

Interracial Sexual Relations and Their Consequences: The Case of Elizabeth Key

"Interracial Sexual Relations and Their Consequences: The Case of Elizabeth Key." *CourseReader*. Detroit: Gale, 1655.
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The Court doth order that Col. Thomas Speke one of the overseers of the Estate of Col. John Mottrom deceased shall have an Appeale to the Quarter Court next att James Citty in a Cause depending betweene the said overseers and Elizabeth a Moletto hee the said Col. Speke giving such caution as to Law doth belong.

Wee whose names are underwritten being impannelled upon a Jury to try a difference between Elizabeth pretended Slave to the Estate of Col. John Mottrom deceased and the overseers of the said Estate doe finde that the said Elizabeth ought to be free as by severall oathes might appeare which we desire might be Recorded and that the charges of Court be paid out of the said Estate, [names of the jury omitted]

Memorandum it is Conditioned and agreed by and betwixt Thomas Key on the one part and Humphrey Higginson on the other part [word missing] that the said Thomas Key hath put unto the said Humphrey one Negro Girle by name Elizabeth for and during the [term?] of nine yeares after the date hereof provided that the [said?] Humphrey doe find and allow the said Elizabeth meate drinke [and?] apparrell during the said tearme And allso the said Thomas Key that if that if [sic] the said Humphrey doe dye before the end of the said time above specified that then the said Girl be free from the said Humphrey Higginson and his assignes Allsoe if the said Humphrey Higginson doe goe for England with an Intention to live and remaine there that then hee shall carry [the?] said Girle with him and to pay for her passage and likewise that he put not of [f] the said Girle to any man but to keepe her himselfe In witness whereof I the said Humphrey Higginson. Sealed and delivered in the presence of us Robert Booth Francis Miryman. 20th January 1655 this writing was Recorded.

Mr. Nicholas Jurnew aged 53 yeares or thereabouts sworne and Examined Sayth That about 16 or 17 yeares past this deponent heard a flying report at Yorke that Elizabeth a Negro Servant to the Estate of Col. John Mottrom deceased was the Childe of Mr. Kaye but the said Mr. Kaye said that a Turke of Capt. Mathewes was Father to the Girle and further this deponent sayth not signed Nicholas Jurnew

20th January 1655 Jurat in Curia [i.e., "sworn in court"]

Anthony Lenton aged 41 yeares or thereabouts sworne and Examined Sayth that about 19 yeares past this deponent was a servant to Mr. Humphrey Higginson and at that time one Elizabeth a Molletto nowe servant to the Estate of Col. John Mottrom deceased was then a servant to the said

mr. Higginson and as the Neighbours reported was bought of mr. Higginson with the said servant both himself and his Wife intended a voyage for England and at the nine yeares end (as the Neighbours reported) the said Mr Higginson was bound to carry the said servant for England unto the said mr. Kaye, but before the said mr. Kaye went his Voyage hee Dyed about Kecotan, and as the Neighbours reported the said mr. Higginson said that at the nine yeares end hee would carry the said Molletto for England and give her a portion and lett her shift for her selfe And it was a Common report amongst the Neighbours that the said Molletto was mr Kays Child begott by him and further this deponent sayth not the marke of Anthony Lenton 20th January 1655 Jurat in Curia

Mrs. Elizabeth Newman aged 80 yeares or thereabouts sworne and examined Sayth that it was a common Fame in Virginia that Elizabeth a Molletto nowe servant to the Estate of Col. John Mottrom deceased was the Daughter of mr. Kay; and the said Kaye was brought to Blunt-point Court and there fined for getting his Negro woman with Childe which said Negroe was the Mother of the said Molletto and the said fine was for getting the Negro with Childe which Childe was the said Elizabeth and further this deponent sayth not the marke of Elizabeth Newman 20th January 1655 Jurat in Curia

John Bayles aged 33 yeares or thereabouts sworne and Examined Sayth That at the House of Col. John Mottrom Black Besse was termed to be mr Kayes Bastard and John Keye calling her Black Bess mrs. Speke Checked him and said Sirra you must call her Sister for shee is your Sister and the said John Keye did call her Sister and further this deponent Sayth not the marke of John Bayles 20th January 1655 Jurat in Curia

The deposition of Alice Larrett aged 38 yeares or thereabouts Sworne and Examined Sayth that Elizabeth which is at Col. Mottroms is twenty five yeares of age or thereabouts and that I saw her mother goe to bed to her Master many times and that I heard her mother Say that shee was mr. Keyes daughter and further Sayth not the marke of Alice Larrett Sworne before mr. Nicholas Morris 19th Jan. 1655. 20th January this deposition was Recorded

Anne Clark aged 39 or thereabouts Sworne and Examined Sayth that shee this deponent was present when a Condition was made betweene mr. Humphrey Higginson and mr. Kaye for a servant called Besse a Molletto and this deponents Husband William Reynolds nowe deceased was a witness but whether the said Besse after the Expiration of her time from mr Higginson was to be free from mr Kaye this deponent cannot tell and mr Higginson promised to use her as well as if shee were his own Child and further this deponent Sayth not Signum Ann Clark 20th January 1655. Jurat in Curia

Elizabeth Newman aged 80 yeares or thereabouts Sworne and Examined Sayth that shee this deponent brought Elizabeth a Molletto, Servant to the Estate of Col. John Mottrom deceased to bed of two Children and shee layd them both to William Grinsted and further this Deponent Sayth not Elizabeth Newman her marke 20th January 1655 Jurat in Curia

A Report of a Comittee from an Assembly Concerning thefreedome of Elizabeth Key

It appeareth to us that shee is the daughter of Thomas Key by severall Evidences and by a fine imposed upon the said Thomas for getting her mother with Child of the said Thomas That she hath bin by verdict of a Jury impannelled 20th January 1655 in the County of Northumberland found to be free by severall oathes which the Jury desired might be Recorded That by the Comon Law the Child of a Woman slave begott by a freeman ought to bee free That shee hath bin long since Christened Col. Higginson being her God father and that by report shee is able to give a very good account of her fayth That Thomas Key sould he onely for nine yeares to Col. Higginson with severall conditions to use her more Respectfully then a Comon servant or slave That in case Col. Higginson had gone for England within nine yeares hee was bound to carry her with him and pay her passage and not to dispose of her to any other For theise Reasons wee conceive the said Elizabeth ought to bee free and that her last Master should give her Corne and Cloathes and give her satisfaction for the time shee hath served longer than Shee ought to have done. But forasmuch as noe man appeared against the said Elizabeths petition wee thinke not fitt a determinative judgement should passe but that the County or Quarter Court where it shall be next tried to take notice of this to be the sence of the Burgesses of this present Assembly and that unless [original torn] shall appear to be executed and reasons [original torn] opposite part Judgement by the said Court be given [accordingly?]

Charles Norwood Clerk Assembly

James Gaylord hath deposed that this is a true copy

James Gaylord

21th July 1656 Jurat in Curia

21th July 1656 This writeing was recorded

Att a Grand Assembly held at James City 20th of March 1655 Ordered that the whole business of Elizabeth Key [and?] the report of the Comittee thereupon be returned [to the?] County Court where the said Elizabeth Key liveth

This is a true copy from the book of Records of the Order granted the last Assembly

Teste Robert Booth

21th July 1656 This Order of Assembly was Recorded

Upon the petition of George Colclough one of the overseers of Col. Mottrom his Estate that the cause concerning a Negro wench named Black Besse should be heard before the Governor and Councill Whereof in regard of the Order of the late Assembly referring the said caise to the Governor and Councill at least upon Appeale made to them These are therefore in his Highness

the Lord Protector his name to will and require the Commissioners of the County of Northumberland to Surcease from any further proceedings on the said Cause and to give notice to the parties interested therein to appear before the Governor at the next Quarter Court on the fourth day for a determination thereof. Given under my hand this 7th of June 1656. Edward Digges 21th 1656 This Writeing was Recorded.

Whereas mr. George Colclough and mr. William Presly overseers of the Estate of Colonell John Mottrom deceased were Summoned to theis 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 an non-suite with Court charges else Execution. Whereas the whole business concern- ing Elizabeth Key by Order of Assembly was Referred to this County Court. Ac- cording to the Report of a Comittee 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 Satis- faction according to the said Report of the Comittee. 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 belong- ing 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 Thfomas] Richard Wright

James Aust[en]

Major Problems in African American History, Volume I, 1st Edition; Thomas C. Holt, editor; 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), 165–169. Copyright © 1975 by The University of North Carolina Press.