

## VIRGINIA. 235

§. 49. The Number of Soldiers in each Troop of Light-Horse, are from thirty to sixty, as the Convenience of the Canton will admit; and in a Company of Foot about fifty or sixty. A Troop or Company may be got together at a Day's warning.



## C H A P. X.

*Of the Servants and Slaves in Virginia.*

§. 50. 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.

§. 51. The Male-Servants, and Slaves of both Sexes, are employed together in tilling and manuring

2<sup>nd</sup> edition, revised, 1722

## OF SERVANTS AND SLAVES IN VIRGINIA, 1705

- 1– Robert Beverley, “Of the Servants and Slaves in Virginia,” *The History and Present State of Virginia*, 1705 (first ed.).
- 2– Virginia. An Act concerning Servants and Slaves, October 1705, excerpts.

### ROBERT BEVERLEY, 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 [children], following the condition of the Mother, according to the Maxim, *partus sequitur ventrem*.<sup>1</sup> 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 Clothes 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 imposes Taxes upon Female-Servants working in the Ground, while it suffers [allows] all other white Women to be absolutely exempted; Whereas 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 [outside] or at Home.

Because I have heard how strangely cruel, and severe the Service of this Country [use of slaves and servants in Virginia] is presented in some Parts of *England*, I can't forbear affirming that the Work of their Servants and Slaves is no other than what every common Freeman does. Neither is any Servant

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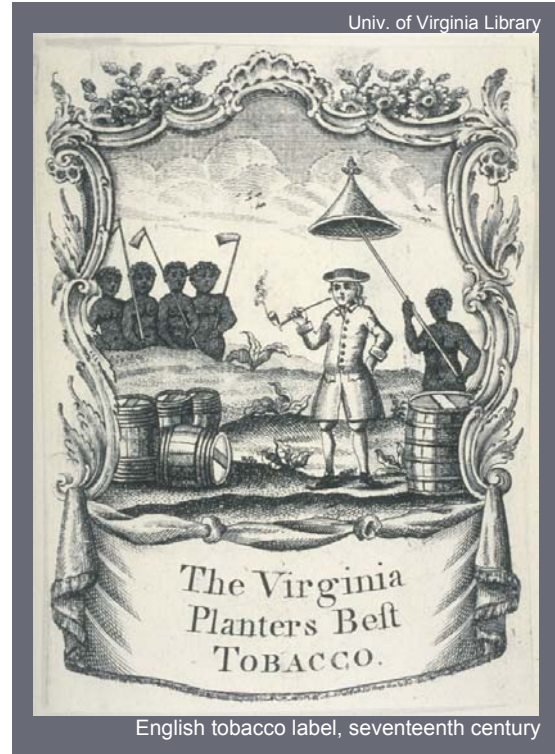
<sup>1</sup> In 1662 Virginia legislated the doctrine of *partus sequitur ventrem*, which assigned a child's status as free or slave according to the status of the mother.

requir'd to do more in a Day than his Overseer. And I can assure you with great Truth that generally their Slaves are not worked near so hard, nor so many Hours in a Day, as the Husbandmen and Day-laborers in *England*. An Overseer is a Man that, having served his time, has acquired the Skill and Character of an experienced Planter, and is therefore entrusted with the Direction of the Servants and Slaves.

But to complete this account of Servants, I shall give you a short Relation [account] of the Care their Laws take, that they be used as tenderly as possible.

***By the Laws of their Country.***<sup>2</sup>

1. All Servants whatsoever have their Complaints heard without Fee or Reward; but if the Master be found Faulty, the charge of the Complaint is cast upon him, otherwise the Business is done *ex Officio*.
2. Any Justice of Peace may receive the Complaint of a Servant, and order everything relating thereto, till the next County-Court, where it will be finally determin'd.
3. All Masters are under the Correction and Censure of the County-Courts, to provide for their Servants good and wholesome Diet, Clothing, and Lodging.
4. They are always to appear upon the first notice given of the Complaint of their Servants, otherwise to forfeit the Service of them, until they do appear.
5. All Servants' Complaints are to be receiv'd at any time in Court, without Process, and shall not be delay'd for want of Form; but the Merits of the Complaint must be immediately inquir'd into by the Justices; and if the Master cause any delay therein, the Court may remove such Servants, if they see Cause, until the Master will come to Trial.
6. If a Master shall at any time disobey an Order of Court made upon any Complaint of a Servant, the Court is empower'd to remove such Servant forthwith to another Master who will be kinder, giving to the former Master the Produce only (after Fees deducted) of what such Servants shall be sold for by Public Outcry.
7. If a Master should be so cruel as to use his Servant ill, that is fal[le]n sick or lame in his Service, and thereby render'd unfit for Labor, he must be remov'd by the Church-Wardens out of the way of such Cruelty and boarded in some good Planter's House, till the time of his Freedom, the Charge of which must be laid before the next County-Court, which has Power to levy the same from time to time upon the Goods and Chattels (personal property) of the Master; After which, the Charge of such Boarding is to come upon the Parish in general.
8. All hired Servants are entitled to these Privileges.
9. No Master or a Servant can make a new Bargain for Service, or other Matter with his Servant, without the privity [equal relationship in the contract] and consent of a Justice of Peace, to prevent the Master's Overreaching or scaring such Servant into an unreasonable Compliance.



English tobacco label, seventeenth century

<sup>2</sup> The 1705 Virginia statute regarding servants and slaves is excerpted on pages three and four of these selections.

10. The property of all Money and Goods sent over thither to Servants, or carry'd in with them, is reserv'd to themselves and remains entirely at their Disposal.
11. Each Servant at his Freedom receives of his Master fifteen Bushels of Corn (which is sufficient for whole Year)<sup>3</sup> two new Suits of Clothes, both Linen and Woolen,<sup>4</sup> and then becomes as free in all Respects, and as much entitled to the Liberties and Privileges of the Country as any other of the Inhabitants or Natives are.<sup>5</sup>
12. Each Servant has then also a Right to take up fifty Acres of Land, where he can find any unpatented; But that is no great Privilege, for any one may have as good a right for a piece of Eight.<sup>6</sup>

This is what the Laws prescribe in Favor of Servants, by which you may find that the Cruelties and Severities imputed to that Country [Virginia] are an unjust Reflection. For no People more abhor the thoughts of such Usage than the *Virginians*, nor take more Precaution to prevent it.

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### Virginia. An Act concerning Servants and Slaves. October 1705. Excerpts.

Be it enacted, by the governor, council, and burgesses, of this present general assembly, and it is hereby enacted, by the authority of the same,

- That all servants brought into this country without indenture, if the said servants be Christians and of Christian parentage, and above nineteen years of age, shall serve but five years; and if under nineteen years of age, 'till they shall become twenty-four years of age, and no longer. . . .
- That all servants imported and brought into this country by sea or land, who were not Christians in their native country, (except Turks and Moors in amity with her majesty, and others that can make due proof of their being free in England, or any other Christian country, before they were shipped, in order to transportation hither) shall be accounted and be slaves, and as such be here bought and sold notwithstanding a conversion to Christianity afterwards. . . .
- That all masters and owners of servants shall find and provide for their servants wholesome and competent diet, clothing, and lodging, by the discretion of the county court; and shall not, at any time, give immoderate correction [excessive punishment]; neither shall at any time whip a Christian white servant naked without an order from a justice of the peace. . . .
- That all servants (not being slaves,) whether imported or become servants of their own accord here, or bound by any court or church-wardens, shall have their complaints received by a justice of the peace, who, if he find cause, shall bind the master over to answer the complaint at court. . . .



<sup>3</sup> In 1722 edition: "ten bushels of corn (which is sufficient for almost a Year)."

<sup>4</sup> In 1722 edition: "and a Gun 20 s[hillings], value."

<sup>5</sup> In 1722 edition: "if such Servants were not Aliens."

<sup>6</sup> In 1722 edition, the last clause of this sentence ("But that is . . . piece of Eight") is omitted.

- That no negros, mulattos, or Indians, although Christians, or Jews, Moors, Mahometans [Muslims], or other infidels shall at any time purchase any Christian servant, nor any other, except of their own complexion or such as are declared slaves by this act. . . .
- That there shall be paid and allowed to every imported servant, not having yearly wages, at the time of service ended, by the master or owner of such servant, viz: To every male servant, ten bushels of Indian corn, thirty shillings in money, or the value thereof in goods, and one well fixed musket or fuzee, of the value of twenty shillings, at least: and to every woman servant, fifteen bushels of Indian corn and forty shillings in money, or the value thereof in goods . . . .
- That in all cases of penal laws, whereby persons free are punishable by fine, servants shall be punished by whipping, after the rate of twenty lashes for every five hundred pounds of tobacco, or fifty shillings current money, unless the servant so culpable can and will procure some person or persons to pay the fine; in which case, the said servant shall be adjudged to serve such benefactor after the time by indenture, custom, or order of court, to his or her then present master or owner, shall be expired. . . .
- That whatsoever English or other white man or woman, being free, shall intermarry with a negro or mulatto man or woman, bond or free, shall by judgment of the county court be committed to prison and there remain during the space of six months, without bail or mainprize; and shall forfeit and pay ten pounds current money of Virginia, to the use of the parish. . . .
- And if any slave resist his master or owner or other person, by his or her order, correcting such slave, and shall happen to be killed in such correction, it shall not be accounted felony; but the master, owner, and every such other person so giving correction shall be free and acquit of all punishment and accusation for the same, as if such accident had never happened; And also, if any negro, mulatto, or Indian, bond or free, shall at any time lift his or her hand in opposition against any Christian, not being negro, mulatto, or Indian, he or she so offending shall, for every such offence proved by the oath of the party, receive on his or her bare back thirty lashes, well laid on; cognizable by a justice of the peace for that county wherein such offense shall be committed. . . .
- That no slave go armed with gun, sword, club, staff, or other weapon, nor go from off the plantation and seat of land where such slave shall be appointed to live, without a certificate of leave in writing for so doing from his or her master, mistress, or overseer: And if any slave shall be found offending herein, it shall be lawful for any person or persons to apprehend and deliver such slave to the next constable or head-borough, who is hereby enjoined and required, without further order or warrant, to give such slave twenty lashes on his or her bare back, well laid on, and so send him or her home. . . .
- That baptism of slaves does not exempt them from bondage; and that all children shall be bond or free, according to the condition of their mothers, and the particular directions of this act.

