

It cannot be cast off at the pleasure of the parties.

It must here be solemnized in the face of a church or with the blessing of a clergyman. (c)

General reputation, or proof of cohabitation as husband and wife, is, in general, sufficient evidence of a contract of marriage. (d)

The County Courts may inquire into the validity of certain marriages.

The Court of Chancery may award alimony; and it may also declare a marriage to be void which has been procured by abduction, terror, and fraud.

No judicial proceeding can be had after the death of either party for the purpose of having their marriage declared void, or of bastardizing any one after his death. But where the validity of an alleged marriage, or the legitimacy of any one forms a necessary link in the chain of title to the property in question, there such validity or legitimacy may be inquired into and determined, either by a Court of law, or equity. It is not indispensably necessary in any case to make up an issue to have the facts ascertained by a jury. (e)

This bill was filed on the 31st of January, 1827, by John Fornshill and Ann his wife, Alexander M. Williams and Sarah his wife, Andrew Fulton, and William Fulton an infant by Andrew his next friend, against William V. Murray surviving administrator *de bonis non* of Henry Somervell, and William Hubbard administrator of Thomas Somervell.

The bill states, that Mary, the sister of Henry, by her first marriage with Andrew Davidson had issue the plaintiffs Ann and Sarah, and by her second marriage with William Fulton had issue the plaintiffs Andrew and William; that she died leaving these four children; that, some time after her death, Henry died intestate without leaving a widow or any children, or the descendant of any \* children; that he left a large personal estate, upon which letters of administration were granted to James Chap- 480  
line, who died soon after, upon which administration *de bonis non* was granted to Thomas L. Lookerman and the defendant Murray, soon after which Lookerman died; that some time after the death of the intestate Henry, his brother Thomas died intestate, and letters of administration upon his estate were granted to the defendant Hubbard; and that the intestate Henry left no other next of kin at the time of his death, than the plaintiffs, and his brother Thomas; whereupon the plaintiffs prayed, that the defendant Murray might be decreed to account, and to pay to them their distributive share of their late uncle, Henry Somervell's estate, &c.

To this bill the defendants put in a joint and separate answer, in which they admitted that Mary, the mother of the plaintiffs, had issue and died as stated; that the intestate Henry left a considerable personal estate; and also that their intestate died, and

(c) See *Dennison v. Dennison*, 35 Md. 361.

(d) See *Barnum v. Barnum*, 42 Md. 251.

(e) Cited in *Chase v. Winans*, 59 Md. 480. See *Stewart v. Iglehart*, 7 G. & J. 132, note (d).