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THE UNDERSIDE OF PRIVILEGE



In 1619 a Dutch trader brought twenty “Negars” from Africa and sold them in Jamestown. For a long time, however, black slavery, though common in Spanish and Portuguese colonies in the New World, was not important in Virginia. For many years white indentured servants from England performed most of the labor in the colony; after three decades there were still only about three hundred blacks in the English colonies. By the end of the seventeenth century, however, transporting Africans to America had become a profitable business for English and American merchants, and the slave trade had grown to enormous proportions.

In Virginia the planters used Africans as cheap labor on their plantations and also employed them as household servants, coachmen, porters, and skilled workers. Their status was indeterminate at first, and they may have been treated somewhat like indentured servants for some time. As tobacco became important, however, and the number of blacks working on plantations soared, the position of blacks declined rapidly. The Virginia Assembly began enacting laws governing their behavior and regulating their relations with whites. The statutes, some of which are reproduced here, do not show whether racial prejudice and discrimination preceded slavery, followed it, or, more likely, accompanied it. But they do dramatize the fact that in Virginia, as elsewhere, the expansion of freedom and self-government for European Americans could go hand in hand with the exploitation and oppression of African Americans.

Questions to Consider. How strictly did the Virginia lawmakers attempt to control the behavior of Africans in the colony? How severe were the punishments provided for offenders against the law? What penalties were provided for the “casual killing” of slaves? What appeared to be the greatest fear of the Virginia lawmakers?



First slaves arrive in Jamestown. This illustration by Howard Pyle from the late nineteenth century, though lacking drama, superbly captures the historical detail—the attire and armaments of the guards, for example, and the demoralized and subordinate condition of the slaves, who were at this time nearly all male like the English settlers. Potential buyers, eager for forced laborers to work the tobacco fields, approach on the right in search of the most workers for the least cost. The shift from buying European indentured servants to buying African slaves occurred gradually throughout the seventeenth century, as did the laws and rulings that controlled them. (Library of Congress)



Virginia Slavery Legislation (1630–1691)

[1630] Hugh David to be soundly whipped, before an assembly of Negroes and others for abusing himself to the dishonor of God and shame of Christians, by defiling his body in lying with a negro; which fault he is to acknowledge next Sabbath day.

[1640] Robert Sweet to do penance in church according to laws of England, for getting a negro woman with child and the woman whipt.

[1661] *Be it enacted* That in case any English servant shall run away in company with any negroes who are incapable of making satisfaction by addition of time, *Be it enacted* that the English so running away in company with them shall serve for the time of the said negroes absence as they are to do for their own by a former act.

[1668] Whereas some doubts, have arisen whether negro women set free were still to be accompted tithable according to a former act, *It is declared by this grand assembly* that negro women, though permitted to enjoy their Freedom yet ought not in all respects to be admitted to a full fruition of the exemptions and impunities of England, and are still liable to payment of taxes.

[1669] Whereas the only law in force for the punishment of refractory servants resisting their master, mistress or overseer cannot be inflicted upon negroes, nor the obstinancy of many of them by other than violent means suppress, *Be it enacted and declared by this grand assembly*, if any slave resist his master (or other by his master's order correcting him) and by the extremity of the correction should chance to die, that his death shall not be accompted Felony, but the master (or that other person appointed by the master to punish him) be acquit from molestation, since it cannot be presumed that prepensed malice (which alone makes murder Felony) should induce any man to destroy his own estate.

[1680] *It is hereby enacted by the authority aforesaid*, that from and after the publication of this law, it shall not be lawful for any negro or other slave to carry or arm himself with any club, staff, gun, sword, or any other weapon of defence or offence, nor to go to depart from his master's ground without a certificate from his master, mistress or overseer, and such permission not to be granted but upon particular and necessary occasions; and every negro or slave so offending not having a certificate as aforesaid shall be sent to the next constable, who is hereby enjoined and required to give the said negro twenty lashes on his bare back well laid on, and so sent home to his said master, mistress or overseer. *And it is further enacted by the authority aforesaid* that if any negro or other slave shall presume to lift up his hand in opposition

against any Christian, shall for every such offense, upon due proof made thereof by the oath of the party before a magistrate, have and receive thirty lashes on his bare back well laid on.

[1691] *It is hereby enacted*, that in all such cases upon intelligence of any such negroes, mulattoes, or other slaves lying out, two of their majesties' justices of the peace of that county, whereof one to be of the quorum, where such negroes, mulattoes or other slave shall be, shall be impowered and commanded, and are hereby impowered and commanded, to issue out their warrants directed to the sheriff of the same county to apprehend such negroes, mulattoes, and other slaves, which said sheriff is hereby likewise required upon all such occasions to raise such and so many forces from time to time as he shall think convenient and necessary for the effectual apprehending such negroes, mulattoes and other slaves, and in case any negroes, mulattoes or other slave or slaves lying out as aforesaid shall resist, run away, or refuse to deliver and surrender him or themselves to any person or persons that shall be by lawful authority employed to apprehend and take such negroes, mulattoes or other slaves that in such cases it shall and may be lawful for such person and persons to kill and destroy such negroes, mulattoes, and other slave or slaves by gun or any other ways whatsoever.