

Marriage and banns registers 1754-1812

Hardwicke's Marriage Act

Although the historical background to Hardwicke's Marriage Act¹ is complex, and will not be discussed further here, the following quotation from historian David Lemmings succinctly explains why the Act was thought necessary:

a failure of the law which enabled adventurers, courtesans and social inferiors to marry underage heirs and heiresses against the wishes of their families, without any possibility of annulment. Even more frustratingly, the uncertainty of the law of marriage facilitated secret bigamy, whether intentional or unintentional, and the courts were in the invidious position of sometimes having to admit or even enforce legal rules which disinherited regularly married respectable wives and bastardized their children.²

In essence, the Act tightened up the circumstances in which marriages could take place. With the exception of marriages by

1. *An Act for the Better Preventing of Clandestine Marriages 1753* (26 George II, c. 33).

2. David Lemmings, 'Marriage and the Law in the Eighteenth Century: Hardwicke's Marriage Act of 1753', *Historical Journal*, 39 (1996), 339-60.

special licence, which could take place anywhere, but were the preserve of the aristocracy during this period, all marriages were required to take place in the church of the parish in which one or both parties had been resident for a minimum period of time, following either the publication of banns, or the issuing of an ordinary (common) licence. Although these requirements were already laid down in canon 62 of 1604, they were difficult to enforce, so had been widely ignored.

From 25 March 1754, marriage became subject to statute law, with significant penalties imposed on clergy who failed to comply. Performing a marriage ceremony not in a licensed church or chapel or without a licence or the publication of banns, and the falsifying of licences or register entries, were now felonies, with serious consequences for transgression. This resulted in a virtually instant cessation of marriages in unauthorised locations such as the environs of the Fleet Prison. The number of marriages fell in many churches that had become popular venues for people living in the surrounding area. Marriages only continued, in much reduced numbers, in the few cathedrals that also served as parish churches for their immediate vicinities.

Canon 70 required all marriages, as well as baptisms and burials, that had taken place the previous week, to be recorded by the minister in the parish register each Sunday, but this had rarely been done in practice. Hardwicke's Act required a separate register to be used for recording marriages, in which entries were to be made immediately following the ceremony. Entries were to be signed by the officiating minister, the parties to the marriage, and two or more witnesses.

Hardwicke's Act required all marriages in England and Wales to take place in the Church of England, with the exception of those of Quakers and Jews, who were permitted to hold their own marriage ceremonies and keep their own registers.

The form of entry for marriages

The procedure for recording marriages was set out in clause 15 of the Act:

And in order to preserve the Evidence of Marriages, and to make the Proof thereof more certain and easy ... all marriages shall be solemnized in the presence of two or

more credible witnesses, beside the minister who shall celebrate the same, and immediately after the celebration of every marriage, an entry thereof shall be made in such register to be kept as aforesaid; in which entry or register it shall be expressed, that the said marriage was celebrated by banns or by licence; and if both or either of the parties married by licence, be under age, with consent of the parents or guardians, as the case shall be; and shall be signed by the minister with his proper addition, and also by the parties married, and attested by such two witnesses; which entry shall be made in the form or to the effect following; that is to say:

A. B. of [the
this
] Parish and
C. D. of [the
this
] Parish were
married in this [Church
Chapel] by [Banns
Licence] with Consent of [Parents
Guardians] this
Day of _____ in the Year _____
by me *I. K.* [Rector
Vicar
Curate]

This Marriage was solemnized between Us *A. B.*
C. D.
In the Prefence of *E. F.*
G. H.

Marriage registers

The requirements in relation to marriage registers were set out in clause 14 of the Act:

And for preventing undue entries and abuses in registers of marriages ... the churchwardens and chapelwardens of every parish or chapelry shall provide proper books of vellum, or good and durable paper, in which all marriages and banns of marriage respectively, there published or solemnized, shall be registered, and every page thereof shall be marked at the top, with the figure of the number of every such page, beginning at the second leaf with number one; and every leaf or page so numbered shall be ruled with lines at proper and equal distances from each other, or as near as may be; and all banns and marriages published or celebrated in any church or chapel, or within

any such parish or chapelry, shall be respectively entered, registered, printed, or written upon, or as near as conveniently may be to such ruled lines, and shall be signed by the parson, vicar, minister, or curate, or by some other person in his presence, and by his direction; and such entries shall be made as aforesaid, on or near such lines in successive order, where the paper is not damaged or decayed by accident or length of time, until a new book shall be thought proper or necessary to be provided for the same purposes, and then the directions aforesaid shall be observed in every such new book; and all books provided as aforesaid shall be deemed to belong to every such parish or chapel respectively, and shall be carefully kept and preserved for public use.

Canon 70 had required the pages in parish registers to be of parchment, a requirement that remained in force for baptism and burial registers. However, the new marriage registers to be kept in accordance with Hardwicke's Act could be of 'good and durable paper'.

It has been erroneously stated in books and articles, and is therefore a common misconception among family history researchers, that Hardwicke's Act required parishes to introduce printed marriage registers. However, the Act required only that the pages of the new registers be ruled with lines, with each page numbered at the top. The widespread use of printed registers was actually the result of printers, booksellers and stationers recognising an opportunity to supply a large number of new registers in a uniform format, with the standard wording required to be included in each marriage entry pre-printed.

Entirely handwritten registers

The marriage registers introduced in some parishes in 1754 represented a literal interpretation of the requirements of Hardwicke's Act, comprising volumes of paper or parchment ruled with evenly spaced horizontal lines, in a variety of shapes and sizes. Registers in this format were initially supplied by some booksellers and stationers. For example, in early 1754 James Wilde in Hereford advertised parchment registers 'all neatly ruled with Red Lines,

at proper Distances, according to the late Act'.³ However, a small number of parishes used registers without ruled lines, which were not in accordance with the Act. A typical page from this type of register is shown in Figure 3.

In parishes using entirely handwritten registers, banns and marriages were sometimes recorded together in a single chronological sequence, and sometimes in separate sections or volumes. Some smaller parishes used registers of minimal size in which each marriage was recorded on a separate page.

Registers of this type required all the standard wording of marriage entries to be written out by hand, so were usually replaced by printed registers when they had been filled up, although they continued to be used in some parishes until the end of 1812.

Printed registers

Various booksellers, stationers and printers recognised the possibility of pre-printing the standard wording required in marriage entries while still complying with the requirements of Hardwicke's Act. This resulted in two main patterns of register: those in which banns and marriages were recorded in separate chronological sequences, either bound together in a single volume or as two separate volumes; and those in which the publication of banns (if applicable) and the solemnisation of the marriage were recorded together in a single entry, requiring only one volume. Both patterns of register generally comprised four entries per page, although other registers were produced with three entries per page, and some with only two. Some types of register were supplied with instructions for completion of the entries, either included at the beginning of the volume, or on a separate sheet.

At the time Hardwicke's Act came into effect, the two major suppliers of printed registers were based in London: Joseph Fox, bookseller in Westminster Hall, and also parish clerk to the House of Commons, in association with Benjamin Dod, bookseller to the Society for Promoting Christian Knowledge, at the Bible and Key in Ave-Mary Lane, near St Paul's; and Thomas Lownds (subsequently Lowndes), bookseller near Exeter-Exchange in the

3. *The Gloucestershire Journal* (19 March 1754), 3.

A1 23

n^o 67
 Thomas Calam of Scampston in the Parish
 of Rillington servant and Mary Hopps of Scampston
 aforesaid Spinster were married in this Church by
 Licence from Luke Thompson surrogate this
 eighteenth Day of March one Thousand seven Hundred
 and Eighty by me J. Cook

This Marriage was solemnized between us
 Thomas Calam
 Mary Hopps

In the Presence of } Tom Wise
 } Mary Wise

L 2

Banns of Marriage between Robert Simpkin
 and Elizabeth Stephenson were published the
 2nd Day of May and 4th and 11th Days of June
 one Thousand seven Hundred and Eighty by me
 J. Cook

n^o 68
 The said Robert Simpkin of this Parish
 Blacksmith and Elizabeth Stephenson
 of the same Spinster were married
 in this Church this twenty second Day
 of June one Thousand seven Hundred and
 Eighty by me J. Cook

This Marriage was solemnized between us
 Robert Simpkin
 Elizabeth Stephenson

In the Presence of us Tho: Stephenson
 Tho: Ruston

Figure 3: A page from an entirely handwritten Hardwicke marriage register.

(Register of Marriages 1754-1803. Parish Records of Rillington, 1638-2002.

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