

CIVIL MARRIAGES DURING THE COMMON-WEALTH.

DURING the period of the Civil War, and of the Commonwealth, when the country was ruled by the Protector Cromwell and his Parliament, many great changes and innovations took place, and the Anglican Church shared in the general confusion, many of the Clergy being ejected from their livings, and Presbyterians or Independents substituted in their stead.

In 1644 an ordinance was issued that the Book of Common Prayer should not be thenceforth used in the Parish Church, but "The Directory of Public Worship." In the same ordinance, certain forms of Prayer to be used at marriages are given, and it further states that "a Register Book is to be carefully kept wherein the names of the parties so married, with the time of their marriage, are forthwith to be fairly recorded in the book so provided for that purpose, for the perusal of all those whom it may concern," etc.

In the Winslow Parish Register, 1649, is an entry signed by Thomas Bishop, "Minister of this P'rsh and Register."

In 1653 Parliament directed Registers to be chosen by every Parish, to be approved of and sworn by a Justice of the Peace, "for the registering of all births, marriages and burials." It will be noticed that this Act required the entries of births, and not baptisms of children as heretofore.

The title Register seems to have equally applied to the officer appointed and the records he kept.

The following extract from Granborough Register relates to the appointment of one of these officials:—

"Bucks, etc., November the fifth, 1653. Whereas, Richard Steevens of Grandborow is by the inhabitants of the same town chosen to bee Parish Register according to a late Act of Parliament in that behalf provided. These are now to signifie that ye said Richard Steevens is approved of, and hath alsoe taken his Oath for the due execution of his said Office the day and year above written.

"Before mee,

"RICH. PIGGOTT."

The entry in Winslow Register is as follows :—

“Bucks to wit. Whereas, Robert Wells of Winslow hath bin by ye inhabitants of ye s'd Prsh elected and chosen Prsh Register, according to a late Act of Parliament in y^t behalf provided. These are therefore to signifie y^t ye said Robert Wells is approved, and has bin this 22nd day of November, 1653. Sworn before us y^e undersigned.

“RICH. PIGGOTT.”

Upon the appointment of these lay Registrars, they sometimes commenced their entries in fresh books, but in the parishes named their appointments are registered in the old Church Registers then in use, and they continued to make the entries of marriages, etc., therein. In some instances the parson himself was appointed “Register,” as was the case at Little Horwood, where we find this entry—

“1653. John Harris, clerk, be allowed and entitled to keep the Parish Register.”

At Whitchurch, the original Register Book commencing 1653 is yet preserved; it commences as follows :—

“By virtue of an Act of Parliament made the 24th August, 1653, I certify John Steward to have the care of the Register Book for Whitchurch, and to be Parish Register. Witness my hand,

“HENRY F. S. x.x.x.”

“John Simon, ye son of Thomas Simon of North Marston, in ye county of Bucks, Yeoman, and Elizabeth Collett, ye daughter of Joseph Collett, of Whitchurch, in ye county of Bucks, was married according to Act of Parliament, made ye 24th day of August, 1653, on ye 7th day of Dec. 1655, in ye presence of Joseph Collett and Conday Simon, and John Steward, Registrar of Whitchurch.”

In 1656, John Steward married his daughter, Jane Steward, to Thomas Woodward, son of Christopher Woodward of Whaddon; the marriage taking place before William Theed and Christopher Horn, Justices of the Peace.

The following entry in the Church Register of Whaddon relates to the appointment of a Parish Registrar for that Parish :—

“May ye 11th, 1654. John Pinke sworn and allowed to be Parish Register for the Towne and Parish of Whaddon, in the county of Bucks.

“Before mee,

“SYMON BENNET.”

“A true Register of ye year, month, and day of ye month, as also of ye names and surnames of all such persons who have bin baptised, married, or buried in ye Parish of Whaddon in ye county of Bucks ; beginning from ye date of ye foregoing license.”

Mr. Pinke would appear to have been the then minister of the parish [he signs himself Vicar in 1667], and he seems to have entirely ignored the provisions of this new Registration Act. No births being entered, and the marriages would seem to have been solemnized as heretofore, after banns published in church.

In the Little Brickhill Register there are a large number of marriages every year, continually, up to the Restoration—many more than the population would warrant, viz., about forty marriages to twelve baptisms, and ten deaths yearly on the average. During the Commonwealth there is no mention of a Registrar, but the marriages were solemnized before Henry Whitbread, Justice of the Peace.

Brickhill having formerly been an assize town, the first place in Bucks on the main road from London, probably many outsiders were married there.

At Hoggeston, during the Commonwealth period, 1649–1660, there is no notice of any Registrar. Thomas Gataker, appointed Rector in 1646, continued his ministration up to his death in 1680, and all the entries are in his own handwriting, but during the rule of Cromwell, only seven marriages are entered.

This Marriage Act of 1653 enacts “That whosoever should agree to be married within the Commonwealth of England should, twenty-one days before such intended marriage, deliver in writing unto the Register for the respective parish or parishes wherein each person to be married lived, the names, surnames, additions and places of abode of the parties so to be married, and of their parents, guardians or overseers, all which the said Register should publish on three Lord’s days next following at the close of the morning exercise in the public meeting-place—commonly called the church or chapel, or, if the parties desired it, in the market-place next to the said church or chapel, on three market-days in the several weeks next following, between the hours of eleven and two, which done, the Register should make a certificate thereof, without which the persons therein

authorised should not proceed in such marriage. That such persons intending to be married should come before some Justice of the Peace for the same county, city, or town with such certificate, and, if no impediment, the marriage could then proceed."

The Parish Registers of Winslow and Granborough contain many entries relating to the publication of banns of marriage under this Act, from which we select the following:—

"Granborowe. John Stevens, sonne of Tho^s Stevens and Elizabeth Rutland, weare maried on ye 6th day of ffebruary 1653 [4], and having on three severall Lord's-dayes published their intentions before ye day of mariag' was solemnized, that was on ye 15th day of January in ye same year, and on ye 22nd and on ye 29 days, and no opoztian being mad they proceeded as aforesaid.

"Robert Hurst and Anne Adams weare maried on ye VII day of december, 1655, being 'asked' three severall Lord's-dayes and having their friends' consent.

"Richard Stevens and Elizabeth Hyghe wear maryed on ye IVth day of January, 1657, being three marktett-dayes 'asked' in Winslow Marktett."

Winslow Register.

"Thomas Curtis of Little Horwood and Jane Bradbury of Singleborough was published three severall marktett-dayes in Winslow Marktett and was married June 4th, 1654.

"Thomas Taylor and Mary Anstey of Swanbourn was published three severall marktett-dayes in Winslow Marktett and was married Septem 17th 1654.

"John Nash of Hilsdon and Anne Kendall of Cowley in the parish of Presson [Preston Bissett] was published 3 severall marktett days in Winslow Marktett, Novr 16, 23rd, 30th, 1654.

"John Deverell sonne of William Deverell ye elder of ye parish of Swanbourne and Jane Lounds of Winslow was publish'd three severall marktett-dayes in Winslow Marktett-place (one ye 7th ffebruarie one ye 14th and one ye 22nd) and was married ffeb. 23rd 1655.

"William Askewe of the parish of swonborne and Dorothea Rogers of the parish of Adstock, was publish'd three severall marktett-dayes in Winslow Marktett-place—one the 17th day one the 24th and one the 30th May, and was married 4th June 1655.

"Wendover Lounds & Susan Pfygés of Winslow was published three severall Lord's dayes in Winslow Parish Church—one ye 27th September one ye 4th and one ye 11th Oct. and was married 10 Nov. 1657.

"Thomas Benbow of Winslow, and Elizabeth Essex, of Newbold co. Warwick, was published three severall marktett-dayes in Winslow Marktett-place, one on ye 28th Aprill one ye 5th of May and one ye 12th May 1659."

The publication of these notices of intended marriages continued to be made in Winslow Market-place up to the year, 1660, when another Act of Parliament was passed superseding them.

(At the Restoration, the legislation of the Commonwealth was generally ignored, but in the case of these civil marriages the inconvenience was so apparent that these marriages by justices were legalised up to that date 12 Chas. II., 33 c.).

The certificate of the "Register" that notice of the intended marriage had been duly published was after the following form, being varied according to circumstances :—

"These are to certifie whom it may concerne, that, according to a late Act of Parliament, entytuled 'An Act touching marriages, and the registering thereof, etc.,' Publication was made in the publique meeting-place in the parish church of _____ in the county of _____ upon three several Lord's-dayes at the close of the morning exercise (namely upon the _____ day of _____ as alsoe upon the _____ and _____ dayes of _____ following) of a marriage agreed upon between _____ of the parish of _____ and _____ of the parish of _____ in the county of _____

"All which was fully performed according to the said Act, without exception.

"In witness whereof, I have hereto set my hand this _____ day of _____ MDC _____
(Signed) A. B Register of the Parish of _____ "

It would appear that the ceremony, or rather contract, was often ratified in private houses, after the following manner :—

The man to be married taking the woman to be married by the hand shall plainly and distinctly pronounce these words :—

"I, A. B., do here in the presence of God, the searcher of all hearts, take thee, C. D., for my wedded wife, and do also in the presence of God, and before these witnesses, promise to be unto thee a loving and faithful husband."

And then the woman taking the man by the hand, shall plainly and distinctly pronounce these words :—

“I, C. D., do here, in the presence of God, the searcher of all hearts, take thee, A. B., for my wedded husband, and do also in the presence of God and before these witnesses, promise to be unto thee a loving, faithful, and obedient wife.”

Whereupon, the Justice of the Peace then present, should declare them man and wife, and no other marriage was to be valid within the Commonwealth, and the Parish “Register” was required to attend the said Justice of the Peace to subscribe the entry of every such marriage, for his services he was empowered to charge a fee of twelvepence for every certificate of publication, and entry of marriage a like fee of twelvepence—*and no more*. No mention is made in the Winslow Register of the Justice who presided at these marriages or of the building in which the ceremony took place; but in the neighbouring town of Leighton Buzzard, the Register is rather more explicit, the chief performers of marriages there at this time being Francis Astrey, Esq., and a Captain Smith.

“Thomas Doggett, the son of Ralph Doggett of Leighton Beadesert, was married to Elizabeth Edwards of Biggleswade, by Samuel Bedford, Esq., their contract having been published in Leighton on three market daies, February 21st 28 and March 7th 1653.”

Also at Newport Pagnell:—“1654. John Knight of Abthorp in the County of Northampton, and Bridget Neale of Newport Pagnell in y^e County of Bucks, had their contract of marriage published three market daies in y^e market of Newport and was ? married y^e 20th day of Februarie, by William Hartley, justice of the peace for the County of Bucks in y^e yeare above-written.”

This Act was no doubt greatly disliked by the clergy, and in some of the Church Registers in North Bucks, examined by the present writer, no allusion whatever is made either to an official Registrar or the publication of these notices of intended marriages, although there are entries of marriages performed during the period the Act was in force, and they appear to have been the only Register books then kept, for we find the several entries of births, baptisms, marriages and burials crowded together promiscuously just as they happened.

It was soon found that this enactment of civil marriages *only*, was resented as a grievance by great numbers of the people that they were not allowed to be married at church, and therefore when the Marriage Act was confirmed in 1656, the words "and none other" were omitted, so that it then became a practice for the marriages to be celebrated by a Justice of the Peace and a minister jointly; as we find at Northampton, at this period, they were solemnized before the mayor and the minister of the parish.

At the Restoration, those of the clergy who had been deprived of the Parish Registers, in most instances again recovered possession of them, and in many cases they took an early opportunity of inserting an entry expressive of their contempt of these civil marriages, etc., of which an illustration is found in the Church Register of Maids Moreton, near Buckingham:—

"A.D., 1653. Now came into force a goodly Act made by the usurper Cromwell's little Parliament, or the Parliament of the Saints, as they called it, that is of all manner of dissembling hypocrites and filthy hereticks, who ordered not the baptism, but the birth of children to be recorded in the Parish Register, thereby insinuating that children ought not to be baptized, and encouraging parents to withhold their children from the sacred ordinance, but there were never any that I know, of that mind in Moreton, etc."

"By the Act before mentioned (in the year 1653), marriages were not to be performed by the minister, but a justice of the peace, yet none in this parish were bedded before they were solemnly wedded in the church, and that according to the orders of the Church of England."

The chief objection to this Civil Marriage Act would appear to be, that it was nearly two centuries in advance of public opinion, for in some respects it would compare most favourably with the Marriage Act of 1836 and 1837.

ARTHUR CLEAR.