
Legislating Reproduction
Virginia House of Burgesses 17th Century Laws
(Source: [Women and the American Story](#))

Summarize the law in your own words below each excerpt.

Act I, *Laws of Virginia*, March 1643 (Hening, *Statutes at Large*, 1: 242).

Be it also enacted and confirmed that there be ten pounds of tobacco per poll and a bushel of corn per poll paid to the ministers within the several parishes of the colony for all tithable persons, that is to say, as well for all youths of sixteen years of age and upwards, as also for all negro women at the age of sixteen years.

Summary: _____

Act XII, *Laws of Virginia*, December 1662 (Hening, *Statutes at Large*, 2: 170).

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

Summary: _____

Act XVI, *Laws of Virginia*, April 1691 (Hening's *Statutes at Large*, 3: 87).

And for prevention of that abominable mixture 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,

Black Women and Their Bodies

Unit by Hanover High School Social Studies, part of
the 2022 cohort of *The 1619 Project* Education Network

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Be it enacted by the authority aforesaid, and it is hereby enacted, that for the time to come, 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 that the justices of each respective county within this dominion make it their particular care, that this act be put in effectual execution,

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 where she shall be delivered of such child, and in default of such payment she shall be taken into the possession of the Church warders and disposed of for five years

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 for and towards the support of the government and the contingent charges thereof, and one other third part to the use of the parish where the offense is committed, 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 years,

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 to serve her master) for five years, and the money she shall be sold for divided as is before appointed, and the child to serve as aforesaid.

Summary: _____

Discussion Questions:

- Why was the differentiation between white and Black women in the 1643 tax code an important moment in history?
- Why were the planters of Virginia concerned about the birth of mixed-race children?
- Why did laws about racial difference center on women? What implications would these laws have for the entire society?
- Why did women bear the brunt of punishments for breaking these laws?

Answer Key

Summary 1: The Virginia Grand Assembly states that taxes must be paid for every man over the age of 16, and all Black women over the age of 16.

Summary 2: The Virginia Grand Assembly states that children inherit the status of their mother. If she is free, they are born free; if she is enslaved, they are born enslaved. Any white person who is caught having sex with a Black person will have to pay a fine.

Summary 3: The Virginia Grand Assembly wants to stop the birth of mixed-race children. Interracial marriage is declared illegal. Any white person who marries a person of another race will be banished from the colony. If an unmarried white woman gives birth to the child of a Black man, she will have to pay a large fine or work for the church without payment for five years. Any fines collected for the birth of illegitimate mixed-race children will be split equally between the government, the local church, and the person who reported the crime. Any illegitimate mixed-race children will be forced to work as indentured servants for the church until they are 30 years old. If the mother of an illegitimate mixed-race child is an indentured servant, she will have to serve out her contract with her first master, and then serve an additional five years for the church.