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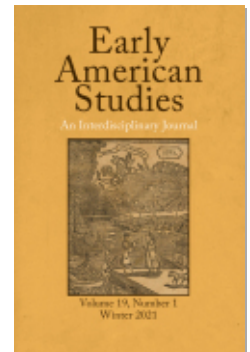
## Bound and Filed: A Seventeenth-Century Service Indenture from a Scattered Archive

Sonia Tycko

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# Bound and Filed:

## A Seventeenth-Century Service Indenture from a Scattered Archive

SONIA TYCKO

*The Rothermere American Institute and St Peter's College, Oxford*

**ABSTRACT** The history of indentured migration to seventeenth-century English America relies heavily on a single body of sources known as *the London record*, a collection of contracts and registrations of servants who emigrated from the capital between 1683 and 1686. Of the original 1,000 contracts, 189 have long been considered to be missing. This article uses methods from the study of paperwork and print culture to demonstrate that Huntington Library item HM 1365 is one of those missing contracts. Read as a part of its parent collection, this indenture is evidence of how the writing and archiving of late seventeenth-century transatlantic service contracts functioned to constrain would-be servants' choices and protections during recruitment and servitude, while legitimizing new and exploitative practices in colonial labor relations.

On July 3, 1683, a young woman in London named Elizabeth Spence agreed to serve William Orton, or those to whom he might assign her service, for four years in Virginia. Orton agreed to provide the servant's transatlantic passage, food, clothing, and housing, and to pay her "according to the custom of the country" at the end of her term.<sup>1</sup> These details, picked out from the only catalogued seventeenth-century service indenture held at the Huntington Library, item HM 1365 (see figure 1), are ordinary for an indenture

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1. The Huntington Library, San Marino, Calif., HM 1365.

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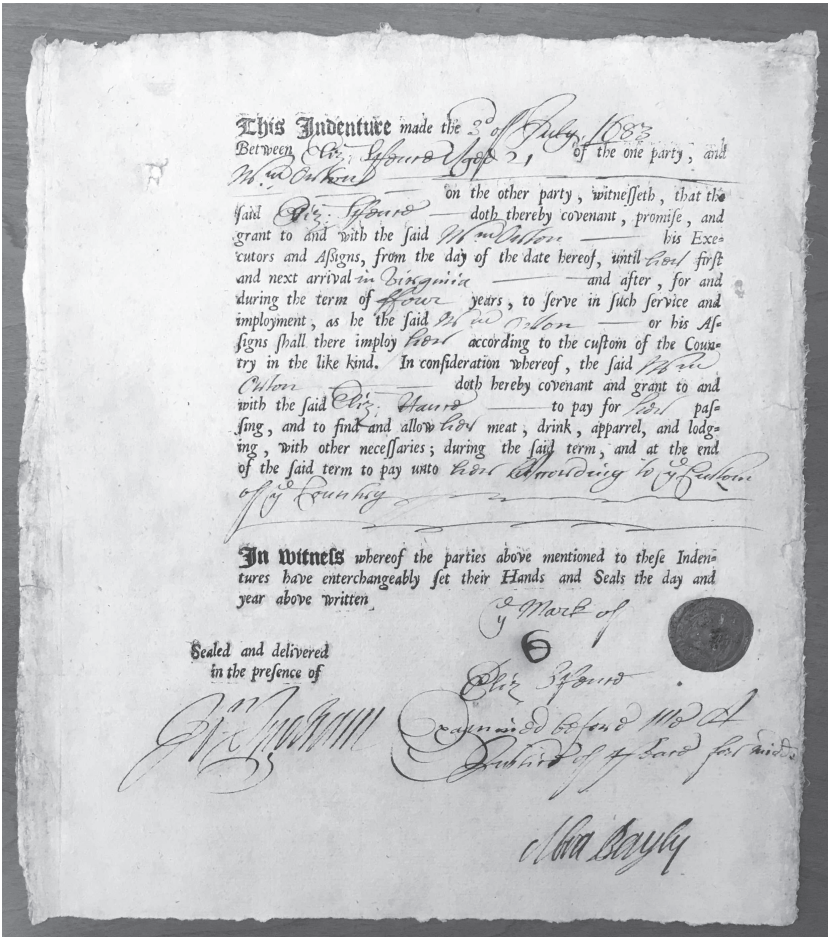


Figure 1. In the Huntington Library's seventeenth-century service indenture, Elizabeth Spence contracted to become a servant in Virginia for four years. HM 1365, by permission of the Huntington Library.

(a type of document) from the period and, at first glance, seem to offer no new insight into why and how laboring people arrived in the English American colonies in the early period. However, the document's archival location is surprising. Bringing newer approaches of print culture and paperwork studies to bear on this contract shows that it is a previously unidentified part of *the London record*, an influential body of sources for the history of indentured servitude now held across multiple library collections in London, Kingston,

Jamaica, and Washington, D.C. HM 1365 does not appear to have received attention in print before.

Reading HM 1365 within this scattered archive shows how the binding procedure and record-keeping practices for late seventeenth-century transatlantic service contracts constrained would-be servants' choices and protections and benefitted their new masters. Setting this one indenture into its larger context allows us to understand the conditions under which the contract was signed in a way that the single indenture alone cannot do. This study of contract formation and subsequent archive formation better reveals the conditions under which people in London agreed to become colonial servants. Contracts purportedly protect and oblige both parties—and indeed, during the terms of service, indentured servants had access to legal protection from abuse, neglect, and detention past the end of their terms. But the examination of this indenture within its larger context suggests that filling in these forms failed to protect would-be servants from coercion during the crucial recruitment stage.

Although servants signed or marked their contracts to signify their consent, that consent was extracted in a swift, commercial transaction with little space for examining how well-informed the servants were or ascertaining their state of mind. This finding complements Timothy Shannon's conclusion, gleaned from eighteenth-century Aberdeen depositions and a servant broker's account book, that "consent and coercion were closely intertwined" in the early modern indentured servant trade. Using indentures to investigate the binding process leads to a different, detailed perspective on this dynamic. These written contracts hastened working people's transition into servitude and shielded planters and middlemen from accusations of foul play in servant recruitment. Indentures did not sufficiently protect servants from what contemporaries called *spiriting*, or the use of lies, misinformation, and intoxication to procure colonial laborers from the British Isles.<sup>2</sup>

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2. Timothy J. Shannon, "A 'Wicked Commerce': Consent, Coercion, and Kidnapping in Aberdeen's Servant Trade," *William and Mary Quarterly* 74, no. 3 (July 2017): 437–66, at 439. See also Richard B. Morris, *Government and Labor in Early America* (New York: Columbia University Press, 1946), 337–44; Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America, 1607–1776* (Chapel Hill: University of North Carolina Press, 1947), chap. 4; Robert J. Steinfield, *The Invention of Free Labor: The Employment Relation in English and American Law and Culture, 1350–1870* (Chapel Hill: University of North Carolina Press, 1991); Farley Grubb, "Does Bound Labour Have to Be Coerced Labour? The Case of Colonial Immigrant Servitude versus Craft Apprenticeship and Life-Cycle



In signing or marking such a contract, a servant, master, justice of the peace, and witness collectively gave validity to an institution of labor that commodified servants to a degree that was unheard of in England.<sup>3</sup> Colonial indentured servants faced a higher mortality rate, harsher punishments for crimes, and stricter control of their time and mobility than English servants in husbandry. The transfer of service indentures between masters by sale or bequest did not require servants' consent, unlike the protocols for transferred apprentices in England, who also entered indentures with their masters. Virginian servitude was more of an ordeal than an opportunity for young women like Elizabeth Spence. Should women become pregnant while in service, for instance, colonial magistrates ordered them to be publicly whipped, separated them from their children, and added years to their service terms as punishment for bastardy.<sup>4</sup>

It is time, then, to blow the dust off indentures and once more engage with this valuable source type, bringing it to bear on questions about the nature of coercion and consent in transatlantic bound service. Elizabeth Spence's contract would have fit right into a traditional demographic analysis of indentured migration. From the 1950s to the 1980s, Mildred Campbell and David

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Servitude-in-Husbandry," *Itinerario* 21, no. 1 (March 1997): 28–51; Holly Brewer, "Age of Reason? Children, Testimony, and Consent in Early America," in Christopher L. Tomlins and Bruce H. Mann, eds., *The Many Legalities of Early America* (Chapel Hill: University of North Carolina Press, 2001), 293–332; and Holly Brewer, *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority* (Chapel Hill: University of North Carolina Press, 2005), 273–74.

3. On the collective construction of authority in documents, see Matthew S. Hull, *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan* (Berkeley: University of California Press, 2012), 127. On the contemporary evaluation of indentured servitude, see for example Hilary Beckles, "The Concept of 'White Slavery' in the English Caribbean during the Early Seventeenth Century," in John Brewer and Susan Staves, eds., *Early Modern Conceptions of Property* (London: Routledge, 1995), 572–84.

4. John Ruston Pagan, *Anne Orthwood's Bastard: Sex and Law in Early Virginia* (New York: Oxford University Press, 2003), esp. 25; Terri L. Snyder, "To Seeke for Justice': Gender, Servitude, and Household Governance in the Early Modern Chesapeake," in Douglas Bradburn and John C. Coombs, eds., *Early Modern Virginia: Reconsidering the Old Dominion* (Charlottesville: University of Virginia Press, 2011), 128–57; and Betty Wood, "Servant Women and Sex in the Seventeenth-Century Chesapeake," in Thomas A. Foster, ed., *Women in Early America* (New York: New York University Press, 2015), 95–117. For an earlier interpretation, see Lois Green Carr and Lorena S. Walsh, "The Planter's Wife: The Experience of White Women in Seventeenth-Century Maryland," *William and Mary Quarterly* 34, no. 4 (October 1977): 542–71.

Galenson used indentures like this one to debate the social profile of servants, with Campbell showing the predominance of farmers and artisans over vagrants and convicts.<sup>5</sup> The past decade has seen a revived interest in indentured servitude as a form of unfree labor. In contrast to the earlier demographic and economic approaches, however, recent work has neglected service contracts in favor of more discursive sources like state papers, master-servant law, and court records.<sup>6</sup>

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5. Mildred Campbell, "Social Origins of Some Early Americans," in James Morton Smith, ed., *Seventeenth-Century America: Essays in Colonial History* (1959; repr., Chapel Hill: University of North Carolina Press, 2014), 63–89; David W. Galenson, "'Middling People' or 'Common Sort'? The Social Origins of Some Early Americans Reexamined," *William and Mary Quarterly* 35, no. 3 (July 1978): 499–524; Mildred Campbell, "The Social Origins of Some Early Americans: Reply," *William and Mary Quarterly* 36, no. 2 (April 1979): 277–86; David W. Galenson, *White Servitude in Colonial America: An Economic Analysis* (Cambridge: Cambridge University Press, 1981). This line of scholarship extends to James Horn, *Adapting to a New World: English Society in the Seventeenth-Century Chesapeake* (Chapel Hill: University of North Carolina Press, 1994), esp. chap. 1; John Wareing, *Indentured Migration and the Servant Trade from London to America, 1618–1718: "There Is Great Want of Servants"* (Oxford: Oxford University Press, 2016); and Shannon, "A 'Wicked Commerce,'" 443n16.

6. Christopher Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580–1865* (Cambridge: Cambridge University Press, 2010), esp. 258–76; John Donoghue, "'Out of the Land of Bondage': The English Revolution and the Atlantic Origins of Abolition," *American Historical Review* 115, no. 4 (October 2010): 943–74; Sandra L. Dahlberg, "'Doe Not Forget Me': Richard Frethorne, Indentured Servitude, and the English Poor Law of 1601," *Early American Literature* 47, no. 1 (2012): 1–30; Jenny Shaw, *Everyday Life in the Early English Caribbean: Irish, Africans, and the Construction of Difference* (Athens: University of Georgia Press, 2013), esp. chap. 3; Simon P. Newman, *A New World of Labor: The Development of Plantation Slavery in the British Atlantic* (Philadelphia: University of Pennsylvania Press, 2013), chaps. 3–4; Simon P. Newman, "In Great Slavery and Bondage: White Labor and the Development of Plantation Slavery in British America," in Ignacio Gallup-Díaz, Andrew Shankman, and David J. Silverman, eds., *Anglicizing America: Empire, Revolution, Republic* (Philadelphia: University of Pennsylvania Press, 2015), 59–82; Trevor G. Burnard, *Planters, Merchants, and Slaves: Plantation Societies in British America, 1650–1820* (Chicago: University of Chicago Press, 2015), chaps. 1–2; Shannon, "A 'Wicked Commerce'"; Jerome S. Handler and Matthew C. Reilly, "Contesting 'White Slavery' in the Caribbean: Enslaved Africans and European Indentured Servants in Seventeenth-Century Barbados," *New West Indian Guide* 91, no. 1–2 (January 2017): 30–55; Misha Ewen, "Poore Soules: Migration, Labor, and Visions for Commonwealth in Virginia," in Paul Musselwhite, Peter C. Mancall, and James Horn, eds., *Virginia 1619: Slavery and Freedom in the Making of English America* (Chapel Hill: University of North Carolina Press, 2019), 133–49.

Methods from the study of print culture and paperwork, when applied to indentures, can pull back the curtain on power relations at the moment of contract formation. Close analysis of bureaucratic documents is a burgeoning method in scholarship on early modern societies, states, and empires. Such work often focuses on printed forms. For instance, Laura Gowing has analyzed the categorization of women in a collection of printed London craft apprenticeship indentures by focusing on how printed forms were amended and adopted to allow for either masculine or feminine gender pronouns.<sup>7</sup> Hannah Farber has taken a similar approach to what she calls *the material Atlantic* in her examination of woodcut illustrations in bills of lading as a lens into the way shippers imagined the world in which they moved goods.<sup>8</sup> Historians of capitalism have recently argued that modern clerks and accountants asserted control over information in a way that drove profits and increased the alienation of workers.<sup>9</sup> The late seventeenth-century procedures of binding servants and filing away their indenture counterparts is a much earlier example of applying the techniques of the filing room to the expropriation of labor.

#### PROVENANCE AND ARCHIVAL DISPERSAL OF THE LONDON RECORD CONTRACTS

Scholarship on seventeenth-century indentured servant migration has relied on a group of contracts and registers that record the emigration of 2,107 servants from London to the English American colonies in 1683 to 1686, as well as more than 10,000 servants from Bristol in 1654 to 1679.<sup>10</sup> Mildred

7. Laura Gowing, "Girls on Forms: Apprenticing Young Women in Seventeenth-Century London," *Journal of British Studies* 55, no. 3 (July 2016): 447–73. See also Naomi Tadmor, "The Settlement of the Poor and the Rise of the Form in England, c. 1662–1780," *Past & Present* 236, no. 1 (August 2017): 43–97; and Paul Griffiths, *Youth and Authority: Formative Experiences in England, 1560–1640* (Oxford: Clarendon Press, 1996), 300.

8. Hannah Farber, "Sailing on Paper: The Embellished Bill of Lading in the Material Atlantic, 1720–1864," *Early American Studies* 17, no. 1 (January 2019): 37–83. See also Asheesh Kapur Siddique, "Paperwork, Governance, and Archive in the British Empire During the Age of Revolutions" (Ph.D. diss., Columbia University, 2016); Matthew P. Brown, "Blanks: Data, Method, and the British American Print Shop," *American Literary History* 29, no. 2 (May 2017): 228–47; and Matthew P. Brown, "Document," *Early American Studies* 16, no. 4 (November 2018): 643–47.

9. Michael Zakim, *Accounting for Capitalism: The World the Clerk Made* (Chicago: University of Chicago Press, 2018); Caitlin Rosenthal, *Accounting for Slavery: Masters and Management* (Cambridge: Harvard University Press, 2018).

10. For the latest account of the London record, see Wareing, *Indentured Migration and the Servant Trade*, esp. 263. For Bristol, see David Souden, "Rogues, Whores

Campbell first analyzed and named the former group of sources *the London record* in 1959, as *The Genealogists' Magazine* began to publish a calendar of the contracts.<sup>11</sup> There is no significant corpus of earlier colonial service indentures.<sup>12</sup> By the 1680s, when the London record was formed, the proportion of colonial populations composed of transatlantic indentured servants had declined considerably from its height in the first half of the century.<sup>13</sup> But such servants' continued presence—and especially the contractual and finite nature of their bondage in contrast to slavery—affected

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and Vagabonds'? Indentured Servant Emigrants to North America, and the Case of Mid-Seventeenth-Century Bristol," *Social History* 3, no. 1 (January 1978): 23–41; Peter Wilson Coldham, *The Bristol Registers of Servants Sent to Foreign Plantations, 1654–1686* (Baltimore: Genealogical Publishing Co., 1988); and David Harris Sacks, *The Widening Gate: Bristol and the Atlantic Economy, 1450–1700* (Berkeley: University of California Press, 1991), chap. 8.

11. Campbell, "Social Origins of Some Early Americans"; Cregoe D. P. Nicholson, "Some Early Emigrants to America," *The Genealogists' Magazine* 12, no. 1–16 (1955–1958) and 13, no. 1–8 (1959–1960); and John Wareing, "Some Early Emigrants to America, 1683–4: A Supplementary List," *The Genealogists' Magazine* 18, no. 5 (March 1976). For calendars of the registers that compose the remainder of the London records, see Michael Ghirelli, *A List of Emigrants from England to America, 1682–1692* (Baltimore: Genealogical Publishing Co., 1989), and the addendum by Peter Wilson Coldham in the London Metropolitan Archives (LMA), City of London records (CLA), CLA/047/LR/05/02/013, both of which calendar the Lord Mayor's Waiting Books, LMA, CLA/004/01/01/013–014; and M. J. Chandler, "Emigrants from Britain to the Colonies of America and the West Indies," *Journal of the Barbados Museum and Historical Society* 36, no. 1 (January 1979): 28–43, which calendars a list of servants kept by the Clerk of the Peace, Guildhall Library MS 6679 (1682–86).

12. The 1635 London port register includes entries for 4,878 emigrants who went to English American colonies, including many indentured servants. This register did not record indenture terms. See Alison Games, *Migration and the Origins of the English Atlantic World* (Cambridge: Harvard University Press, 1999), esp. 48–49, 89–94. The American entries are printed in John Camden Hotten, *The Original Lists of Persons of Quality, Emigrants, Religious Exiles, Political Rebels, Serving Men Sold for a Term of Years, Apprentices, Children Stolen, Maidens Pressed, and Others, Who Went from Great Britain to the American Plantations, 1600–1700* (New York: Empire State Book Co., 1874), 33–144. For a formula of a 1635 indenture, see Thomas Cecil and Andrew White, *A Relation of Maryland* [...] ([London], 1635), 53.

13. Christopher Tomlins, "Reconsidering Indentured Servitude: European Migration and the Early American Labor Force, 1600–1775," *Labor History* 42, no. 1 (2001): 5–43 and Tomlins, *Freedom Bound*, chap. 1; Russell R. Menard, *Sweet Negotiations: Sugar, Slavery, and Plantation Agriculture in Early Barbados* (Charlottesville: University of Virginia Press, 2006), esp. 41.

early modern English people's understandings of freedom and fed into their ideologies of race both in the American colonies and in the British Isles.<sup>14</sup>

How indentures entered into archives reveals something of their meaning and function for contemporaries, and for scholars and collectors in more recent generations. In the case of the London record, Campbell and Cregoe D. P. Nicholson, the editor of *The Genealogists' Magazine*, noted in the 1950s that what had once been a collection of at least one thousand contracts held in the Middlesex County records had since been dispersed among various archives. As we shall see, each contract had been numbered by an early modern clerk, with the highest number being 1,000, but many items were missing throughout the series. The bulk of the collection—742 contracts—were and still are in the Middlesex Quarter Sessions records, held at the London Metropolitan Archives.<sup>15</sup> The Folger Shakespeare Library in Washington, D.C., purchased sixty-six contracts in July 1957 from Bernard Quaritch Ltd. booksellers in London.<sup>16</sup> Neither the bookseller nor the library have any further details about the provenance of these items.<sup>17</sup> News of the acquisition spread to historians quickly. In

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14. Winthrop D. Jordan, *White over Black: American Attitudes toward the Negro, 1550–1812*, 2<sup>nd</sup> ed. (1968; repr., Chapel Hill: University of North Carolina Press, 2012); Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (1976; repr., New York: Norton, 2003); Barbara Jeanne Fields, "Slavery, Race and Ideology in the United States of America," *New Left Review* 1, no. 181 (May/June 1990): 95–118; Warren M. Billings, "The Law of Servants and Slaves in Seventeenth-Century Virginia," *Virginia Magazine of History and Biography* 99, no. 1 (1991): 45–62; Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996); Susan Dwyer Amussen, *Caribbean Exchanges: Slavery and the Transformation of English Society, 1640–1700* (Chapel Hill: University of North Carolina Press, 2007); Edward B. Rugemer, "The Development of Mastery and Race in the Comprehensive Slave Codes of the Greater Caribbean during the Seventeenth Century," *William and Mary Quarterly* 70, no. 3 (July 2013): 429–458.

15. London Metropolitan Archives (LMA), MR/E, available as microfilm X066/008 and 009. This is a subcollection of the Middlesex County Quarter Sessions of the Peace records collection. The LMA incorporates what was formerly called the Middlesex County Council Record Office and the Greater London Record Office.

16. The sixty-six contracts are listed in the Bernard Quaritch Ltd. Catalogue, issue 768 (London: July 1957) as item no. 461, but this entry gives no details of provenance. My thanks to Elizabeth DeBold.

17. See also Urvashi Chakravarty, "Bound to Serve: Apprenticeship Indentures at the Folger," in *The Collation of the Folger Shakespeare Library*, Washington, D.C., January 5, 2018 (<https://collation.folger.edu/2018/01/indentures>).

1959, Campbell noted that the Folger's indentures were some of the missing items from the stack of contracts in London. In 1976, John Wareing publicized the discovery of three more such contracts in what is now the National Library of Jamaica in Kingston and the rediscovery of an additional contract elsewhere within the Middlesex records.<sup>18</sup> Of the original thousand contracts, at least 189 were still missing. The identification of Huntington Library HM 1365 brings that number down to 188.

The precise number of missing items is, however, largely incidental; what matters most here is what identifying this indenture with its original collection reveals about the contracting process. The production of a contract like the servant Elizabeth Spence's took place in the context of evolving contract formation and record-keeping practices. Indentures were a common type of document in early modern England. The same text was handwritten or printed in duplicate copies, placed above and below a single sheet of vellum or paper. A clerk filled in the blanks with the specific details, and, traditionally, then cut the duplicates apart from each other with a wavy or *indented* line.<sup>19</sup> Many items in the London record exhibit this edge, although HM 1365 does not. Some early modern indentures were used for administrative purposes, such as lists of military supplies, but those most familiar to historians of early America held a primarily legal purpose of binding a servant and master into a contract. The use of the indenture format for multiyear service relationships was not an invention of the colonists. English masters and mistresses entered into indentures with craft or guild apprentices from the thirteenth century, and with pauper or parish apprentices from the late sixteenth century.<sup>20</sup>

Most of the colonial service indentures that survive today do so because record-keeping practices changed over the course of the seventeenth century. In the first half of the century, a master and servant each kept one of the two indenture counterparts. As ephemeral items held in private hands,

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18. Wareing, "Some Early Emigrants to America," 239.

19. Brown, "Blanks," 235, 238.

20. I analyze the connections between these forms of early modern indentured service as part of my current book project. See also Steve Hindle, *On the Parish? The Micro-Politics of Poor Relief in Rural England, c. 1550–1750* (Oxford: Clarendon Press, 2004), 191–223; and Steve Hindle and Ruth Wallis Herndon, "Recreating Proper Families in England and North America: Pauper Apprenticeship in Transatlantic Context," in Ruth Wallis Herndon and John E. Murray, eds., *Children Bound to Labor: The Pauper Apprentice System in Early America* (Ithaca: Cornell University Press, 2009), 19–36.



few contracts from that period have made their way to us.<sup>21</sup> The master and servant had no need to retain the indenture after the term of service ended. Only in the late 1640s and 1650s did Bristol and London authorities start to keep registers in which clerks recorded the basic facts of colonial indentures in a list of names, dates, and term lengths.

The precautionary measure by which a municipal or royal officeholder archived one of the indenture counterparts seems to have become widespread in the 1680s. On December 13, 1682, the Privy Council gave an “Order to prevent abuses in transporting servants,” which stipulated that colonial service indentures must be executed in front of justices of the peace or mayors who would also sign the contracts themselves. Their clerks had to retain one counterpart in the sessions of the peace records and keep a book of the servants’ names. The other counterpart would be given to the servant broker, who in turn would sell the document forward to merchants, factors, and ship captains until it came into the possession of the final master or mistress in the colonies.<sup>22</sup> The presiding justice or mayor was to determine if people under the age of twenty-one had living parents or if they were already bound to a master or mistress in England. If so, the latter’s consent was also required before the young person could be indentured for colonial service, and “some person that knows the said Servant to be of the name & condition mentioned in the Indenture is to attest the said knowledge upon the said Indenture.” Those under the age of fourteen were to be given a fortnight for a guardian to appear, but after that interval, young children acting alone could make contracts to become servants, too.<sup>23</sup>

As historians have noted, however, this order came about well past the midcentury peak of English indentured migration to America, and had more to do with protecting merchants from accusations of spiriting than with preventing the same. Registration of indenture terms remained optional for masters and middlemen in the servant trade, so spirited servants could not point to their omission from the registers as proof of their unwillingness.

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21. The earliest known colonial service indenture is reproduced in Susan Myra Kingsbury, ed., *The Records of the Virginia Company of London III* (Washington, D.C.: Library of Congress, 1905), 210–11.

22. After 1682, like before, the master or mistress would retain the indenture in private papers only as long as needed—certainly for the length of the service term but not necessarily beyond it.

23. The National Archives, Kew (TNA), CO 324/4, 89–92; also in Wareing, *Indentured Migration and the Servant Trade*, 261–62.

Even mandatory registration would have offered little help to a spirited servant after transportation. A robust system of searching ships for unwilling passengers before departure from England would have protected potential servants from coercion more effectively, but searches appear to have been haphazard and lacked the authority needed to disembark those who claimed to be unwilling.<sup>24</sup>

If the 1682 order ensured that officeholders began keeping records of servant recruitment, the London record itself was the direct product of local London politics. Prosecutors before the court of King's Bench assembled the collection of indentures in late 1684 when charging the justice of the peace Abraham Bayly and two of his colleagues with having sent two men to the colonies against their will. According to John Wareing, the case against the three men was politically motivated. Bayly held his office in Middlesex County, a part of what is today Greater London that encompassed the docklands for oceangoing ships. There, this trading justice of the peace, who made his living from the fees he collected in office, regularly helped middlemen in the American trade to bind servants using indentures. His role as the arbiter of the king's peace in his neighborhood gave him both power to regulate the servant trade as he helped to create indentures and vulnerability to accusations of misfeasance. As evidence for the prosecution's case against Bayly and others, the one thousand indentures were collected from justices' clerks, numbered by hand from one to one thousand, and stored on a file (a thin metal stick commonly used to organize papers in this period by piercing—a sort of predecessor to the three-ring binder). In the end, the court found Bayly and his two colleagues guilty. Bayly served prison time in the Marshalsea for a year and a half, after which he was pardoned.<sup>25</sup>

The subsequent archival journey of these contracts that would later be labeled the London record is hazy. They returned to a Middlesex municipal recordkeeper instead of remaining in the King's Bench records, probably as a result of a request by the Middlesex authorities. The Huntington Library's

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24. John Wareing, "Preventive and Punitive Regulation in Seventeenth-Century Social Policy: Conflicts of Interest and the Failure to Make 'Stealing and Transporting Children, and Other Persons' a Felony, 1645–73," *Social History* 27, no. 3 (October 2002): 288–308; John Wareing, "Some Willing and Unwilling Emigrants to Virginia in 1657," *The Genealogists' Magazine* 26, no. 12 (December 2000): 469–73; Brewer, "Age of Reason?," 320–21.

25. On trading justices, see Norma Landau, *The Justices of the Peace, 1679–1760* (Berkeley: University of California Press, 1984), 184–85; and Wareing, *Indentured Migration and the Servant Trade*, 210–17.

HM 1365, along with those contracts in the Folger and the National Library of Jamaica, were either given, sold, or stolen from the public records of Middlesex County and into private circulation during a period of instability in the London record offices. Archivists at the London Metropolitan Archives have confirmed that the Middlesex Quarter Sessions records were in disarray and subjected to several wholesale building relocations in the 1880s, suggesting that in this decade some parts of the collection might have been lost, eventually making their way across the Atlantic.<sup>26</sup>

Certainly, someone had removed at least a few of the contracts from the public record well before the Folger's 1957 acquisition. Henry E. Huntington probably purchased HM 1365 in the 1910s. During the accessioning process, Huntington Library archivists in San Marino, California, placed the document in a folder, which they marked with *Maggs 361*. The antiquarian London-based booksellers Maggs Bros. produced the 361st volume of its catalogue for the Christmas 1917 season, so one possible date for Huntington's acquisition is 1917. Henry Huntington spent that time between New York and Los Angeles. He was not in London himself during the First World War, but he continued to make library purchases from British sellers.<sup>27</sup> However, the Maggs catalogue does not list this service contract.<sup>28</sup> According to present-day staff at Maggs, items available in any given season could be sold directly to interested buyers before being advertised in a catalogue, which might explain the document's absence from the 1917 catalogue. Anything that Maggs purchased at auction on Huntington's behalf would not have been catalogued either.<sup>29</sup>

But other evidence suggests instead that Huntington acquired the indenture from another private collection via Sotheby's in London. In 1897, the manufacturer and antiquarian J. Eliot Hodgkin's collection catalogue listed the indenture as *Elizabeth Spence an Emigrant to Virginia*.<sup>30</sup> A possible

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26. Jeff Gerhardt, LMA senior archivist, personal email communication, August 28, 2018.

27. James Thorpe, *Henry Edwards Huntington: A Biography* (Berkeley: University of California Press, 1994), 355, 383.

28. "No. 361: Rare Books, Manuscripts and Find Bindings," Maggs Bros. (London: Christmas 1917), held at the Huntington Library, not catalogued.

29. Bonny Beaumont, Maggs Bros. Mayfair shop manager, personal email communication, August 20, 2018.

30. *The Manuscripts of J. Eliot Hodgkin, Esq., F.S.A., of Richmond, Surrey*, Historical Manuscripts Commission, 15<sup>th</sup> report, appendix, part II (London: Printed for Her Majesty's Stationery Office, 1897), 323. My thanks to Michael Scott for this reference.

conduit between the Middlesex records and Hodgkin's collection might have been the cataloguer John Cordy Jeaffreson, who worked in both collections.<sup>31</sup> Hodgkin's collection went to auction at Sotheby's in 1914, perhaps with Spence's indenture included among the unspecified papers.<sup>32</sup> It seems likely that Huntington acquired this indenture around that time, and that the *Maggs 361* identification on the Huntington Library folder was written in error. Furthermore, the Maggs Bros. correspondence from 1917 to 1918 contains nothing from or about Huntington.<sup>33</sup> No relevant correspondence survives on the Huntington Library side with either Maggs or Sotheby's.<sup>34</sup> Historians can probably find more London record indentures in late nineteenth- and early twentieth-century private English, Caribbean, and American collections. For example, Hodgkin's 1897 catalogue refers to two additional indentures, whose current locations remain unknown.<sup>35</sup>

#### READING HM 1365 WITHIN THE LONDON RECORD

Recounting here the steps required to identify HM 1365 might assist other scholars and archivists in identifying additional items from the London record, and in critically reading early modern service indentures more generally. HM 1365 can be identified as part of the London record based on the manuscript additions to the printed form and the material condition of the document. Two details in the handwritten text in and of themselves indicate that the document hails from the London record: the 1683 date of the document and the mention of *Middx* (or Middlesex County) in the addendum. Additional details make this probability a virtual certainty: the names of the

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31. Jeaffreson signed off as the cataloguer of *The Manuscripts of J. Eliot Hodgkin* on p. 368. He also edited the *Middlesex County Records*, 4 vols. (London: Middlesex County Records Society, 1886–92).

32. Sotheby, Wilkinson & Hodge, *The J. E. Hodgkin Collections: Catalogue of the Valuable Library Formed by the Late John Eliot Hodgkin . . . Comprising Early Printed and Rare Books . . . Which Will Be Sold by Auction by Messrs. Sotheby, Wilkinson & Hodge . . . on Tuesday, 12<sup>th</sup> May, 1914* [ . . . ] (London: Dryden Press, 1914), perhaps item no. 1134 on p. 180.

33. Maggs Bros. correspondence does show, however, that the booksellers mediated sales from the Public Record Office (now the National Archives at Kew). Catherine Angerson, curator, Modern Archives and Manuscripts, the British Library, personal email communication regarding uncatalogued 1910s Maggs Bros. business records, September 7, 2018.

34. Clay Stalls, curator, California and Hispanic collections, the Huntington Library, personal email communications regarding the Huntington Institutional Archives, September 7, 2018 and November 6, 2019.

35. *Manuscripts of J. Eliot Hodgkin*, 323.

witness, justice, and master and the physical attributes of this document match those that repeatedly appear in London record indentures.

Reading the repetitions across the collection of contracts makes clear how, in the process of colonial service contract formation, mostly young men and some young women and adolescents became servants through a bureaucratic system that benefitted masters and local magistrates. Every signatory of HM 1365 except Elizabeth Spence also signed other contracts in the collection and were familiar with the indenturing system in a way that Spence could not have been. Abraham Bayly presided as justice of the peace over all of the master William Orton's indentures, and indeed over most of the indentures in the London record, for reasons discussed above. Orton indentured five other servants in the London record. He contracted with Ann Huchison on the same day as Spence, and with Elizabeth Ivory, Richard Nibbs, Ann Hill, and William Bagot from April to June 1684.<sup>36</sup> The 1684 contracts all identify Orton as a mariner from Ratcliffe, a docklands area in east London.<sup>37</sup> Orton either just dabbled in the servant trade that year, or conducted more of his business with other justices of the peace whose indentures do not survive. It was typical, however, for colonial servant recruitment agents to only work occasionally in the trade.<sup>38</sup> After securing a servant's future labor with an indenture, Orton could sell the indenture counterpart in his possession on to a planter in the colonies without consulting with the servant. As an opportunistic servant broker, this mariner had little to lose in terms of credit or reputation should Spence's subsequent term of service prove problematic.

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36. LMA, MR/E/288 (May 1, 1684); MR/E/294 (May 17, 1684); MR/E/525 (April 24, 1684); MR/E/553 (June 11, 1684).

37. LMA, MR/E/288, 294, 525, 553. On mariners acting as servant brokers, see Wareing, *Indentured Migration and the Servant Trade*, 106. Early modern Ratcliffe roughly maps onto today's Limehouse, Shadwell, and Stepney Green.

38. A rough estimate of the number of seventeenth-century colonial servant brokers in London would be in the low thousands. John Wareing reported that 640 masters registered or indentured servants in the 1683–86 London record, and 353 men and women were accused of illegal servant recruitment or *spiriting* in the London and Middlesex courts between 1640 and 1708. Wareing, *Indentured Migration and the Servant Trade*, 5 and table 3.1. These numbers, however, cannot be considered complete or accurate counts of servant brokers. Some of these masters were planters who employed the servants instead of trading them forward. Some of those accused of *spiriting* were not truly involved in the servant trade. Furthermore, brokerage was a multistage process: several people could be involved in the recruitment, binding, and loading of a single servant onto a ship, while only one name would appear as *master* on an indenture or register.

The man who signed Elizabeth Spence's contract as witness, John Ingham, witnessed no fewer than 158 other indentures in the London record. His repeated role as witness suggests that he was what we might call a bare witness, meaning that his role was strictly limited to witnessing the binding. He seems to have had no prior acquaintance with the individuals whose bindings he witnessed. If a dispute about the master-servant relationship arose after the binding, this witness would have been in a position to testify only that the contract had been signed or marked by the individuals named. In spite of the requirements that the 1682 Privy Council order imposed on witnesses, Ingham could not convincingly attest to the appropriateness of the contract, such as whether the servant was older than twenty-one or had her parents' consent to serve, and whether she was free from other obligations and was not evading a preexisting contract to another master or mistress. From Spence's perspective, a bare witness like Ingham was less ideal than having a family member as witness. No one involved in the making of her contract was familiar with her state of mind, her employment status, or the extent to which she had been informed about the nature of the employment to which she agreed. In this matter as in most others, however, Spence had a typical experience of indenturing in the 1680s. Only a small minority of servants in the London record entered indentures to which a family member served as witness.

The extraordinary number of times that Ingham and several other men like him appear in the London record suggests that they worked as clerks to justices of the peace and witnessed indentures as a matter of convenience when no one else was available. A majority of the servants in the London record had already completed an earlier migration from their place of origin to London. Most had few or no friends and family in the capital to witness their indentures, and so a clerk might step in.<sup>39</sup> Ingham's identity as a clerk remains a supposition, but some corroborating evidence exists: his signature once again appeared in the Middlesex Sessions records in 1697, when he countersigned a petition regarding the administration of poor relief (see

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39. John Wareing, "Migration to London and Transatlantic Emigration of Indentured Servants, 1683–1775," *Journal of Historical Geography* 7, no. 4 (October 1981): 369. The same was true of servants departing from Bristol in the seventeenth century. Souden, "Rogues, Whores and Vagabonds?," 31. Guild apprentices in London also arrived to the city without a social network, but generally came from more privileged status and could rely on their family back home for support if the master-apprenticeship relationship broke down, Patrick Wallis, "Labor, Law, and Training in Early Modern London: Apprenticeship and the City's Institutions," *Journal of British Studies* 51, no. 4 (October 2012): 792.





Figure 2. The witness to Elizabeth Spence's service indenture, John Ingham, also signed this poor law administration petition in April 1697. MJ/SP/1697/04/016r, by permission of the London Metropolitan Archives.

figure 2).<sup>40</sup> The diamond flourish at the end of his signature there matches his signature on some other indentures in the London record (see figure 3), although it is lacking on HM 1365.<sup>41</sup> Presumably clerks witnessed indentures as part of their broader duties of filling in the blanks on the indenture forms, applying the seal, and in some cases, of registering the terms in a separate volume.<sup>42</sup>

40. LMA, MJ/SP/1697/04/016, Middlesex Sessions Justices' Working Papers, poor law administration petition, April 1697, via *London Lives* (ref. no. LMS-MPS500480031). My thanks to Michael Scott for this reference.

41. For example, the Folger Shakespeare Library, V.b.16 (48), June 22, 1683.

42. On early modern English clerks, see J. S. Cockburn, "Seventeenth-Century Clerks of Assize—Some Anonymous Members of the Legal Profession," *American Journal of Legal History* 13, no. 4 (October 1969): 315–32; Jennifer Bishop, "The

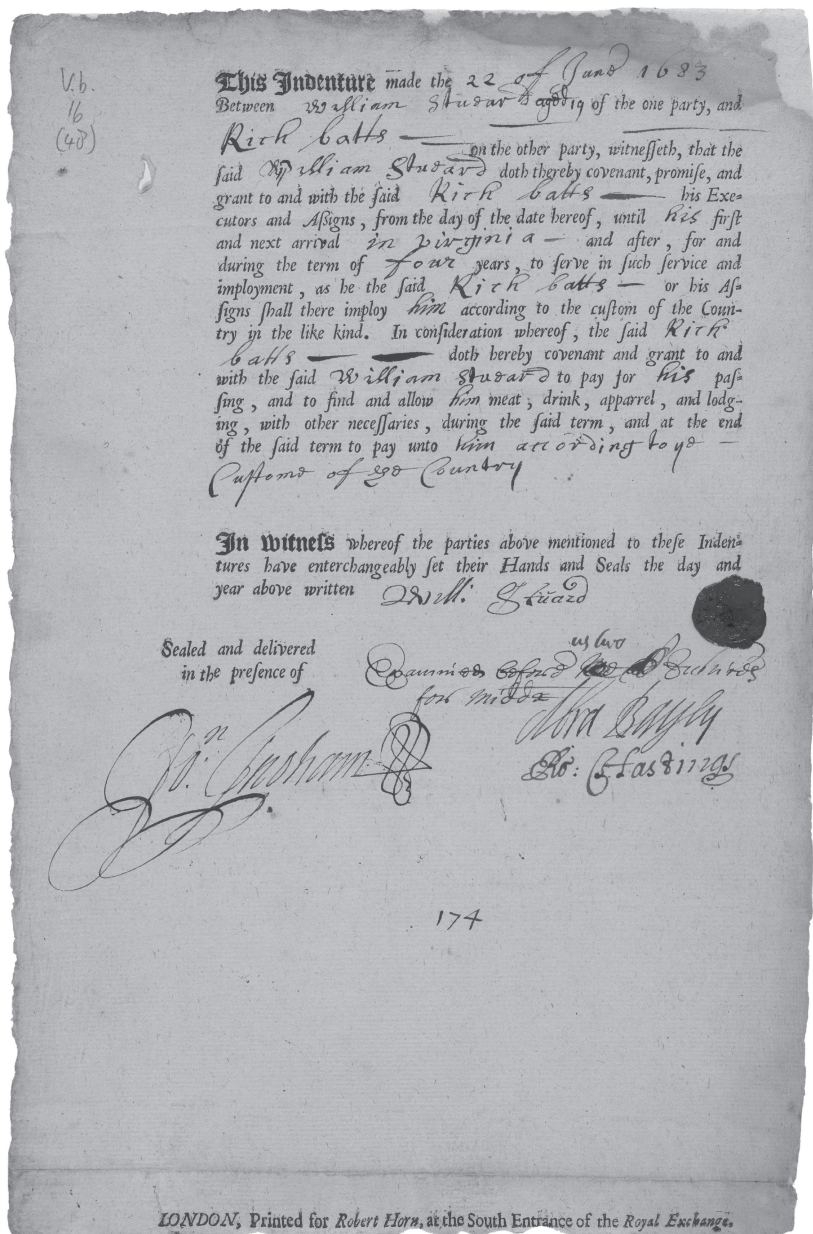


Figure 3. John Ingham witnessed this service indenture from the London record with a flourish that matches his signature on the petition in Figure 2. V.b.16 (48), recto, by permission of the Folger Shakespeare Library.

Clerks-as-witnesses could hardly have known if the servant at hand had consented “freely without delusion, perswasion, or any other sinistery means,” as some of the printed London indentures declared starting in 1684.<sup>43</sup> The indenturing process as outlined by the 1682 Privy Council order and largely followed by the Middlesex County magistrates and clerks offered would-be servants no advice or safeguarding from manipulation and abuse. Clerks often acted as the sole witness to indentures for servants below the age of twenty-one, but this step in the procedure simply ensured the binding power of the indenture by confirming that the servant was not already in another contract. In other words, witnessing protocols shielded the justices and clerks from liability more than they protected the bound person from potential harm.

The contract that Ann Huchison signed with the servant broker Orton on the same day that Elizabeth Spence entered her own contract further demonstrates how the same cast of characters processed a series of servants. Huchison’s contract, which is among those from the London record now held by the Folger Shakespeare Library as item V.b.16 (53), is a recognized piece of the London record (see figure 4).<sup>44</sup> Huchison and Spence’s contracts used a nearly identical printed form, the same witness, and the same justice of the peace. The handwriting of the clerk who filled in the blanks—likely John Ingham, the witness—is the same. Indeed, these two young women, both in their early twenties, may have entered their respective indentures simultaneously, and subsequently embarked for Virginia on the same ship.

But these servants were not passively trafficked; the indentures called on them to participate in their own domination. Both appear to have been partially literate and therefore partially reliant on their customary knowledge of

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Clerk’s Tale: Civic Writing in Sixteenth-Century London,” *Past & Present* 230, supplement 11 (November 2016): 112–30, esp. 113–14. These clerks should be contextualized within the literature on early modern notaries; see esp. Tamar Herzog, *Mediación, archivos y ejercicio: los escribanos de Quito (siglo XVII)*, vol. 82 (Frankfurt am Main, Germany: Vittorio Klostermann, 1996); Donna Merwick, *Death of a Notary: Conquest and Change in Colonial New York* (Ithaca: Cornell University Press, 1999); Laurie Nussdorfer, *Brokers of Public Trust: Notaries in Early Modern Rome* (Baltimore: Johns Hopkins University Press, 2009); Kathryn Burns, *Into the Archive: Writing and Power in Colonial Peru* (Durham, N.C.: Duke University Press, 2010); and Keith Wrightson, *Ralph Taylor’s Summer: A Scrivener, His City, and the Plague* (New Haven: Yale University Press, 2011), chap. 6.

43. One example is reproduced in Wareing, *Indentured Migration and the Servant Trade*, 271.

44. The Folger Shakespeare Library, V.b.16 (53), (July 3, 1683).



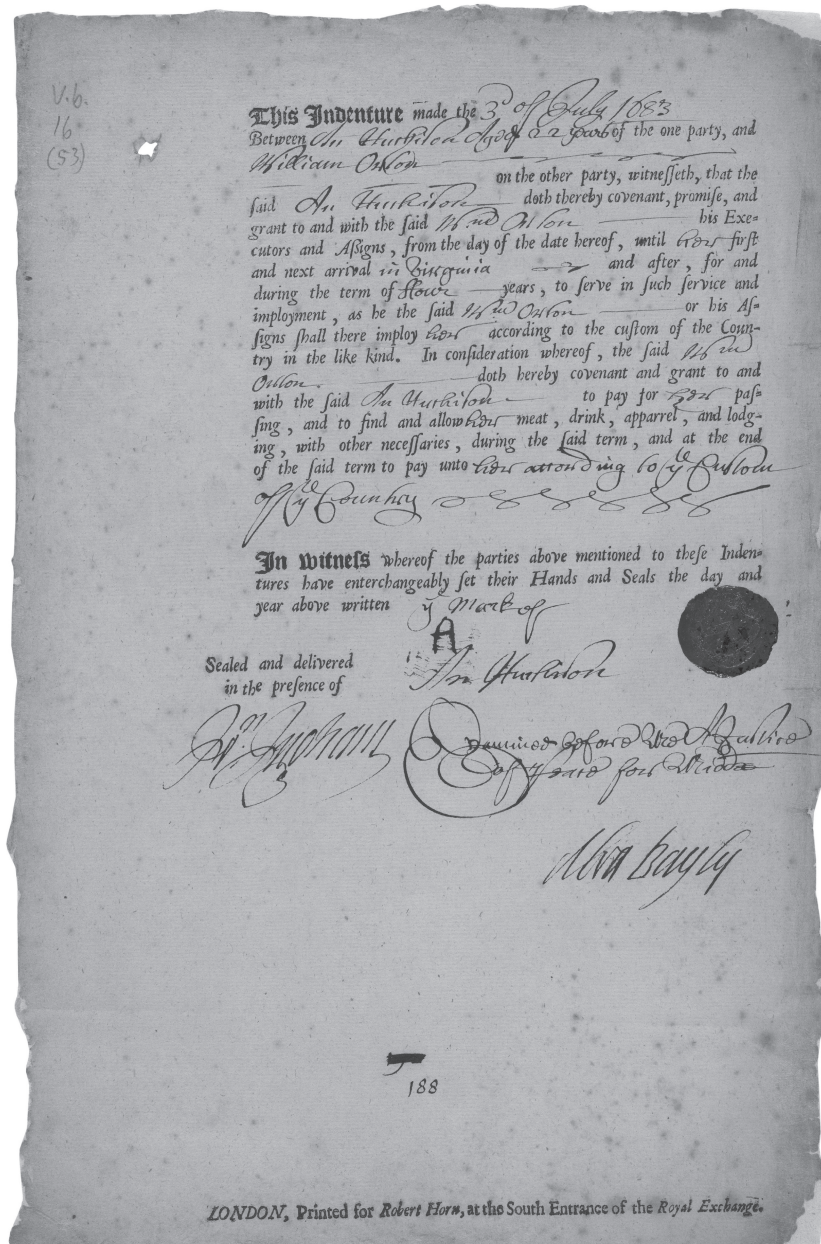


Figure 4. Ann Huchison's July 3, 1683 service indenture displays telling similarities and differences with Elizabeth Spence's indenture from the same day. V.b.16 (53), recto, by permission of the Folger Shakespeare Library.

service terms and the word of the justice of the peace, master, and witness, to know to what terms they were consenting. In the Huntington contract, Spence marked a curt curlicue, which might be a lower-cased *e* for Elizabeth (in secretary hand) next to the clerk's rendering of her name.<sup>45</sup> Huchison marked an *A* for Ann. Their ability to mark with their first initials as opposed to an *x* means that they had some knowledge of the alphabet, could probably read at some level, but had not learned to write fluently.<sup>46</sup> These servants were two of 525 women and girls in the London record, who composed about a quarter of the total group of migrants from London.<sup>47</sup> Those who could not write, and might also have struggled to read, entered written contracts with obvious disadvantages.

Nevertheless, illiterate and semiliterate servants knew the basic terms of service indentures—a number of years' labor in exchange for passage, food, housing, clothing, and customary freedom dues. The way in which such arrangements worked was common knowledge in a society where, as Craig Muldrew has shown, contracts governed vast realms of life.<sup>48</sup> However, this written contract might have been the first that either Spence or Huchison ever marked. English service in husbandry and domestic service both operated with verbal contracts; girls were very rarely indentured as apprentices under the guilds, and only somewhat more often as parish apprentices.<sup>49</sup> Regardless of their literacy or experience with previous written contracts, servants could not have turned to their contracts to learn with any specificity the nature and conditions of the work to which colonial masters would set them. Colonial service contracts did not list these details. One might imagine that Elizabeth Spence initialed her indenture with considerable

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45. However, Heather Wolfe notes that women generally used a mix of Roman and italic hand instead. See Heather Wolfe, "Women's Handwriting," in Laura Lunger Knoppers, ed., *The Cambridge Companion to Early Modern Women's Writing* (Cambridge: Cambridge University Press, 2009), 21–39.

46. Eleanor Hubbard, "Reading, Writing, and Initialing: Female Literacy in Early Modern London," *Journal of British Studies* 54, no. 3 (July 2015): 553–77.

47. Wareing, *Indentured Migration and the Servant Trade*, 263.

48. Craig Muldrew, *The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England* (Basingstoke, U.K.: Macmillan, 1998).

49. Ann Kussmaul, *Servants in Husbandry in Early Modern England* (Cambridge: Cambridge University Press, 1981), esp. 4; Hindle, *On the Parish?*, 212–18; Gowing, "Girls on Forms," 450; Jane Whittle, "A Different Pattern of Employment: Servants in Rural England," in Jane Whittle, ed., *Servants in Rural Europe, 1400–1900* (Woodbridge, U.K.: Boydell Press, 2017), 57–76; Charmian Mansell, "Female Service and the Village Community in South-West England 1550–1650: The Labour Laws Reconsidered," in Whittle, *Servants in Rural Europe*, 77–94.

trepidation. Despite the dubiousness of claims that her mark necessarily represented a well-informed and freely made decision, the act of marking secured her the protections of a Christian servant's legal status in Virginia.<sup>50</sup> Indentures contributed to a specious logic that justified the privileged treatment of servants like Spence relative to the roughly 11,500 enslaved people of African descent and the far smaller number of enslaved Native Americans who lived and worked in the Chesapeake colonies during the 1680s.<sup>51</sup>

The printed form of HM 1365 itself, when compared to other examples from the London record, shows how print shops produced indentures in bulk and made these forms readily available to servant brokers like William Orton. Like craft and parish apprenticeship indentures, colonial service indentures were among the *little jobs* that best profited early modern print shops.<sup>52</sup> The London record includes four types of printed forms. Elizabeth Spence and Ann Huchison's are both examples of the *traditional custom indenture*, which was printed and sold from 1635 onward.<sup>53</sup> Most of the surviving contracts from the London record retain a printer's imprint and the number handwritten on the bottom of the documents for the 1684 preparation of evidence for the King's Bench. Huchison's contract, which matches Spence's in so many other respects, is on a longer sheet of paper and includes both the handwritten serial number 188 and the imprint *LONDON, Printed for Robert Horn, at the South Entrance of the Royal Exchange*.<sup>54</sup> Spence's

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50. Christine Daniels, "‘Liberty to Complaine’: Servant Petitions in Colonial Anglo-America," in Tomlins and Mann, *Many Legalities of Early America*, 219–49.

51. For the demographic assessments, see Tomlins, *Freedom Bound*, 41 and 28n21; and Owen Stanwood, "Captives and Slaves: Indian Labor, Cultural Conversion, and the Plantation Revolution in Virginia," *Virginia Magazine of History and Biography* 114, no. 4 (2006): 434–63, esp. 435.

52. Gowing, "Girls on Forms," 456, citing Peter Stallybrass, "‘Little Jobs’: Broad-sides and the Printing Revolution," in Sabrina Alcorn Baron, Eric N. Lindquist, and Eleanor F. Shevlin, eds., *Agent of Change: Print Culture Studies after Elizabeth L. Eisenstein* (Amherst: University of Massachusetts Press, 2007), 315–41; James Raven, "‘Print Culture’ and the Perils of Practice," in Eve Patten and Jason McElligott, eds., *The Perils of Print Culture: Book, Print and Publishing History in Theory and Practice* (London: Palgrave Macmillan, 2014), 218–37, esp. 228.

53. The types of printed forms in the London record are categorized in Cregoe D. P. Nicholson, "Some Early Emigrants to America," *The Genealogists' Magazine* 12, no. 1 (March 1955), 11–13, and no. 5 (March 1956), 157; see also Wareing, *Indentured Migration and the Servant Trade*, 43–44, 266–71.

54. The Folger Shakespeare Library, V.b.16 (53) is 8.5 inches wide and 13 inches long. My thanks to Lauren MacDonald for measuring the document. Robert Horne



contract is 3.12 inches shorter, and has neither a number or the imprint.<sup>55</sup> Perhaps someone tore off the bottom of the document to remove the tell-tale number. This alteration might have helped to take the item from the Middlesex County public records and present it on the market as a one-off indenture.

Line-by-line comparisons reveal slight differences in the typesetting of Huchison's and Spence's two forms, betraying some aspects of the production process of Robert Horn's printer. For example, we can observe the slightly different alignment in the two documents of the word *witnesseth* in line 4 and *covenant* in line 5—in Spence's indenture, the *t* in *covenant* appears under the *n* in *witnesseth*, whereas in Huchison's indenture, the *t* in *covenant* appears under the first *e* in *witnesseth*. These differences are likely due to a common approach to printing documents in formats smaller than a folio sheet. If we take this indenture to be a quarto of a sheet, as roughly indicated by its dimensions and the horizontal direction of the chain-lines (the linear indentations in the paper left by the papermaking process), then the type was set by hand four times, in each quadrant of one quarto forme (a frame that held the set type), and then printed onto a large sheet. After printing, the sheet was cut in half to produce the smaller individual documents, each with two indenture counterparts ready to be cut apart from one another after master and servant signed each part. Setting type by hand naturally produces slight variations between each iteration of the same contract template on a single forme. Even when a typesetter aimed to set the type the same way each time, if he did not use strictly uniform spaces, his technique made such results difficult to achieve. But precisely these subtle differences in these two documents show us that Robert Horn's printer churned out indentures more efficiently by printing two pairs of counterparts to a sheet than he would have done printing just one pair at a time. Servant brokers, colonial factors, and planters could conveniently purchase these blank forms in the City of London's centrally located Royal Exchange, within easy walking distance of the docklands in the precinct of St. Katherine's, east of the Tower of London.<sup>56</sup>

The hole punched through Spence's and Huchison's two indentures in the top left corner hints at their first entry into an archive, and shows that

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purchased the right to print such forms in 1672. Wareing, *Indentured Migration and the Servant Trade*, 203.

55. The Huntington Library, HM 1365 is 8.75 inches wide and 9.88 inches long. My thanks to Vanessa Wilkie for measuring the document.

56. Philip Gaskell, *A New Introduction to Bibliography* (Oxford: Clarendon Press, 1974), 78–87.

these two women never retained a counterpart for themselves. All of the London record contracts share this hole, which was created by the metal file that bound these items together in the 1680s.<sup>57</sup> Viewed in isolation, the hole on HM 1365 is an unremarkable blemish. Considered alongside V.b.16 (53), this hole—of similar size and placement—is yet another matching characteristic between HM 1365 and the London record contracts. The hole indicates that the clerk John Ingham or someone else associated with the Middlesex County sessions of the peace retained one counterpart, as per the Privy Council's 1682 order. Huchison, Spence, and all other servants who signed contracts in the London record emigrated to America without counterparts of their contracts in hand. In the case of these two women servants, their contracted master William Orton might have taken the remaining indenture counterparts onboard their Virginia-bound ship. His occupational identity as a mariner makes it likely that he was well-positioned to sell these contracts to planters himself. In other cases, brokers could sell the counterpart on through a series of middlemen before the document would rest with the final master or mistress. Before 1682, servant and master each customarily held on to a counterpart. The 1682 order in effect removed one layer of protection from servants—namely, possession of a counterpart contract.

Once the counterpart previously held by the servant instead went to the municipal archive, middlemen and masters had better protection from accusations of spiriting. Should a complaint arise about their servant trading, they could point to an indenture held in the Middlesex Sessions archives as proof that the servant in question was correctly bound in front of a justice. A secondary and perhaps unintended result was to lessen servants' ability to obtain redress of grievances in the colonies. Although servants were typically successful in their suits against abusive masters, Spence's lack of an indenture counterpart would have made it more difficult—although still entirely possible—for her to win a suit for freedom at the end of her four-year term, in the event that her master attempted to unilaterally prolong it.<sup>58</sup> More research is needed, but we currently know of only one example in which a colonial county court freed a small group of servants from their indentures at the very start of their terms because the

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57. The December 13, 1682, Privy Council order directed for clerks of the peace to store indenture counterparts on files; see TNA, CO 324/4, 89–92, reproduced in Wareing, *Indentured Migration and the Servant Trade*, 261–62.

58. Daniels, "Liberty to Complaine," esp. 243.

master failed to register them in front of the Lord Mayor of London.<sup>59</sup> For the vast majority of servants who only came to dispute the length of their terms years later, the filing of their counterpart in distant London would have proved a challenge to successful petitions for freedom. Unless their masters readily produced the indenture counterparts that remained in their possession, the courts would have relied instead on witness testimony as evidence of the start and end dates of the servants' terms.

Although we have no seventeenth-century description of the indenturing procedure for colonial servants, the material and textual details of the indentures themselves reveal some of what this procedure must have been like.<sup>60</sup> In analyzing the number of times John Ingham served as witness, we can see that he was most likely a clerk who served the sessions in carrying out the 1682 order, not a relative or friend to the adolescent servants whom he helped to bind. These contracts also show how commonly the men who signed indentures as masters, such as Orton, were in fact only master for a moment. As middlemen in a brisk servant trade, they sold the contract on to planters. Servants like Elizabeth Spence and Ann Huchison entered a profit-driven, impersonal recruitment system from which English law offered them few effective protections.

#### REREADING INDENTURES

When viewed alone, Elizabeth Spence's indenture in the Huntington Library takes on an archetypal significance. This single sheet of worn paper might stand for a much-celebrated narrative of the early American past, in which English commoners took the risk of indentured servitude for the potential reward of a better life in the New World. HM 1365 is an artifact of a momentous decision in a migrant's life. Henry Huntington likely acquired it in response to older priorities in the study of colonial America, namely a genealogical and nationalist investment in finding names and biographical details of the *first Americans*.<sup>61</sup> This indenture also fits within Huntington's

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59. The Library of Virginia, Lancaster County, Virginia Order Book, 1680–1686, p. 241 (12 May 1686), with thanks to John Pagan for the reference.

60. Wareing, *Indentured Migration and the Servant Trade*, 211. However, for an eighteenth-century description of becoming an indentured servant, see William Moraley, *The Infortunate: The Voyage and Adventures of William Moraley, an Indentured Servant*, ed. Susan E. Klepp and Billy G. Smith, 2nd ed. (University Park: Pennsylvania State University Press, 2005), 14–17.

61. This historical tradition can be traced back to Hotten, *The Original Lists of Persons*. The classic work is Smith, *Colonists in Bondage*. More recent examples include

early collecting rationale in how it captures a single woman's life at a moment of transition between two regions that composed the major foci of the collection—Britain and North America. Perhaps Huntington and his staff were also aware of how HM 1365 illustrates a wave of indentured American immigration that preceded the wave that occurred during their lifetimes.<sup>62</sup>

When identified and read instead as a part of its parent collection, this indenture is evidence that transatlantic service contract formation procedures evolved over the course of the seventeenth century to protect middlemen in the servant trade to the servants' disadvantage. Matched with the systematic and repeated features throughout the collection, the more heroic narratives that might be attached to the single indenture fade away. This exercise of identifying HM 1365's parent collection demonstrates the benefits of focusing not only on the handwritten content but also the material conditions of printed forms, and of examining such sources across a wide range of libraries and archives.

A wider contextualization of this one indenture with others from the London record, held in various archives, shows that—however agreeable or fraught her subjective experience—Spence was more constrained than empowered by the contracting process. She entered into an agreement to migrate with a servant broker. She therefore did not get to choose whoever ultimately became her master or mistress in Virginia. The witness to her binding process was probably a justice's clerk who had no intention of protecting Spence from forming an unwise contract and was not expected to do so. The very fact that Spence's indenture counterpart survived and entered the London record is because she herself did not retain one of the two counterparts. Spence therefore lacked the evidence her indenture could have provided, should disagreements over the length of her terms have arisen in Virginia. Seventeenth-century colonial indentures, while signifying consent, relied on coercion in ways made clear by the evidence in the documents themselves.

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Bernard Bailyn, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (New York: Knopf, 1986), which used a 1770s servant register as one of its key sources; David Hackett Fischer, *Albion's Seed: Four British Folkways in America* (New York: Oxford University Press, 1989); and Bernard Bailyn, *The Barbarous Years: The Peopling of British North America: The Conflict of Civilizations, 1600–1675* (New York: Knopf, 2012).

62. For an example of the contractual terms of Chinese migrants to and within the United States in the mid- to late nineteenth century, see Moon-Ho Jung, *Coolies and Cane: Race, Labor, and Sugar in the Age of Emancipation* (Baltimore: Johns Hopkins University Press, 2006), 162.