

TEACHING AMERICAN HISTORY PROJECT
Lesson Title - Indentured Servant Trial
From Leslie Cicilline

Grade – 5-8

Length of class period – Three 60 minute periods

Inquiry – ***If you were poor, would you sell yourself into indentured servitude for a chance to start a new life in an English colony?***

Objectives

- Students will identify the push and pull factors that led people to the New World.
- Students will analyze the positive and negative consequences of being an indentured servant.

Materials

- Background on indentured servants (attached)
- Website of primary source documents: indentured servant contracts (documents attached)

<http://www.bc.edu/schools/law/library/about/rarebook/exhibitions/addlbrooker02.html>

- Hand-out *Scenario for Indentured Servant Trial* and role cards.

Activities

Day 1:

- Read background about Indentured Servants. Make a T-chart of the hopes and fears of an indentured servant.
- Identify from the t-chart the push and pull factors that led people to choose to become an indentured servant.
- Read indentured servant contract.
- Read *Scenario for Indentured Servant Trial*. Have students mark their choices for the mock trial.

Day 2:

- Assign roles, hand out role cards, and have students get into groups to prepare for the trial.
- Discuss the roles and agenda for a courtroom trial.

Day 3:

- Conduct the trial
- Have students write a journal entry from the perspective of the person they role played for the trial.
- Ask students to respond to inquiry question ***If you were poor, would you sell yourself into indentured servitude for a chance to start a new life in an English colony?***

How will you assess what students learned during this lesson?

- Journal entry from the perspective of the person the student role-played for the day.
- Students' responses to inquiry question.

Connecticut Framework Performance Standards –

- Describe how early colonists had to adapt to their new environments.
- Analyze and assess factors that contributed to European migration.

Indentured servitude was common in early Colonial Virginia.

Condition of Many Early Immigrants, Including Crosslands

"Indenture" is a term from English Common Law which, in the 17th century, generally meant: "under contract". **Indentured servants** (or laborers under contract) were commonplace in Colonial Virginia during that period. Historians estimate that:

- About 70% of migrants from England who came between 1630-1660 were indentured servants;
- Most indentured servants were young, 15-25, and single;
- Males servants outnumbered female servants;
- Indentures were typically 4-7 years in duration;
- Trade in indentured servants peaked about 1620-1680, but lasted until the 1770s.

According to the Historians:

Indentured servants were often scorned in their time as beggars and riffraff. In reality they probably represented a broad spectrum of working people from English society. They included the desperately poor (the majority) and the middle class. Most of them were probably farmers or unskilled laborers during the early years.

Tobacco quickly became the principal source of cash in early Virginia and tobacco farming demanded a large and ever expanding work force, a workforce which could not be provided from within the colony. Ergo, English entrepreneurs were encouraged to recruit large numbers of laborers from England to the tobacco plantations. **Men, women, and sometimes children signed a contract with a "master" to serve a term of 4 to 7 years.** In exchange for

their service, indentured servants received their passage paid from England, and food, clothing and shelter once they arrived in the colony.

When the contract had expired, the servant was paid "freedom dues" and allowed to leave the plantation. Freedom dues usually consisted of corn, tools and clothing.

During the time of his/her indenture, **a servant was considered his master's personal property** and the servant's contract could be bartered, inherited or assigned. While a servant, a person could not marry or have children. A master's permission was needed to leave the plantation, to perform work for someone else, or to receive money for personal use. An "unruly" servant was punished by whipping for improper behavior.

Labor was hard and living conditions were generally harsh for indentured servants. Many servants had difficulty adjusting to the climate and native diseases of southeast (Tidewater) Virginia, and many servants did not live to receive their freedom. Runaway servants, of which there were many, were punished by increasing their time of service if they were captured.

Conditions changed in Virginia, however, and, by 1700, recruitment of tobacco plantation labor from England was no longer as important due to the increasing availability of African slaves for the harsh plantation work. At that point, English artisans and skilled labor became important and the nature of the indentured servant trade from England changed. Later in the 1700s, England transported convicts, both men and women, to Virginia to be sold to plantation owners as another form of labor.

<http://homepages.rootsweb.ancestry.com/~crosslin/records/va/immigrants3.html>

Primary Source Document: Indentured Servant Contract

<http://www.virtualjamestown.org/map1c.html>

This Indenture, Made the *fourth*
Day of *August* in the *Twenty first* Year of the Reign of our Sovereign
Lord *James the first* King of Great Britain, &c. And in the Year of our Lord,
One Thousand Seven Hundred and *fifty five* Between *William*
Buckland of *London* Carpenter & Joiner
of the one Part, and
Thomas *Mason* of *London* Esq^r
of the other Part,
Witnesseth, That the said *William Buckland*
for the Consideration herein after mentioned, hath, and by these Presents doth Cove-
nant, Grant, and Agree to, and with the said *Thomas Mason* Executors and
Assigns, That *he* the said *William Buckland* shall and will, as a faithful Cove-
nant Servant, well and truly serve *the said Thomas Mason* Executors or
Assigns in the Plantation of *Virginia* beyond the Seas, for the Space
of *four* Years, next ensuing *his* Arrival in the said Plantation, in the Employ-
ment of a *Carpenter & Joiner*. And the said *William Buckland* doth hereby
Covenant and Declare *himself*, now to be the Age of *Twenty two* Years
and eight and no Covenant or Contracted Servant to any other Person or Per-
son, And the said *Thomas Mason* Executors *himself* his
or Assigns, in Consideration thereof, doth hereby Covenant, Promise and Agree to
and with the said *William Buckland* Executors, and Assigns, that *the* the
said *Thomas Mason* his Executors
or Assigns, shall and will at *his* or their own proper Costs and Charges, with
what convenient speed they may, carry and convey *unto* the said *William Buckland*
and from
hereforth, and during the said Voyage, and also during the said Term, shall and will at
the like Costs and Charges, provide for and allow the said *William Buckland* all
necessary *Meat, Drink, Washing, Lodging,*
and convenient for *the said William Buckland* as servants in that Case are usually provided
for and allowed and pay and allow *the said William Buckland*
Wages or Salary at the Rate of twenty Pounds
sterling per Annum Payable Quarterly
And for the
true Performance of the Premises, the said Parties, to these Presents bind themselves,
their Executors and Administrators, the one to the other, in the Penal Sum of
Twenty Pounds Sterling, firmly by these Presents. In witness whereof,
they have hereunto intermingled *their* Hands and Seals, the Day and Year
above-written.

Sealed and Delivered
in the Presence of
Tho Hayes *Wm Buckland*
John
That the above-named *William Buckland*

Name: _____ Date: _____

Scenario for Indentured Servant Trial

Our indentured servant, Mr. Smith, had a seven year obligation to work on the plantation of Mr. Jones. In return for his passage from England, Mr. Smith agreed to **provide any services needed** by Mr. Jones. The contract also states that Mr. Jones will provide food, clothing and shelter to Mr. Smith.

Mr. Smith worked for 6 out of the 7 years under what he felt were “unjustifiably brutal conditions”. He ran away at the end of his 6th year, and was captured 6 months later. This trial will decide Mr. Smith’s fate. Mr. Smith thinks he owes Mr. Jones one more year to fulfill his contract. Mr. Jones thinks a lesson must be taught to the other indentured servants on his plantation and would like to see Mr. Smith’s contract extended an additional 3 years. Mr. Jones also thinks he is entitled to more than one year because he had expenses for the bounty hunter to return Mr. Smith. Furthermore, there is the issue of extra money Mr. Jones had to pay another worker while Mr. Smith was gone. Mr. Jones feels the best way to get the most work from his servants is to be strict, and this included physical punishment.

Roles for Trial

Mark your first, second, and third choices for your role in the trial.

Judge _____
Plaintiff-Mr. Jones _____
Plaintiff’s legal team _____
Witness for plaintiff _____
Jury _____

Bailiff _____
Defendant-Mr. Smith _____
Defendant’s legal team _____
Witness for defendant _____

Agenda for Trial

1. Judge introduces trial
1. Plaintiff's opening statement
2. Defendant's opening statement
3. Plaintiff calls all witnesses
4. Defendant calls all witnesses
5. Plaintiff closing statement
6. Defendant closing statement
7. Jury deliberates
8. Verdict is read

Role Cards

Judge

Your role is to run the courtroom and ensure that there is a fair trial.
You will follow the agenda for the trial.

Jury

You will be listening to both sides with an open mind. It is very important that you do not have an opinion before the trial begins. **You may not discuss the case with anyone except other jury members.** Take notes to help you keep track of each side's case.

Mr. Smith

You will be put on the witness stand.

Work with your lawyers to prepare the questions and answers you will be asked. Also, be prepared to answer questions from the plaintiff's lawyers.

Mr. Jones's Lawyers

You are working for the plaintiff

You will need to develop the following:

1. An opening statement where you explain to the jury what the trial is all about from the perspective of your client, the defendant.
2. Questions for Mr. Jones.
3. Questions for Mr. Smith
4. Questions for the witness (these should align with the questions and answers from Mr. Smith.)
5. A closing statement. Repeat your main arguments/reasons for Mr. Smith being NOT guilty. You are free to say just about anything during this time and can actually tell the jury to find the defendant NOT guilty.

Bailiff

Introduce the judge:
"All rise for the honorable Judge _____."

Ask each witness to:
"Place your left hand on the Bible and raise your right hand. Do you swear

Mr. Jones

You are the plaintiff. You will be put on the witness stand by both sides. Find out what questions your lawyers are going to be asking you and prepare answers. Also, be prepared to answer questions from the defendant's lawyers. Remember, you have to be honest. Focus on what kind of worker Mr. Smith was and why you felt the need to use physical punishment.

Witness for Mr. Jones

You are a witness that will help the case of the plaintiff. Decide with your legal team who you are and what you've witnessed that will help your case. Find out what questions your lawyers are going to be asking you and prepare answers. Also, be prepared to answer questions from the defendant's lawyers. Remember, you have to be honest. Your testimony should align with the main points of Mr. Jones's testimony.

Mr. Jones's Lawyers

You are working for the plaintiff

You will need to develop the following:

1. An opening statement where you explain to the jury what the trial is all about from the perspective of your client, the plaintiff.
2. Questions for Mr. Jones.
3. Questions for Mr. Smith
4. Questions for the witness (these should align with the questions and answers from Mr. Jones.)
5. A closing statement. Repeat your main arguments/reasons for Mr. Smith being guilty. You are free to say just about anything during this time and can actually tell the jury to find the defendant guilty.

Witness for Mr. Smith

You are a witness that will help the case of the defendant. Decide with your legal team who you are and what you've witnessed that will help your case. Find out what questions your lawyers are going to be asking you and prepare answers. Also, be prepared to answer questions from the plaintiff's lawyers. Remember, you have to be honest. Your testimony should align with the main