

Laws of Virginia, 1661, 1662, 1691, 1705

The statutes excerpted below chart the development of regulations concerning the sexual and reproductive lives of indentured servants and slaves, the growing institutionalization of slavery, and the construction of racism. Note how the prescribed penalties became increasingly harsh and how they differed by gender.

[March 1661]

For restraint of the filthy sin of fornication, *Be it enacted* that what man or woman soever shall commit fornication, he and she soe offending, upon prooffe thereof by confession or evidence shall pay each of them five hundred pounds of tobacco fine, (a) to the use of the parish or parishes they dwell in, and be bound to their good behavior, and be imprisoned untill they find security to be bound with them, and if they or either of them committing fornication as aforesaid be servants then the master of such servant soe offending shall pay the said five hundred pounds of tobacco as aforesaid to the use of the parish aforesaid, for which the said servant shall serve half a yeare after the time by indenture or custome is expires; and if the master shall refuse to pay the ffine then the servant to be whipped; and if it happen a bastard child to be gotten in such fornication then the woman if a servant in regard of the losse and trouble her master doth sustaine by her haveing a bastard shall serve two yeares after her time by indenture is expired or pay two thousand pounds of tobacco to her master besides the ffine or punishment for committing the offence and the reputed father to put in security to keep the child and save the parish harmelesse.

[December 1662]

Whereas by act of Assembly every woman servant haveing a bastard is to serve two yeares, and late experience shew that some dissolute masters have gotten their maides with child, and yet claime the benefitt of their service, and on the contrary if a woman gott with child by her master should be freed from that service it might probably induce such loose persons to lay all their bastards to their masters; *it is therefore thought fitt and accordingly enacted, and be it enacted henceforward* that each woman servant gott with child by her master shall after her time by indenture or custome is expired be by the churchwardens of the parish where she lived when she was brought to bed of such bastard, sold for two yeares, and the tobacco to be employed by the vestry for the use of the parish. . . .

Whereas some doubts have arrisen whether children got by any Englishman upon a negro woman should be slave or free, *Be it therefore enacted and declard by this present grand assembly*, that all children bourn in this country shal be held bond of free only according to the condition of the mother, *And* that if any Christian shall comitt fornication with a negro man or woman, hee or shee soe offending shall pay double the ffines imposed by the former act.

[April 1691]

. . . For prevention of that abominable mixture and spurious issue which hereafter may encrease in this dominion, as well as by negroes, mulattos, and Indians intermarrying with English, or other white women, as by their unlawful accompanying with one another, *Be it enacted* . . . that . . . whatsoever English or other white man or woman being free, shall intermarry with a negro, mulatto or Indian man or woman bond or free shall within three months after such marriage be banished and removed from this dominion forever. . . .

And be it further enacted . . . That if any English woman being free shall have a bastard child by any negro or mulatto, she pay the sum of fifteen pounds sterling, within one month after such bastard child shall be born, to the Church wardens of the parish . . . and in default of such payment she shall be taken into the possession of the said Church wardens and disposed of for five yeares, and the said fine of fifteen pounds, or whatever the woman shall be disposed of for, shall be paid, one third part to their majesties . . . and one other third part to the use of the parish . . . and the other third part to the informer, and that such bastard child be bound out as a servant by the said Church wardens until he or she shall attain the age of thirty yeares, and in case such English woman that shall have such bastard child be a servant, she shall be sold by the said church wardens (after her time is expired that she ought by law serve her master), for five yeares, and the money she shall be sold for divided as if before appointed, and the child to serve as aforesaid.

[1705]

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 paid of forfeiting or paying, for every such marriage the sum of ten thousand pounds of tobacco; one half to our sovereign lady the Queen . . . and the other half to the informer.

October 1670 - 22nd Charles II, Act V, 1670,2:280.

Noe Negroes nor Indians to buy christian servants.

Whereas it hath beene questioned whither Indians or negroes manumited, or otherwise free, could be capable of purchasing christian servants, *It is enacted* that noe negro or Indian though baptised and enjoyned their owne freedome shall be capable of any such purchase of christians, but yet not debarred from buying any of their owne nation.

Source: William Waller Hening, *Statutes at Large; Being a Collection of all the Laws of Virginia* (Richmond, Va, 1809-23), Vol. 11, pp. 170, 260, 266, 270.

December 1662

Whereas some doubts have arisen whether children got by any Englishman upon a Negro woman should be slave or free, *be it therefore enacted and declared by this present Grand Assembly*, that all children born in this country shall be held bond or free only according to the condition of the mother; and that if any Christian shall commit fornication with a Negro man or woman, he or she so offending shall pay double the fines imposed by the former act.

September 1667

Whereas some doubts have risen whether children that are slaves by birth, and by the charity and piety of their owners made partakers of the blessed sacrament of baptism, should by virtue of their baptism be made free, *it is enacted and declared by this Grand Assembly, and the aurohity thereof*, that the conferring of baptism does not alter the condition of the person as to his bondage or freedom; that diverse masters, freed from this doubt may more carefully endeavor the propagation of Christianity by permitting children, though slaves, or chosed of greater growth if capable, to be admitted to that sacrament.

September 1668

Whereas it has been questioned whether servants running away may be punished with corporal punishment by their master or magistrate, since the act already made gives the master satisfaction by prolonging their time by service, *it is declared and enacted by this Assembly* that moderate corporal punishment inflicted by master or magistrate upon a runaway servant shall not deprive the master of the satisfaction allowed by the law, the one being as necessary to reclaim them from persisting in that idle course as the other is just to repair the damages sustained by the master.

October 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 obstinacy of many of them be suppressed by other than violent means, *be it enacted and declared by this Grand Assembly* if any slave resists 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 accounted a felony, but the master (or that other person appointed by the master to punish him) be acquitted from molestation, since it cannot be presumed that premeditated malice (which alone makes murder a felony) should induce any man to destroy his own estate.

Document Analysis

1. Under English tradition, children received their social status from their father. How did these laws treat children born to slave mothers? How do you account for this change in status?
2. In 1669, the colonial legislators decreed that masters could use corporal punishment on their slaves. Why did they take such a step? What limitations did they place on this use of corporal punishment?



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