

was no written contract, beyond the "customary" seven year time; or on account of extra time claimed when the servant had a record of absence from having "run away." Disputes were perhaps most frequent when servants had passed by assignment from one master to another. Freedom was also sought on grounds of cruelty. There were numerous suits of masters of runaway servants against other householders for harboring runaways without notifying their masters. In the case of a girl with a runaway record, juries were not prone to allow the "runaway time" to be added to her term of service, if she had been severely whipped each time she had run away. The usual, or "customary", period of indentured service was seven years unless the indenture specifically provided a different term, or servitude had begun in childhood, when it was ordinarily extended until majority. The relations between masters and servants, as brought out by the court records of this period, have already been quite fully discussed in an earlier volume of the *Archives* (LIII, xxxi-xxxiv).

It was customary at court sessions, under the act of 1661, to have the ages of recently acquired servants who were under age determined in open court and made a matter of record. During the nine year period covered by this record 181 servants in all had their ages thus adjudged by the Charles County Court. The purpose of this was to prevent future disputes as to when the term of service had expired and a servant had become free. There are some instances of this recorded for the nine year period covered by this record. Whether the relatively fewer whippings ordered by the court during this period, as compared with the record of the preceding nine years, was due to a more humanitarian attitude on the part of the court, or is more apparent than real and due to the failure of the changing and incompetent court clerks to enter such orders in the record, is difficult to decide. That the coroner in one year held three inquests over the bodies of dead servants is not without significance as to the hardships to which they were exposed.

A few examples of suits by servants against masters are illustrative. Japhet Griphin, a servant, sued his master, John Hatch, a well known planter, for his freedom and for the "customary" allowance of corn and clothing, declaring that his time (seven years) had expired. Hatch said that "he bought th<sup>e</sup> Plaintife . . . for ten yeares but acknowledged he hath noe Indenture to testifie th<sup>e</sup> sale." The purchase had been made on November 23, 1659, soon after the ship he came in had arrived. The case was heard before a jury. Evidence was presented that Griphin had run away and had been "brought back by hue and crye." Griphin declared "he went away" because his time had expired, and that he had not "run away." The jury found that Hatch had "noe prooffe th<sup>t</sup> th<sup>e</sup> Plaintife was Servant for 10 years; therefore in our Conscience he is free having served as much time as can in equitie be required"; and further found that he ought to have his corn and clothes without the advantage to his master "by absence [as a runaway] of service in the seaven years legallie proved" (pp. 46-47). In an action for freedom by a servant, David Ralston, against his master, Daniel Johnson, at the September, 1667, court, Ralston demanded £10 sterling as well as "one good Cloth Suit of Kersey a Shift of White Linnen, one new paire of Stockins and Shoes, two hoes and an Axe" as the consideration