

before he had served four years. Allen's agreement "to make good" a service of five years was filed in court; the court awarded Smith 1500 pounds of tobacco for the seventeen months' service which he had paid for, but which had not been rendered. In the agreement for purchase, dated February 28, 1669/70, Allen, the defendant, was therein described as "Jn^o Allen of London Merch" (p. 504). This shows that the sheriff was a very recent arrival in the Province. Several releases from service are recorded. Thus, at the August, 1674, court, Kelham Magloughlin in open court freed George Spicer from any further service due him (p. 573). Some of these releases were doubtless expressions of good will on the part of masters to deserving servants; or in some cases servants may have been released who were not worth their keep.

An especially shady transaction is revealed in the suit of Thomas Damer, a servant, against his master John Cage, at the March, 1673, court. Cage had purchased Damer through Humphrey Warren, acting as the factor for an English merchant. Warren, a prominent planter, was, as will be shown later, also a dealer in indentured servants, and had been a former member of the court. Damer had, on August 1, 1668, indentured himself in England for four years to Thomas Tolson, a London merchant. It was shown that Warren, Tolson's factor in Maryland, had erased Damer's name in the indenture and substituted for his name that of another servant sold at the same time, leaving Damer without any written record of his four year indenture, and therefore liable, as a servant without an indenture contract, to serve the "customary" seven year term. A jury granted Damer his freedom, but the record does not disclose whether Warren was held responsible for the fraud (p. 492). At the June, 1673, court, Edward Typton, a servant of Warren's, doubtless urged on by Damer's success in gaining his freedom, petitioned the court, asserting that he had already served his full term, and asked that he be given his freedom. No details are given, but the court decided that his time had not yet expired (p. 502). A case which had come up a few years before, at the April, 1669, court, in which both Cage and Warren were also involved, shows Warren as an importer, or factor, for the sale of servants. Cage in this suit against Warren declared that he had provided board and lodging for eight of Warren's servants, obviously upon their arrival, for several weeks in the winter and spring of 1669, and that Warren had refused to pay him. Cage asked the court to order the payment to him of such an amount "as to them seem meet." For reasons not given in the record, possibly because there was no written contract, the court refused and nonsuited Cage (pp. 189-190).

Two cases were heard involving great cruelty to servants. At the January, 1669-70, court, Nicholas Emanson [Emerson], the innkeeper, brought suit to compel his servant, Elizabeth Hasell, who had run away several times, and, it was said, had not received "any correction", to serve, as provided for in the act of 1671, the additional time during which she had been absent. Elizabeth asked for a jury trial. Six witnesses swore that they had seen her severely beaten by her mistress. One deposed that "she beat her & putt her in irons"; another that she "tyed her to her bed post & whipped her"; another that her mistress said that she had beat her for stealing a clout, and "that there was a puddle of