

*Barlow, Doug.* 171. But although, in such cases, the mere general reputation of a marriage may not be deemed sufficient, yet it appears, that the deliberate admission of the defendant in an action of crim. con., that the woman was the wife of the plaintiff; or the confession of the accused of the fact of the first marriage in a prosecution for bigamy, will even in those cases be received as sufficient to establish the fact of the marriage. *Stark. Ev.* 4 pt. 36 and 1185.

In England the spiritual Court has jurisdiction to inquire into the validity of a contract of marriage; and may, in certain cases, determine, that it is wholly void, or decree, that it be dissolved, and that the parties be divorced; but in all cases not falling within the jurisdiction of the Ecclesiastical Courts the Parliament alone can grant relief. 4 *Bac. Abr.* 554. In Maryland, there never having been an Ecclesiastical Court, and no power to grant a divorce, by annulling, \*for any cause, a contract of marriage which was originally valid, ever having been conferred upon any of the Courts of justice, it follows, that a divorce can only be granted by an Act of the General Assembly. *Utterson v. Tewsh, Fergusson's Rep.* 23; *Mrs. Levett's Case, Ferg. Rep. Append. note G,* 382. But all questions concerning alimony, under the Provincial Government, were considered as having devolved upon the Court of Chancery. It was however provided, February 1777, ch. 12, s. 15, that the General Court should have power, on an indictment or by petition of either party, to inquire into the validity of any marriage, and might declare any marriage, contrary to the marriage act, or any second marriage, the first subsisting, null and void. This law, as it would seem, may now, since the abolition of the General Court, on proper application, be executed by a County Court. This Court has been clothed with no such authority to determine the validity of a contract of marriage; but, by virtue of its general jurisdiction in matters of fraud affecting contracts, it would seem, that, considering marriage as a mere civil contract, it may, at the instance of either party, declare, a marriage to be null and void, which has been procured by abduction, terror and fraud. *Portsmouth v. Portsmouth,* 1 *Hag. Rep.* 355; *In the matter of Fust,* 1 *Cox,* 418; *Ex parte Turing,* 1 *Ves. & Bea.* 140; *Ferlet v. Gojon,* 1 *Hopk.* 478.

In England, the validity of a marriage which is not absolutely void but merely voidable, can only be drawn in question and determined, in a suit instituted for that purpose, in the Ecclesiastical Court. But, as by the death of the husband, or wife, the marriage is at an end, so any then depending suit, which may have been instituted during their lives for that purpose, is thereby immediately abated, and cannot be, in any way, revived or further prosecuted; nor can any other judicial proceeding be thereafter instituted, in the Ecclesiastical Courts or otherwise, for the pur-