

by indenture or by bond, or by bargains more or less freely made. Many were servants by the custom of the country: the country was, of course, Maryland. The custom of the country included all master-and-servant relations, and it was important and binding even before it was reduced to statute. As in other years, most of the cases involving servants came up in the county courts, and were settled there. But the Provincial Court could and did hear such cases, even when, in terms of pounds of tobacco, the amount at issue was small. There were several petitions for freedom. Since servants had not the capacity to bring suit (*Archives* LXV, p. 279), they had to proceed by way of petition, and their requests seem to have been as well received as were lawsuits proper. On June 20, 1677, Edward Compton of Calvert County said that he had come into the Province in 1668 as an indentured servant for six years, that he had served his time, and had also served some time as penalty for "absent[ing] himselfe from his service". His master, Beckwith, had died, and the overseer, Alexander Younger (see *Archives* LXVI, xix-xx, 404, 471; *post*, pp. 88-89, for another unsavory episode in which Younger had figured), had inflicted on him "extremity of Corporall punishment which the . . . Propry had remitted & pardoned" so that he thought he ought to have been free since last May. The Court, having heard the reading of the petition, judged that "the petitione<sup>r</sup> is free & that the administrator allow the Petitioner for the time he hath Overseerved, with his Corne & cloathes according to Act of Assembly." (*Archives* II, p. 524; *post*, p. 25). The justice of the Provincial Court was even-handed. When Thomas Windoe petitioned the Court that, having been sold to Mark Cordea for four years, he had run away for ten days "for which he received corporall punishm<sup>t</sup> to the number of twenty stripes, that his tyme of servitude is expired," he asked relief according to justice. The Court ordered that he serve Cordea for a hundred days for his ten days absence (*Archives* II, p. 524), and that he pay his master 360 pounds of tobacco for the expense Cordea had gone to, in getting him back. But it was also ordered "that the said Marke Cordea pay to to the said Thomas Windoe his freedome corne & cloathes" (*Archives* I, pp. 352-353; *post*, p. 227). Christopher Williamson and Elizabeth Royall, "both now Servants unto Robert Graham" believed they should be free, but the indentures they once had had were lost and gone. Capt. Robert Crossman made oath before Secretary William Calvert that they had come over with him in the good ship *Antelope* of Liverpoole on June 30, 1674, and that George Mackall, now dead, had bought them from him for four years. "Which being read & heard, Itt is the opinion of the Court here this day to witt the thirteenth day of June . . . 1678, that the said Christopher Williamson & Elizabeth Royall are free." (*post*, p. 420).

According to the Act of Assembly of 1666, which governed conditions in 1678, "every Master Mistress or dame or trustee . . . owning or keeping any such Serv<sup>t</sup>. as a foresaid whether by vertue of transportacon purchase or otherwise shall within six months after the Receiving such serv<sup>t</sup> . . . bring the sd Serv<sup>t</sup> into their Respective County Court where they doe inhabite", and the courts were "to judge & determine of the age of such Sevants [*sic*] soe brought and cause the same to be entered vpon Record" (*Archives* II, p. 147). Nothing is said in the statute about the determination of servants' ages by the Provincial