

Virginia Fornication Laws

[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 so offending, upon proof thereof by confession or evidence shall pay each of them five hundred pounds of tobacco fine, and if they or either of them committing fornication as aforesaid be servants then the masters of such servants so offending shall pay the five hundred pounds of tobacco as aforesaid to the parish aforesaid, for which the said servant shall serve half a year after the time by indenture or custom is expired; and if the master shall refuse to pay the fine then the servant shall 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 loss and trouble to her master does sustain by her having a bastard shall serve two years after her time by indenture is expired or pay two thousand pounds of tobacco to her master besides the fine and punishment for committing the offense and the reputed father to put in security to keep the child and save the parish harmless.

[October 1661]

Women Servants got with Child by Their Masters . . .

Whereas by act of Assembly every women servant having a bastard is to serve two years, and later experience show that some dissolute masters have gotten their maids with child, and yet claim the benefit of their service, and on the contrary if a woman got 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 fit and accordingly enacted, and be it enacted henceforward that each women servant got with child by her master shall after her time by indenture or custom is expired be by the churchwardens of the parish where she lived when she was brought to bed of such bastard, sold for two years, and the tobacco to be employed by the vestry for the use of the parish.

Negro Women's Children . . .

Whereas some doubts have arisen whether children got by any Englishman upon a negro women 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 women, he or she so offending shall pay double the fines imposed by the former act.

[April 1691]

. . . For prevention of that abominable mixer and spurious issue which hereafter may increase in this dominion, as well by negroes, mulattoes, and Indians intermarrying with English, or other white women, as by their unlawful accompanying with one another, Be it enacted by the authority aforesaid, and it is hereby enacted, that for the time to come, what soever 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 that the justices of each respective county within this dominion make their particular care, that this act be put in effectual execution. And be it further enacted by the authority aforesaid, and it is hereby by enacted, That if any English women 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 where she shall be delivered of such child, and in default of such payment she shall be taken into the possession of the said Church wardens and disposed of for five years . . .(Perno, 2009).