

# THE JOHN PUNCH COURT DECISIONS AND THE ADVENT OF SLAVERY IN VIRGINIA

## LEVEL

Upper Elementary, Secondary

## GUIDING QUESTION

When did race-based slavery become an accepted practice in the Virginia colony?

## VIRGINIA STANDARDS AND HISTORICAL SKILLS

SOL: VS.3e; USI.5c; VUS.2

Analyzing and interpreting primary and secondary sources; comparing and contrasting; questioning and using critical thinking skills.

## LESSON OVERVIEW

On July 9, 1640, members of the General Court decided the punishment for three servants—a Dutchman, a Scotsman, and an African—who ran away from their master as a group. The court proceedings reveal an example of interracial cooperation among servants at a time when the colony's leaders were starting to create legal differences between Europeans and Africans. John Punch became the first African sentenced to slavery for life by law in Virginia. In this lesson, students will explore the 1640 John Punch court decision and examine related primary sources in an effort to better comprehend the evolution of racialized slavery in Virginia. Students will deduce for themselves, using evidence from the documents, when the distinction between Africans and Indians and servant and slave became clear.

## MATERIALS AND PREPARATION

- [Seventeenth-century Virginia legal codes](#), printed on cardstock and cut (number of legal codes used can be modified by the teacher)
- [Recording of the John Punch court decision](#) with [transcript](#)

## PROCEDURE

### Procedure:

#### *Warmup/Staging the question*

1. Students should complete a think-pair-share on what they have already learned about slavery in Virginia and the United States. Have students discuss their responses in groups and as a class.
2. Play the [recording of the John Punch court decision](#) for students, and have them follow along with the [transcript](#). Instruct students that you will be playing the recording twice. The first time through, have students just listen. The second time through, have students record 2-3 observations or questions they have about the decision. Discuss as a class.
3. Share with students the significance of the John Punch court decision and its impact on the evolution of slavery in Virginia. Explain to students that they will play the role of historian and explore primary source legal documents from Virginia's history relating to the status of indentured servants, Virginia Indians, and Africans.

#### *Main Activity*

1. Separate the [primary sources](#) to create 4-5 stations. Have students rotate through the stations until they have read through all of the Virginia legal codes, recording responses to the following.
2. On a separate sheet of paper, have students record the name of the document, and their response to the following: does this document help establish the practice of slavery? Why or why not? (Another option is to assign a set of laws to 3-4 groups, and summarize their document set for their classmates).
3. Once students have reviewed the documents, have them complete a 1-2 paragraph reflection on the compelling question, "When did race-based slavery become an accepted practice in the Virginia colony?," using Virginia's legal codes.
4. Have students create a human timeline of when they think race-based slavery became law in Virginia, and discuss their responses as a class.

#### *Extension Activity*

Have students create an interactive timeline on Virginia's legal and/or slave codes using Sutori or another digital timeline creator. Students could also complete a triple Venn diagram comparing the legal status of Indians, Africans, and English servants during the 17<sup>th</sup> century.

## JOHN PUNCH COURT DECISION TRANSCRIPT (1640)

*On July 9, 1640, members of the General Court decided the punishment for three servants – a Dutchman, a Scotsman, and an African – who ran away from their master as a group. The proceedings reveal an example of interracial cooperation among servants at a time when the colony's leaders were starting to create legal differences between Europeans and Africans. John Punch became the first African to be enslaved for life by law in Virginia.*

“Whereas Hugh Gwyn hath by order from this Board Brought back from Maryland three servants formerly run away from the said Gwyn, the court doth therefore order that the said three servants shall receive the punishment of whipping and to have thirty stripes apiece one called Victor, a Dutchman, the other a Scotchman James Gregory, shall first serve out their times with their master according to their Indentures, and one whole year apiece after the time of their service is Expired. By their said Indentures in recompense of his Loss sustained by their absence and after that service to their said master is Expired to serve the colony for three whole years apiece, and that the third being a negro named John Punch shall serve his said master or his assigns for the time of his natural Life here or elsewhere.”

*H.R. McIlwaine, ed. (1924) Minutes of the Council and General Court of Colonial Virginia: 1622-1632, 1670-1676.*

## 17<sup>TH</sup>-CENTURY VIRGINIA LEGAL CODES

### 1. Agreement of Indenture (1627)

“This agreement made the last day of July, 1627 between Richard Lowther of the County of Bedford and Edward Hurd of London. Richard Lowther has hired himself and binds himself to be the Covenant servant of Edward Hurd, his heirs and assigns and be transported to the land of Virginia, and be employed upon his plantation there, for the space of four years during which Richard Lowther shall be tractable and obedient as a good and a faithful servant during the said term.

“Edward Hurd shall and will not only transport Richard Lowther to Virginia and provide him sufficient meat, drink, apparel, and other necessities for his livelihood and maintenance during the term (of indenture) But also at the expiration of the term shall and will assign and allot to him fifty acres of Land in Virginia written  
Richard Lowther

“Sealed and delivered in the presence of us John Davies and Andrew Ball Servants to Tho: Thompson Ser.”

Source: Virtual Jamestown <http://www.virtualjamestown.org/laws1.html#3>

### 2. October 1629-ACT IX.

*Note: Although this law did not rule out the possibility that English women would work in the tobacco fields, it did begin the process of creating a distinction between the work that English and African women performed in the colony. Also, the word “tithes” below should be read as taxes.*

“It is thought fit that all those that work in the ground of what quality or condition soever, shall pay tithes [taxes] to the ministers.”

Source: Hening, W.W. ed., *The Statutes at Large*. Vol. 1. (1823).

### 3. January 1639/40-ACT X.

*Note: This statute created a legal distinction between white and black men.*

“ALL persons except Negroes to be provided with arms and ammunition or be fined at pleasure of the Governor and Council.”

*Source: Hening, W.W. ed., The Statutes at Large. Vol. 1. (1823).*

### 4. Act of the General Assembly (Excerpt) (1643)

*Note: On March 2, 1643 Virginia's colonial government responds to the problem of runaway indentured servants.*

“Be it therefore enacted and confirmed that all runaways that shall absent themselves from their said masters service shall be lyable to make satisfaction by service at the end of their tymes by indenture (vizt.) double the tyme of service soe neglected, And in some cases more if the comissioners for the place appointed shall find it requisite and convenient.”

*Source: Hening, W.W. ed., The Statutes at Large. Vol. 1. (1823). Accessed from [https://www.encyclopediavirginia.org/Runaway\\_Slaves\\_1642-1643](https://www.encyclopediavirginia.org/Runaway_Slaves_1642-1643)*

## 5. March 1642/3-ACT I.

*Note: This statute enacted the first legal distinction between English and African women. The difference reflects that fact that Virginia's legislators believed that English and African women would play different roles in the colony.*

“Be it also enacted and confirmed That there be tenn pounds of tob'o. [tobacco] per poll & a bushell of corne per poll paid to the ministers within the severall parishes of the collony for all tithable [taxed] persons, that is to say, as well for all youths of sixteen years of age as upwards, as also for all negro women at the age of sixteen years.”

*Source: Hening, W.W. ed., The Statutes at Large. Vol. 1. (1823).*

## 6. February 1644/5-ACT VIII.

*Note: African women and their descendants were counted among the tithes in 1644/5, tithes referring to taxes paid by masters.*

“And because there shall be no scruple or evasion who are and who are not tithable [taxable], It is resolved by this Grand Assembly, That all negro men and women, and all other men from the age of 16 to 60 shall be adjudged tithable [taxable].”

*Source: Hening, W.W. ed., The Statutes at Large. Vol. 1. (1823).*

## 7. March 1660/1-ACT XXII. “English Running Away with Negroes”

*Note: This law indicates that some Africans and their descendants were not servants for life. However, if an indentured servant ran away with a black person who was considered a servant for life, the white servant had to serve additional time to compensate a master (or masters) for his/her absence and for the absence of the black individual.*

“BEE itt enacted That in case any English servant shall run away in company with any negroes who are incapable of making satisfaction by addition of time, Bee it enacted that the English so running away in company with them shall serve for the time of the said negroes absence as they are to do for their owne by a former act.”

*Source: Hening, W.W. ed., The Statutes at Large. Vol. 2. (1823).*

## 8. March 1657/8-ACT XLVI. “What Persons are Tithable”

*Note: This statute (passed during the Commonwealth period) noted that all imported African women and female Indians were tithable (taxable) unless they were Christians born in the colony or free when their parents imported them into Virginia.*

“BEE it enacted for the prevention of the greate abuse used by presenting of imperfect lists, that all male servants hereafter imported into this collony of what age soever they be, shall bee brought into the lists and shall be liable to pay countrey levies [taxes]; and all negroes imported whether male or female, and Indian servants male or female however procured, being sixteen years of age, to be listed and pay leavies [taxes] as aforesaid; such christians onlie to be excepted as are natives of this countrey, or such as are imported free either by parents or otherwise, who are exempted from levies [taxes] being under the age of sixteen years.”

*Source: Hening, W.W. ed., The Statutes at Large. Vol. 1. (1823).*

## 9. March 1661/2-ACT CXXXVIII. "Concerning Indians"

*Note: The legislators decided that Indians and English servants were to serve their masters the same length of time.*

"And be it further enacted that what Englishman, trader, or other shall bring in any Indians as servants and shall assigne them over to any other, shall not sell them for slaves nor for any longer time than English of the like ages should serve by act of assembly."

*Source: Hening, W.W. ed., The Statutes at Large. Vol. 2. (1823).*

## 10. March 1661/2-ACT CII. "Run-aways"

*Note: This statute indicates that there were Africans who were not slaves in March 1661/2. The legislators continued to try to discourage white indentured servants from running away with enslaved blacks by increasing the punishment that a white man or woman would receive after their capture. After March 1661/2 a white servant who ran away with a black servant for life was responsible for additional service or a fine if a black person became lost or died while they were away from their master(s).*

"Bee it therefore enacted that all runaways that shall absent themselves from their said masters service shalbe lyable to make satisfaction by service after the times by custome or indenture is expired (vizt.) double their times of service soe neglected, and if the time of their running away was in the crop or the charge of recovering them extraordinary the court shall lymitt a longer time of service proportionable to the damage the master shall make appeare he hath susteyned, and in case any English servant shall run away in company of any negroes who are incapable of making satisfaction by addition of a time, it is enacted that the English soe running away in the company with them shall at the time of service to their owne masters expired, serve the masters of the said negroes for their absence soe long as they should have done by this act if they had not beene slaves, and if the negroes be lost or dye in such time of their being run away, the christian servants in company with them shall by proportion among them, either pay fower thousand five hundred pounds of tobacco and caske or fower yeares service for every negroe soe lost or dead."

*Source: Hening, W.W. ed., The Statutes at Large. Vol. 2. (1823).*

### 11. December 1662-ACT XII. “Negro Womens Children to Serve According to the Condition of the Mother”

*Note: As of December 1662, the child of an enslaved mother was also a slave for life. The statute was a dramatic departure from the English tradition in which a child received his or her status from his or her father. Members of the General Assembly also hoped that an increased fine would discourage white men and women from having sexual partners who were African or of African descent.*

“WHEREAS some doubts have arrisen whether children got by any Englishman upon a negro woman should be slave or ffree, Be it therefore enacted and declared by this present grand assembly, that all children borne in this country shalbe held bond or free only according to the condition of the mother, And that if any christian shall committ ffornication with a negro man or woman, hee or shee soe offending shall pay double the ffines imposed by the former act.”

*Source: Hening, W.W. ed., The Statutes at Large. Vol. 2. (1823).*

### 12. October 1670-ACT XII. “What Tyme Indians to Serve”

*Note: This law created an additional distinction between African Americans and Indians. It was an attempt to make lifetime servitude the normal condition for all Africans imported into Virginia. The legislators repealed this statute in November 1682.*

“WHEREAS some dispute have arisen whither Indians taken in warr by any other nation, and by that nation that taketh them sold to the English, are sevants for life or terme of yeares, It is resolved and enacted that all servants not being christians imported into this colony by shipping shalbe slaves for their lives; but what shall come by land shall serve, if boyes or girles, untill thirty yeares of age, if men or women twelve yeares and no longer.”

*Source: Hening, W.W. ed., The Statutes at Large. Vol. 2. (1823).*

### 13. June 1680-ACT X. "An Act for Preventing Negroes Insurrections"

*Note: This law represents an attempt to restrict the freedom and personal rights of enslaved persons. The statute designated the punishments for three crimes: leaving a plantation without the permission of one's master, raising a hand against a Christian, and resisting capture after running away.*

"Bee it enacted by the kings most excellent majestie by and with the consent of the generall assembly, and it is hereby enacted by the authority aforesaid, it shall not be lawfull for any negroe or other slave to carry or arme himselfe with any club, staffe, gunn, sword or any other weapon of defence or offence, nor to goe or depart from of his masters ground without a certificate from his master, mistris or overseer and such permission not to be granted but upon perticuler and necessary occasions; and every negroe or slave soe offending not haveing a certificate as aforesaid shalbe sent to the next constable, who is hereby required to give the said negroe twenty lashes on his bare back well layd on, and soe sent home to his said master, mistris or overseer. And it is further enacted by the authority aforesaid that if any negroe or other slave shall lift up his hand in opposition against any christian, have and receive thirty lashes on his bare back well laid on. And it is hereby further enacted by the authority aforesaid that if any negroe or other slave shall absent himself from his masters service and lye hid and lurking in obscure places, comitting injuries to the inhabitants, and shall resist any person or persons that shalby any lawfull authority by imployed to apprehend and take the said negroe, it shalbe lawfull for such person or persons to kill the said negroe or slave soe lying out and resisting."

*Source: Hening, W.W. ed., The Statutes at Large. Vol. 2. (1823).*

#### 14. October 1705-ACT XXII. “An Act Declaring the Negro, Mulatto, and Indian Slaves within This Dominion, To Be Real Estate.”

*Note: The legislators defined enslaved men, women, and children as real property in this act. See also the 1669 statute entitled “An act about the casual killing of slaves” for another example of masters treating slaves as property.*

“I. FOR the better settling and preservation of estates within this dominion,

“II. Be it enacted, by the governor, council and burgesses of this present general assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all negro, mulatto, and Indian slaves, in all courts of judicature, and other places, within this dominion, shall be held, taken, and adjudged, to be real estate (and not chattels;) and shall descend unto the heirs and widows of persons departing this life, according to the manner and custom of land of inheritance, held in fee simple.”

“IV. Provided also, That all such slaves shall be liable to the payment of debts, and may be taken by execution, for that end, as other chattels or personal estate may be.”

“X. Provided, and be it enacted, That when any person dies intestate, leaving several children, in that case all the slaves of such person, (except the widow's dower, which is the be first set apart) shall be inventoried and appraised; and the value thereof shall be equally divided amongst all the said children; and the several proportions, according to such valuation and appraisement, shall be paid by the heir (to whom the said slaves shall descend, by virtue of this act) unto all and every the other said children. And thereupon, it shall and may be lawful for the said other children, and every of them, and their executors or administrators, as the case shall be, to commence and prosecute an action upon the case, at the common law, against such heir, his heirs, executors and administrators, for the recovery of their said several proportions, respectively.”

*Source: Hening, W.W. ed., The Statutes at Large. Vol. 3. (1823).*