

III. YET NEVERTHELESS, Where other sufficient evidence is wanting against any negro or mulatto slave, free negro, or mulatto born of a white woman, during their *servitude by law*, or against any Indian native of this or the neighbouring provinces, in such a case the testimony of any negro or mulatto slave, free negro, mulatto born of a white woman, or Indian native of this or the neighbouring provinces, may be heard and received as evidence, according to the discretion of the several courts of record, or magistrate, before whom such a matter or thing against such negro, mulatto slave, &c. shall depend; provided such evidence or testimony do not extend to the depriving them, or any of them, of life or member.

C H A P.  
XIII.  
But may a-  
gainst each  
other, &c.

See the notes under the act of 1715, ch. 44, and 1728, ch. 4.

IV. AND, whereas it so happens that negro slaves, &c. commit many heinous and capital crimes, which are endeavoured to be smothered and concealed, or else such negroes, &c. are conveyed to some other province, and sold by their owners, who for the sake of the interest they have in their lives and services, suffer them to escape justice; BE IT THEREFORE ENACTED, *by and with the authority, advice and consent aforesaid*, That if any negro, or mulatto slave, or mulatto born of a white woman, during the time of his service by law, or Indian slave, shall hereafter be convicted of any capital crime, for which they shall suffer death, the court before whom they shall be convicted, shall immediately upon such conviction, value such negro, or mulatto slave, or mulatto born of a white woman, before the expiration of their service appointed by law, in tobacco, and (a) three fourths of their value to be allowed in the public levy, to be paid to the owner or owners of such negro, or mulatto slave, or mulatto born of a white woman.

Slaves, &c. to  
be valued, &c.

(a) By 1737, ch. 2, sections 5 and 6, the whole value of every slave so convicted, shall be paid to the owner by the public treasurer, on certificate of the sheriff. See also 1751, ch. 14, section 7.

V. AND, whereas in the law relating to servants and slaves there is no punishment or penalties laid upon negroes or mulattoes intermarrying with any white person, BE IT THEREFORE ENACTED, *by and with the authority, advice and consent aforesaid*, That if any free negro or mulatto intermarry with any white woman, or if any white man shall intermarry with any negro or mulatto woman, such negro or mulatto shall become a slave during life, excepting mulattoes born of white women, who for such intermarriage shall only become servants for seven years, to be disposed of as the justices of the county court where such marriage so happens shall think fit, to be applied by them towards the support of a public school within the said county, and any white man or white woman who shall intermarry as aforesaid with any negro or mulatto, such white man or white woman shall become servants during the term of seven years, and shall be disposed of by the justices as aforesaid, and be applied to the uses aforesaid.

No free negro,  
&c. to inter-  
marry with  
white persons,  
&c.

VI. AND, further, whereas many negro, Indians and mulatto slaves, are often found guilty of pilfering and stealing, and other misdemeanors, for which they either escape without punishment, or else the owners of such Indian, negroes or mulattoes, are put to considerable charge by bringing them to trial, and receiving their punishment for such crime before the county courts; BE IT ENACTED, *by and with the authority, advice and consent aforesaid*, That whensoever any negro, Indian or mulatto slave, shall hereafter be charged with any pilfering or stealing, or any other crime or misdemeanors whereof the county court might have cognizance, it shall and may be lawful for any one of the justices of the provincial or county courts, upon complaint made before him, to cause such negro, Indian or mulatto slave, so offending, to be brought immediately before him, or any other justice of peace for the county where such offence is committed, who upon due proof made against any such negro or mulatto slave, of any of the crimes as aforesaid, such justice is hereby authorized and empowered to award and cause to be inflicted, according to the nature of the crime, such punishment by whipping as he shall think fit, not exceeding forty lashes.

Slaves may be  
punished, &c.

## C H A P. XIV.

An ACT for quieting differences that may arise between the inhabitants of this province and the several nations of Indians; of what places soever. Lib. LL. No. 4. fol. 379.

Passed 8th of  
June, 1717.

## C H A P. XV.

An ACT for the publication of marriages, and to prevent unlawful marriages. Lib. LL. No. 4. fol. 380.

BE IT ENACTED, *by the right honourable the Lord Proprietary, by and with the advice and consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the authority of the same*, That all persons who desire marriage, shall apply themselves to a minister for the contracting thereof, and shall cause due publication to be made, according to the rubrick of the church of England, of their intent

The bands of  
marriage to be  
published, &c.