

## **Marriage Licences**

### **Introduction**

A requirement for banns of marriage had been introduced to England and Wales by the Church in 1215. This required a public announcement of a forthcoming marriage, in the couple's parish church, for three Sundays prior to the wedding. Before 1837, the recognised way of marrying without banns having been called, was by obtaining (for a fee) a marriage licence from an Archbishop, a Bishop or his surrogate. Marriage licences had been introduced in the 14th century, to allow the usual notice period under banns to be waived, on payment of the required fee and accompanied by a sworn declaration, that there was no impediment, under Canon Law, to the marriage. Canon Laws of 1534 and 1603 stipulated that licences only be granted unto "persons ... as be of good state and quality" and ..."upon good caution and security taken".

In practice it was generally only those of a certain social status who could afford a licence anyway, although, in addition to gentry, small landowners, professionals and yeoman farmers, you will discover that mariners and soldiers often took advantage of this convenient, private and speedy way of marrying. Between 1754 and 1837, when all marriages had to take place in the parish church, non-conformist couples commonly married by licence. This avoided the necessity of having to apply to have banns called on three consecutive Sundays in a parish church which they did not normally attend. Occasionally, parish officials applied for a marriage licence, to speedily marry off a poor pregnant woman who would otherwise become dependent on their parish. However, ordinary labouring couples could not generally afford the marriage licence fee, and had to marry by banns.

There were two kinds of marriage licences that could be issued: one was known as a common licence and named one or two parishes where the wedding could take place, within the jurisdiction of the person who issued the licence. The other was the special licence, which could only be granted by the Archbishop of Canterbury or his officials, and allowed the marriage to take place in any church. Most couples applied for a common marriage licence.

### **Using Marriage Licence records in research**

Marriage Licence records provide family historians with one of the most useful means of overcoming the "missing marriages syndrome" which occurs in most genealogical research. They can also form a useful, though very unwieldy, source for social and economic historians, and give hints of family mobility in trade and industry (e.g. the woollen trade, mining, the coal trade), the professions and the armed forces.

The following publications, available for use in the Devon Heritage Centre and North Devon Local Studies Library, Barnstaple can help you to find out if marriage licence records for a particular county or diocese survive, and where they are held:

*Bishops Transcripts and Marriage Licences, Bonds and Allegations - A Guide to their Location and Indexes*, J.S.W. Gibson, Federation of Family History Societies. [shelf ref: DHC p016.9293/GEN/GIB; BAR 016.929\*/GIB]

*Marriage, Census and other Indexes for Family Historians*, J.S.W. Gibson, Federation of Family History Societies. [shelf ref: DHC p016.9293/GEN/GIB; BAR: 929.3253\*/GIB]

For more detailed information about marriage licences, and how and where they were issued, see the following publication:

*Marriage Laws, Rites, Records & Customs*, Colin R. Chapman. The Chapman Records Cameos Series, Lochin Publishing, Dursley, Glos. (1996) [ISBN 1 873686 02 1]

The above books are available for sale through the Society of Genealogists and genealogical book suppliers, by post, email or on-line order.

### **Marriage Licence Records in the Devon Heritage Centre**

Early marriage licences only gave exemption from one or two callings of banns, or allowed the ceremony to take place at seasons normally forbidden (but not both). Such licences are recorded in the Exeter Diocesan records between 1523 and 1584. More general marriage licences - a considerable, though not a complete record - may be found between 1595 and 1645 and from 1660 to 1912. It was not possible to obtain a marriage licence from an Archbishop, a Bishop or his surrogate during the Commonwealth period from 1645 to 1659, because the Church of England hierarchy had been dismantled, and there were no Bishops nor Archbishops at that time. If a couple applied to the Archbishop of Canterbury for a special licence, the issue of such a licence will not be recorded in the marriage licence registers kept by the Diocese of Exeter.

From the time of the earliest surviving records until December 1876, the Diocese of Exeter included the County of Cornwall. Therefore, marriage licences for ceremonies held in almost all Cornish parish churches were also issued by the Diocese of Exeter. The only 'peculiar' parishes, which belonged to other Dioceses outside their geographical area, were St Buryan in Cornwall and Dalwood, Stockland and Uffculme in Devon.

### **Contents of marriage licence records**

The content of marriage licence records is sometimes a disappointment to researchers, as information on the parentage of bride or groom was not recorded unless one or both were minors.

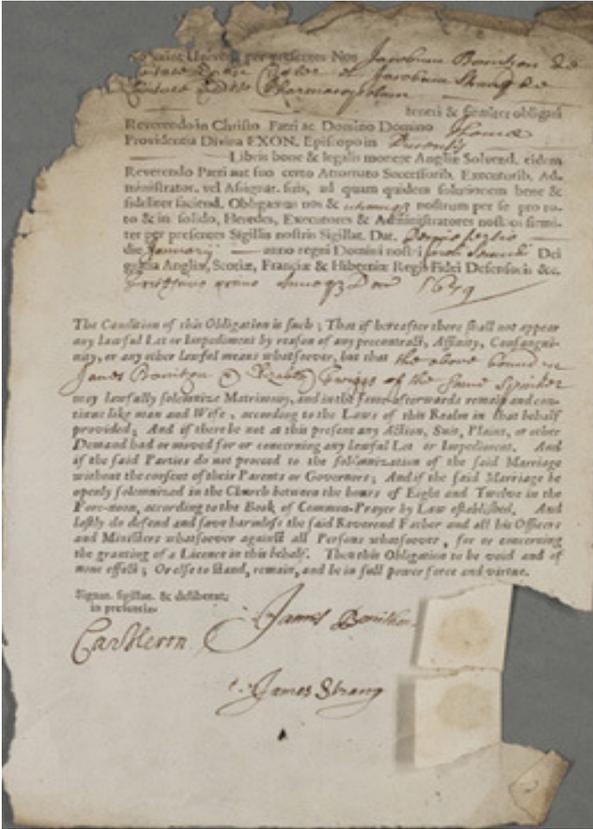
### **Marriage Licences**

The marriage licence itself was issued to the person intending to marry, and he or she gave it to the clergyman in the parish where the marriage was to be performed. In some Dioceses, the licences were returned to the Diocesan registry to be filed. However, there are not any actual marriage licences among the Exeter Diocesan records. Sometimes they survive in small numbers among the records of the particular parish, or in family collections where the licence was returned to the bride and groom as a souvenir, but generally marriage licences have not survived on a long-term basis.

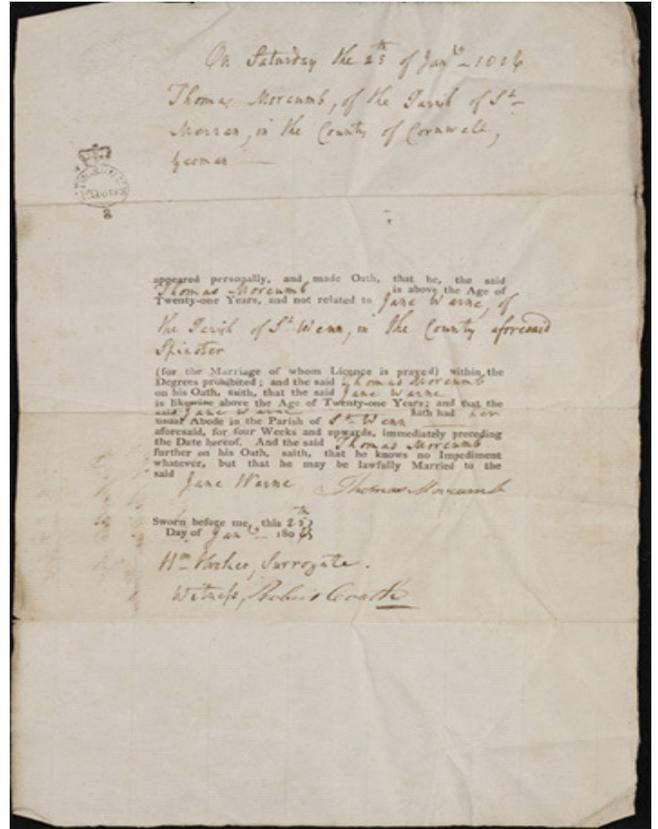
### **Marriage Bonds and Allegations**

The marriage bonds and allegations were the forms completed by those applying for a licence. Generally the prospective groom went with a relative or colleague, to apply to the officer presiding over the marriage licence court, or his surrogate.

The marriage allegation was the application - an affidavit, or statement made on oath, that there was no legal impediment to the marriage, and that Canon Law was not being broken. Following accepted use, this document is referred to here as the marriage allegation, despite the fact that it was never called this in the Exeter Diocesan courts.



Devon marriage allegation dated 1680  
(Exeter Diocesan collection)



Cornish Marriage allegation dated 1806  
(Exeter Diocesan collection)

The marriage bond was a financial agreement to pay a certain sum of money if the allegation proved to be false. The groom, or occasionally the bride, was required to stand surety - in other words was "bonded" for a fairly large sum of money, jointly with a relative or colleague. In other words, the marriage bond (penalty £200) supported the *bonafides* of the formal statements in the application for a licence.

Where they have survived, marriage bonds and allegations are found among the Diocesan records, and are the most informative documents. However, even they may contain little additional information. The practice in the Diocese of Exeter was to distinguish only between parties over and under the age of 21, so that exact ages were not recorded. Names of one parent only, or of a guardian, are only recorded in the case of minors intending to be wed. The names, marital status and parishes of the parties may be given on marriage allegations, sometimes together with the groom's profession or trade. Names, trades and parishes of the bondsmen may also be given on a marriage bond.

### Marriage Licence Registers

Marriage Licence Register entries are very brief, and name only the parties and their parishes, together with the date of issue of the licence. They are useful if the parish where a marriage took place is not known, or where a marriage cannot be found because the parish registers and Bishops Transcripts have not survived.

This is the general rule. However, for a brief seven month period following the 1822 Marriage Act, a group of baptismal certificates of intending brides and grooms also survives in the Exeter Diocesan records.

Remember that if a couple married after the calling of banns, there will not be any existing marriage licence records relating to their marriage.

## **Volumes Recording the Issue of Licences**

### **Early Marriage Licence Registers**

The Register of Bishop Voysey (ref: Chanter 15) records licences issued between December 1523 and November 1550 and a Principal Registry Act book (ref: Chanter 41) gives a similar record for July 1568 to November 1584. These records are only partial, intermittent, and form a very small proportion of the entries in these volumes. They also present problems of interpretation and reading to those not familiar with records and Latin palaeography of the Tudor period.

The Principal Registry Act books (refs: Chanter 41, page 567 to the end, and Chanter 42 to Chanter 49) record licences issued between July 1595 and September 1645, and again following the disruption of the Civil War and Interregnum (the Commonwealth period) , between December 1660 and 14 June 1734. These records are much fuller and occupy a significant and increasing proportion of the volumes in which they are written. All but those for the period after 25 March 1733 (towards the end of Chanter 49) are in Latin, but the entries are stereotyped, and are significantly easier to interpret as the series progresses.

### **Later Marriage Licence Registers**

These record the issue of licences between 15 June 1734 and 31 December 1842 (refs: Chanter 131 to Chanter 140). Chanter 132 (covering April 1747 to February 1762) is extensively damaged, but a copy of Mann's typescript of the text, and of his index to this, and to Chanter 131, is available in its place. There are contemporary indexes for Chanter 133 to Chanter 140 (covering the years 1762-1842) within the volumes themselves, entered up from time to time as the registers were compiled.

### **Ordering copies**

These registers are bound volumes and our preservation policy does not allow photocopying of entries from archive volumes. However if the date of the marriage is known, we can provide digital copies of entries through our digital copying service.

If you do not know the exact date of a marriage and wish a search made for the possible issue of a marriage licence, you should apply for a search through our Specific Records Check Service instead. A digital copy is included in the search fee (if an entry is found).

## **Marriage Bonds and Allegations: documents prior to the issue of a Licence**

### **Loose documents**

The Exeter Diocesan marriage bonds and allegations, covering the years 1660 to 1842, were sorted some years ago into chronological (date) series for Devon (held in 169 boxes) and a separate series for Cornwall (held in 32 boxes).

The Exeter marriage bonds have a maximum date range of December 1660 to October 1823 for Devon, and June 1661 to September 1823 for Cornwall. In the earlier years, not many bonds survive. Maximum coverage occurs between 1720 and 1775, and again from 1816 to 1823. Broken coverage or total gaps, especially in the Cornish series, occur from 1660 to 1721 and again from 1775 to 1815. There are apparently no marriage bonds – only marriage allegations - surviving after 1823.

The marriage allegations are stored together with the marriage bonds. Note that not all of the original allegations survive. Only some original allegations survive from the 1720's onwards, but the Devon ones become a more complete series from about 1755 and the Cornish ones from about 1772, and both series run through to December 1842. However, some original allegation forms do not seem to have survived in the collection, even for these later dates.

Those for the years 1799 and 1800 are damaged and in some cases, may not be fit for production.

Marriage bonds and allegations from 1800 onwards are currently being catalogued by volunteers, and the catalogue entries for each bond and allegation, naming the parties involved, are gradually appearing on our online catalogue.

### Ordering copies

Copies can be ordered through either our photocopying or our digital copying service.

These documents are in loose sheet format, which if they can be produced, can also be photocopied or digitally photographed.

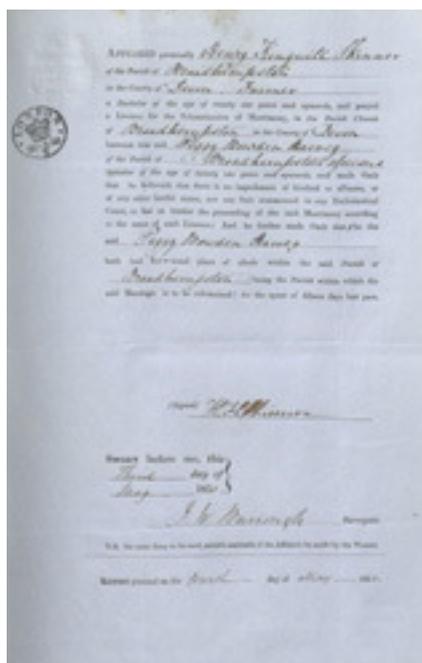
However, a search through one or more folders is required to identify uncatalogued marriage bonds and allegations, so you should apply for a search through our Specific Records Check Service instead, mentioning the county, the month and the year of the marriage as well as the name of bride and/or groom.

If you visit our searchroom and search for and identify the document yourself, you may request a photocopy or digital copy of the document in person. Digital copying is not done on the spot, so an order would have to be taken so that the image could be emailed as an attachment, or sent to you by post.

A remarkable series of files, including baptismal certificates of the parties is stored within this series. It runs from September 1822 to March 1823 for both counties. These are not yet catalogued.

### Later bound volumes

From January 1843 to December 1876, the marriage allegations for the whole Diocese were bound into six-monthly volumes, each with its own index. (ref: Chanter 141 to Chanter 150 and Chanter 567 to 624).



Marriage allegation from  
Chanter 571 volume (Exeter  
Diocesan collection)

The Devon marriage allegations continue as an unbroken series of yearly volumes up to December 1912 (ref: Chanter 625/6 to Chanter 689).

### **Ordering copies**

These allegations are in bound volumes and as our preservation policy does not allow photocopying of entries from archive volumes, but if the date of the marriage is known, we can provide digital copies of entries through our digital copying service.

If you do not know the exact date of a marriage and wish a search made for a marriage allegation, you should apply for a search through our Specific Records Check Service. A digital copy is included in the search fee (if an entry is found).

Following the creation of the Diocese of Truro in January 1877, Cornish marriage licences were no longer issued by the Diocese of Exeter, and marriage licence records dating from then should presumably be among the Truro Diocesan records.

### **Administration Records and Correspondence**

In so large a Diocese as that of Exeter there were a comparatively large number of surrogates in places outside of Exeter, who were authorised to issue licences. Correspondence and other documentation dealing with their appointments and with day to day administration and discussion of individual cases by surrogates, bondsmen and family members exists for the years 1660 to 1916. They are found among the classes of Exeter Diocesan records with the following general references:

- Moger Basket A 1200-1563
- Moger Basket C 21 and 22
- Moger PR 300-302
- Supplement to Marriage Bonds Lists A-Y.

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