

4. The rites of marriage between any white persons, citizens or inhabitants of this State, shall not be celebrated by any person within this State, unless by some minister of the gospel, ordained according to the rites and ceremonies of his or her church, or in such manner as is used and practiced by the society of people called Quakers.

Id s 4
1777, c 12, s 3.
By whom rites
to be celebrated
28 Md 607, 35
Md 361, 38 Md
93, 3 Wallace,
175

5. No persons within this State shall marry without a license, as hereinafter directed, or before the names of the parties intending to marry shall be thrice published in some church, or house of religious worship, in the county where the woman resides, on three several Sundays, by some minister residing in said county. Nevertheless, it is provided that any persons within this State may marry according to the ceremony used by the society of people called Quakers; *provided*, the contracting parties shall sign a certificate to the effect that they have agreed to take each other for husband and wife, and that the said certificate has been attested by at least twelve witnesses; and *provided*, further, that the said certificate shall, within sixty days, be recorded either amongst the records of the society to which either of the contracting parties may belong, or in some court of record in the city or county in which the said marriage may be accomplished.

1868, c 42.
License or pub-
lication of
bans.

Friends
Certificate

To be recorded

6. Every church, or house of religious worship, shall be recorded in the records of the Circuit Court of the county wherein it is situated, and none shall be esteemed as such for the publication of marriage agreeably to the preceding section, unless so recorded.

Art 60, s 6
1777, c 12, s 7
In what
churches bans
shall be pub-
lished.

7. All licenses for marriage shall be signed and issued by the clerk of the Circuit Court for the county where the woman resides, or by the clerk of the Court of Common Pleas, if she resides in the city of Baltimore; and the clerk shall receive therefor the sum of four dollars and fifty cents, four dollars thereof to be paid into the treasury, and fifty cents to be retained by the clerk.

Id s 7.
1777, c 12, ss 12,
13, 1826 c 247,
s 3, 1852, c 308,
s 1, 1853, c. 86,
s 2
Licenses.
Cost.

8. The Circuit Courts for the several counties and the Superior Court of Baltimore City may, upon petition of either of the parties, inquire into, hear, and determine, and the Circuit Courts for the several counties, and the Criminal Court of Baltimore, on indictment, may inquire into, hear, and determine the validity of any marriage, and may declare any marriage contrary to the table in this article, or any second marriage, the first subsisting, null and void; and on appeal the depositions and evidence given in the cause shall be transmitted with the record to the Court of Appeals, and thereupon such cause shall be heard, determined, and adjudged *de novo*.

Id. s 8
1777, c 12, s 15
What marriages
courts may
declare void.
1 Bl 476,
3 Wallace, 175.

To be tried *de
novo* on appeal

9. All marriages heretofore made and celebrated in this State by and between colored people, are hereby confirmed and made valid, to every intent and purpose, from the time of the celebration of such marriages, respectively; and every such marriage shall be held and taken by all courts of this State to be good and sufficient in law, to all intents and purposes; *provided*, that in every case, the parties claiming to have been married by a competent person, shall, by suffi-

1867, c 423.
Marriages here-
tofore made
between colored
persons, valid
36 Md 447, 459,
45 Md 144,
1 H & McH 563

Fact to be
established.