

**“An act concerning Servants and Slaves” (1705)**

*“An act concerning Servants and Slaves,” passed by the General Assembly in the session of October 1705, Virginia's colonial government collects old and establishes new laws with regards to indentured servants and slaves.*

*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, '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 such be here bought and sold notwithstanding a conversion to christianity afterward....
- 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; neither shall, at any time, whip a christian white servant naked, without an order from a justice of the peace: And if any...shall presume to whip a christian white servant naked, without such order, the person so offending, shall forfeit and pay for the same, forty shillings sterling to the party injured....
- 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....
- That no negros, mulattos, or Indians, although christians, or Jews, Moors, Mahometans, 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....
- And if any woman servant shall have a bastard child by a negro, or mulatto, over and above the years service due to her master or owner, she shall immediately, upon the expiration of her time to her then present master or owner, pay down to the church-wardens of the parish wherein such child shall be born...fifteen pounds current money of Virginia, or be by them

sold for five years, to the use aforesaid: And if a free christian white woman shall have such bastard child, by a negro, or mulatto, for every such offence, she shall, within one month after her delivery of such bastard child, pay to the church-wardens for the time being, of the parish wherein such child shall be born...fifteen pounds current money of Virginia, or be by them sold for five years to the use aforesaid: And in both the said cases, the church-wardens shall bind the said child to be a servant, until it shall be of thirty one years of age.

And for a further prevention of that abominable mixture and spurious issue... *it is hereby enacted*, 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....

- And for encouragement of all persons to take up runaways, Be it enacted...That for the taking up of every servant, or slave, if ten miles, or above, from the house or quarter where such servant, or slave was kept, there shall be...a reward to the taker-up, two hundred pounds of tobacco; and if above five miles, and under ten, one hundred pounds of tobacco....
- That no master, mistress, or overseer of a family, shall knowingly permit any slave, not belonging to him or her, to be and remain upon his or her plantation, above four hours at any one time, without the leave of such slave's master, mistress, or overseer....
- 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 incident 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...shall, for every such offence...receive on his or her bare back, thirty lashes, well laid on....
- 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 doth not exempt them from bondage; and that all children shall be bond or free, according to the condition of their mothers....

— And whereas, many times, slaves run away and lie out, hid or lurking in swamps, woods, and other obscure places, killing hogs, and committing other injuries to the inhabitants of this her majesty's colony and dominion...*it is hereby enacted*, That in all such cases, upon intelligence given of any slaves lying out...the sheriff of the said county [is empowered], to take such power with him, as he shall think fit and necessary, for the effectual apprehending such out-lying slave or slaves,...And if any slave, that hath run away...shall be apprehended by the sheriff, or any other person...it shall and may be lawful for the county court, to order such punishment to the said slave, either by dismembering, or any other way...as they in their discretion shall think fit, for the reclaiming any such incorrigible slave, and terrifying others from the like practices....That for every slave killed, in pursuance of this act, or put to death by law, the master or owner of such slave shall be paid by the public....

Source: William Waller Hening, ed., *The Statutes at Large; Being a Collection of All the Laws of Virginia from the First Session of the Legislature, in the Year 1619*, (Philadelphia: R. & W. & G. Bartow, 1823), 3:447–463.

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