Virginia Law on Indentured Servitude (1705)

Enacted in 1705, this Virginia law defined the legal differences between slaves and indentured servants. The act was very detailed and included 39 sections that addressed the specific situations that might occur in the colony concerning slaves, indentured servants, “mulattos,” and others. Section 18, reproduced below, addresses the various punishments for servant (not slave) women who might conceive a child while serving their indenture, that is, the years in which they were bound to service. Although the 1705 law is best known for its directive that the children of slave women would “follow the condition of the mother,” meaning that they would be slaves for life, Section 18 describes the complications inherent in differentiating groups of people based on race.

An Act Concerning Servants and Slaves

I. 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 . . .

XVIII. And if any woman 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 recompense 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-warden complaint: But if a servant, he shall make satisfaction to the parish, for keeping the said child, after his time by indenture, custom, or order of court, to his then present master or owner shall be expired; or compelled thereto, by order of the county court, upon complaint of the church-wardens of the parish, for the time being. And if any woman servant shall be got with child by her master, neither the said master, nor his executors administrators, nor assigns, shall have any claim of service against her, for or by reason of such child; but she shall, when her time due to her said master, by indenture, custom or order of court, shall be expired, be sold by the church-wardens, for the time being, of the parish wherein such child shall be born, for one year, or pay one thousand pounds of tobacco; and the said one thousand pounds of tobacco, or whatever she shall be sold for, shall be employed, by the vestry, to the use of the said parish. 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 a bastard child, by a negro, or mulatto, for every such offense, 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 of 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.

**Document Analysis**

How many different ways might the father of an illegitimate child be classified according to this section?

What were the different punishments a woman might receive for conceiving a child out of wedlock? Which punishments were the harshest?

What role did the local church parish play in this system?