

(7)

quoted, would appear to be conclusive in support of such holding. It is true, the latter act couples its positive, absolute, and comprehensive declaration of the validity "to every intent and purpose" of such marriages with the proviso that the parties claiming such a marriage shall establish it by certain proof and record a certificate thereof. But these directory provisions of that act are entitled to no greater legal effect than the ordinary directory requirements of most of the State statutes as to marriage license, celebration, etc., a failure to comply with which requirements is held not to invalidate a marriage which is otherwise valid (*Meister v. Moore* (96 U.S., 76); *Blackburn v. Crawford* (3 Wallace, 175)).

It would seem clear, as a matter of law, that under the act of March 22, 1867, if not under that of 1777, this claimant's alleged marriage in June, 1860, should be considered as valid, notwithstanding it has not, so far as appears, been established in the manner prescribed in the former act.

The cohabitation under review was not resumed after emancipation, and therefore the doctrine of ratification has no application in this case. The marriage, however, was celebrated with apparently every regard for the formal requirements and with the consent of the owners of the parties, and to this extent would be "legal" under the above indicated interpretation of the laws of 1777. The exact meaning of "legal" as used in the above opinion is a matter of some doubt, which is increased by consideration of the holding of the Department in the case of *Lettie Hawkins* (8 P.D., 22), wherein it was stated:

Claimant's marriage to her first husband, Ford, was celebrated as required by the laws of Maryland. Claimant's first husband is still alive and a resident of Charles County, Md. There has never been a divorce. Claimant lived with Ford as his wife from the date she was married to him by Rev. Richard Mitchell, in June, 1853, to 1866, when she deserted him. There does not appear to have been a ratification of this marriage as provided by the act of 1867, Revised Code of Maryland. It may

SC 4126-40199