

**THE NEGRO IN
MARYLAND: A STUDY
OF THE
INSTITUTION OF SLAVERY**

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The Negro in Maryland: a study of the institution of slavery by Jeffrey R. Brackett

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JEFFREY R. BRACKETT

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THE
NEGRO IN MARYLAND

A Study of the Institution of Slavery

By **JEFFREY R. BRACKETT, Ph. D.**

UNIV OF
CALIFORNIA

BALTIMORE

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THE NEGRO IN MARYLAND.

CHAPTER I.

INTRODUCTION.

We are not called on, happily, to bring up from our past politics those questions of slavery over which so many lances were broken—until arguments were ended by the sword. The object of this study is simply to trace, as clearly as possible, the growth of African slavery, as an institution, in Maryland.¹

Nor will it be necessary to study the institution of slavery

¹A residence of several years in Maryland has not alone fixed this limited field of inquiry. It is true, no doubt, that the lot of the slaves in Maryland was, as a rule, much better than that of those on the large plantations in the thinly settled portions of the Southern States. Thus, for instance, the system of special magistrates' courts, for trial of slaves for serious offences, was not known in Maryland. But Maryland was settled early; its slave code was rigorous; becoming a Border State, its slave property became less secure; the number of slaves remained large, while the free blacks became more numerous than in any other slave State; and earnest efforts were made for colonization. A study of the growth of slavery in detail, with reference to these conditions, may be of more value to the student, to-day, than a more general, and necessarily less accurate, study in a wider field, or one directed more to the severities to which slavery made the blacks liable—which are already well known.

Any work of such a nature must be very imperfect. The writer can give only what he has gathered, and asks any person who may be interested in the subject, to communicate to him any further facts.

Baltimore, Md., 1889.

among the ancients, for the presumption is that the planters on the Chesapeake acted by their own impulses and for their own interests, with little knowledge of, or regard to, what other men had done, two thousand years before. But to begin with the settlement of Maryland, without noticing the ideas of the age concerning slavery—ideas which the settlers brought with them—would be as unfair as to begin a history of the United States without notice of the Thirteen Colonies.

The slavery of antiquity, the right to hold a person for debt, or as a captive taken in war, was based on no strict race or religious grounds. Romans enslaved captive Germans, as Germans, afterwards, in their turn, enslaved Romans. But this slavery died out in Western Europe early in the Middle Ages; and Christians ceased to enslave Christian captives. The semi-servile condition of villeinage which grew up at that time, declined quickly with the decline of the feudal system, long before the settlement of America.¹ It is significant, that just at the time when Columbus turned to the court of Spain, to become the discoverer of America, Ferdinand of Arragon had succeeded with some difficulty in bringing cer-

¹ Villeinage varied somewhat in different parts of Europe, and has survived in some countries almost to our own day. In general, to all others but his lord, the serf was as a freeman. In England, villeinage died out early, the Peasants' Wars of the fourteenth century giving the death blow. The last case, we are told, in which it was pleaded in the courts was in 1618. That class distinctions may have accustomed men easily to the existence of any form of servitude is worthy of consideration, but villeinage cannot be said to have had any vital influence on the rise of African slavery. The only case in which we find mention, in the early records of Maryland, of the laws or customs of England on villeinage, as affecting slavery, is the answer of Lord Baltimore to the Lords of Trade, in 1678 (*Md. Arch.*, V., 267), on the subject of conversion of the blacks. A law was made, he says, to encourage baptism of slaves, "by which it was and is declared That as in former times The Baptizing of Villaynes in England was not taken by the Lawe of England To be a Manumission or Infranchising of the Villaynes soe neither shall it be in this Provynce as to Negroes or Mulattoes," &c. See chapter on Slaves. The Court of Appeals declared, afterwards, that slavery and villeinage were entirely different.

tain nobles to grant freedom to their serfs, of European race and Christian faith, and was also pushing vigorously the conquest of Grenada, by which thousands of Saracens were scattered as slaves in Southern Europe.

Christians had ceased the enslavement of Christian captives, as a rule; but the custom of ransom, of which we read in the chronicles, was a survival of slavery. The beaten warrior became subject to the terms of the victor. At the battle of Poitiers, in 1356, the English—so the old chronicler Froissart tells us—had French prisoners twice as many in number as themselves, and deemed it advisable to ransom them on the spot. Many were set at liberty and others kept; “for whosoever made any prisoners, they were solely at his disposal, to ransom or not, as he pleased.” Several of the English archers had four or six prisoners, and a number of those who could give no ransom were put to death. One Sir Edward de Roucy felled to the ground an English knight who was following him from the field. Dismounting and placing his lance on the Englishman’s breast, he called on him to surrender under penalty of death, as his prisoner, rescued or not. The defeated knight surrendered, accompanied Sir Edward, and afterwards ransomed himself. At the battle of Chevy Chace, in 1388, one Sir Matthew Redman surrendered to a Scotch knight. “Rescued or not?” cried the Scot. “I consent,” answered Sir Matthew, “you will take good care of me?” “That I will,” said the Scot. Then Sir Matthew, putting up his sword, said; “now, what do you require of me, for I am your prisoner by fair conquest?” “And what is it you would wish me to do,” replied the Scot. “I should like,” said Sir Matthew, “to return to Newcastle; and, within fifteen days, I will come to you in any part of Scotland you shall appoint.” “I agree,” said his captor, “on your pledging yourself, that within three weeks you be in Edinburgh; and wherever you may go, you acknowledge yourself as my prisoner.” So they parted, and in a few moments, the Scot himself was captured by the Bishop of Durham. He philo-

sophically exclaimed: "I have made a prisoner, and am now one myself: such is the chance of war."¹ In 1441, Charles VII. of France brought a number of English prisoners to Paris. After suffering shocking treatment, those who could not pay their ransom, by far the largest number, were bound hand and foot, and thrown into the Seine. Not till the seventeenth century were agreements entered into by the nations of Europe for the regulation and exchange of prisoners.²

But it was in Christ only that all men were brethren. The captive heathen or infidel became usually the slave of his Christian conqueror. It was due chiefly to the conquest of the Spaniards over the Moors and to the rising trade of the Spaniards and Portuguese with Africa, that there grew up for Europe a new form of chattel slavery. And if the zeal of the earlier church had helped the fall of the old slavery, the zeal and bigotry of good churchmen of this age certainly had a part, conscious or unconscious, in the rise of the new. "Whole droves of slaves," wrote Bodin, in 1576, "are sold and that openly in all parts of Portugal, as if they were beasts."³ By the trade with Africa, negro slaves were brought, to a limited extent, to Portugal and Spain. Prince Henry of Portugal, in 1442, insisted that negroes should be brought there; "for whatever number he should get, he would gain souls, because they might be converted to the faith, which could not be managed with the Moors."⁴ "And certainly," adds the old chronicler, "his thought was not vain, for as soon as they had knowledge of our language, they readily became Christians." It is not necessary to dwell on the extreme zeal of the Church in that age—so well seen in the Inquisition. "It was the received opinion," says Prescott,

¹ Froissart, *Johnes' Trans.*, Vol. I, 219, &c.; II, 373.

² For much of interest on this subject see Ward's *Inquiry into the Law of Nations* (R. Ward, London, 1795).

³ *Commonweale*, Knolles' Translation, p. 43.

⁴ *The Conquerors of The New World*: Sir A. Helps, pp. 28, 36.