

Unit 4, Lesson 3

Servants on Trial:

The Case of John Punch, et al.

Think About:

What do you think should have happened to indentured servants if they came to America as indentured servants, ran away, and broke their contracts?

Resource 1: Case Study



Three indentured servants ran away from a farmer who purchased their indenture contract. They fled from one state into another state hoping to escape and start lives of their own. Their contracts required them to work for 4 years. All three were caught and returned to the man who owned their contract. But they were gone for a few days.

The farmer who owned their contracts has brought the three servants to court. He is asking the court (you) to hand down a punishment for the three men for breaking their contracts. He is also asking the court (you) to hand down a decision that requires the three servants to serve extra time to make up for the time that they were gone. The farmer has already proven that he has copies of their indenture contracts.

GOALS: As you think about your role as a judge, you have two goals in mind.

1. Justice – doing what is fair to both the farmer and the indentured servants.
2. Deterrence – coming up with a decision that discourages other indentured servants from running away and breaking their contracts.

Questions to Decide

1. Should the runaway servants be punished? *If so, what is the punishment?*

2. Should the runaway servants have to serve extra time to make up for the time that they were away and not working for the farmer? *If so, how much extra time?*

Signed: Chief Judge _____, Judge _____

and Judge _____, Date _____

Let's Read!

The Goals of:

- **Justice** - desire to be fair to the “parties” in the case
- **Deterrence** - the desire to discourage other people from doing wrong

In Groups of Three:

- Assume the roles of judges.
- Decide who in your group is the “chief” judge (the Chief Judge will be asked to announce the group’s decisions to the rest of the class).

Whaaaat???

This was an actual case!

Resource 2: The Actual Case

Who Was Involved in the Case?

In 1640, three indentured servants ran away from the man who paid for them to serve as his workers under an indentured servant agreement. The three indentured servants were James Gregory, Victor (whose last name is not known), and John Punch. The man who owned their indentured servant contract was a wealthy Virginia farmer named Hugh Gwyn. Hugh Gwyn was also a lawmaker for the colony of Virginia.

How Long Were They Gone?

We don't know exactly how many days the three servants were away but do know that it was only a "few days." They were captured in Maryland and returned to Hugh Gwyn back in Virginia.

Hugh Gwyn took his case to court expecting that the three servants would be punished and that they would have to make up for the time that they were away and not working for him.

On July 9, 1640 the court in Virginia handed down its decisions.

Have you ever heard of the term
“turning point?”

Historians are really interested in
searching for history’s turning points.

**Virginia Court Ruling
July 9, 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 called *Victor*, a dutchman, the other Scotchman called *James Gregory*, 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 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.

Source: [here](#)

Questions to Discuss

1. Did the court punish the three indentured servants for running away? If yes, what was their punishment?
2. Was the Court decision just...was it fair? Explain.
3. Did the court's decision make it likely that it would deter indentured servants from running away? Explain.
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?

Read
The Actual
Court Ruling

Resource 4: Checks for Understanding

Organize the following events in the order that they occurred then answer question 1.

- John Punch was enslaved
- John Punch's trial
- John Punch ran away
- John Punch was returned to Virginia

This happened first	
This happened second	
This happened third	
This happened last	

1. Which statement was an effect of John Punch's decision to run away?
- a. he became an indentured servant
 - b. he was whipped to death
 - c. he returned to Virginia
 - d. he was enslaved

The two accounts below explain why John Punch received a different punishment than the other two men he ran away with.

Account 1

John Punch was enslaved for life because he was a "Negro." It says this very clearly in the court ruling of 1640.

Account 2

John Punch's punishment was to be enslaved for life because the other two people he ran away with were members of England's Christian religion. The custom followed in England for many years was that no Christian could be enslaved.

2. Why might there be two accounts of the same event?
- a. the people who wrote the accounts had different points of view
 - b. the people who wrote the accounts presented different evidence
 - c. the people who wrote the accounts were not indentured servants
 - d. the people who wrote the accounts served as judges at John Punch's trial

One final
"Check for Understanding"
Individually complete the
worksheet.