

Miscellaneous Notes about MARRIAGE REGULATIONS

Note: These are not intended to deal comprehensively with the subject, but merely to cover some of the topics which will be of interest to genealogists.

Lord Hardwicke's Marriage Act of 1753 “for the better preventing of clandestine marriages” required a marriage to be performed in the parish church of one of the couple by an Anglican clergyman in the presence of at least two witnesses, and after the publication of banns or by the authority of a marriage licence. Only Jews and Quakers were permitted to marry according to their own ceremonies.

Banns – from an Anglo-Saxon word meaning proclamation or public announcement. To be read in the church(es) of bride and groom on “three several Sundays.”

Marriage Licence. (Common Licence.) Issued by archbishop, bishop, archdeacon or ‘surrogate’ – i.e. the Diocesan Registrar or a vicar authorised to act on behalf of bishop. A licence avoids publication of banns and so is the preferred choice of couples 1) Who wish to marry quickly (as little as two days) – e.g. if groom in armed forces and being posted overseas, or if the bride is about to give birth. 2) Who wish to avoid publicity – e.g. if parents might try to prevent the nuptials or there might be gossip/speculation in the neighbourhood. 3) Where one of them is Scottish, Irish or foreign, and so banns not an option. 4) Were Roman Catholic or non-conformist and did not want to attend the parish church for the banns. 5) Also, as a licence costs more, it was sometimes chosen for purely snobbish reasons!

Special Licence. This can only be issued by an archbishop, and permits the marriage to take place other than the parish church of the bride or groom (e.g. another church, the private chapel of a stately home, college or school, a prison or hospital.) It is also necessary for a marriage ‘out of hours’ – 8.00 - 12.00 until 1886, then 8.00 – 3.00 pm, and after 1936, 8.00 – 6.00 pm. (Note. Confusingly, people often call a Common Licence a ‘Special Licence.’)

“**Penny Weddings.**” In C19 and early C20 many workers only had Christmas and Easter Day holidays, and had little money to pay church fees, so multiple weddings were not uncommon. A batch of couples would have a joint wedding ceremony, saying everything together except the actual vows “I John take you Mary...” etc. Each couple contributed one penny to make up the fee. The record is said to be that of a curate of a church in Worcester who married 26 couples on Christmas Day one year.

Roman Catholics and Non-Conformists. The Civil Registration Act of 1837 permitted civil marriages and marriages in RC and N-C churches (with a civil registrar doing the documentation.)

MARRIAGE REGISTERS & CERTIFICATE

Marriage Registers. Identical entries should be made in two registers. The Registrar's ‘Guidance for the Clergy with reference to the Marriage and Registration Acts ...’ states: ‘In no circumstances should an entry in a register be commenced until the marriage has been legally completed.’ This instruction is almost always disregarded! Just imagine how long it would take. When the duplicate registers are full, one copy is sent to the Registrar

General and the other either kept in the church or sent to the Diocesan Registry of Deeds (which is usually but not always the County Archives.)

The Marriage Certificate. The certificate given to the bride is 'a certified copy of an entry of marriage' in the registers. It is not necessary for it to bear the actual signatures of the couple, the witnesses, and the officiating minister so long as their signatures are transcribed. However, it is usual for the various signatories to be asked to sign this document as well as the registers. A further copy of this certificate may be obtained from the church or registry office.

Quarterly Return. Every three months the vicar/minister has to send to the local Superintendent Registrar a copy of all the marriages in the church. In practice, each entry of the QR is often filled in and signed as the wedding takes place.

Names in Registers. The names of the parties to the marriage should be included in full. It is not necessary for signatures to be in full, but they must not disagree with the names entered. If someone is known by a name other than their legal name, the entry should state 'otherwise known as ...' The father's name should be that of the biological father. If his name is not given in answer to the request for it, a line should be drawn through the space and it should not be left blank. In the case of an adoptive parent it is permissible to enter the name (even if it is a single mother) with 'adoptive parent' in brackets. I have known cases where someone was unaware of their illegitimacy and so has given a step-father's name. Doubtless, (particularly in previous generations) others will have deliberately concealed an illegitimate birth, even to the point of 'inventing' a father and possibly stating that he is deceased, so that a name can be entered. (Genealogists should bear this possibility in mind if they are unable to trace someone named as father in a marriage entry.)

Addresses in Registers. These should be the actual addresses at the time of the marriage. If different from those which applied when the banns were called, the previous address should be entered with the words 'Late of ... but now residing at...'

'Condition' of Bride and Groom. This will be Single (previously Bachelor/Spinster), Widow/er, or 'Previous Marriage Dissolved.' Except in the last case, the minister/registrar will not ask for proof. In any case, how could anyone prove that they had never married? The calling of banns in church or posting of 'Intention to Marry' at the Register Office is intended to prevent bigamy (or the marriage of close relations.) That was fine when people lived in small villages and so those whose banns were being called would be known to members of the church congregation, but nowadays....?

Errors. If an error is spotted before the parties sign the registers, the vicar should correct and initial it. If the entry has been signed before the error was noticed, the correction should be entered in the margin and endorsed by vicar and all signatories. The chances of error are considerable, especially in multiple weddings or when there have been several weddings on the same day. In the 1950s and 60s there was a significant tax incentive to get married at the end of the tax year. I sometimes took six and once seven weddings. It is understandable that hard-pressed vicars would make errors when filling in the registers, especially as this wedding season coincided with the busiest time of the church's liturgical year - Lent, Holy Week and Easter – and they might be working for up to 18 hours a day.

Note. Not all clergy follow these requirements, or even know of them. Where there is no vicar in post and the wedding is to be conducted by a visiting minister, the registers may have been filled in by someone unfamiliar with the regulations.

Duplicate Weddings. Occasionally someone discovers that their ancestors had two weddings, even in the same church. The only legal – and I stress, legal – reason is if there is some doubt about the validity of the first one. The reason might be that the

requisite formalities had not been fulfilled (e.g. banns not read in the church of the non-resident partner, no licence had been obtained, the ceremony had not been completed within the permitted hours, or a minor had married without parental consent,) or doubt about the validity of the minister. (There was such a case of an invalid minister in Huddersfield only a few years ago.) However, the second marriage entry in the registers should state 'previously went through a form of marriage at (church) on (date)' in the 'Condition' column.

Far more common is a second marriage for family reasons, but the second marriage is irregular if not illegal. No entries should be made in the church registers, but sometimes they have been. Such reasons include: Bride was pregnant and didn't want to flaunt the fact in her own church; so arranged a wedding elsewhere, but when the baby had been born and the mother had returned to 'normal' shape the baby was said to be that of a married relation and the couple had another wedding with all the family and guests present. The family of bride and groom were not invited or perhaps not able to attend the original wedding, and so a repeat was arranged. (I know of one case in the past 50 years where this was due to thick fog preventing travel on the original wedding day, and another where the bride was living away from parents and on the wedding day they and her siblings including bridesmaids all had 'flu.)

Other scenarios are where the couple had eloped, got married in a quiet ceremony somewhere, and later had a wedding with 'the full works' back in the home parish. In such cases, the witnesses to the first marriage are unlikely to be family members. Or first marriage in registry office, perhaps because they couldn't afford the 'extras' for a church ceremony such as organ, choir, bells, flowers, and then had a second ceremony in church when they could afford it.

Penalty. Even today the penalty for a vicar infringing the regulations is 14 years imprisonment!