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In the case of Jones v. Jones (36 Md. 457), the court of appeals of Maryland held that the laws of 1777 "authorized servants to marry with the assent of their owners, and whatever the law may have been in this respect before, they could lawfully marry thereafter. Although the marriage would not confer civil rights upon them, and in no manner change or effect the relation of master and slave, yet it was legalized and consequently the issue would be legitimate.". And in that case they further stated as to the legal character of slave marriages as follows:

There are cases in which marriages contracted between parties not capable of contracting at the time of marriage are made valid by subsequent ratification of the parties, as in the case of lunatics and infants, and that without any other or new celebration. . . . We think that the same law should apply to the cases of marriage between slaves who ratify the marriage after they become free.

Upon a subsequent consideration of the same case (Jones v. Jones, 45 Md., 144), it was decided that slave marriages were valid with or without the consent of the master, the statute not declaring marriages without such consent to be void, and only subjecting the person performing the ceremony to a fine. However, in that case, in addition to the above reason for holding the soldier to be a legitimate child, the following grounds were also stated for recognizing the marriage of his parents:

If, however, it be considered that the act of 1777 does not warrant the holding that slave marriages in Maryland were legal and their issue legitimate, the act of March 22, 1867, above

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