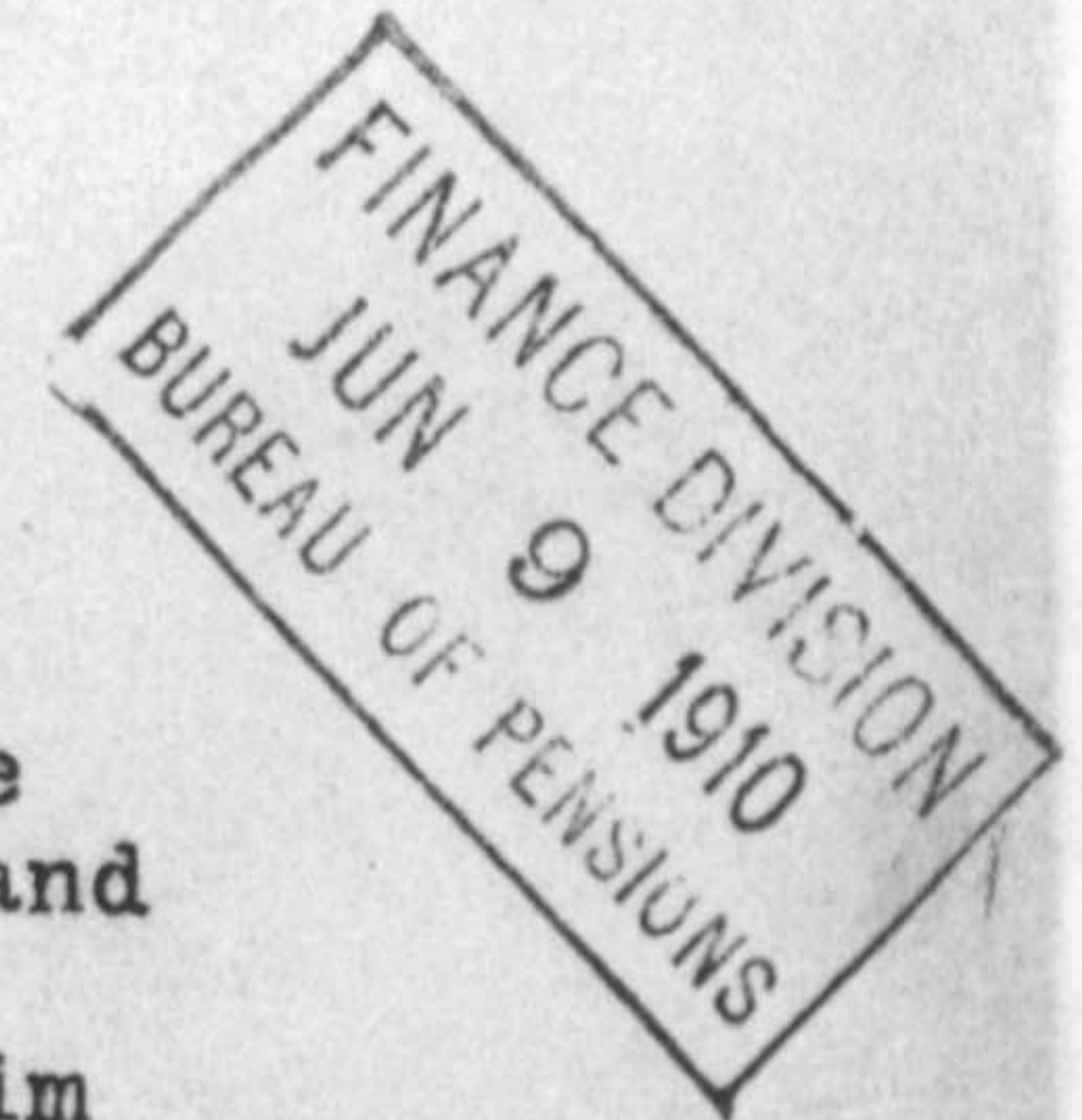


B.E.S.

Law Division.

June 7, 1910.

Inv. Ctf. No. 194,780,)
 Benjamin Adams,)
 Co. C, 30th U.S.C.Vol.Inf.)
 James W. Neal,)
 Applicant for reimbursement.)
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Respectfully returned to the Chief, Finance Division. These papers were referred to this Division for opinion as to whether the facts shown in the case "constitute a legal marriage under the laws of Maryland between the soldier and Matilda Adams."

In a special examination had in the invalid claim during the soldier's lifetime, one Matilda Adams appeared before the special examiner and alleged that she

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had married the soldier at Baltimore, Md., in 1898, and as the claimant for reimbursement had alleged in his declaration that the soldier left neither widow nor minor child, a further special examination was instituted with a view to determining the facts in the case.

In this procedure the special examiner called upon said Matilda and took her deposition as to her relation with the soldier, and in this deposition she again swore that she was ceremonially married to the soldier in 1898, by Father Nally, a Catholic priest. The special examiner called upon said Father Nally, and in his deposition he stated that he had never married the parties in question; that they had informed him that they had been married by a minister; that he never performed any marriage ceremony between them, nor did they

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ask him to perform any ceremony; that he therefore, has no record of any such marriage. A search of the public records of marriage verified Father Nally's statement.

Matilda Adams upon being confronted with this statement, produced a written agreement signed by the soldier and herself before a justice of the peace, April 27, 1898, in which they agreed to "live together and be true to each other, and that each will do for one another as they have been doing."

Whatever effect this agreement might have between a man and a woman in a State where marriage as at common law is recognized as valid, it would have no force or effect in the State of Maryland where marriage as at common law is not recognized as valid and never has been so recognized.