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Master Samuel Symonds against Irish slaves
Salem Quarterly Court
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against Irish slaves. William Downing and Philip Welch. Salem
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Samuell Symonds, gentleman v. Will. Downing. For absolutely refusing to
serve his master, Mr. Simonds, any longer, there being several years yet
due, according to the purchase from the shipmaster who brought him over to
sell.*

Samll. Symonds, gentleman v. Phillip Welch. For absolutely refusing to
serve his master, Mr. Simonds, any longer, there being several years yet
due, according to the purchase from the shipmaster who brought him over to
sell.* Writs, dated, May 15, 1661, signed by Robert Lord, for the court,
and served by Theophilus Wilson, constable of Ipswich.

Samuel Symonds,* gent. Complaint to Salem court, June 25, 1661, against
his two servants.

Defence of William Downeing and Philip Welch: "We were brought out of or
owne Country, contrary to our owne wills & minds, & sold here unto Mr
Symonds, by ye master of the Ship, Mr Dill, but what Agreement was made
betweene Mr Symonds & ye Said master, was neuer Acted by our Consent or
knowledge, yet notwithstanding we haue indeauored to do him ye best
seruice wee Could these seuen Compleat yeeres, which is 3 yeeres more then
ye use to sell ym for at Barbadoes, wn they are stolen in England. And for
our seruice, we haue noe Callings nor wages, but meat & Cloths. Now 7
yeares seruice being so much as ye practice of old England, & thought meet
in this place, & wee being both about 21 years of age, We hope this
honored Court & Jury will seriously Consider our Conditions."

The plaintiff's plea: That he had about ten acres of Indian corn to be
tended and had to hire divers workmen; that during all this court time,
his two servants, being all the men he had, were not working, and
consequently all his cattle, fence and family were left destitute; that
the bargain made between George Dell, the shipmaster, and the plaintiff
was still in force, etc.

The jury reported a special verdict, that if Mr. Del's covenant be

according to law, then they find service due from defendants to plaintiff until May 10, 1663; if not, they find for defendants. Judgment for plaintiff, Mr. Dell's deed legal, and said Downing and Welch to serve Mr. Symonds until 10:3:1663. Appealed to Court of Assistants. They promised to serve their master faithfully until the next court.

Bill of sale, dated, May 10, 1654, from George Dell,* master of the ship Goodfellow, who "sould until Mr Samuell Symonds two of the Irish youths I brought over by order of the State of England: the name of one of them is william Dallton: the other is Edward welch, to serue him," etc., for the space of nine years, in consideration of 26li. in merchantable corn or live cattle, before the end of the following October. Wit: Georg Manning.* "17th of May 1654.

"Whereas in the writing aboue mentioned there was a pviso for good assurance, and seing that the younger youth in the said writing is called Edward, and that upon his arrival at Ipswch such as doe well understand his language doe say he owneth his name to be Philip, And whereas divers English are put out apprentices who at the end of their terme are older then he wilbe; and for encouragment of his master in teaching him what he conceive may doe him good, and that it wilbe tyme soon enough to goe out of service & betake himself to mannage a family, It is agreed between the abovesaid George Dell and mr Samuel Symonds as followeth That two yeares more are added to the Terme of the said Philip who in the writing above is called Edward welch which maketh it eleven yeares from the day of the date thereof. And the said Samuell doth hereby accept of both the said youths as having good assurance." Signed by George Dell.* Wit: Joseph S(we)tt,* Joseph — — * and Georg Maning.*

Kelecris Ros deposed that upon a Sabbath day night before the last March court, he heard William Douney tell Mistress Symonds that he would get free if he could, when he had served seven years. Further, he heard William and Philip tell their master on the morning that the constable came for them, that if he would pay them for their time until Salem court, they would stay with him, but Symonds refused unless they would give security. When their master first brought them home, deponent asked William what Philip's name was and he said it was Philip. Sworn, June 24, 1661, before Daniel Denison.*

John King deposed that he "with divers others were stollen in Ireland, by some of ye English soldiers, in ye night out of theyr beds & brought to Mr Dills ship, where the boate lay ready to receaue them, & in the way as they went, some others they tooke with them against their Consents, & brought them aboard ye said ship, where there were divers others of their Country men, weeping and Crying, because they were stollen from theyr friends, they all declareing ye same & amongst ye rest were these two men, William Downeing & Philip Welch, and there they were kept, until upon a Lord's day morning, ye Master sett saile, and left some of his water & vessells behind for hast, as I understood." Sworn in court, 26:4:1661, before Hilliard Vern, * cleric.

John Downing testified that William Downing and Phillip Welch, with several of their countrymen, were taken up and stolen by the ship master or some one whom he hired. The Ship-master, George Dill, was fain to go away and leave his water and much of his provisions behind for fear the country would have taken them from him. Sworn, June 24, 1661, before Daniel Denison.*

John Downing further made oath that he knew that he and three or four others of his townsmen were taken up by force; that he did not know the

two parties in question, but they said in the ship that they were stolen and brought by force.

Naomy Hull, aged twenty years and upward, deposed that one night before her master Symonds' servants, William and Philip, were arrested by the constable, they came into the parlor to prayer with the rest of the family, and Philip asked if Goodman Bragg's son was coming to plow tomorrow. Her mistress said she thought so, that he said he would consider it. Philip then asked who would plow with him and her mistress said, "One of you." Philip said, "We will worke with you, or for you, noe longer. Then said my mr, is it soe? What will you, play? Then both of them stood in it & expressed that it was soe, & that they had been with you (speaking to my master) longe enough. We have served you seaven yeares, we thinke that is longe enough; Then said my mr But we must not be our owne Judges; and said my mr you must worke for me still, unless you run away. Then said william, we scorne to run away. Then said Philip, we will goe away, & leave you before your faces. Alsoe they did both speak to this purpose; If you will free us, we will plant your corne, & mende your fences, & if you will pay us as other men, but we will not worke with you upon the same termes, or conditions as before. (And this was upon mris lake her asking of them why they would offer at such a tyme to goe away mentioning some words how my masters business did lye my mris having alsoe said, let them alone; now they are speaking let them speak their owne myndes) whereupon they answered as before. When my master had said come let us goe to prayer, Philip said you may go to prayer; we will speake more in the morning. And towards the end of ye discourse upon some occasion or question both answered & said it is soe, it is soe, they appearing resolute to leave my master as they had said. In the morning when the constable was at my masters howse (about the arrest) motion was made by the constable, or one that was with him, tending to pswade my master to let them alone, saying surely they will goe on in your business. my master answered noe; unless they be secured." Sworn, June 15, 1661, before Daniell Denison.

Mrs. Margaret Lake testified to the same, and also that Philip said in the morning that if his master would give him as good a portion as any of his children, he would serve out his time. Sworn, June 15, 1661, before Daniell Denison.*

Martha Trotter testified the same as Naomi Hull, and also that one of the Irishmen said one night that they would stay no longer unless their master showed them some other grounds. She heard Philip say to his mistress that now they had served seven years, they were under no authority of the country, etc. Sworn before Daniel Denison.*

Ralph Dix, Richard Nicolls and Samuel Younglove, deposed that they went with the constable of Ipswich, when he served the warrant on the two Irishmen, and that one of the latter asked to see by what authority he kep them. Mr. Simonds said if they constable would stay he would see, and he produced a writing, which, he said, was all he had to show for them. Sworn June 23, 1661, before Daniel Denison. *

*Bill of costs, 1li. 5s 1d.

Verdict of the jury in the case of Samll. Symonds, gentleman v. Will.

Downing and Phillip Welch, his two servants: That if Mr. Dell's covenant be legal, they found service due said Symonds until May 10, 1663; if not, they found for the defendants. Court adjudged the covenant legal, and ordered said Downing and Welch to serve their master until that date.

Appealed to Court of Assistants, but giving no bonds to prosecute, upon

agreement of all parties, Welch and Downing were to serve Mr. Symonds until the next session of the Court of Assistants, and the latter was to allow them liberty to attend that court.

* Autograph

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