

Orig. No. 822,171

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No church or other record of the alleged religious ceremony of marriage could be found, and its proof depends upon the claimant's statement supported by that of Jane Shelby, sister of the soldier, an alleged eye-witness of the celebration, together with general evidence as to a report of the performance of the ceremony in the community in which the parties lived, and marital cohabitation and repute thereafter.

The evidence above outlined it is believed would be sufficient to prove a valid marriage under the law of Maryland, according to which the validity of the marriage in this case will have to be determined; but other facts appear which are decidedly adverse to the view that the parties originally contracted a valid bond, or at least that their cohabitation after the soldier's service was of matrimonial character, and therefore it is deemed necessary to test the evidence heretofore filed by special examination and to secure accurate information on the following points:

1.- The circumstances of the alleged religious celebration in 1861; whether the parties were both colored; their civil condition at the time of marriage - free or slave; their conjugal condition at the time of marriage and previously.

2.-The circumstances of the soldier's return to the claimant, and the character of his cohabitation with her after his discharge from the army, together with the details of the separation of the parties, and the fact of non-divorce.

3.-The character of the relations which the soldier assumed

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Chief of Law Division. 7

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