallen," 137.

<sup>9</sup> Ibid.

Another example of leniency toward abusive masters involved Mrs. John Wilkins of Accomack County, Virginia, the mistress of Elinor Rowe. Mrs. Wilkins temporarily exchanged maid servants with Mrs. James Berry who lived in the same county. While she was working for Mrs. Berry, Elinor Rowe petitioned the court for relief from the abuses she suffered from Mrs. Wilkins, who she complained “most unconscyonably and dangerously Beate her.”<sup>10</sup> In 1640, the court found in favor of Elinor Rowe and ordered that she complete her term of indenture in the Berry residence. The Court also ordered Mrs. Berry’s servant to remain in the Wilkins’ residence. The Court protected Elinor from her abusive mistress, but failed to punish Mrs. Wilkins. On the contrary, nowhere in the finding did the court state that Mrs. Wilkins abused her servant, and because it provided her with another maid servant, it did protect the abusive mistress from financial loss.

The diaries of William Byrd II, member of one of Virginia’s most prominent families, also illustrated the treatment of indentured servants in the colony. Educated in England, Byrd was a member of the Royal Society and after 1692, a member of the House of Burgesses. He served in various governmental offices throughout his life and aspired to but never reached the governorship.<sup>11</sup> In his diary and letters, Byrd repeatedly expressed dismay at the behavior of abusive masters, and purportedly treated his own slaves with more kindness than sailors received in the British navy.<sup>12</sup> Nevertheless, Byrd frequently beat or whipped his servants. He often mentioned “little Jenny” in his diary,

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<sup>10</sup> Susie M. Ames, *County Court Records of Accomack-Northampton, Virginia 1640-1645* (Charlottesville, VA: The University Press of Virginia, 1973), 22.

<sup>11</sup> Louis B. Wright and Marion Tinling, eds., *The Secret Diary of William Byrd of Westover, 1709-1712* (Richmond, VA: The Dietz Press, 1941), x.

<sup>12</sup> Wright and Tinling, eds., xiv-xv.

noting that he whipped this presumably young female servant on many occasions, and even beat her with tongs.<sup>13</sup> In one entry he noted that Mrs. Byrd burned Jenny with a hot iron, but wrote nothing about the behavior that led to the appalling punishment.<sup>14</sup>

Moreover, Byrd's diary does not identify the servants mentioned in the entries as black slaves or white servants. This ambiguity demonstrates the similarity between the treatment of servants and slaves despite their vastly different legal standings. In an argument, Byrd's first wife, Lucy Parke, whipped a servant named Prue "notwithstanding [Byrd] desired not."<sup>15</sup> In retaliation, Byrd whipped Anaka, another servant, "on which my wife flew into such a passion that she hoped she would be revenged of me."<sup>16</sup> Byrd and his wife punished servants solely to spite one another, revealing that masters at times viewed their servants more as pawns than as human beings.

Female indentured servants were particularly vulnerable to sexual abuse by predatory masters. Although the word "wench" was used to refer to young working class women, it also connoted a woman who had been assaulted or raped and suggested that they fully deserved their foul treatment. Wenches more frequently suffered from venereal diseases and experienced lowered status as a result of their ruined sexual reputations.<sup>17</sup> Often, authorities denounced their accusations of the men who raped them

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<sup>13</sup> William Byrd, *The Secret Diary of William Byrd of Westover, 1709-1712*. eds. Louis B. Wright and Marion Tinling (Richmond, VA: The Dietz Press, 1941), 494.

<sup>14</sup> Byrd, 205.

<sup>15</sup> Byrd, 533.

<sup>16</sup> Ibid.

<sup>17</sup> Kathleen Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996), 98-9.

as the inventions of devious, slandering servants who were attempting to curtail or end their terms of indenture.<sup>18</sup> Court records from Northumberland County, Virginia, during the late seventeenth century illustrated the harsh punishments meted out to servants who became pregnant. Some masters took advantage of female servants to lengthen their terms and avoid paying them freedom dues when their terms expired. On September 16, 1696, the court ordered that Phebe Cooke, mother of a bastard child, to serve her master two additional years and receive thirty lashes on her bare back or to pay a fine. According to the following entry, Phebe's master, John Cockrell, paid the fine and in exchange forced Phebe to serve him three additional years.<sup>19</sup> Few Northumberland cases identified masters as the fathers of their servants' children, but the failure to identify the fathers suggests that they were not ordinary colonists and that the courts were unwilling to expose men of property and standing. John Cockrell, as well as the masters of many other women, gained extra years of service from the mother as well as her child's service until he reached twenty-one years of age.<sup>20</sup> In a similar case in Charles City, a female indentured servant gave birth to a bastard child, and the court doubled her term of indenture.<sup>21</sup> The Virginia Assembly of 1662 acknowledged that "some dissolute masters have gotten their maides with child, and yet claime the benefit of their service,"<sup>22</sup> but the

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<sup>18</sup> Brown, 193.

<sup>19</sup> W. Preston Haynie, ed., *Records of Indentured Servants and of Certificates for Land, Northumberland County, Virginia 1650-1795* (Bowie, MD: Heritage Books, Inc., 1996), 169.

<sup>20</sup> Haynie, ed., 17-18.

<sup>21</sup> "Charles City County Order Book, 1656," in *The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689*, ed. Warren M. Billings (Chapel Hill: University of North Carolina Press, 1975), 144.

<sup>22</sup> "The Virginia Assembly of 1662," in *The Virginia Papers* (New York: Vano, 1997), 131.

Assembly did not alter the laws to protect the women. Instead, the assemblymen ruled that indentured mothers owed their rapists additional years of service. In 1662 the Virginia Assembly indirectly reaffirmed this decision by ruling that contrary to English common law, a child's status was determined by that of the mother instead of the father.<sup>23</sup>

Male indentured servants were not immune to sexual abuse. In the 1620s, Richard Cornish sexually assaulted his male servant, and the court condemned Cornish to death. Despite the finding, the court did not grant the servant his freedom. Instead it transferred the remainder of his indenture to another master who had to repay the government for the expenses it incurred in prosecuting Cornish.<sup>24</sup> British social expectations during the seventeenth century explain the court's extreme response to same-sex sexual assault. Strong taboos in Judeo-Christian cultures, including British society during this period, condemned homosexual behavior.<sup>25</sup> This attitude probably explains the rarity of reported cases of males sexually assaulting other males and the heightened response of the courts compared to its response to male aggression toward females.

Despite abuses, indentured servants generally received treatment superior to that of slaves. In theory, the British legal system viewed indentured servants as future members of free white society who possessed basic rights. Slaves possessed no similar

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<sup>22</sup> Morris Talpalar, ed., *The Sociology of Colonial Virginia* (New York: Philosophical Library Inc., 1960), 309-10.

<sup>23</sup> Theodore W. Allen, *The Invention of the White Race* (New York: Verso, 1997), 131.

<sup>24</sup> Morgan, 129.

<sup>25</sup> Christie Davies, "Sexual Taboos and Social Boundaries" *The American Journal of Sociology* 87 (March 1982): 1032.

protection against mistreatment.<sup>26</sup> In 1680, the General Court forbade a mistress widely known for her cruelty from keeping servants.<sup>27</sup> At times, the court punished slanderous accusations against servants. George Hawkins accused another man's indentured servant of stealing bacon, but in court, Hawkins offered no proof. The court granted the servant two hundred pounds of tobacco to compensate for the damage to his reputation.<sup>28</sup> County courts also sided with servants in numerous cases against masters they charged with abuse or neglect. In Northumberland in 1688 the court ruled in favor of servant Margery Worsly and noted that "her sd mistress hath been unreasonably and unlawfully severe to her, It's therefore ordered y<sup>t</sup> she be free and y<sup>t</sup> her sd mistress be henceforth debarred from keeping any Christian woman serv<sup>t</sup> under her service unless she give caution of her better behavior."<sup>29</sup> In another case involving servant Mary Stephens, the same court found that she had been "most basely and inhumanly beaten and abused by her sd master," released her from one year of service, and ordered that she remain in "safe Custody till [her master] give good caution for his good behaviour."<sup>30</sup> In the late seventeenth and early eighteenth centuries, the Northumberland County records mentioned at least ten cases in which the court determined that a master held a servant past his term of indenture and ordered the master to free the servant and pay him or her

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<sup>26</sup> Richard Godbeer, *Sexual Revolution in Early America* (Baltimore, MD: The Johns Hopkins University Press, 2002), 200.

<sup>27</sup> Abbot Emerson Smith, 248.

<sup>28</sup> Morgan, 153.

<sup>29</sup> Haynie, ed., 152.

<sup>30</sup> Haynie, ed., 156-7.

“Corne and Cloathes According to Custome.”<sup>31</sup> Finally, some masters invented charges against servants to secure additional years of service from them. Rather than ignoring this abuse, the House of Burgesses addressed the issue. In his diary, Landon Carter, a wealthy Virginia landowner and politician, noted, “the Proposition from Northumberland for Masters of Convicts to pay their Servants charges in cases of felonies rejected.”<sup>32</sup> These examples demonstrate that the law protected indentured servants to a degree. Unlike slaves, indentured servants used the legal system to gain protection from abusive masters.

On the other hand, the legal system often discouraged servants from using the courts by penalizing complainants who lost their cases. In Accomack County, servants William Wallworth and Benedict Talbot accused their master, Captain Hilary Stringer, of “occasioning the death of a Servant woman Ellinor Tanner...alleging the Neighborhood to be well knowing of the truth thereof.”<sup>33</sup> The court in 1681 punished the servants their “most false and most malicious accusation” by forcing them to serve additional time to repay the expenses incurred by “their Said Causless information.”<sup>34</sup> Other servants who knew of punishments meted out to plaintiffs when courts found the accused not guilty were deterred from bringing charges of abuse against their own masters. Therefore, indentured servants frequently resisted in ways that did not involve the legal system.

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<sup>31</sup> Haynie, ed., 122.

<sup>32</sup> Landon Carter, *The Diary of Colonel Landon Carter of Sabine Hall, 1752-1778*, ed. Jack P. Greene, vol. 1, (Charlottesville, VA: The University Press of Virginia, 1965), 75-6.

<sup>33</sup> “A Frivolous Lawsuit, 1681,” in *The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689*, ed. Warren M. Billings (Chapel Hill: University of North Carolina Press, 1975), 144.

<sup>34</sup> *Ibid.*

Murder trials revealed the extent to which indentured servants suffered mistreatment. A crime committed by Thomas Hellier demonstrated that even immigrants who enjoyed relatively high status experienced abuse. Hellier was born into a wealthy English family in 1650. He received a quality education, married well, but squandered his patrimony in London taverns. Impoverished and harassed by creditors, Hellier sailed to Virginia in 1677 as an indentured servant. He arranged to serve as a tutor to the children of Cuthbert Williamson of Charles City County, Virginia, but Williamson assigned him to hard labor in the tobacco fields. Hellier claimed that Williamson's wife's constant verbal abuse was especially difficult for him to bear because the Williamsons were former tenants, and Hellier did not regard the couple as his social superiors. After nine months of service, Hellier murdered the Williamsons with an axe. When a young servant, Martha Clark, attempted to intervene, Hellier killed her as well. Hellier fled to the woods but was captured within a day, and a month later a court in Jamestown ordered his execution. The night before his hanging, Hellier told his sad story to an Anglican clergyman who published the account as *The Vain Prodigal Life, and Tragical Penitent Death of Thomas Hellier* in London in 1680. The author admitted that although Hellier had committed a dreadful crime, the deception and abuse he experienced provoked his actions.<sup>35</sup> The pamphlet was propaganda published by an anonymous clergyman to inspire colonial labor reform, and the clergyman may have exaggerated either the abuses or the extent of Hellier's repentance to appeal to the sympathies of

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<sup>35</sup> T.H. Breen, James H. Lewis, and Keith Schlesinger, "Motive for Murder: A Servant's Life in Virginia, 1678," *The William and Mary Quarterly* (January 1983): 106-110.

English readers. The story may not be entirely accurate, but it does reflect the frustration and discontent of many Virginia servants.

Running away was a less violent and more common form of rebellion. County court records frequently documented runaway servants recaptured and ordered to perform extra years of service. The number of additional years the courts imposed ranged widely. In 1673 Elizabeth Jones of Northumberland County ran away and was sentenced to serve four more months.<sup>36</sup> In Middlesex County Adam Ballentine ran away in 1680 and was sentenced to two and a half additional years.<sup>37</sup> Many runaways fled to Maryland and North Carolina where they blended into the English population and became much more difficult to recapture than fugitive slaves. Edmond Plowden expressed his frustration about his runaway indentured servants in testimony to the Accomack-Northampton, Virginia court. From 1643 to 1645, Plowden unsuccessfully petitioned the court to help him retrieve his servants whom he believed had fled to St. Maryes, Maryland.<sup>38</sup> The frequency of runaways reported in court records reveals more about the treatment of servants than individual complaints brought before the court. Because the courts often dismissed servants' complaints and masters could retaliate against servants who prosecuted them, the frequency of runaways more accurately indicates the extent of abuse than does the number of legal prosecutions. Exact numbers are impossible to establish. Reports of runaways in the later seventeenth century increased enough to prompt the Virginia Assembly to enact drastic measures to discourage flight. It provided for

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<sup>36</sup> Haynie, ed., 112.

<sup>37</sup> "A Runaway, 1680," in *The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689*, ed. Warren M. Billings (Chapel Hill: University of North Carolina Press, 1975), 143.

<sup>38</sup> Ames, 273-8, 440.

punishments such as shaving her hair to humiliate the culprit and branding cause severe pain.<sup>39</sup>

Although less common, servants also planned and carried out insurrections. In 1663, indentured servants in Gloucester County, Virginia, plotted with black slaves to revolt. An indentured servant betrayed the conspiracy, and authorities blamed convicts transported to the area as servants.<sup>40</sup> In 1687, in Middlesex County John Nickson, servant of wealthy landowner Ralph Wormeley, led a conspiracy of servants "to procure Gunnes powder and Shott and other Armes and to Assemble themselves together with Designe to Runnaway and with Force and Armes as aforesaid to withstand and Oppose all persons that should endeavor to Supress them."<sup>41</sup> In York County, indentured servants joined by an overseer refused to continue to work in the fields until their master provided them with more food.<sup>42</sup> Like slave revolts before the Civil War, insurrections were greatly feared. They rarely occurred, but even so, they demonstrated the severity of the mistreatment of indentured servants.

In 1648, John Hammond wrote that in the Chesapeake colonies, "Those Servants that will be industrious may in their time of service gain a competent estate before their Freedomes, which is usually done by many."<sup>43</sup> Hammond's comment revealed his

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<sup>39</sup> Brown, 152.

<sup>40</sup> Abbot Emerson Smith, 104.

<sup>41</sup> "A Servant's Plot to Revolt, 1687," in *The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689*, ed. Warren M. Billings (Chapel Hill: University of North Carolina Press, 1975), 147.

<sup>42</sup> John Van Der Zee, *Bound Over: Indentured Servitude and American Conscience* (New York: Simon and Schuster, 1985), 266.

excessive optimism and ignored the experiences of criminals sent to Virginia as servants. Especially during the seventeenth century, England sent criminals to Virginia to alleviate demands for labor, especially when they possessed useful skills. In one extreme case, a carpenter convicted of manslaughter escaped execution by agreeing to work in Virginia.<sup>44</sup> These convicts escaped execution or life in prison, but they were more likely to suffer mistreatment and least likely to advance socially or economically than any other group of white immigrants. Convicts were outcasts in Virginia's communities, and rarely established families or achieved prosperity. Colonists claimed that convicts dramatically increased crime in Virginia, and Attorney-General John Clayton successfully petitioned the British government for a raise in pay because of the increasing amount of time he committed to prosecuting criminals.<sup>45</sup> Colonial leaders repeatedly opposed the shipment of criminals to Virginia, even if they answered the need for skilled labor, and for a period the British put an end to the practice.<sup>46</sup> In 1671, as African slaves became increasingly available, the legislature passed a law banning the importation of convicts.<sup>47</sup> The law did not greatly reduce importations however and English courts continued to sentence convicts to servitude—sometimes fourteen years or more—in colonies such as Virginia.<sup>48</sup> In addition, Virginia and Maryland received significantly more convicts than other

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<sup>43</sup> David W. Galenson, "The Rise and Fall of Indentured Servitude in the Americas: An Economic Analysis," *The Journal of Economic History* 44, no. 1 (1984): 9.

<sup>44</sup> Mary Newton Stanard, *The Story of Virginia's First Century* (Philadelphia, PA: J.B. Lippincott Company, 1928), 157.

<sup>45</sup> Abbot Emerson Smith, 129.

<sup>46</sup> Stanard, 157.

<sup>47</sup> Brown, 151.

<sup>48</sup> Alan Atkinson, "The Free-Born Englishman Transported: Convict Rights as a Measure of Eighteenth-Century Empire," *Past and Present* 144 (August 1994): 92, 100.

American colonies, especially between 1718 and 1775.<sup>49</sup> The colonists expressed their objections to the practice by treating convicts as slaves rather than as ordinary indentured servants.<sup>50</sup>

At the end of the seventeenth century, slaves increasingly replaced indentured servants as the predominant labor force in Virginia. The experiences of indentured servants and slaves were similar in some ways but very different in others. Nevertheless, masters demonstrated that their servants were truly degraded by failing to free them after their terms of indenture expired, raping them, and abusing them. Diaries, laws, trials, punishments, and rebellions clearly demonstrate that indentured servants suffered abuse, and that when they entered into indentures, immigrants from prosperous as well as impoverished backgrounds entered lives of poverty and powerlessness.

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<sup>49</sup> Abbot Emerson Smith, 116.

<sup>50</sup> Atkinson, 98.

## CHAPTER TWO

Servants who survived their terms of indenture faced formidable obstacles to economic success. The records of the seventeenth and eighteenth centuries are incomplete, but existing data provides a gloomy image of opportunities for tenants and small planters in Virginia. Worse, sources from the late seventeenth century reveal a pattern of decreasing opportunities for lower class whites. Skilled laborers more frequently climbed the social and economic ladder, but most former indentured servants lacked skills and usually remained confined to the lower classes. In the decades following Bacon's Rebellion, their condition worsened.

On the one hand, many former servants rapidly accumulated wealth and political power. Records of the Virginia Assembly testified to the opportunities available to former indentured servants. Seven former servants were elected to the position of Burgess in the Virginia Assembly in 1629.<sup>1</sup> John Trussell immigrated to Virginia as an indentured servant in 1622 and became a burgess in 1654.<sup>2</sup> Moreover, records of the Virginia Assembly reveal that upward movement in class was possible. "Goodman Tree" of 1624 had risen to the status of "Mr. Richard Tree" by 1629.<sup>3</sup> On the other hand, in 1666, seventy-five percent of immigrants arrived as indentured servants, but only thirty to forty percent of landowners emerged from that class.<sup>4</sup> Dramatic upward mobility

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<sup>1</sup> Abbot Emerson Smith, 297.

<sup>2</sup> Wertebaker, 180.

<sup>3</sup> Abbot Emerson Smith, 297.

occurred infrequently, and instead of acquiring land, most former indentured servants entered a tenant status from which many never escaped.

Virginia courts required servants to prove their freedom wherever they were challenged. A person who lacked a certificate of freedom at any time might be sold back into indentured servitude, a law that later applied to slaves.<sup>55</sup> Moreover, in order to receive such a certificate, a servant had to appear in court with his or her master or with a written statement by the master acknowledging the person's freedom. If a master did not want to release a servant, he or she simply ignored the expiration of the indenture.<sup>56</sup>

County court records reveal the frequency with which indentured servants faced such an obstacle. In 1677, John Dabbs claimed that his term of indenture had expired and provided proof, but his master Thomas Ingram argued that the Indenture was forged. The court ruled that "[the Indenture] doth appeare to this Court to be true, It is ordered yt ye sd Dabbs be free and yt ye sd Ingram pay him his Corne and Cloathes According to Custome."<sup>57</sup> Former servant William Seward successfully sued his master John Reason for his freedom dues of "Corne and Cloaths...according to the Custome of this Country."<sup>58</sup>

Many immigrants expected that all freed indentured servants would receive fifty acres of land at the end of their terms, but that was frequently not the case. Unfortunately for servants, indentures often omitted exact descriptions of freedom dues, instead

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<sup>54</sup> Abbot Emerson Smith, 298.

<sup>55</sup> Allen, 135.

<sup>56</sup> Allen, 135.

<sup>57</sup> Haynie, ed., 122.

<sup>58</sup> Haynie, ed., 216.

granting the ex-servant a payment that was in line “with the custom of the country,”<sup>59</sup> a highly ambiguous phrase which masters construed according to their own interest. Not all contracts required masters to pay dues at the end of indentures. The 1688 indenture of Roger Jones merely stated:

Roger Jones Servant to Mr. William Churchill Comes and acknowledges that he is freely Willing to Serve his Master Seaven yeares from his Arival, The said Churchill promising that hee will imploy his said Servant in the Stoar and other occasions and not imploy him in Common working in the Ground.<sup>60</sup>

This indenture, like many others, did not mention freedom dues—making the servant vulnerable to the whims of the master.

If indentured servants survived long enough to gain their freedom, sharecropping was frequently their next step toward landownership. People who went to work as wage laborers found little prosperity. As a result of the high demand for labor, wages in the colonies were several times higher than they were in Europe. In the early to mid seventeenth century, wage servants earned three or four times what they could in England.<sup>61</sup> Landowners considered wage labor too expensive, and relied on sharecropping—a form of tenant farming in which owners provided land to workers and families willing to farm it. In return, the tenant turned over a percentage of the produce to the owner. At any time, one-quarter to one-third of the white population of Virginia

<sup>59</sup> Wertenbaker, 61.

<sup>60</sup> “Roger Jones’s Indenture, 1688,” In *The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689*, ed. Warren M. Billings (Chapel Hill: University of North Carolina Press, 1975), 135.

<sup>61</sup> Wertenbaker, 30.

worked land they did not own. Sharecropping provided owners a cheap alternative to paying wages or the transportation of indentured servants.<sup>62</sup>

In theory, the tenant occupied a higher social and economic status than the indentured servant, but in reality, little distinguished the two classes. If a tenant failed to produce enough crops for the landowner, he might become the property of anyone who could provide food and shelter.<sup>63</sup> Richard Frethorne wrote a letter to his parents in England about how own plight that could aptly describe the suffering of many other Virginians. He lamented, "I have nothing at all, not a shirt to my backe...I am not halfe a quarter so strong as I was in England, and all is for want of victuals, for I doe protest unto you, that I have eaten more in a day at home then I have allowed me here for a Weeke."<sup>64</sup>

Many skilled freemen enjoyed greater opportunities for mobility. In seventeenth century England, the average worker earned approximately one shilling per day; in the colonies, unskilled laborers earned two or three shillings, and skilled artisans as much as eight shillings and sixpence.<sup>65</sup> When skilled indentured servants earned their freedom, some found employers willing to pay these high wages for skilled labor. William Byrd I of Westover wrote to a friend in 1684, "If you could help mee to a carpenter, bricklayer or mason, I would willingly pay somewhat extraordinary."<sup>66</sup> The sharecropping system

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<sup>62</sup> James R. Perry, *Formation of a Society of Virginia's Eastern Shore, 1615-1655* (Chapel Hill: University of North Carolina Press, 1990), 139.

<sup>63</sup> Van Der Zee, 85.

<sup>64</sup> Richard Frethorne, "Richard Frethorne's Account of His Plight in Virginia, 1623," in *The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689*, ed. Warren M. Billings (Chapel Hill: University of North Carolina Press, 1975), 305.

<sup>65</sup> Abbot Emerson Smith, 27-8.

<sup>66</sup> Marion Tinning, ed., *The Correspondence of the Three William Byrds of Westover, Virginia, 1684-1776*, vol. 1, (Charlottesville: The University of Virginia Press, 1977), 10.

avored skilled tenants as well because landowners hired the most knowledgeable people available to reap the maximum profit from their land.<sup>67</sup> Few freed servants possessed the talents to rise very far.<sup>68</sup> Virginia consistently lacked enough artisans and craftsmen, and the need for skilled labor remained high and propelled them more quickly to prosperity.<sup>69</sup> Virginia's leaders recognized the difference in the wages of skilled and unskilled workers when they set maximum wage rates for the colony in 1621. Ordinary workers could earn three shillings per day, and craftsmen could earn four, or in some cases five, shillings per day.<sup>70</sup> Increased wages explained why some servants agreed to extend their terms of indenture for as many as two years in order to learn a trade.<sup>71</sup> Mary Jenkins, indentured servant to Thomas Webster of Northumberland County, agreed to serve two additional years "in Consideration that he Learn her to Read, Write, Knit & Spin, and household work."<sup>72</sup> The willingness to sacrifice years of freedom demonstrates the significant social and economic advantages of possessing a skill in colonial Virginia.

Before 1660, tenants had few civil rights or financial opportunities.<sup>73</sup> Colonial treasurer George Sandys was a blatant example of a member of the elite who oppressed his tenants. Sandys failed to receive the number of tenants granted his office, and to

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<sup>67</sup> Morris Talpalar, ed., *The Sociology of Colonial Virginia* (New York: Philosophical Library Inc., 1960), 320.

<sup>68</sup> Stanard, 156.

<sup>69</sup> James C. Ballagh, *White Servitude in the Colony of Virginia: A Study of the System of Indentured Labor in the American Colonies* (Baltimore: The Johns Hopkins Press, 1984), 84.

<sup>70</sup> Morgan, 106.

<sup>71</sup> Abbot Emerson Smith, 291.

<sup>72</sup> Haynie, ed., 268.

<sup>73</sup> Talpalar, ed., 323.

make up the difference, he forced sixteen of the company's tenants to serve as his personal servants. Sandy's commission expired before he returned to England in 1625, but he nevertheless bound the sixteen men to serve him.<sup>74</sup>

In colonial Virginia, gun ownership was a matter of public policy, not an inalienable right. Virginia's legislature recognized the danger of allowing indentured servants to carry arms and prohibited arming them except in emergencies. The colonial government did however supply poor freemen with firearms.<sup>75</sup> Firearms were vital to Virginians' livelihood, particularly on the frontier where conflicts with Indians and other Europeans persisted. During the seventeenth and early eighteenth centuries, the colonial government stored weapons—pikes, swords, and muskets—in community arsenals and loaned them to frontier residents.<sup>76</sup> In April 1643, the Accomack-Northampton County Court ordered that no resident "shall from henceforth Travell from house to house within the said County without a sufficient Fixed gunn with powder and shott upon the pennaltie and Forfeiture of one hundred pounds of tobacco to publique use and to bee imprisoned during the Commaunders pleasure."<sup>77</sup> In response to conflict with Indians and the Dutch who supplied them with arms, the Virginia House of Burgesses passed a law in 1659 requiring every free man to keep a gun in his house or pay a fine of fifty pounds of tobacco.<sup>78</sup> Probate records revealed that more white males in the Chesapeake owned

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<sup>74</sup> Morgan, 120-1.

<sup>75</sup> Michael A Bellesiles, "Gun Laws in Early America: The Regulation of Firearms Ownership, 1607," *Law and History Review* 16 (Autumn 1998): 578.

<sup>76</sup> Bellesiles, 578.

<sup>77</sup> Ames, 268.

<sup>78</sup> Bellesiles, 578.

firearms than in any other region of colonial America or England. After 1634 despite the government's efforts, there were never enough guns in the colony to arm the entire militia, and only a small proportion of the population owned firearms.<sup>79</sup> The policy of requiring settlers to own and carry guns changed in the aftermath of Bacon's Rebellion. Fearing another rebellion, the colonial legislature forbid not only indentured servants, but also non-landowning whites, from possessing firearms.<sup>80</sup>

Land shortages which were often artificially created by planters forced former indentured servants and others to move west.<sup>81</sup> Governor William Berkeley and other Virginia officials unsuccessfully continued to call for England to defend the colonists against attacks by Indians and Europeans. Dutch raids on Virginia in the early 1670s highlighted the colonists' inability to defend themselves, and frontier planters petitioned the governor for aid against the Indians. In one letter, planters described the torture and murder committed by the Indians, and requested that Berkeley "grant us a Committion and...make choice of Commitioned Officers to lead this party now redy to take armes in defence of our lives and estates which without speedy prevention lie liable to the Injury of such insulting enimmies..."<sup>82</sup> In 1675 Berkeley appointed Nathaniel Bacon to the Council of State. Bacon tried to persuade the Governor to allow him to raise volunteers

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<sup>79</sup> Bellesiles, 577.

<sup>80</sup> Bellesiles, 577.

<sup>81</sup> Morgan, 217; and McCusker and Menard, 305-6.

<sup>82</sup> "Frontier Planters Petition Governor Berkeley to Commission Volunteers Against the Indians, ca. Spring 1676," in *The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689*, ed. Warren M. Billings (Chapel Hill: University of North Carolina Press, 1975), 267.

to campaign against the Indians. Bacon's anger at Berkeley's refusal contributed to Bacon's Rebellion of 1676.<sup>83</sup>

After Thomas Matthews refused to pay for goods he had received from the Doeg Indians, members of the tribe raided Mathews' plantation in July 1675. Colonists retaliated but attacked the wrong tribe—the Susquehannocks—and incited large scale Indian raids against the settlers. When Berkeley's attempts to negotiate peace led only to further violence, Bacon disobeyed the governor's orders to exercise restraint and led colonists in a rebellion against Berkeley.<sup>84</sup> Both Berkeley and Bacon promised freedom to servants who supported them, but more servants joined Bacon's ranks. In September 1676, Bacon paraded Indian captives through the streets of Jamestown and successfully won support from enough servants and freemen to defeat Berkeley in a siege there before burning the city.<sup>85</sup>

Bacon's Rebellion temporarily expanded opportunities for poor whites. Many lower class Virginians owned guns, symbols of manhood and citizenship,<sup>86</sup> and took part in the rebellion against the colonial elite. The General Assembly, the "June Assembly," reconvened in June 1676 and enacted a number of reforms which benefited the ordinary settlers. The Assemblymen approved an act "enabling freemen to vote for burgesses and preventing false returnes of burgesses."<sup>87</sup> By repealing the requirement that voters own

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<sup>83</sup> Warren M. Billings, John E. Selby and Thad W. Tate, *Colonial Virginia: A History* (White Plains, NY: KTO Press), 80-1.

<sup>84</sup> Billings, Selby and Tate, 82-3.

<sup>85</sup> Morgan, 268.

<sup>86</sup> Brown, 174.

land, this act enfranchised a significant number of colonists. The June Assembly also shifted power to the local level by allowing “countie counts to appoint their collectors and disabling counsellours to vote in countie courts.”<sup>88</sup> In addition, the Assembly proclaimed tobacco legal tender, an act which greatly alleviated the debt of small planters. Overproduction of tobacco had forced down tobacco prices and left many planters in debt and unable to afford to employ former servants. Being able to use their tobacco as money allowed debtors to settle loans and poor workers and tenants to pay what they owed to their overseers. Finally, the Assembly approved an act that pardoned “treasons, misprision of treasons, murders, felonies, offences, crimes, contempts and misdemeanors”<sup>89</sup> committed from March 1 until June 25, 1676. This act freed many tenants and small planters who had participated in the rebellion from the threat of criminal prosecution.

In late October 1676, Bacon suddenly died, Bacon’s Rebellion collapsed and twenty-three Virginians were hanged for their participation in the rebellion. Berkeley was relieved of the governorship and returned to England. Many of Bacon’s supporters in the servant and tenant classes had their periods of indenture extended to compensate for labor lost and property damaged during the rebellion.<sup>90</sup> Bacon’s Rebellion did not improve conditions for former servants in the long term either. Residents of Gloucester County listed grievances ranging from high taxes to pay the expenses of “the too frequent

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<sup>87</sup> June Assembly, “A Précis of the June Laws,” in *The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689*, ed. Warren M. Billings (Chapel Hill: University of North Carolina Press, 1975), 275.

<sup>88</sup> June Assembly, 275.

<sup>89</sup> June Assembly, 275.

<sup>90</sup> Talpalar, 317.

Assemblies”<sup>91</sup> to restrictions on sales of ammunition which limited the ability of planters to defend their land against Indian attacks.<sup>92</sup> Tobacco prices remained low, prompting some planters to petition the Assembly to prohibit cultivation of tobacco for an entire year.<sup>93</sup> In May 1682, distressed planters in Gloucester County rioted and cut down their own tobacco plants and those of their neighbors. The riot quickly spread to Middlesex and New Kent counties, and before the rebellion could be quelled, participants destroyed crops on approximately two hundred plantations.<sup>94</sup>

Overall, the limited opportunities available to landless whites had decreased even further by the late seventeenth century. In the last decades of the century, real wages increased in England and led to declining rates of migration to the Chesapeake. The Carolinas and Pennsylvania had greater appeal for English workers than Virginia’s increasingly stratified society.<sup>95</sup> Years of tobacco cultivation had depleted fertility of much of the land east of the mountains, and the expanding population had reduced the availability of even exhausted land. As a result, land prices increased and landowners charged tenants higher rents on shorter leases.<sup>96</sup> As English immigrants continued to arrive in the colony’s eastern ports, Virginians moved west in search of fertile land, and

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<sup>91</sup> Philip Lightfoot, John Buckner, Llewellyn Burwell, James Taylor, John Rogers and Thomas Kemp, “Postrebellion Grievances,” in *The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689*, ed. Warren M. Billings (Chapel Hill: University of North Carolina Press, 1975), 281.

<sup>92</sup> Lightfoot, Buckner, Burwell, Taylor, Rogers and Kemp, 282.

<sup>93</sup> Billings, Selby and Tate, 120.

<sup>94</sup> Billings, Selby and Tate, 107.

<sup>95</sup> David W. Galenson, *White Servitude in Colonial America: An Economic Analysis* (New York: Cambridge University Press, 1981), 154.

<sup>96</sup> John G. Kolp, *Gentlemen and Freeholders: Electoral Politics in Colonial Virginia*. (Baltimore: The Johns Hopkins University Press, 1998), 47.

disparity arose between opportunities in urban and rural areas. More abundant land in the countryside translated into greater opportunities for freed servants than in eastern cities where the difference between the income of unskilled laborers and the governing elite was greatest.<sup>97</sup> In Middlesex County, one of the wealthiest in Virginia, the poorest third of the population owned two percent of the wealth while the wealthiest fifteenth owned two-thirds of the county's wealth.<sup>98</sup>

Increasingly limited economic opportunities for poor whites contributed to a shift in Virginia's labor from indentured servants to slaves. For wealthy landowners, the use of slaves reduced the threats of free white laborers who one day might compete economically with the owner or rebel against them.<sup>99</sup> By 1700, opportunities for ordinary white Virginians had diminished significantly, and tenancy rates had risen to approximately forty percent of householders in Surry County. The only complete data from the period comes from the records of Surry County, but scattered evidence from other locations indicates that forty percent was not an uncommon rate.<sup>100</sup> The Executive Journals of the Council of Colonial Virginia provide more evidence that wide spread poverty was common well into the mid-eighteenth century. "A Proclamation for Apprehending Vagrants and for more Effectually putting the Laws in Execution against Hiring Harboursing or Entertaining Them" reflected the fear of wealthy Virginians that

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<sup>97</sup> McCusker and Menard, 276.

<sup>98</sup> Billings, Selby and Tate, 125.

<sup>99</sup> Audrey Smedley, *Race in North America: Origin and Evolution of a Worldview* (Boulder: Westview, 1993), 103-4.

<sup>100</sup> Billings, Selby and Tate, 125.

they were losing control of the colony.<sup>101</sup> Slave importation lessened the demand for free white laborers and many former indentured servants trapped in poverty emigrated from Virginia to surrounding colonies like North Carolina between 1660 and 1725.<sup>102</sup>

The Virginia Inspection Act of 1730 widened the political and economic disparity between the planter elite and the lower classes. The act required the Burgesses to appoint officers to tobacco inspection posts.<sup>103</sup> Former tenants who had risen into the small planter class feared the act was an attempt to eliminate competition to the large planters by giving them more political power. Even after small planters rebelled and burned warehouses in Lancaster, Northumberland, Falmouth, and King George, the Assembly—dominated by large planters—renewed the law in 1734,<sup>104</sup> allowing the elite to strengthen their hold on colonial politics and economies.

Despite this bleak picture, not all legislation during the period hurt the white lower classes. In 1736, the legislature extended political rights to a larger percentage of white men by allowing tenants who owned or retained a life lease to twenty-five acres of improved land or one hundred acres of unimproved land to vote.<sup>105</sup> Under this law, fifty-five to sixty percent of white adult males were eligible. Compared to the British population, two to three times as many Virginians possessed the right to vote.<sup>106</sup>

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<sup>101</sup> H. R. McIlwaine, ed. *Executive Journals of the Council of Colonial Virginia*, vol. 1, (Richmond: The Virginia State Library, 1925), 476.

<sup>102</sup> Wertebaker, 40.

<sup>103</sup> Brown, 253.

<sup>104</sup> Brown, 252.

<sup>105</sup> Kolp, 43.

<sup>106</sup> Billings, Selby and Tate, 212.

Oppressed and lacking valuable skills, many tenants and wage laborers were trapped indefinitely in a low socioeconomic status. Overproduction of tobacco and shortages of land in the east heightened resentment toward the planters who owned an overwhelming percentage of land and exercised power. Bacon's Rebellion forced officeholders to pay more attention to the interests of lesser planters and resulted in a number of improvements for lower class whites. Nonetheless, neither the Rebellion nor the shift to slave labor dramatically benefited poorer whites. Few men duplicated the experience of John Trussell who had risen in status from indentured servant to burgess. By 1700, such economic and social progress was all but impossible.

bridge between the lower classes and the elite planter class.

Despite the lack of opportunities for members of the two lowest classes to improve their status, marriage provided them with a vehicle for social mobility. In some cases, ambitious immigrants improved their social status by finding spouses with sizable holdings of land, servants, and animals.<sup>2</sup> On the other hand, as in England, marriage relations imposed social controls that limited prospects for advancement. Some poor immigrants, especially women, benefited from strategic marriages, but their possibilities diminished as the eighteenth century approached.

Whether the result of love, strategic planning or blind good luck, intermarriage between free people and servants did occur.<sup>3</sup> Social barriers shifted when parties

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<sup>2</sup> Billing, *Scribner and Tate*, 58-9.

<sup>3</sup> Oreste Shanahan, "English-Born and Creole Elites in First-of-the-Century Virginia," in *The Eighteenth-Century: Essays on Anglo-American Society*, eds. Thad W. Tate and David G. Hays (Chapel Hill: University of North Carolina Press, 1975), 278.

### CHAPTER THREE

Virginia's free men and women belonged to one of four classes in a highly stratified society. The lowest class consisted of former indentured servants who remained in poverty. The elite perceived this class's growing numbers as a threat and disenfranchised them after 1670. Few members of this lowest class rose into the small planter class, or held local offices. Rarely did former servants reach the next highest class—middling planters. These men participated in colonial politics and formed a bridge between the lower classes and the elite planter class.<sup>1</sup>

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<sup>1</sup> Billings, Selby and Tate, 58-9.

<sup>2</sup> Carole Shammas, "English-Born and Creole Elites in Turn-of-the-Century Virginia," in *The Chesapeake in the Seventeenth-Century: Essays on Anglo-American Society*, eds. Thad W. Tate and David L. Ammerman (Chapel Hill: University of North Carolina Press, 1979), 278.

<sup>3</sup> Allen, 159.

intermarried, in some cases significantly advancing the lower class partner's socioeconomic status. In one case, David Dale worked for a successful merchant, John Neale in 1644, and Neale gave Dale three hundred acres of land to manage. When Neale died, Dale married Neale's widow and instantaneously improved his position from servant to master.<sup>110</sup> This example illustrated several crucial points. First, through marriage a former indentured servant became a wealthy landowner, an event that would not have occurred had Dale remained in England. On the other hand, Dale possessed talent; an owner would not have granted a sizable tract of land to a lowly unskilled servant. Nevertheless, David Dale's experience indicated that social and economic mobility was possible in colonial Virginia.

In another notable example, William Provert, an illiterate indentured servant, immigrated to Middlesex County, Virginia, where he labored until his indenture expired. Soon after he gained his freedom, Provert married the illegitimate daughter of another indentured servant. Her former master died, and left her seventy-six acres of land on which the couple lived. By 1706, despite his humble origins, Provert had served on two grand juries, and in 1708 he was a surveyor of highways. He died in 1710 leaving a debt-free estate worth 5,913 pounds of tobacco.<sup>111</sup>

Such cases did not occur often, and when they did, they were the exception rather than the rule. More frequently, mobility through marriage occurred in cases where servants were members of established English families or had educations. These immigrants usually worked in more respectable positions such as teachers and artisans,

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<sup>110</sup> Perry, 53.

<sup>111</sup> Rutman and Rutman, *A Place in Time: Middlesex County, Virginia 1650-1750*, 150-1.

from which they could more easily propel themselves upward in society.<sup>112</sup> In one instance, the nephew of an English baron did not inform his family about his migration to Virginia or his indenture until his seven years had expired and he was the head of a respectable family.<sup>113</sup> His previous position and skills, like those of other privileged immigrants, made possible a rapid rise not experienced by the mass of ordinary servants. Few poor, uneducated English immigrants arrived as indentured servants and ascended by any means, including marriage, to an elite social status. Most commonly, male immigrants who secured prominence through marriage belonged to privileged English families. Samuel Mathews acquired much of his wealth by marrying a wealthy widow and then served briefly as governor of the colony.<sup>114</sup> William Fitzhugh, Theodorick Bland, John Washington, Nicholas Spencer, and Thomas Chamberlin secured prominent places in colonial society with the help of marriages to wealthy women.<sup>115</sup> Even so, each of these men descended from families already prosperous in England. In 1670 nineteen-year-old William Fitzhugh arrived in Virginia where he claimed he struggled alone and achieved success independently by talent and hard work.<sup>116</sup> He did not mention that the Fitzhugh family of Bedford, England, included mayors and aldermen,<sup>117</sup> and Fitzhugh used his family and his education to secure lands and capital,

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<sup>112</sup> Ballagh, 83.

<sup>113</sup> Stanard, 156.

<sup>114</sup> Brown, 92.

<sup>115</sup> Brown, 92.

<sup>116</sup> Richard Beale Davis, "Chesapeake Pattern and Pole-Star: William Fitzhugh in his Plantation World, 1676-1701," *Proceedings of the American Philosophical Society* 105, no. 6 (Dec. 15, 1961): 525.

<sup>117</sup> Brown, 92.

accumulate a small fortune by 1680 and serve in the House of Burgesses.<sup>118</sup> Again, illustrating this more common pattern, Elizabeth Willoughby, a member of a wealthy and powerful family in England and Virginia, married three times. Through each marriage, she accumulated more wealth. Her third marriage was to an already successful trader, Isaac Allerton. The alliance catapulted Allerton from Northumberland judge to member of the House of Burgesses and finally to the Council of State.<sup>119</sup> Both examples illustrated the ways marriage played an integral role in social mobility—but only men and women for who already were prosperous. The wealthy Washingtons, Spencers, and Fitzhughs transplanted themselves from England's upper class to Virginia's ruling elite. Intermarriages among their families created complex connections which increased their wealth and power, and further insulated them from the rest of colonial society.<sup>120</sup>

Recognizing the threat to their domination of the colony posed by men who married into the elite, the men who dominated colonial government passed regulations which discouraged intermarriage between members of the lower classes and the wealthy planter class.<sup>121</sup> In 1619, the Virginia Assembly required that women who wanted to marry must first obtain the permission of their fathers or guardians with legal authority over them.<sup>122</sup> In 1627, another act required a license from the governor or three public

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<sup>117</sup> Richard Beale Davis, "Chesapeake Pattern and Pole-Star: William Fitzhugh in his Plantation World, 1676-1701," *Proceedings of the American Philosophical Society* 105, no. 6 (December 15, 1961): 525.

<sup>118</sup> Billings, Selby and Tate, 131.

<sup>119</sup> Billings, Selby and Tate, 64.

<sup>120</sup> Billings, Selby and Tate, 59.

<sup>121</sup> Brown, 92.

<sup>122</sup> *Ibid.*

church announcements, or banns, as prerequisites for lawful marriage.<sup>123</sup> In response to attempts to circumvent the law, lawmakers later outlawed clandestine marriages.<sup>124</sup> Through legislation, elite planters limited the prospects for social mobility through marriage for men in the lower classes.

On the other hand, opportunities for advancement from even the lowest classes of society existed for women throughout the seventeenth century. The advantage enjoyed by women was a result of the extremely unbalanced ratio of males to females in the colony. Throughout most of the seventeenth century in Virginia, men outnumbered women by three or four to one.<sup>125</sup> Consequently, many immigrant women, often as young as fifteen, married quickly after they arrived in the colony. In an extreme case, a female convict sentenced to years of service in the colony might improve her station through marriage.<sup>126</sup> One author of promotional literature for Virginia claimed that “good maids” often served only a few months before men purchased their indentures and then married them.<sup>127</sup> The author may have exaggerated, but truth underlay her promise that women would find suitors in the New World.

Women not only married quickly but also remarried with stunning speed. In 1666, George Keeble died and left his twenty-nine year old widow, Mary, with four

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<sup>123</sup> Brown, 93.

<sup>124</sup> Ibid.

<sup>125</sup> Daniel Blake Smith, “Mortality and Family in Colonial Chesapeake,” *Journal of Interdisciplinary History* 8, no. 3 (Winter, 1978): 410.

<sup>126</sup> Linda L Sturtz, *Within her Power: Propertied Women in Colonial Virginia* (New York: Routledge, 2002), 6.

<sup>127</sup> Mildred Campbell, “Social Origins of Some Early Americans,” in *Seventeenth-Century America: Essays in Colonial History*, ed. James Morton Smith (Chapel Hill: University of North Carolina Press, 1972), 74.

children. Mary almost immediately married Robert Beverley, and when Mary died in 1678, Robert married Katherine Hone. Katherine married Robert so soon after her former husband's death that she had moved his belongings into the Beverley household before the probate inventory could be recorded.<sup>128</sup>

This pattern of quick marriages was particularly advantageous for women when their husbands died. A Virginia man was fortunate if he lived past forty-five years of age,<sup>129</sup> and Virginia's inheritance laws in the seventeenth century treated widows more favorably than those of England or any other North American colony.<sup>130</sup> Virginia widows were entitled to no less than a one-third "dower" share of their husbands' resources, and could overturn wills that left them less than this amount.<sup>131</sup> In their wills, men frequently made their wives the sole executors and beneficiaries.<sup>132</sup> A poor woman could immigrate as a servant, marry a landowner and inherit his property. For men seeking to increase their holdings, widows became "the best Commodity this Country Affords."<sup>133</sup> In elections, women's property became critical to the enfranchisement of

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<sup>128</sup> Darrett B. and Anita H. Rutman, " 'Now-Wives ...' ", 155.

<sup>129</sup> Daniel Blake Smith, 426.

<sup>130</sup> Terri L. Snyder, *Brabbling Women: Disorderly Speech and the Law in Early Virginia* (Ithaca, NY: Cornell University Press, 2003), 122.

<sup>131</sup> Christopher L. Tomlins and Bruce H. Mann, eds., *The Many Legalities of Early America* (Chapel Hill: University of North Carolina Press, 2001), 252.

<sup>132</sup> Terri L. Snyder, " 'Rich Widows are the Best Commodity this Country Affords': Gender Relations and the Rehabilitation of Patriarchy in Virginia, 1660-1700" (Ph.D. diss., University of Iowa, 1992), 305.

<sup>133</sup> Snyder, *Brabbling Women*, 117.

their husbands.<sup>134</sup> As long as they remained unmarried, these widows managed the property, conducted business affairs, and exercised power of attorney.<sup>135</sup>

In addition, Virginia law allowed women to protect themselves and their children from previous marriages by retaining the power of attorney. By denying her power of attorney to her new husband, a widow could protect the interests of her first family from her second husband.<sup>136</sup> The legal separation of the property of previous and future marriages benefited both widows and prospective husbands. When Robert Mape died in 1641, he left his wife Dorothy destitute and in debt. Her prospects for remarriage, however, improved when the Accomack-Northampton court ruled that “what person soever that shall hereafter interchange Marriage with her...shall not be anyways Lyable to satisfie or paye any debt or debtes whatsoever which he the sayd Robert Mape was ingaged for in his lyfe tyme unto any person or persons whatsoever.”<sup>137</sup> Debt from a previous marriage did not necessarily harm a widow’s opportunities for remarriage.

Even so, widows were not immune to financial problems when their husbands died. In 1642 Elizabeth Beaman’s husband left her with an enormous debt. The Accomack-Northampton court ruled that with the exception of “her weareing apparel”<sup>138</sup> creditors could seize the widow’s property. Many poor widows, wives of tenants and small farmers, did not have the requisite knowledge to argue effectively in court or to

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<sup>134</sup> Snyder, *Brabbling Women*, 141.

<sup>135</sup> Billings, Selby and Tate, 64.

<sup>136</sup> Linda L. Sturtz, “‘As Though I My Self Was Pr[e]sent’: Virginia Women with Power of Attorney,” in *The Many Legalities of Early America*, ed. Christopher L. Tomlins and Bruce H. Mann (Chapel Hill: University of North Carolina Press, 2001), 263.

<sup>137</sup> Ames, 89.

<sup>138</sup> Ames, 202.

assert authority in the household.<sup>139</sup> Without familiarity with the legal system or resources to hire a lawyer, a poor widow had more difficulty collecting money owed to her deceased husband.<sup>140</sup> Widows often remarried quickly because a single woman was more vulnerable to sexual assault and more financially insecure, especially if her children were too young to work. In seventeenth and eighteenth century Middlesex County, Virginia, at least three-quarters of all widows under age fifty remarried.<sup>141</sup>

Just as opportunities for all former indentured servants and poor farmers decreased at the end of the seventeenth century, widows' powers also waned as the eighteenth century approached. Reflecting this shift was a law enacted by Virginia's burgesses in 1699 which explicitly barred women from voting or holding public office. No other colony in British North America so plainly barred widows from political life.<sup>142</sup> Demographic shifts partially accounted for women's fading opportunities. By the end of the seventeenth century, the immigrant population included almost as many women as men,<sup>143</sup> and at the beginning of the eighteenth century, the gender ratio had decreased to three men for every two women.<sup>144</sup> As a result, women's value decreased, and they—especially widowed women—lost independent control over their husbands' property.<sup>145</sup>

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<sup>139</sup> Snyder, *Brabbling Women*, 133.

<sup>140</sup> Allan Kulikoff, *From British Peasants to Colonial American Farmers* (Chapel Hill: University of North Carolina Press, 2000), 238.

<sup>141</sup> Kulikoff, 238.

<sup>142</sup> Snyder, *Brabbling Women*, 141.

<sup>143</sup> Daniel Blake Smith, 411.

<sup>144</sup> Morgan, 336.

<sup>145</sup> Sturtz, *Within her Power*, 29.

Increasing life expectancy also resulted in lessened social mobility for women. Before the end of the seventeenth century, many parents died before their children reached maturity. In Middlesex County at mid-century, at age thirteen, 34 percent of all children had only one living parent and 20 percent were orphans.<sup>146</sup> But by 1700, the Virginia-born white men and women lived longer, and more parents saw their children reach adulthood.<sup>147</sup> Men were more likely to will their belongings to their children and less likely to leave large amounts of property to their wives.<sup>148</sup>

By the end of the eighteenth century, widows who served as executors of their deceased husbands' wills were increasingly constrained by terms their husbands established in the wills. For instance, husbands more frequently stipulated that if their wives remarried, they would forfeit some or all of the property they had inherited.<sup>149</sup> Husbands in the eighteenth century tended to have male kin living nearby and designated them as the executors of their wills and the recipients of their property.<sup>150</sup> Husbands less often assigned their wives' power of attorney, and protection for women's property from previous marriages became less common.<sup>151</sup> The decreasing availability of land also reduced the value of women as vehicles for social mobility. In the eighteenth century, fathers frequently willed land to their daughters as well as their sons, but in the eighteenth

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<sup>146</sup> Rutman and Rutman, " 'Now-Wives...'", 161.

<sup>147</sup> Sturtz, *Within her Power*, 29.

<sup>148</sup> Snyder, "Rich Widows...", 307.

<sup>149</sup> Sturtz, *Within her Power*, 29.

<sup>150</sup> Sturtz, *Within her Power*, 29.

<sup>151</sup> John G. Kolp and Terri L. Snyder, "Women and the Political Culture of Eighteenth-Century Virginia," in *The Many Legalities of Early America*, ed. Christopher L. Tomlins and Bruce H. Mann (Chapel Hill: University of North Carolina Press, 2001), 283.

century, they more frequently willed land exclusively to their sons.<sup>152</sup> Through such action, fathers shrank the financial incentive for other men to marry their daughters, potentially limiting these women's opportunities for mobility.

As the eighteenth century progressed, the increase in the proportion of young females in the colony and the decreasing financial attractiveness of older widows allowed fewer women to remarry.<sup>153</sup> Court records in Charles Parish in York County, Virginia, show that many of these women became dependent on parish welfare. In 1676, Thomas Floyd died and left his wife Mary in poverty and with no means to provide for their infant. York's magistrates used tax money and donations to supply "Indyan Corne if there be soe much, her bedd & provisions for the maintenance of her selfe and Infant."<sup>154</sup> Martha Provo became impoverished in 1693 when her husband James died and left her an estate too small to support herself and their two children. Like Mary, Martha received charity from the parish until her death in 1703.<sup>155</sup> These two examples demonstrated that the death of their husbands dropped some women to the bottom rungs of society and kept them there.

If a person already owned property or had envied bloodlines, marriage provided an avenue for social mobility. Some exceptions existed—poor indentured servants occasionally rose higher than would otherwise have been possible because of a strategic

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<sup>152</sup> Paula A. Treckel. *To Comfort the Heart: Women in Seventeenth-Century America* (New York: Twayne Publishers, 1996), 135.

<sup>153</sup> Paula Treckel, 136.

<sup>154</sup> Julie Richter, "The Free Women of Charles Parish, York County, Virginia, 1630-1740," in *Women and Freedom in Early America*, ed. Larry D. Eldridge. (New York: New York University Press, 1997), 301.

<sup>155</sup> Richter, 301.

union. Nonetheless, the lowest class of freedmen rarely benefited from this avenue of advancement. On the other hand, women were more likely to accumulate significant wealth by surviving a series of marriages, but this advantage waned as the decades passed. Ultimately, marriage, like so many other factors, aided the already privileged to join the elite, and those with the greatest need were confined to their lowly status.

strategic marriages. Nonetheless, these narratives failed to reflect the experiences of most immigrants who arrived in Virginia as indentured servants. Accounts from a variety of perspectives provide conflicting reports on the colony; wealthier entrepreneurs often portrayed the colony as a land of vast opportunity, but those in the lower classes found such promises empty. Reality rested somewhere between these two extremes, and success largely depended primarily on one's inherited status and learned skills.

In the last decades of the seventeenth century, the lives of most former servants changed for the worse. Soil depletion combined with decreased tobacco prices caused by overproduction caused an economic slump. Improving economic conditions in England led fewer people to risk the trip across the Atlantic to Virginia. The immigrants who continued to arrive included a much higher percentage of women. Virginians lived longer than previous generations. Landowners increasingly invested in black slaves instead of white indentured servants to meet their need for labor. In addition, Virginians moving westward to acquire more fertile and plentiful land clashed with Indians and Europeans who inhabited, hunted and traded in the region. These conflicts created political tensions within the colony that culminated in Bacon's Rebellion.

Each of these events imposed increasing economic and political restrictions on poor white laborers. Women lost many of the privileges they had previously enjoyed,

and former indentured servants of both genders encountered the "Harsh Reality" of narrowing opportunities for social mobility. But in years to come, the rapidly increasing population of slave forced planters

### CONCLUSION

Some indentured servants rose to positions of political power in colonial Virginia, some accumulated vast amounts of land, and some amassed enormous wealth through strategic marriages. Nonetheless, these successes failed to reflect the experiences of most immigrants who arrived in Virginia as indentured servants. Accounts from a variety of perspectives provide conflicting reports on the colony: wealthier entrepreneurs often portrayed the colony as a land of vast opportunity, but those in the lower classes found such promises empty. Reality rested somewhere between these two extremes, and success largely depended primarily on one's inherited status and learned skills.

In the last decades of the seventeenth century, the lives of most former servants changed for the worse. Soil depletion combined with decreased tobacco prices caused by overproduction caused an economic slump. Improving economic conditions in England led fewer people to risk the trip across the Atlantic to Virginia. The immigrants who continued to arrive included a much higher percentage of women. Virginians lived longer than previous generations. Landowners increasingly invested in black slaves instead of white indentured servants to meet their need for labor. In addition, Virginians moving westward to acquire more fertile and plentiful land clashed with Indians and Europeans who inhabited, hunted and traded in the region. These conflicts created political tensions within the colony that culminated in Bacon's Rebellion.

Each of these events imposed increasing economic and political restrictions on poor, white laborers. Women lost many of the privileges they had previously enjoyed,

and former indentured servants of both genders encountered the "Harsh Reality" of narrowing opportunities for social mobility. But in years to come, the rapidly increasing population of slaves forced planters to extend opportunities to ordinary whites to guarantee their loyalty and support. The result was economic prosperity for most Virginians and the beginnings of a golden age for the colony.

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