

A Virginian Describes the Difference between Servants and Slaves (1722)

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Even while white indentured servants continued to arrive, the status of African Americans in Virginia changed over the second half of the seventeenth century as black indentured servants, with their hopes for freedom, were increasingly replaced by slaves. The status of servant and slave, white and black, might have become ambiguous and moved toward uniform laws for servants of whatever color. In 1705, the Virginia General Assembly removed any lingering uncertainty when it issued a declaration that sealed the fate of African Americans for generations to come. Under this law, race became the determining factor in defining a person's status as servant or slave: Whites were servants, serving under an indenture, while blacks were

slaves for life.

Beverley, Robert. "Of the Servants and Slaves in Virginia," in *The History and Present State of Virginia, In Four Parts*. Second Edition. London: B. and S. Tooke, 1722.

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* [status comes from birth]. 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 the Ground, in Sowing and Planting Tobacco, Corn, &c. Some Distinction indeed is made between them in their Cloaths, 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 the

heaviest Taxes upon Female Servants working in the Ground, while it suffers 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, or at Home.

52. Because I have heard how strangely cruel, and severe, the Service of this Country is represented 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 do's. Neither is any Servant requir'd to do more in a Day, than his Overseer. And I can assure you with a great deal of Truth, that generally their Slaves are not worked near so hard, nor so many Hours in a Day, as the Husbandmen, and Day-Labourers 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 intrusted with the Direction of the Servants and Slaves.

But to compleat this account of Servants, I shall give you a short Relation of the care

their Laws take, that they be used as tenderly as possible.

By the Laws of their Country.

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 every thing 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 Servant-, good and wholsme 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 Tryal.

6. If a Master shall at any time disobey an Order of Court, made upon any Complaint of a Servant; the Court is impower'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 Publick Outcry.

7. If a Master should be so cruel, as to use his Servant ill, that is fallen Sick, or Lane in his Service, and thereby render'd unfit for Labour, 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 fromtime to time, upon the Goods and Chattels 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 Priviledges.

9. No Master of a Servant, can make a new Bargain for Service, or other Matter with his Servant, without the privity and consent of a Justice of Peace, to prevent the Master's Over-reaching, or scareing such Servant into an unreasonable Compliance.

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 remain intirely at their disposal.

11. Each Servant at his Freedom, receives of his Master fifteen Bushels of Corn, (which is sufficient for a whole year) and two new Suits of Cloaths, both Linnen and Woollen;

and then becomes as free in all respects, and as much entituled to the Liberties, and priviledges of the Country, as any other of the Inhabitants or Natives are.

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.

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

Questions

1. It has often been said that "law follows custom." From reading this extract from a new law, what does this imply about the changing status of laborers in Virginia by 1705? How are slaves defined in ways which forever set them apart from white servants?
2. If male servants and slaves often did the same work together, why was a distinction made for female servants and slaves? What does this imply about white Virginians' attitudes toward blacks of either sex versus male and female servants?
3. Servants have substantial legal rights in the enforcement of their indentures. Why? What protections are provided for slaves?