

2-4 Notes on Indentured Servitude in Virginia (1640)

The plantation system of agriculture, in which extensive land is worked by groups of (usually forced) laborers to produce a lucrative crop for sale to a (frequently remote) market, did not—indeed, *does not*—need slavery per se to operate. In seventeenth-century Virginia, for instance, the original plantation workforce consisted largely of white indentured servants, who worked a term of years for a master in exchange for their passage and a chance to pursue their happiness in a country less crowded, and with more accessible land, than was afforded by the England of the enclosure era (see Document 1-8). Life as a servant was not all that easy, though; one revolted ship's captain refused to transport servants to Virginia, charging that they “were sold heere upp and downe like horses.” Resistance was punished severely, as the following documents show.

These documents are not original council minutes, as the source citation suggests. The original minute books of the Virginia Council and General Court were destroyed by fire in April 1865 during the evacuation of Richmond. Conway Robinson, a legal reporter, made notes from the originals, and those notes remain among our more important sources of information on seventeenth-century Virginia.

Source: H. R. McIlwaine, ed., *Minutes of the Council and General Court of Colonial Virginia, 1622–1632, 1670–1676* (Richmond: Virginia State Library, 1924), 465–467.

11TH OF DEC., 1640.

Whereas William Huddleston servant unto Mr Canhow [or Cantrow?] hath complained to the board against his master for want of all manner of apparel, *the court hath therefore ordered* that the said Mr Canhow [or Cantrow?] shall before *christmas* next provide and allow unto the said Huddleston such sufficient apparel of linen and woollen as shall be thought fit by Captain John West Esqr or otherwise that the said Captain West shall have power to dispose of the said servant until the said Canhow [or Cantrow?] do perform this order.

7TH OF OCT., 1640.

Whereas Thos Pursell servant unto Robt Brassure for the term of four years hath petitioned to the board for his freedom, it being denied unto him by the said Brassure in regard the said Pursell has absented himself from his said service for the space of three months or there-about *the Court hath therefore ordered* that the said Pursell shall be discharged from his said master but shall loose his right in apparel and corn due unto him at the Expiration of his time in respect of his absence from his service as aforesaid & that the said Brassure shall Deliver unto the said Pursell such apparel bedding and what other goods do already belong unto him and are remaining in the custody of the said Brassure

7TH OF OCT., 1640.

Whereas it appeareth to the Court that Roger Parke being bound to serve Capt Corell for the space of three Quarters of a year and Thos Loving Being agent for the said Capt Corell the said Parke was assigned to the said Loving to serve the said time which the said Parke having not performed *the Court hath ordered* that the said Parke shall forthwith put in security for the payment of five pounds *sterling* within twenty days after this order unto the said Loving in consideration of his said service being not performed as aforesaid otherwise Execution &c

JUNE 4, 1640.

Whereas upon Information to this Board of two servants that are run away from *Maryland*, and now at the House of George Minesye Esqr one of which said servants doth belong unto Mr Snow as he pretendeth, and the other to the governour of the aforesaid *Maryland* as is informed *the court hath therefore ordered* that the said servant belonging to the said Snow shall be delivered unto him if upon due prooff he make his right appear and the other servant to be returned with all speed unto the said Governour.

JUNE 4, 1640.

Upon the petition of Hugh Gwyn gent wherein he complained to this board of three of his servants that are run away to *Maryland* to his much loss and prejudice and wherein he hath humbly requested the board that he may have liberty to make the sale or benifit of the said servants in

the said *Maryland* which the Court taking into Consideration and weighing the dangerous consequences of such pernicious precedent *do order* that a letter be written unto the said Governour to the intent the said servants may be returned hither to receive such exemplary and condign punishment as the nature of their offence shall justly deserve and then be to be returned to their said master

9TH OF JULY, 1640.

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* called 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.

JULY 22, 1640.

Whereas complaint has been made to this Board by Capt Wm Pierce Esqr that six of his servants and a negro of Mr Reginolds has plotted to run away unto the *Dutch* plantation from their said masters and did assay to put the same in Execution upon *Saturday* night being the 18th day *July* 1640 as appeared to the Board by the Examinations of Andrew Noxe, Richd Hill, Richd Cookeson and John Williams and likewise by the confession of Christopher Miller, Peter Wilcocke, and Emanuel the foresaid Negro who had at the fore said time, taken the skiff of the said Capt Wm Pierce their master, and corn powder and shot and guns, to accomplish their said purposes, which said persons sailed down in the said skiff to *Elizabeth* river where they were taken and brought back again, the Court taking the same into consideration, as a dangerous precedent for the future time (if unpunished) did order that Christopher Miller a *dutchman* (a prince agent in the business) should receive the punishment of whipping and to have thirty stripes, and to be burnt in the cheek with the letter R and to work with a shakle on his legg for one whole year, and longer if said master shall see cause and after his full time of service is Expired with his said master to serve the colony for seven whole years, and the said Peter Wilcocke to receive thirty stripes and to be Burnt in the cheek with the letter R and, after his term of service is Expired with his said master to serve the colony for three years and the said Richd Cookson after his full time expired with his master to serve the colony for two years and a half, and the said Richd Hill to remain upon his good behaviour until the next offence and the said Andrew Noxe to receive thirty stripes, and the said John Williams a *dutchman* and a Chirurgeon

after his full time of service is Expired with his master to serve the colony for seven years, and *Emanuel* the Negro to receive thirty stripes and to be burnt in the cheek with the letter R. and to work in shackle one year or more as his master shall see cause, and all those who are condemned to serve the colony after their times are expired with their masters, then their said masters are required hereby to present to this board their said servants so condemned to the colony

13TH OF OCT., 1640.

The Court hath ordered that Wm Wootton and John Bradye as principall actors and contrivers in a most dangerous conspiracy by attempting to run out of the country and Inticing divers others to be actors in the said conspiracy to be whipt from the gallows to the Court door and that the said Bradye shall be Branded with an Iron in the shoulder, and Wotton in the forehead each of them to serve the Colony seven years, the service due from the said Wotton to the said Mr Sander-son being first performed, each of them to work in Irons during the time of the said censure for the rest of these that are freemen (viz) John Tomkinson and Richr West for con-

senting and concealing the said plott that they shall be whipt and serve the colony two years and those that are servants (viz) John Winchester, Wm Drummer Robt Rouse and Robt Mosely to be whipt only as also Margarette Beard, and that the masters of the said servants shall pay the fees due from the servants to the sheriffs and the servants shall make good the same, at the Expiration of their time by a years service apiece to their said masters and that none of them shall be released from their Irons without order from this Board

OCT. 17, 1640.

Whereas we are daily given to understand of divers servants that run away from their masters whereby much loss and prejudice doth ensue to the masters of such servants, the court therefore conceiving it to be the most necessary and speedy course to apprehend the said servants doth order that upon complaint thereof made unto the sheriffs of the counties where any such servant or servants doth run away that the sheriff thereof or his deputies shall hereby have power to hire boat and hands to pursue the said runaways and that the charge thereof shall be borne and defrayed by the said county

Questions

1. How seriously did the court take the issue of runaway servants, and why?
2. Do you see evidence of emerging discrimination in the treatment handed out by the court to white and black servants?
3. On the other hand, what evidence do you see of national divisions among the white servant population?