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The decision of the Department in the case of Samuel Tuttle (11 P.D., 278) above cited, contains a very comprehensive discussion of the laws of Maryland with reference to the marriages of slaves. The question of whether the soldier in that case was the legitimate son of the claimant, his alleged father, was in issue, and the question of legality of the marriage of the father with the soldier's mother had to be determined under the laws of Maryland. It appeared from the evidence therein that the parents of the soldier were formally married in the State of Maryland on June 3, 1860, with the consent of their owners, and that they continued to reside in that State, living and cohabiting and being recognized generally as husband and wife, until 1869, when they removed to the city of Washington, in the District of Columbia, and lived together there until her death in 1877. The soldier was born in 1866 and enlisted in 1885. After careful consideration of the facts in that case and the law having bearing thereon, it was decided that slaves might legally marry, under the laws of Maryland, and that the issue of their marriages was legitimate. The following is a pertinent excerpt from the opinion:

Generally, slaves were considered to be incompetent to contract marriage and their children were not considered legitimate. Under the laws of Maryland, however, where the marriage in this case was formally celebrated by a minister, it appears slaves might, certainly with consent of masters, legally marry, although no civil rights were thereby conferred.