

## The Virginia Slave Code (1705)

*By 1705, British settlers had lived in Virginia for almost 100 years. In the initial years of settlement, indentured servitude was widespread, African slavery was relatively uncommon, and race relations between blacks and whites were ambiguous, though not entirely equal. In the second half of the seventeenth century, however, the Chesapeake colonies transitioned to an economy dominated increasingly by slave labor. Virginia's slave population grew from 150 in 1640, to nearly 3,000 in 1680, and by 1700 to 13,000—one sixth of the colony's population. This transition occurred because: (1) the supply of indentured servants in Virginia dropped as England offered more economic opportunities for its poor; 2) England established more colonies in North America, which diverted some immigrants away from Virginia; and (3) wealthy Virginia planters feared an alliance of poor whites and black slaves. White-black coalitions were an ever-present threat to the planters—Bacon's Rebellion of 1676 had made that clear.*

*As the slave population increased, so did the legal controls on slaves' behavior and power, culminating in the extensive law of 1705. The Virginia Slave code mandated an inferior racial and legal status for blacks while simultaneously elevating opportunities for poor whites. Passed by the Virginia House of Burgesses, these laws denied blacks the traditional rights of Englishmen, including freedom of association, assembly, bearing arms, expression, and mobility, as well as protections against unreasonable search and seizure. The laws forbade non-whites from holding ecclesiastical, civil, or military office regardless of their status. Interestingly, the slave code also reinforced a tradition already prevalent in Virginia in which the children born of slave mothers would also be slaves. In effect, this made slavery more permanent and absolved white male planters from any punishment for the sexual exploitation of their female slaves. In numerous ways, this was a clear effort by whites in Virginia to consolidate power and perpetuate the institution of slavery.*

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. . .
- 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.