

to serue and attend the Gouvernour during the time of his gouernment, which number he was to make good at his departure, and leaue to his Successor in like manner; fifty to the Deputy-Gouvernour of the Colleege land, and fifty to the Deputy of the Companies land, fifty to the Treasurer, to the Secretary fiue and twenty, and more to the Marshall and Cape merchant; which they are also to leaue to their successors; and likewise to euery particular Officer such a competency, as he might liue well in his Office, without oppressing any vnder their charge: which good law I pray God it be well obserued, and then we may truly say in *Virginia*, we are the most happy people in the world.

2. Anthony Johnson, a Former Slave, Claims His Slave Property, 1655

The deposition of Captain Samuel Goldsmith taken (in open court) 8th of March Sayth, That beinge at the howse of Anthony Johnson Negro (about the beginninge of November last to receive a hogshhead of tobacco) a Negro called John Casar came to this Deponent, and told him that hee came into Virginia for seaven or Eight yeares (per Indenture) And that hee had demanded his freedome of his master Anthony Johnson; And further said that Johnson had kept him his servant seaven yeares longer than hee ought, And desired that this deponent would see that hee might have noe wronge, whereupon your Deponent demanded of Anthony Johnson his Indenture, hee answered, hee never sawe any; The said Negro (John Casor) replied, hee came for a certayne tyme and had an Indenture Anthony Johnson said hee never did see any But that hee had him for his life; Further this deponent saith That mr. Robert Parker and George Parker they knew that the said Negro had an Indenture (in on Mr. Carye hundred on the other side of the Baye) And the said Anthony Johnson did not tell the negro goe free The said John Casor would recover most of his Cowes of him; Then Anthony Johnson (as this deponent did suppose) was in a feare. Upon this his Sonne in lawe, his wife and his 2 sonnes perswaded the said Ar.thony Johnson to sett the said John Casor free. more saith not

Samuel Goldsmith

This daye Anthony Johnson Negro made his complaint to the Court against mr. Robert Parker and declared that hee deteyneth his servant John Casor negro (under pretence that the said Negro is a free man). The Court seriously consideringe and maturely weighinge the premisses, doe fynde that the said Mr. Robert Parker most unjustly keepeth the said Negro from Anthony Johnson his master as appeareth by the deposition of Captain Samuel Goldsmith and many probable circumstances. It is therefore the Judgement of the Court and ordered That the said John Casor Negro forthwith returne unto the service of his said master Anthony Johnson, And that mr. Robert Parker make payment of all charge in the suit, also Execution.

From Warren M. Billings, ed., *The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1660-1689* (Chapel Hill: University of North Carolina Press 1975), 155-156. Copyright © 1975 by The University of North Carolina Press.

Whereas mr. George Colclough and mr. William Presly overseers of the Estate of Colonell John Mottrom deceased were Summoned to this Court at the suite of Elizabeth Kaye both Plaintiffe and Defendant being present and noe cause of action at present appearing The Court doth therefore order that the said Elizabeth Kaye shall be non-suited and that William Grinsted Attorney of the said Elizabeth shall by the tenth of November next pay fifty pounds of tobacco to the said overseers for a non-suite with Court charges else Execution. Whereas the whole business concerning Elizabeth Key by Order of Assembly was Referred to this County Court. According to the Report of a Committee at an Assembly held at the same time which upon the Records of this County appears, It is the judgment of this Court that the Said Elizabeth Key ought to be free and forthwith to have Corne Clothes and Satisfaction according to the said Report of the Committee. Mr. William Thomas dissents from this judgment.

These are to Certifie whome it may concerne that William Greensted and Elizabeth Key intends [*sic*] to be joyned in the Holy Estate of Matrimony. If any one can shew any Lawfull cause why they may not be joyned together lett them Speake or ever after hold their tongues Signum William Greensted Signum Elizabeth Key

21th July 1656 this Certificate was Published in open Court and is Recorded

I Capt. Richard Wright administrator of the Estate of Col. John Mottrom deceased doe assigne and transfer unto William Greensted a maid servant formerly belonging unto the Estate of the said Col. Mottrom commonly called Elizabeth Key being nowe Wife unto the said Greensted and doe warrant the said Elizabeth and doe bind my Selfe to save here [i.e., her] and the said Greensted from any molestation or trouble that shall or futurely arise from or by any person or persons that shall pretend or claime any title or interest to any manor of service [original torn] from the said Elizabeth witness [my ha]nd this 21th of July 1659

Test William Th[omas] Richard Wright
James Aust[en]

4. An Act to Discriminate Between Africans and Others in Maryland, 1664

An Act Concerning Negroes & other Slaues

Be itt Enacted by the Right Hon^{ble} the Lord Proprietary by the aduice and Consent of the upper and lower house of this present Generall Assembly That all Negroes or other slaues already within the Prouince And all Negroes and other slaues to bee hereafter imported into the Prouince shall serue Durante Vita And all Children born of any Negro or other slaue shall be Slaues as their ffathers were for the terme of their liues And forasmuch as divers freeborne English women forgettfull of their

"An Act Concerning Negroes & Other Slaves," *Archives of Maryland: Proceedings and Acts of the General Assembly of Maryland, January 1637/8–September 1664*, ed. William Hand Browne (Baltimore: Maryland Historical Society 1883), 533–534.

free Condicion and to the disgrace of our Nation doe intermarry with Negro Slaues by which alsoe diuers suites may arise touching the Issue of such woemen and a great damage doth befall the Masters of such Negros for preuention whereof for deterring such freeborne women from such shamefull Matches Bee itt further Enacted by the Authority advice and Consent aforesaid That whatsoever free borne woman shall inter marry with any slaue from and after the Last day of this present Assembly shall Serue the master of such slaue dureing the life of her husband And that all the Issue of such freeborne woemen soe marryed shall be Slaues as their fathers were And Bee itt further Enacted that all the Issues of English or other freeborne woemen that haue already marryed Negroes shall serue the Masters of their Parents till they be Thirty yeares of age and noe longer.

5. Francis Payne, a Free Negro Property Owner in Colonial Virginia, Bequeaths His Property, 1673

In the Name of god Amen I Francis Payne of Northampton County in Virginia beinge sick of body but of perfect knowledge and understanding and beinge willinge to ease my minde of all worldly care Doe make this my last will and Testament as follows

Imprimis I bequeath my soule to my loveing Father my creator and to Jesus Christ who by his blood and passion suffered for my sinns and all the world trustinge through his meritt to injoy that heavenly portion prepared for mee and all true beleeuers And as for my body I bequeth it unto the ground from whence it came there to receive a Christian buriall And as for my worldly Estate I doe give and bequeath itt unto my loveing wife Agnes Payne my whole Estate reall and personall moveables and immoveables makinge her my Indubitable Executrix of this my last will and Testament. And Doe here declare that by vertue of these presents all former wills by mee made and signed are rebuked and made void and this is to bee my last will and Testament. And desire that my debts may in the first place bee paid. In Testimony whereof I have subscribed my hand and putt my seale this 9th day of May Anno Domini 1673.

Unto each of our god children a Cow Calfe a peece when they attaine to lawfull age. but as for [Deura?] Driggins he is to have nothinge by this will

Francis X paine
his marke

Signed sealed and delivered in the presence of us
Nathaniel Wilkins
the marke of
Elizabeth X Pettit

The 29th day of September 1673. This day the last will and Testament of Francis Paine Negro was proved in open Court by the Corporall oath of Nathaniel Wilkins

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Robert Beverley, *The Hist*
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and allowed of and ordered to be Recorded (Provided that Elizabeth Pettitt the other evidence appeare at the next Court and Confirme the probate thereof if livinge and of ability to owne then or otherwise as sure as shee can)

Teste Daniel Neech Deputy Clerk

Recorded the 4th of October 1673. Daniel Neech Deputy Clerk

6. Distinguishing Slaves from Indentured Servants in Virginia, 1705

Of the Servants and Slaves in Virginia

Their Servants they distinguish by the Names of Slaves for Life, and Servants for a time.

Slaves are the Negroes, and their Posterity, following the Condition of the Mother, according to the Maxim, *partus sequitur ventrem*. They are call'd Slaves, in Respect of the Time of their Servitude, because it is for Life.

Servants, are those which serve only for a few Years, according to the time of their Indenture, or the Custom of the Country. The Custom of the Country takes place upon such as have no Indentures. The Law in this Case is, that if such Servants be under nineteen Years of Age, they must be brought into Court, to have their Age adjudged; and from the Age they are judg'd to be of, they must serve until they reach four and twenty: But if they be adjudged upwards of nineteen, they are then only to be Servants for the Term of five Years.

The Male-Servants, and Slaves of both Sexes, are employed together in tilling and manuring the Ground, in sowing and planting Tobacco, Corn, &c. Some Distinction indeed is made between them in their Cloaths, and Food; but the Work of both is no other than what the Overseers, the Freemen, and the Planters themselves do.

Sufficient Distinction is also made between the Female-Servants, and Slaves; for a white Woman is rarely or never put to work in the Ground, if she be good for any thing else: And to discourage all Planters from using any Women so, their Law makes Female-Servants working in the Ground Tithables, while it suffers all other white Women to be absolutely exempted: Wheraes on the other hand, it is a common thing to work a Woman Slave out of Doors: nor does the Law make any Distinction in her Taxes, whether her Work be Abroad, or at Home.

E S S A Y S

The two essays that follow take somewhat different approaches to the complex question "Which came first, slavery or racism?" Winthrop D. Jordan, professor of history at the University of Mississippi, reviews the long historiography on this question, noting in passing its resonance with contemporary views of race relations. Rejecting both the view that slavery gave rise to racial prejudice and the view that racism was the motive for enslavement, Jordan argues that the debasement of Africans' status and the perception of low status developed

Robert Beverley, *The History and Present State of Virginia*, ed. Louis B. Wright (Chapel Hill: University of North Carolina Press 1947), 235-236. Copyright © 1947 by The University of North Carolina Press.