

3, Chief, Bd. Rev.

The Act of the Maryland Legislature of 1877, chapter 12, concerning marriages, and which forms article 60 of the Code, provided that no person within the state should marry without first obtaining a license to be directed to a minister or other person qualified by law to celebrate marriage in the state or until after banns published in some house of religious worship or by a minister as therein directed, but it did not declare that the marriages entered into without a full observance of these formalities should be considered void.

"The consent of parents, license, publication of banns, registry of the marriage, though all or some of them everywhere necessary to the legality of a marriage, are nowhere under English or American law, necessary to the validity thereof (14 Am. and Eng. Ency. of Law, 517)."

It is held by the courts of Maryland and is the settled law in that state, under the Maryland Statute of 1777 that some religious ceremony is necessary to perfect a marriage.

"To constitute lawful marriage here, there must be superadded to the civil contract some religious ceremony." (Dennison vs. Dennison, 35 Md., 361.)

Upon a careful review of the evidence in this case, I am forced to the conclusion that inasmuch as claimant and the soldier were married by a religious ceremony in Maryland sometime in 1860, and as the statute regulating the forms of marriage is merely directory, and does not invalidate a marriage by religious ceremony,

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