

XXIII. AND, forasmuch as many people have neglected to baptise their negroes, or suffer them to be baptiz'd, on a vain apprehension that negroes, by receiving the sacrament of baptism, are manumitted and set free: BE IT HEREBY FURTHER DECLARED AND ENACTED, *by and with the authority, advice and consent aforesaid,* That no negro or negroes, by receiving the holy sacrament of baptism, is thereby manumitted or set free, nor hath any right or title to freedom or manumission, more than he or they had before, any law, usage or custom to the contrary notwithstanding.

C H A P.
XLIV.
No negroes to be free, &c.

XXIV. AND BE IT FURTHER ENACTED, That all ministers, pastors and magistrates, or other persons whatsoever, who, according to the laws of this province, do usually join people in marriage, shall not, upon any pretence, join in marriage any negro whatsoever or mulatto slave with any white person, on the penalty of five thousand pounds of tobacco, the one half to his majesty, his heirs and successors, for the use of free-schools, the other half to the informer, or him or them that shall sue for the same, to be recovered in any court of record of this province by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed.

Ministers not to marry slaves.

By the act of 1717, ch. 13, section 4, any free negro or mulatto intermarrying with any white person shall become a slave for life, excepting mulattoes born of white women, who shall only become servants for seven years; and any white man or woman intermarrying with any negro or mulatto, shall become a servant for seven years, to be disposed of at the discretion of the county court, and applied towards the support of the county school.

XXV. AND BE IT FURTHER ENACTED, *by the authority aforesaid,* That any white woman, whether free or a servant, that shall suffer herself to be got with child by a negro or other slave, or free negro, such woman, so begot with child as aforesaid, if free, shall become a servant for and during the term of seven years, if a servant, shall finish her time of servitude, together with the damage that shall accrue to such person to whom she is a servant, by occasion of any child or children begotten as aforesaid in the time of her servitude as aforesaid, and after such satisfaction made, shall again become a servant for and during the term of seven years aforesaid.

Penalty on white women being got with child by slaves.

XXVI. AND, If such begetter of such child as aforesaid be a free negro, he shall become a servant for and during the term of seven years as aforesaid, to be adjudged by the justices of the county court where such fact is committed, according to this law, in the clause made and provided against such servants as have bastards; (and the issues or children of such unnatural and inordinate copulations, shall be servants until they arrive at the age of one and thirty years.)

On free negroes for begetting such child.

XXVII. AND, Any white man that shall beget any negro woman with child, whether free woman or servant, shall undergo the same penalties as white women; all which times of servitude, by this act imposed upon the persons having so offended, to be disposed of or employed as the justices of such county shall think fit, the produce whereof shall be appropriated towards defraying the county charge.

And on white men getting negroes with child.

By 1728, ch. 4, free mulatto women, and their bastard issue, shall be subject to the same penalties as white women (and their issue are,) for having mulatto bastards, by the three preceding sections; and free negro women having bastards by white men, and their issue, shall be subject to the same penalties; and the proceedings thereon to be the same as above prescribed.

So much of the 26th and 27th sections as relates to the issue of the inordinate copulations mentioned in them, and in the 25th section, was repealed by 1790, ch. 9, (which is since repealed,) and also by 1796, ch. 67, in both which acts the rights of any persons to such issue before acquired was saved. So much of the 2d and 3d sections of the act of 1728, ch. 4, as relates to the issue therein mentioned, were repealed by the same acts, and with the same saving.

XXVIII. AND BE IT FURTHER ENACTED, *by the authority aforesaid,* That any servant woman having a bastard child, and not able sufficiently to prove the party charged to be the begetter of such child, in every such case the mother of such child shall be liable to satisfy the damage so sustained, by servitude or otherwise, as the court before whom such matter is brought shall see convenient.

Servants having bastards to satisfy damages.

XXIX. PROVIDED, That where the mother of any such child as aforesaid do prove her charge, by sufficient testimony of witness, confession of the party charged, or pregnant circumstances, agreeing with her declaration in her extremity of her pains or throws of travail, and her oath taken by some magistrate before the time of her delivery of every such bastard child, or after her delivery, then the party charged, if a servant, shall satisfy half the said damage, if a free man, shall satisfy the whole damage by servitude or otherwise, as the court before whom such matter is brought as aforesaid, shall think fit; but if the said free man cannot be brought to justice, then, and in every such case she shall make the same satisfaction as if she could not prove the begetter as aforesaid; and if any such mother as aforesaid be able to prove, by such testimony, or confession of the party charged, that he, being a single person and a free man, did, before the begetting of such child, promise her marriage, that then he shall be at his choice, either to perform his promise to her, or recompence her abuse according as the court before whom such matter is brought shall adjudge.

Proviso.