

## Unit4, Lesson 3: Servants on Trial - The Case of John Punch, et al.

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### Lesson Overview

In this lesson students will examine the case of John Punch via a mini mock trial as a way of better understanding how the solution to the labor problem in early Colonial America shifted from the indentured servant system to permanent enslavement

### Delaware Standard(s)

- **History Standard 1a, 4-5 [Chronology]:** Students will study historical events and persons within a given time frame in order to create a chronology and identify related cause-effect factors.
- **History Standard 2a, 4-5 [Analysis]:** Students will draw historical conclusions and construct historical accounts from primary and secondary source materials
- **History Standard 2b, 4-5 [Analysis]:** Students will examine historical materials relating to a particular region, society, or theme; chronologically arrange them; and analyze change over time.
- **History Standard 3a, 4-5 [Interpretation]:** Students will explain why historical accounts of the same event sometimes differ and relate this explanation to the evidence presented or the point-of-view of the author.

### Big Ideas

- change over time, effects, reasons for different accounts, turning points

### Essential Questions

- What might have caused the change from indentured servitude to permanent slavery?

### Enduring Understandings

The shift from indentured servitude to permanent slavery was likely caused in part by racial discrimination as evidenced by the treatment of John Punch.

### Resources

- [Resource 1: Case Study](#)
- [Resource 2: The Actual Case](#)
- [Resource 3: The Actual Court Ruling](#)
- [Resource 4: Checks for Understanding](#)

### Procedures

1. **Introduce the Lesson:** Tell students that you want them to think about what they think should have happened to indentured servants if they came to America as indentured servants, ran away, and broke their contracts. They are going to read and discuss a hypothetical case. Then, each student will pretend to serve as a judge on a panel with two other judges and be asked to agree on their decisions and explain why they decided as they did.

- a. They might be interested to know that many court decisions are made by panels of judges. For example, the United States Supreme Court has 9 justices (judges) while the State of Delaware’s Supreme Court has 5 Justices. Delaware recently (January 2020) appointed its first Black Justice to its Supreme Court - Tamika Montgomery-Reeves.
  - b. Have students organize themselves into triads - groups of 3.
2. **Conduct the Case Study:** Distribute copies of [Resource 1: Case Study](#). Read the case aloud as students follow along. Emphasize the two central questions that they must decide, and the two goals of the court (both on Resource 1).
  - a. They are:
    - i. Should the runaway servants be punished? If so, what is the punishment?
    - ii. Should the runaway servants have to serve extra time to make up for the time that they were away and not working for the famer? If so, how much extra time?
  - b. Teachers may want to take a little extra time to discuss the goals of
    - i. justice - desire to be fair to the “parties” in the case, and
    - ii. deterrence - the desire to discourage other people from doing wrong
  - c. Then ask the students to assume their roles as judges (with two others), discuss the case with their fellow judges, and decide what the answers to the two case questions should be.
  - d. Note that one student from each group should be the “chief” judge. The chief judge in each group will be asked to announce his or her group’s decisions to the rest of the class when asked to do so.
  - e. After the panels have had sufficient time to discuss and reach their rulings, one of the judges (not the “chief” judge) should write their decisions on the bottom of Resource 1 and each judge should sign and date the document. Then ask the “chief” judge from each of the three person panels to stand up and announce/explain their court’s decision.
3. **Reading - The Actual Case:** Surprise students. Tell them that the “hypothetical” case that they just decided was one that was actually heard in the colony of Virginia in 1640. Ask if they want to know the details of the actual case. Then distribute copies of [Resource 2: The Actual Case](#) for them to read. Or read the contents of Resource 2 aloud to them. If you decide to read it aloud it may be good for students to have the resource to follow along and refer back to during Procedure 4 below.
4. **Discussion - Turning Points in History.** Ask students if they have ever heard of the term “turning point?” Welcome a few responses then explain that a turning point is an event that causes things to change in really big ways. Historians are really interested in searching for history’s turning points.
  - a. Continue: Tell students that...You are about to read what the Virginia court decided in the actual case. The words that you read are the actual words that were written by the judge who decided the case. People wrote and spoke very differently back in 1640 so it

will probably be a challenge to figure out what the judge was saying when he wrote down his decision. But I know that you are up for the challenge. Do your best to figure out what happened to the three indentured servants who ran away.

- b. Have them turn to a partner or small group to see if they can answer the questions on the bottom of [Resource 3: The Actual Court Ruling](#).

5. **Primary Source Analysis - The Court’s Ruling.** Distribute copies of [Resource 3: The Actual Court Ruling](#) - a paragraph from the *Journal of the Executive Council of Colonial Virginia*, dated July 9, 1640. This is the court’s ruling. Have them turn to a partner or small group to see if they can answer the questions on the bottom of Resource 3. Adults let alone 4th graders will struggle with this, but you should encourage them to give it a shot. Use your professional judgment to decide when to step in and provide support.

- a. See below for a way to chunk the text for students. Walk them through each chunk, ask what they think it is stating, then reveal the meaning.

<b>For the Teacher</b>	
<b>Original Text</b>	<b>Plain Language Translation</b>
Whereas <i>Hugh Gwyn</i> hath by order from this Board Brought back from Maryland three servants formerly run away from the said <i>Gwyn</i> ,	The court ordered Hugh Gwyn to bring the 3 runaway indentured servants back to Virginia from Maryland
...the court doth therefore order that the said three servants shall receive the punishment of whipping and to have thirty stripes apiece	...the court rules that a punishment for the three servants - Victor, James Gregory, and John Punch - is to be whipped 30 times each
...called <i>Victor</i> , a dutchman, the other Scotchman called <i>James Gregory</i> , shall first serve out their times with their master according to their Indentures, and one year apiece after their time of 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	<p>...Victor and James Gregory - a Dutchman and a Scotchman - are ordered to serve out their original indenture terms with their “master” Hugh Gwyn.</p> <p>Then they shall serve one additional year as an indenture with Hugh Gwyn...</p> <p>and an additional 3 years as indentured servants for the colony of Virginia</p> <p>(for a total of an extra 4 years)</p>

serve the colony for three whole years apiece,	
...and that the third being a negro named <i>John Punch</i> shall serve his said master or his assigns for the time of his natural life here or elsewhere.	...the third servant whose name is John Punch and who is a Negro shall serve his master Hugh Gwyn for the rest of his natural life

### Answer Key for Resource 3

1. Did the court punish the three indentured servants for running away? If yes, what was their punishment? [yes - all three to be whipped 30 times. They also added 4 more years to the indenture terms of Victor and James Gregory. They decided that John Punch would remain Hugh Gwyn's "servant" for the rest of his life.]
2. Was the Court decision just...fair? Explain. [No, on a number of levels (e.g., being whipped and getting 4 or more additional years added to their indentureship when they were only away for a "few days"). But, the most blatant injustice was that the "Negro" John Punch got more years than the Dutchman or the Scotchman.]
3. Did the court's decision make it likely that it would deter indentured servants from running away? Explain. [heck yes! - 30 lashes with a whip and at least 4 more years as an unpaid laborer!]
4. Why might the Virginia Court's ruling that you just read make historians believe that the experience of John Punch is an incredibly important "turning point" in the history of our country? [this is viewed by many historians as the transition in the future United States from temporary indentured servitude for Africans to permanent enslavement. Some recognize John Punch as the first enslaved African in U.S. history]

6. **Check for Understanding:** Distribute [Resource 4: Checks for Understanding](#) and have students complete the checks.

**Afternote:** In 2012 ancestry.com published an article stating that it is likely that our 44th President Barack Obama is an eleventh-great-grandson of John Punch through his mother Stanley Ann Dunham.

Additional details about John Punch's story available [here](#)

