

children ; that he left a large personal estate, upon which letters of administration were granted to *James Chapline*, who died soon after, upon which administration *de bonis non* was granted to *Thomas 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 shares 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 intestates died, and administration had been granted as set forth. But they alleged, that the intestate *Henry* left other next of kin beside those mentioned in the bill, and that *Mary* the mother of the plaintiffs, who was a sister of the half-blood of the intestate *Henry*, had been first lawfully married in Ireland about the year 1789, to *John Lewis*, who was still alive and had always resided there ; and that she, after having cohabited with him for some time as his wife, left him about the year 1792 and came to Maryland, where she continually resided until her death, leaving her lawful husband *John Lewis* then and still living. Whereupon the defendants averred, that the alleged subsequent marriages of *Mary* with *Davidson* and with *Fulton* were utterly void ; and that the plaintiffs, *Ann*, *Sarah*, *Andrew*, and *William*, were illegitimate ; and, as such, absolutely incompetent legally to demand any thing as the next of kin of *Henry Somervell*.

A commission was issued to Ireland, and the depositions of several witnesses were taken and returned ; from which it appeared, by the testimony of two witnesses who were present at the marriage ceremony, that *Mary*, the sister of the intestate *Henry*, had been married to *John Lewis*, who was then living ; and that they had afterwards cohabited, as husband and wife, for about two years ; when she left him, and, as they had always understood, went from Ireland to America. The testimony of these two witnesses was corroborated by that of others, who declared, that they knew the intestate *Henry's* sister *Mary* and *John Lewis* to have lived together some time, as husband and wife ; and that they were so