

[https://encyclopediavi.org/entries/indentured-servants-in-colonial-virginia/] and slaves.
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CONTEXT

In “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**

[https://encyclopediavi.org/entries/indentured-servants-in-colonial-virginia/] and slaves.

Author: **General Assembly**

Transcription 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.

FULL TEXT

I.

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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.

II.

Provided always, That every such servant be carried to the county court, within six months after his or her arrival into this colony, to have his or her age adjudged by the court, otherwise shall be a servant no longer than the accustomed five years, although much under the age of nineteen years; and the age of such servant being adjudged by the court, within the limitation aforesaid

shall be entered upon the records of the said court, and be accounted, deemed, and taken, for the true age of the said servant, in relation to the time of service aforesaid.

III.

And also be in enacted, by the authority aforesaid, and it is hereby enacted, That when any servant sold for the custom, shall pretend to have indentures, the master or owner of such servant, for discovery of the truth thereof, may bring the said servant before a justice of the peace; and if the said servant cannot produce the indenture then, but shall still pretend to have one, the said justice shall assign two months time for the doing thereof; in which time, if the said servant shall not produce his or her indenture, it shall be taken for granted that there never was one, and shall be a bar to his or her claim of

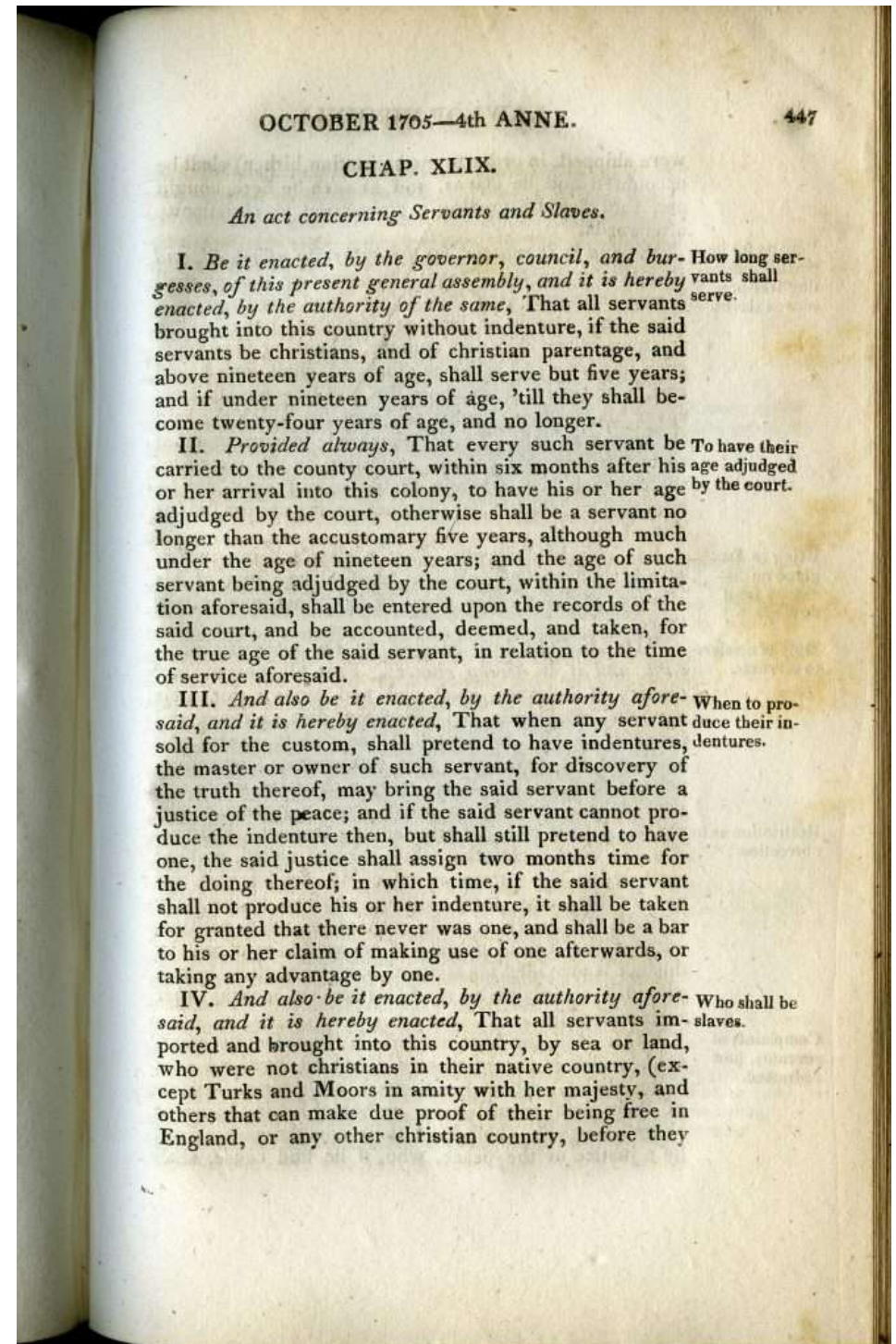
making use of one afterwards, or taking any advantage by one.

IV.

And also be in enacted, by the authority aforesaid, and it is hereby enacted, 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

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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.



Hening's Statutes at Large, Volume 3, Page 447**V.**

And be it enacted, by the authority aforesaid, and it is hereby enacted, That if any person or persons shall hereafter import into this colony, and here sell as a slave, any person or persons that shall have been a freeman in any christian country, island, or plantation, such importer or seller as aforesaid, shall forfeit and pay, to the party from whom the said freeman shall recover his freedom, double the sum for which the said freeman was sold. To be recovered, in any court of record within this colony, according to the course of the common law, wherein the defendant shall not be admitted to plead in bar, any act or statute for limitation of actions.

VI.

Provided always, That a slave's being in England, shall not be sufficient to discharge him of his slavery, without other proof of his being manumitted there.

VII.

And also be in enacted, by the authority aforesaid, and it is hereby enacted, 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, notwithstanding this act, 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: To be recovered, with costs, upon petition, without the formal process of an action, as in and by this act is provided for servants complaints to be heard; provided complaint be made within six months after such whipping.

VIII.

And also be it enacted, by the authority aforesaid, and it is hereby enacted, 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

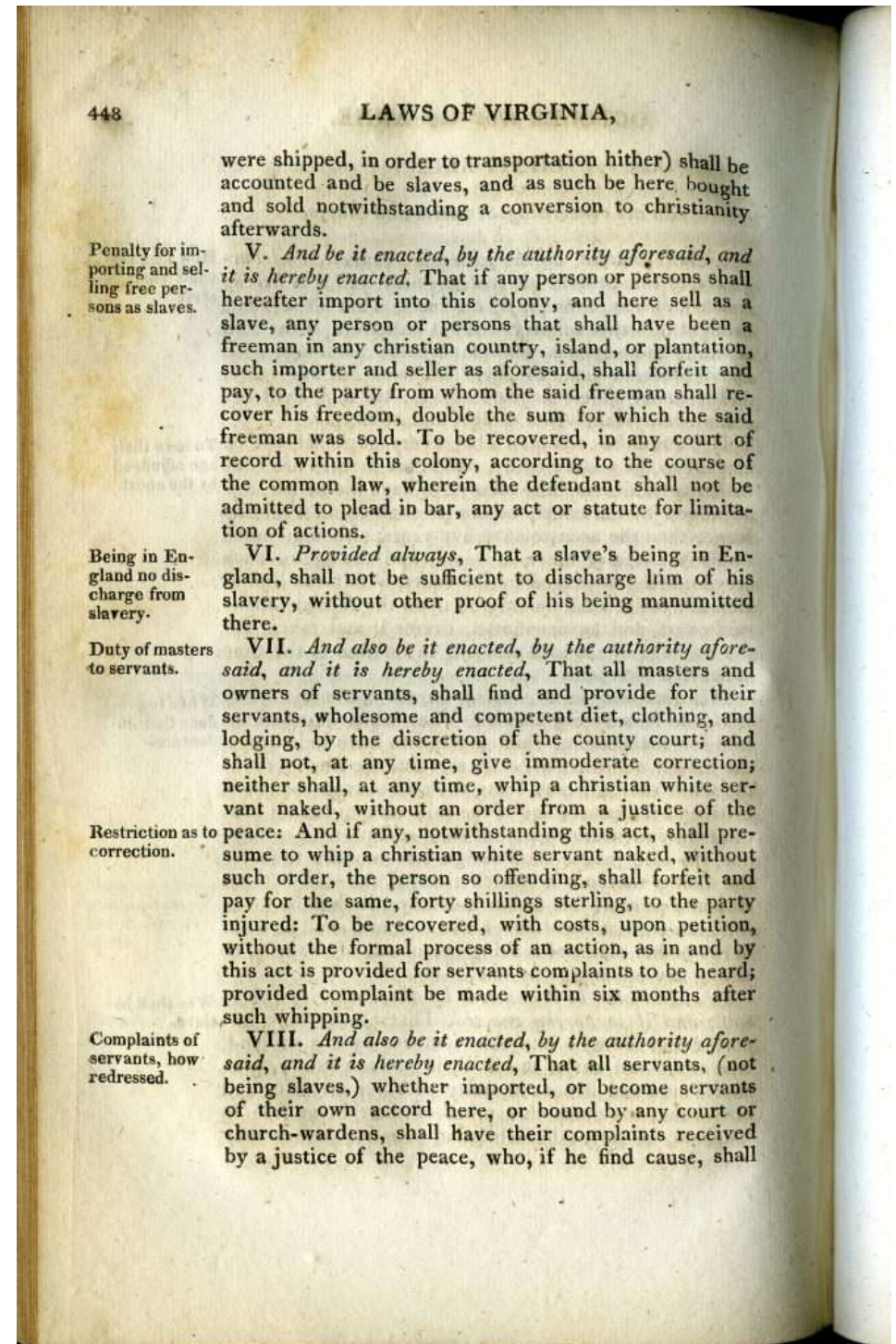
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bind the master over to answer the complaint at
court; and it shall be there determined: And all
complaints of servants, shall and may, by virtue hereof,
be received at any time, upon petition, in the court of the
county wherein they reside, without the formal process
of an action; and also full power and authority is hereby
given to the said court, by their discretion, (having first
summoned the masters or owners to justify themselves,
if they think fit,) to adjudge, order, and appoint what
shall be necessary, as to diet, lodging, clothing, and
correction: And if any master or owner shall not

thereupon comply with the said court's order, the said court is hereby authorised and impowered, upon a second just complaint, to order such servant to be immediately sold at an outcry, by the sheriff, and after charges deducted, the remainder of what the said servant shall be sold for, to be paid and satisfied to such owner.

IX.

Provided always, and be it enacted, That if such servant be so sick and lame, or otherwise rendered so incapable, that he or she cannot be sold for such value, at least, as shall satisfy the fees, and other incident charges accrued, the said court shall then order the church-wardens of the parish to take care of and provide for the said servant, until such servant's time, due by law to the said master, or owner, shall be expired, or until such servant, shall be



so recovered, as to be sold for defraying the said fees and charges: And further, the said court, from time to time,

shall order the charges of keeping the said servant, to be levied upon the goods and chattels of the master or owner of the said servant, by distress.

X.

And be it also enacted, That all servants, whether, by importation, indenture, or hire here, as well feme covert, as others, shall, in like manner, as is provided, upon complaints of misuse, have their petitions received in court, for their wages and freedom, without the formal process of an action; and proceedings, and judgment, shall, in like manner, also, be had thereupon.

XI.

And for a further christian care and usage of all christian servants, *Be it also enacted, by the authority aforesaid, and it is hereby enacted*, That no negro, mulatto, or Indian, although christian, or Jew, Moor,

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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 negro, mulatto, or Indian, Jew, Moor, Mahometan, or other infidel, or such as are declared slaves by this act, shall, notwithstanding, purchase any christian white servant, the said servant shall, *ipso facto*, become free and acquit from any service then due, and shall be so held, deemed, and taken: And if any person, having such christian servant, shall intermarry with any such negro, mulatto, or Indian, Jew, Moor, Mahometan, or other infidel, every christian white servant of every such person so intermarrying, shall, *ipso facto*, become free and acquit from any service then due to such master or mistress so intermarrying, as aforesaid.

XV.

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And also be it enacted, by the authority aforesaid, and it is hereby enacted, That no person whatsoever shall, buy, sell, or receive of, to, or from, any servant, or slave, any coin or commodity whatsoever, without the leave, licence, or consent of the master or owner of the said servant, or slave: And if any person shall, contrary hereunto, without the leave or licence aforesaid, deal with any servant, or slave, he or she so offending, shall be imprisoned one calender month, without bail or main-prize; and then, also continue in prison, until he or she shall find good security, in the sum of ten pounds current money of Virginia, for the good behaviour for one year following; wherein, a second offence shall be a breach of

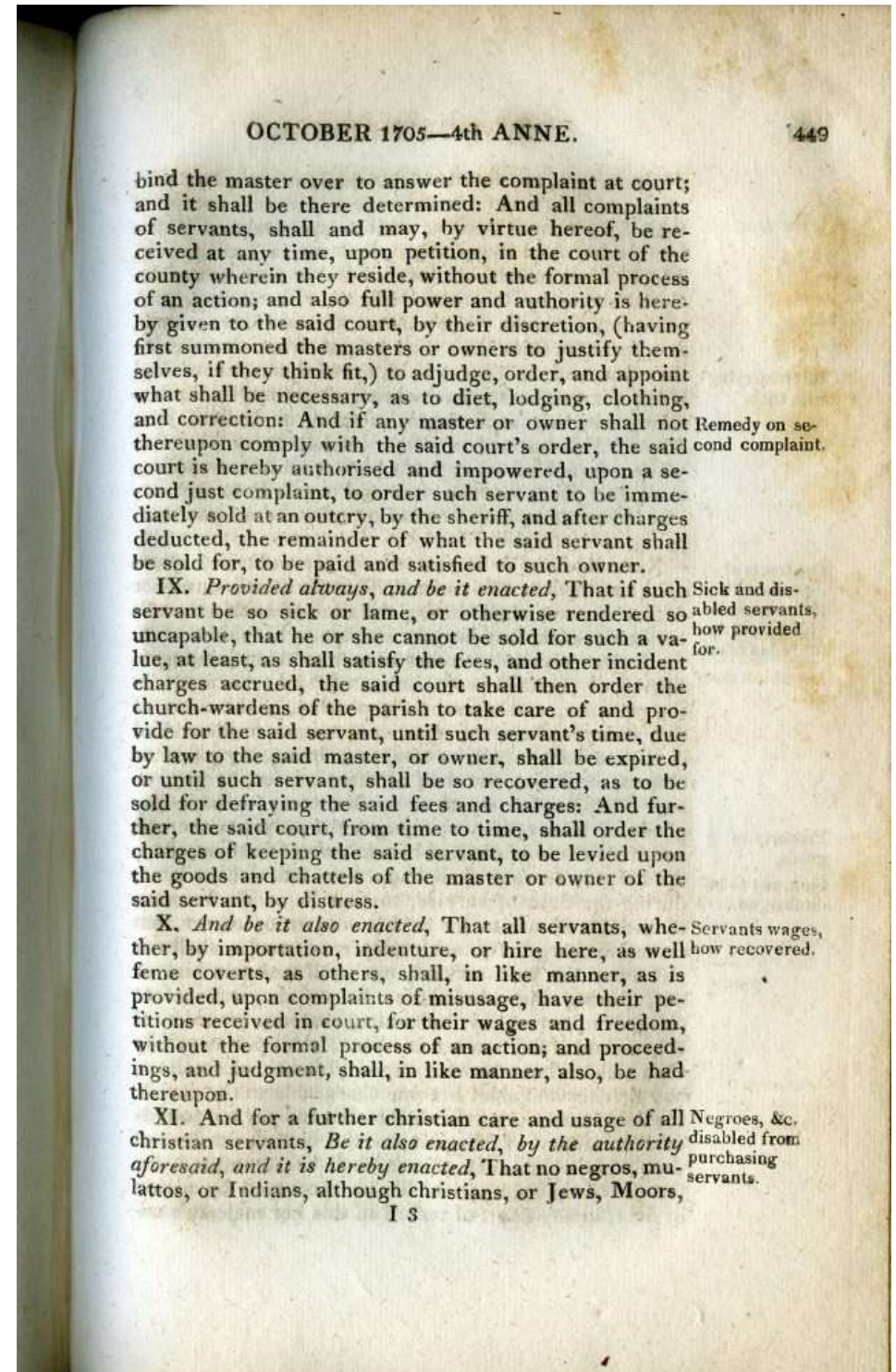
the bond; and moreover shall forfeit and pay four times
the value of the

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things so bought, sold, or received, to the master or
owner of such servant, or slave: To be recovered, with
costs, by action upon the case, in any court of record in
this her majesty's colony and dominion, wherein no
essoin, protection, or wager of law, or other than one
imparlance, shall be allowed.

XVI.

Provided always, and be it enacted, That when any
person or persons convict for dealing with a servant, or
slave, contrary to this act, shall not immediately give
good and sufficient security for his or her good
behaviour, as aforesaid: then in such case, the court shall





order thirty-nine lashes, well laid on, upon the bare back
of such offender, at the common whipping-post of the

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county, and the said offender to be thence discharged of giving such bond and security.

[...]

XVIII.

[...]

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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, for the use of the said parish, 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, for the use of the said parish 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.

XIX.

And for a further prevention of that abominable mixture and spurious issue, which hereafter may increase in this her majesty's colony and dominion, as well by English, and other white men and women intermarrying with negroes or mulattos, as by their unlawful coition with them, *Be it enacted, by the authority aforesaid, and it is hereby enacted,* That whatsoever English, or other white man or woman, being free,

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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, as aforesaid.

XX.

And be it further enacted, That no minister of the church of England, or other minister, or person whatsoever, within this colony and dominion, shall hereafter wittingly presume to marry a white man with a negro or mulatto woman; or to marry a white woman with a negro or mulatto man, upon pain of forfeiting and paying, for every such marriage the sum of ten thousand pounds of tobacco; one half to our sovereign lady the Queen, her heirs and successors, for and towards the support of the government, and the contingent charges thereof; and the

other half to the informer; To be recovered, with costs, by action of debt, bill, plaint, or information, in any court of record within this her majesty's colony and dominion, wherein no essoin, protection, or wager of law, shall be allowed.

[...]

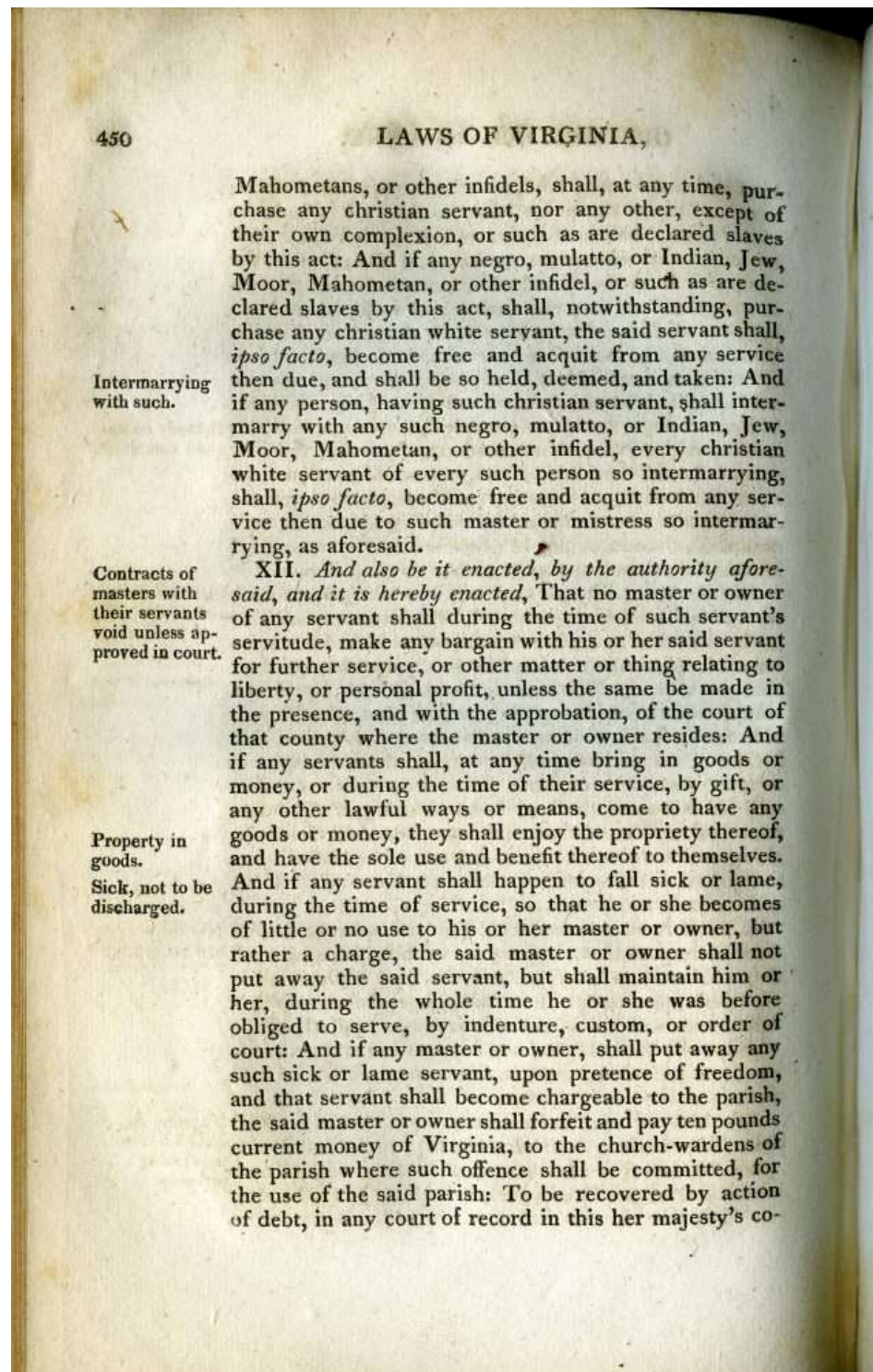
XXIII.

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And for encouragement of all persons to take up runaways, *Be it enacted, by the authority aforesaid, and it is hereby enacted*, That for the taking up of

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every servant, or slave, if ten miles, or above, from the house or quarter where such servant, or slave was kept, there shall be allowed by the public, as a reward to



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the taker-up, two hundred pounds of tobacco; and if
above five miles, and under ten, one hundred pounds of

tobacco: Which said several rewards of two hundred, and one hundred pounds of tobacco, shall also be paid in the county where such taker-up shall reside, and shall be again levied by the public upon the master or owner of such runaway, for re-imbusement of the same to the public. And for the greater certainty in paying the said rewards and re-imbusement of the public, every justice of the peace before whom such runaway shall be brought, upon the taking up, shall mention the proper-name and sur-name of the taker-up, and the county of his or her residence, together with the time and place of taking up the said runaway; and shall also mention the name of the said runaway, and the proper-name and sur-name of the master or owner of such runaway, and the county of his or her residence, together with the distance of miles, in the said justice's judgment, from the place of taking up the said runaway, to the house or quarter where such runaway was kept.

XXIV.

Provided, That when any negro, or other runaway, that doth not speak English, and cannot, or through obstinacy will not, declare the name of his or her masters or owner, that then it shall be sufficient for the said justice to certify the

same, instead of the name of such runaway, and the proper name and sur-name of his or her master or owner, and the county of his or her residence and distance of miles, as aforesaid; and in such case, shall, by his warrant, order the said runaway to be conveyed to the public gaol, of this country, there to be continued prisoner until the master or owner shall be known; who, upon paying the charges of the imprisonment, or giving caution to the prison-keeper for the same, together with the reward of two hundred or one hundred pounds of tobacco, as the case shall be, shall have the said runaway restored.

XXV.

And further, the said justice of the peace, when such runaway shall be brought before him, shall, by his

warrant commit the said runaway to the next constable,
and therein also order him to give the said runaway so
many lashes as the said justice shall think

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fit, not exceeding the number of thirty-nine; and
then to be conveyed from constable to constable, until
the said runaway shall be carried home, or to the country
gaol, as aforesaid, every constable through whose hands
the said runaway shall pass, giving a receipt at the
delivery; and every constable failing to execute such
warrant according to the tenor thereof, or refusing to
give such receipt, shall forfeit and pay two hundred
pounds of tobacco to the church-wardens of the parish
wherein such failure shall be, for the use of the poor of
the said parish: To be recovered, with costs, by action of
debt, in any court of record in this her majesty's colony

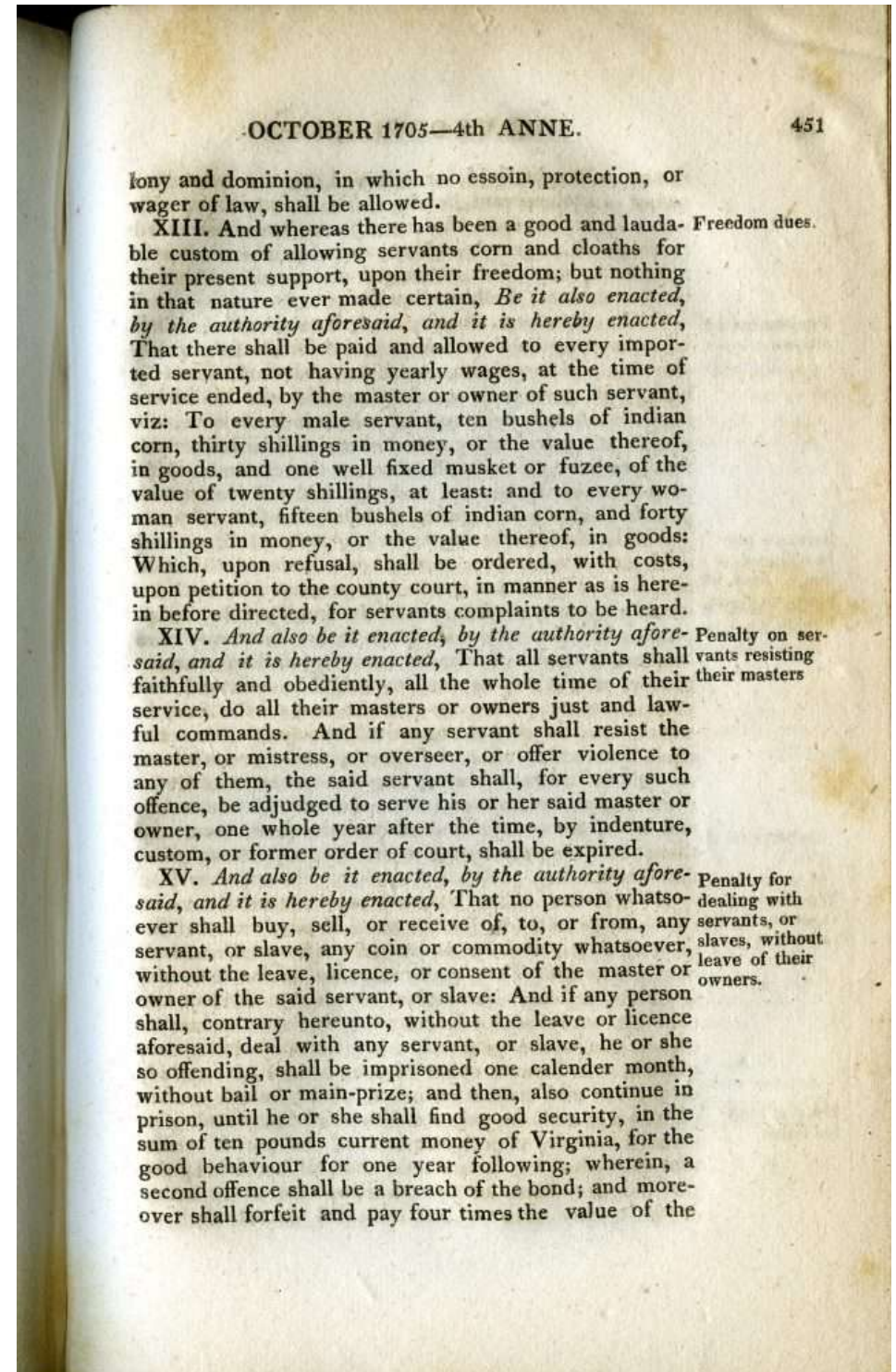
and dominion, wherein no essoin, protection or wager of law, shall be allowed. And such corporal punishment shall not deprive the master or owner of such runaway of the other satisfaction here in this act appointed to be made upon such servant's running away.

[...]

XXIX.

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And be it enacted, by the authority aforesaid, and it is hereby enacted, That if any constable, or sheriff, into whose hands a runaway servant or slave shall be committed, by virtue of this act, shall suffer such runaway to escape, the said constable or sheriff shall be liable to the action of the party agrieved, for recovery of his damages, at the common law with costs.





[...]

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XXXII.

And also be it enacted, by the authority aforesaid, and it is hereby enacted, That no master, mistress, or overseer of a family, shall knowingly permit any slave, not belonging to him or her, to be and

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remain upon his or her plantation, above four hours at any one time, without the leave of such slave's master, mistress, or overseer, on penalty of one hundred and fifty pounds of tobacco to the informer; cognizable by a justice of the peace of the county wherein such offence shall be committed.

[...]

XXXIV.

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 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 offence shall be committed.

XXXV.

And also be it enacted, by the authority aforesaid, and it is hereby enacted, 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: And all horses, cattle, and hogs, now belonging, or that hereafter shall be-

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long to any slave, or of any slaves mark in this her majesty's colony and dominion, shall be seised and sold by the church-wardens of the parish, wherein such horses, cattle, or hogs shall be, and the profit thereof applied to the use of the poor of the said parish: And also, if any damage shall be hereafter committed by any slave living at a quarter where there is no christian

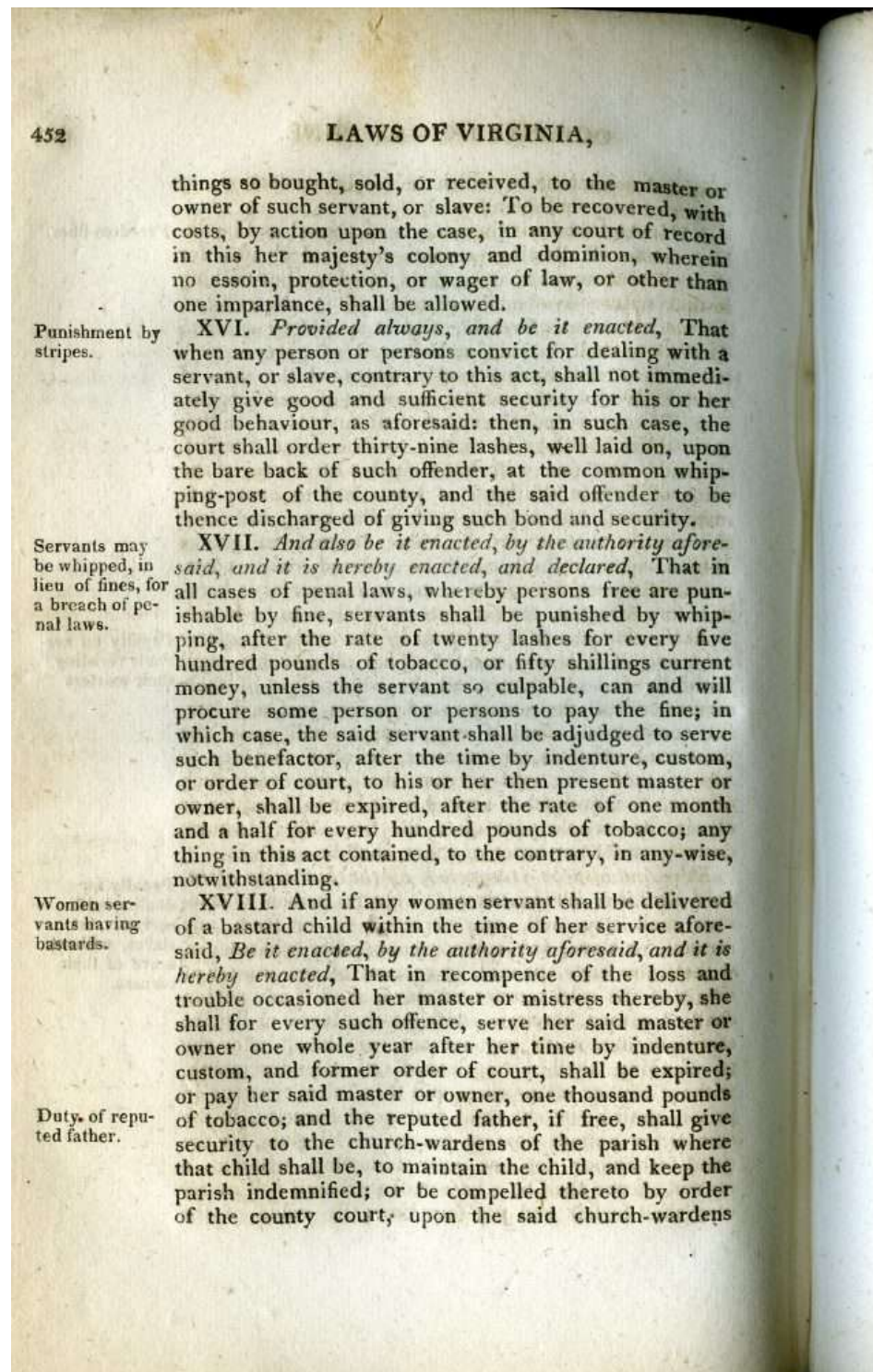
overseer, the master or owner of such slave shall be liable to action for the trespass and damage, as if the same had been done by him or herself.

XXXVI.

And also it is hereby enacted and declared, 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 the particular direction of this act.

XXXVII.

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,



things so bought, sold, or received, to the master or owner of such servant, or slave: To be recovered, with costs, by action upon the case, in any court of record in this her majesty's colony and dominion, wherein no essoin, protection, or wager of law, or other than one imparlance, shall be allowed.

Punishment by stripes.

XVI. *Provided always, and be it enacted, That when any person or persons convict for dealing with a servant, or slave, contrary to this act, shall not immediately give good and sufficient security for his or her good behaviour, as aforesaid: then, in such case, the court shall order thirty-nine lashes, well laid on, upon the bare back of such offender, at the common whipping-post of the county, and the said offender to be thence discharged of giving such bond and security.*

Servants may be whipped, in lieu of fines, for a breach of penal laws.

XVII. *And also be it enacted, by the authority aforesaid, and it is hereby enacted, and declared, 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, after the rate of one month and a half for every hundred pounds of tobacco; any thing in this act contained, to the contrary, in any-wise, notwithstanding.*

Women servants having bastards.

XVIII. *And if any women servant shall be delivered of a bastard child within the time of her service aforesaid, Be it enacted, by the authority aforesaid, and it is hereby enacted, That in recompence of the loss and trouble occasioned her master or mistress thereby, she shall for every such offence, serve her said master or owner one whole year after her time by indenture, custom, and former order of court, shall be expired; or pay her said master or owner, one thousand pounds of tobacco; and the reputed father, if free, shall give security to the church-wardens of the parish where that child shall be, to maintain the child, and keep the parish indemnified; or be compelled thereto by order of the county court, upon the said church-wardens*

Duty of reputed father.



Be it therefore enacted, by the authority aforesaid, and it is hereby enacted, That in all such cases, upon

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intelligence given of any slaves lying out, as aforesaid, any two justices (*Quorum unus*) of the peace of the county wherein such slave is supposed to lurk or do mischief, shall be and are impowered and required to issue proclamation against all such slaves, reciting their names, and owners names, if they are known, and thereby requiring them, and every of them, forthwith to surrender themselves; and also empowering the sheriff of the said county, to take such power with him, as he shall think fit and necessary, for the effectual apprehending such out-lying slave or slaves, and go in search of them: Which proclamation shall be published on a Sabbath day, at the door of every church and chapel, in the said county, by the parish clerk, or reader, of the church, immediately after divine worship: And in case any slave, against whom proclamation hath been thus issued, and once published at any church or chapel, as aforesaid, stay out, and do not immediately return home, it shall be lawful for any person or persons whatsoever, to kill and destroy such slaves by such ways and means as he, she, or they shall think fit, without accusation or impeachment of any crime for the same: And if any slave, that hath run a-

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way and lain out as aforesaid, shall be apprehended by the sheriff, or any other person, upon the application of the owner of the said slave, it shall and may be lawful for the county court, to order such punishment to the said slave, either by dismembring, or any other way, not touching his life, as they in their discretion shall think fit, for the reclaiming any such incorrigible slave, and terrifying others from the like practices.

XXXVIII.

Provided always, and it is further enacted, 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:

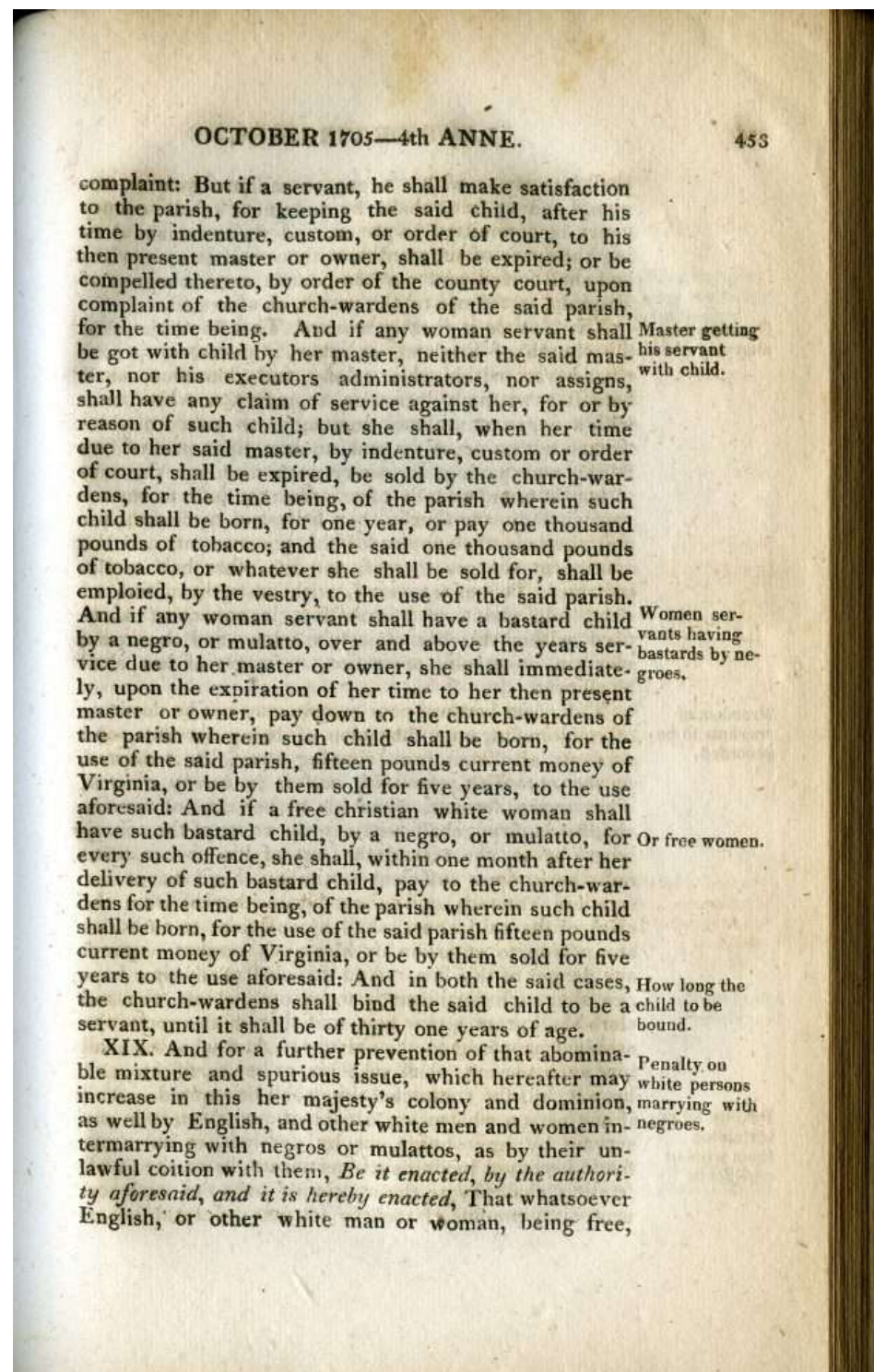
XXXIX.

And to the end, the true value of every slave killed, or put to death, as aforesaid, may be the better known; and by that means, the assembly the better enabled to make a suitable allowance thereupon, *Be it enacted*, That upon application of the master or owner of any such slave, to the court appointed for proof of public claims, the said court shall value the slave in money, and the clerk of the court shall return a certificate thereof to the assembly, with the rest of the public claims.

XL.

And for the better putting this act in due execution, and that no servants or slaves may have pretense of ignorance hereof, *Be it also enacted*, That the churchwardens of each parish in this her majesty's colony and dominion, at the charge of the parish, shall provide a

true copy of this act, and cause entry thereof to be made in the register book of each parish respectively; and that the parish clerk, or reader of each parish, shall, on the first sermon Sundays in September and March, annually, after sermon or divine service is ended, at the door of every church and chapel in their parish, publish the same; and the sheriff of each county shall, at the next court held for the county, after the last day of February, yearly, publish this act, at the door of the court-house: And every sheriff making default herein, shall forfeit and pay six hundred pounds of tobacco; one half to her majesty, her heirs, and successors, for and towards the support of the government; and the other half to the informer. And every parish clerk, or reader, making default herein, shall, for each time so offending, forfeit and pay six hundred





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pounds of tobacco; one half whereof to be to the informer; and the other half to the poor of the parish, wherein such omission shall be : To be recovered, with costs, by action of debt, bill, plaint, or information, in any court of record in this her majesty's colony and dominion, wherein no essoin, protection, or wager of law, shall be allowed.

XLI.

And be it further enacted, That all and every other act and acts, and every clause and article thereof, heretofore made, for so much thereof as relates to servants and slaves, or to any other matter or thing whatsoever, within

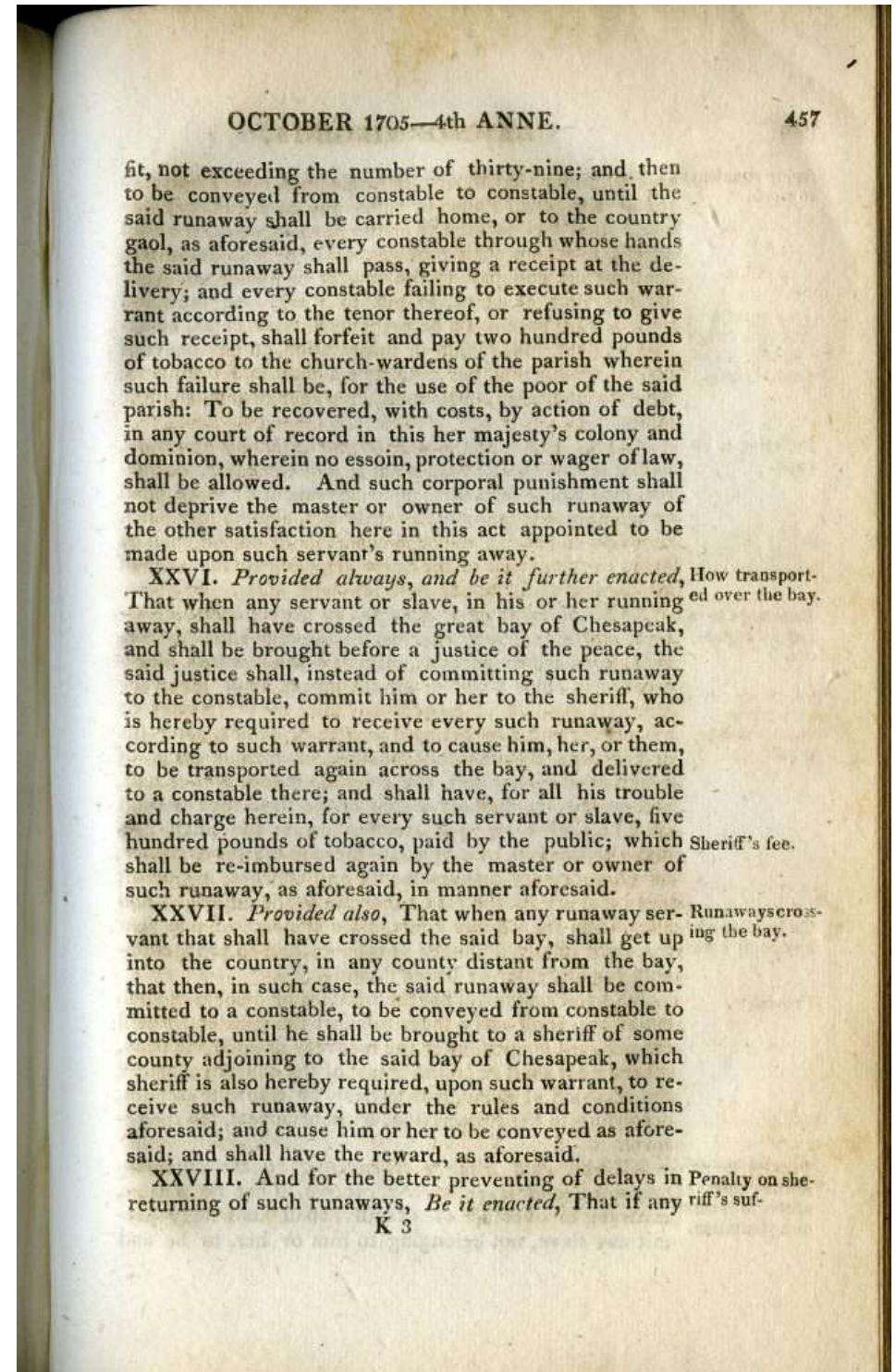
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the purview of this act, is and are hereby repealed, and
made void, to all intents and purposes, as if the same had
never been made.

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fit, not exceeding the number of thirty-nine; and then to be conveyed from constable to constable, until the said runaway shall be carried home, or to the country gaol, as aforesaid, every constable through whose hands the said runaway shall pass, giving a receipt at the delivery; and every constable failing to execute such warrant according to the tenor thereof, or refusing to give such receipt, shall forfeit and pay two hundred pounds of tobacco to the church-wardens of the parish wherein such failure shall be, for the use of the poor of the said parish: To be recovered, with costs, by action of debt, in any court of record in this her majesty's colony and dominion, wherein no essoin, protection or wager of law, shall be allowed. And such corporal punishment shall not deprive the master or owner of such runaway of the other satisfaction here in this act appointed to be made upon such servant's running away.

XXVI. *Provided always, and be it further enacted,* ^{How transported over the bay.} That when any servant or slave, in his or her running away, shall have crossed the great bay of Chesapeak, and shall be brought before a justice of the peace, the said justice shall, instead of committing such runaway to the constable, commit him or her to the sheriff, who is hereby required to receive every such runaway, according to such warrant, and to cause him, her, or them, to be transported again across the bay, and delivered to a constable there; and shall have, for all his trouble and charge herein, for every such servant or slave, five hundred pounds of tobacco, paid by the public; which ^{Sheriff's fee.} shall be re-imbursed again by the master or owner of such runaway, as aforesaid, in manner aforesaid.

XXVII. *Provided also,* ^{Runaways crossing the bay.} That when any runaway servant that shall have crossed the said bay, shall get up into the country, in any county distant from the bay, that then, in such case, the said runaway shall be committed to a constable, to be conveyed from constable to constable, until he shall be brought to a sheriff of some county adjoining to the said bay of Chesapeak, which sheriff is also hereby required, upon such warrant, to receive such runaway, under the rules and conditions aforesaid; and cause him or her to be conveyed as aforesaid; and shall have the reward, as aforesaid.

XXVIII. And for the better preventing of delays in ^{Penalty on she-} returning of such runaways, *Be it enacted,* That if any ^{riff's suf-}

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fering runaways to work. sheriff, under sheriff, or other officer of, or belonging to the sheriffs, shall cause or suffer any such runaway (so committed for passage over the bay) to work, the said sheriff, to whom such runaway shall be so committed, shall forfeit and pay to the master or owner, of every such servant or slave, so put to work, one thousand pounds of tobacco; To be recovered, with costs, by action of debt, bill, plaint, or information, in any court of record within this her majesty's colony and dominion, wherein no essoin, protection, or wager of law, shall be allowed.

Suffering to escape. *XXIX. And be it enacted, by the authority aforesaid, and it is hereby enacted,* That if any constable, or sheriff, into whose hands a runaway servant or slave shall be committed, by virtue of this act, shall suffer such runaway to escape, the said constable or sheriff shall be liable to the action of the party grieved, for recovery of his damages, at the common law with costs.

Runaways to repay all expenses. *XXX. And also be it enacted, by the authority aforesaid, and it is hereby enacted,* That every runaway servant, upon whose account, either of the rewards aforementioned shall be paid, for taking up, shall for every hundred pounds of tobacco so paid by the master or owner; serve his or her said master or owner, after his or her time by indenture, custom, or former order of court, shall be expired, one calendar month and an half, and moreover, shall serve double the time such servant shall be absent in such running away; and shall also make reparation, by service, to the said master or owner, for all necessary disbursements and charges, in pursuit and recovery of the said runaway; to be adjudged and allowed in the county court, after the rate of one year for eight hundred pounds of tobacco, and so proportionably for a greater or lesser quantity.

To be allowed by county court. *XXXI. Provided,* That the masters or owners of such runaways, shall carry them to court the next court held for the said county, after the recovery of such runaway, otherwise it shall be in the breast of the court to consider the occasion of delay, and to hear, or refuse the claim, according to their discretion, without appeal, for the refusal.

Penalty for permitting slaves of others to remain on a plantation. *XXXII. And also be it enacted, by the authority aforesaid, and it is hereby enacted,* That no master, mistress, or overseer of a family, shall knowingly permit any slave, not belonging to him or her, to be and



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remain upon his or her plantation, above four hours at any one time, without the leave of such slave's master, mistress, or overseer, on penalty of one hundred and fifty pounds of tobacco to the informer; cognizable by a justice of the peace of the county wherein such offence shall be committed.

XXXIII. *Provided also,* That if any runaway servant, adjudged to serve for the charges of his or her pursuit and recovery, shall, at the time, he or she is so adjudged, repay and satisfy, or give good security before the court, for repayment and satisfaction of the same, to his or her master or owner, within six months after, such master or owner shall be obliged to accept thereof, in lieu of the service given and allowed for such charges and disbursements.

XXXIV. 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 offence shall be committed.

XXXV. *And also be it enacted, by the authority aforesaid, and it is hereby enacted,* 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: And all horses, cattle, and hogs, now belonging, or that hereafter shall be

Runaway servant may give security to repay expenses.

Killing slaves, under correction, no felony.

Penalty on slave resisting a white person.

Guns, &c. found in possession of slaves.

Horses, &c. belonging to slaves may be seized.



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Owners of slaves, at a quarter, without an overseer liable for their trespasses.

Baptism of slaves. Children bond, or free, according to condition of their mothers.

Outlying slaves how apprehended.

When they may be killed.

When may be

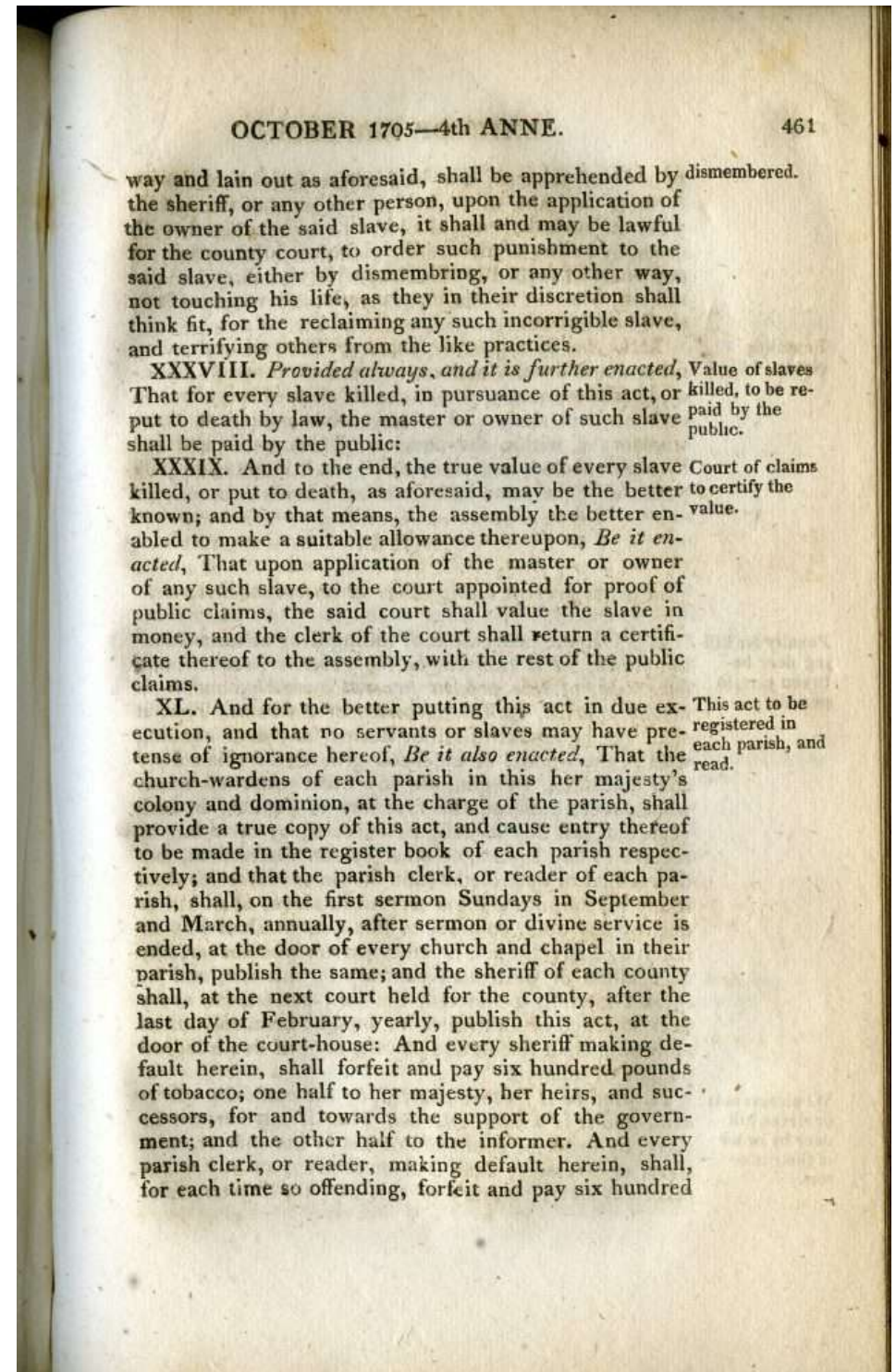
long to any slave, or of any slaves mark in this her majesty's colony and dominion, shall be seised and sold by the church-wardens of the parish, wherein such horses, cattle, or hogs shall be, and the profit thereof applied to the use of the poor of the said parish: And also, if any damage shall be hereafter committed by any slave living at a quarter where there is no christian overseer, the master or owner of such slave shall be liable to action for the trespass and damage, as if the same had been done by him or herself.

XXXVI. *And also it is hereby enacted and declared,* 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 the particular directions of this act.

XXXVII. And whereas, many times, slaves run away and lie out, hid and 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, *Be it therefore enacted, by the authority aforesaid, and it is hereby enacted,* That in all such cases, upon intelligence given of any slaves lying out, as aforesaid, any two justices (*Quorum unus*) of the peace of the county wherein such slave is supposed to lurk or do mischief, shall be and are impowered and required to issue proclamation against all such slaves, reciting their names, and owners names, if they are known, and thereby requiring them, and every of them, forthwith to surrender themselves; and also impowering the sheriff of the said county, to take such power with him, as he shall think fit and necessary, for the effectual apprehending such out-lying slave or slaves, and go in search of them: Which proclamation shall be published on a Sabbath day, at the door of every church and chapel, in the said county, by the parish clerk, or reader, of the church, immediately after divine worship: And in case any slave, against whom proclamation hath been thus issued, and once published at any church or chapel, as aforesaid, stay out, and do not immediately return home, it shall be lawful for any person or persons whatsoever, to kill and destroy such slaves by such ways and means as he, she, or they shall think fit, without accusation or impeachment of any crime for the same: And if any slave, that hath run a-



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way and lain out as aforesaid, shall be apprehended by the sheriff, or any other person, upon the application of the owner of the said slave, it shall and may be lawful for the county court, to order such punishment to the said slave, either by dismembring, or any other way, not touching his life, as they in their discretion shall think fit, for the reclaiming any such incorrigible slave, and terrifying others from the like practices.

XXXVIII. *Provided always, and it is further enacted,* 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.

XXXIX. And to the end, the true value of every slave killed, or put to death, as aforesaid, may be the better known; and by that means, the assembly the better enabled to make a suitable allowance thereupon, *Be it enacted,* That upon application of the master or owner of any such slave, to the court appointed for proof of public claims, the said court shall value the slave in money, and the clerk of the court shall return a certificate thereof to the assembly, with the rest of the public claims.

XL. And for the better putting this act in due execution, and that no servants or slaves may have pretense of ignorance hereof, *Be it also enacted,* That the church-wardens of each parish in this her majesty's colony and dominion, at the charge of the parish, shall provide a true copy of this act, and cause entry thereof to be made in the register book of each parish respectively; and that the parish clerk, or reader of each parish, shall, on the first sermon Sundays in September and March, annually, after sermon or divine service is ended, at the door of every church and chapel in their parish, publish the same; and the sheriff of each county shall, at the next court held for the county, after the last day of February, yearly, publish this act, at the door of the court-house: And every sheriff making default herein, shall forfeit and pay six hundred pounds of tobacco; one half to her majesty, her heirs, and successors, for and towards the support of the government; and the other half to the informer. And every parish clerk, or reader, making default herein, shall, for each time so offending, forfeit and pay six hundred



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pounds of tobacco; one half whereof to be to the informer; and the other half to the poor of the parish, wherein such omission shall be: To be recovered, with costs, by action of debt, bill, plaint, or information, in any court of record in this her majesty's colony and dominion, wherein no essoin, protection, or wager of law, shall be allowed.

Repealing
clause.

XLI. *And be it further enacted*, That all and every other act and acts, and every clause and article thereof, heretofore made, for so much thereof as relates to servants and slaves, or to any other matter or thing whatsoever, within the purview of this act, is and are hereby repealed, and made void, to all intents and purposes, as if the same had never been made.

CHAP. L.

An act to prevent killing Deer at unseasonable times.

Penalty for killing deer between certain periods.

I. FOR the prevention of killing deer at unseasonable times, *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 it shall not be lawful to kill or destroy any deer running wild in the woods, or unfenced grounds of this colony and dominion, by gun, or any other ways or means whatsoever, between the first day of January in each year, and last day of August succeeding; or to buy or receive of any Indian, or other person whatsoever, any deer killed or destroyed within the times aforesaid: And if any person, not being a servant or slave, shall kill or destroy any deer, contrary to this act, or shall buy or receive of any Indian, or other person whatsoever, any deer killed or destroyed, contrary to this act, and be thereof lawfully convicted, the said person, for every deer so killed or destroyed, or bought or received, as aforesaid, shall forfeit and pay the sum of five hundred pounds of tobacco.

When servants or slaves kill deer by order of their masters.

II. *And be it further enacted, by the authority aforesaid, and it is hereby enacted*, That if any servant or slave, by order or command of his or her master, mistress, or overseer, shall kill or destroy, or buy or receive any deer, contrary to this act, the master, mis-



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“Negro womens children to serve according to the condition of the mother” (1662).

“An act prohibiting servants to goe abroad without a lycense” (1663).

“An act declaring that baptisme of slaves doth not exempt them from bondage” (1667).

“Negro women not exempted from tax” (1668).

“Against Runawayes” (1669).

“An act concerning runaways” (1669–1670).

“Act directing the trial of Slaves, committing capital crimes; and for the more effectual punishing conspiracies and insurrections of them; and for the better government of Negros, Mulattos, and Indians, bond or free” (1723).

Denying Free Blacks the Right to Vote (1724, 1735).

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