

MARRIAGE RECORDS

Week 2 - Handout

Until the middle of the 18th century marriages could take place anywhere provided they were conducted before an ordained clergyman of the Church of England. This encouraged the practice of secret marriages which did not have parental consent and which were often bigamous.

It also allowed couples, particularly those of a wealthy background to marry while at least one of the partners was under age. This trade in irregular marriages had grown enormously in London by the 1740s.

Clandestine Marriage Act 1753 – first law passed by Parliament regarding marriage and was an attempt to stop these clandestine marriages. The Act came into force on 25 March 1754 and was popularly known as Lord Hardwicke's Marriage Act. The only legally recognised marriages in England and Wales were those performed by the Church of England. It required non-conformists and Catholics to be married in Anglican churches. No other denominations were mentioned. Jews and Quakers were exempted from its provisions although the Act did not go as far as to declare such marriages valid.

The Act required parental consent for marriages involving anyone under the age of 21. Boys were allowed to marry at 14 and girls at 12, of course, with parental consent.

In practice the Act was not a great success. Couples got around the rules by marrying outside their home parish and there was no legal recourse after the marriage had taken place for it to be voided.

For a marriage to be legal it had to take place either by announcing of the banns for 3 successive Sundays or under licence (by paying a fee you could get married quicker and no banns were called).

In **1823** marriages where the couple had "knowingly and wilfully" flouted the legal requirements could be declared void.

In **1835** existing marriages to a deceased spouse's relative are validated but future ones are void. I have a handout which shows who could marry who and when the rules changed. Now very much directed by how close are the blood lines.

Marriage Act 1836 - The Act came into force from January 1st 1837 and legally applied only to England but it seems to have applied in Wales immediately. In Scotland a similar system came into force on 1 January 1855. It marked the first time a record of all marriages in England and Wales, and eventually Scotland, began to be kept in one place. This act allowed non-conformists and Catholics to be married in their own places of worship. It was also made possible for non-religious civil marriages to be held in register offices which were set up in towns and cities. Any couple intending to be married would now receive a marriage certificate which is an exact copy from the parish or registry office, register. Again parental permission was required for anyone under the age of 21.

The Act required for the registrar or religious celebrant to record in a Marriage Book the first name, surname, age, address at the time for both parties; occupation of the groom plus the name and occupation of the father. From 4th May this year the mother's details will be added to the record of the marriage. The registrar or religious celebrant and a minimum of two credible witnesses must be present at the ceremony.

Could only marry between 9-3; extends only to England and does not include the royal family; 7 days notice by licence but 21 days by giving notice; wording for civil ceremonies was also laid down.

In 1857 a Divorce Court was created to dissolve marriages in the case of adultery. Before this marriages could only be dissolved by Act of Parliament and between 1670 and 1857 only 320 had been granted. This route, of course, was only for the rich and powerful. It should also be remembered that the wife had absolutely no rights; the children belonged to the husband and any money she took into the marriage became the husband's by right. Divorce could leave a woman destitute and separated from her children.

Marriage Notice (Scotland) Act 1878 – This Act allowed intended marriages to be placed on a registrar's notice board as an alternative to the reading out of the banns.

In 1907 Parliament validated all existing marriages to a deceased wife's sister

In 1921 this applied to existing marriages to a deceased husband's brother.

Age of Marriage Act 1929 – disallowed marriage for anyone under the age of 16.

Marriage Act 1949 – Came into effect on 1 January 1950 and is the one we know today with a few amendments including abolishing completely marriage for anyone under the age of 16. The hours were changed from 8-6 pm. It is the first Act to specifically mention Jews and Quakers and when and where those marriages may be carried out. This Act also covers rules regarding marriage on ships and across borders.

Modern rules – 15 days notice required unless getting married in a Church of England or Church of Wales. From October 2012 you could get married 24 hours a day. Father can be natural, adoptive or step-father.

From 1970 when the legal age of entering into a contract was lowered to 18, parental consent is only required below this age.

CIVIL PARTNERSHIP ACT 2004 – granted civil partnership to same-sex couples in the United Kingdom with rights and responsibilities identical to civil marriage. This Act covered England and Wales but the Scottish Parliament passed it into law.

MARRIAGE (SAME SEX COUPLES) ACT 2013 – introduced civil marriage for same-sex couples in England and Wales. Religious organisations could choose to opt in. Again Scotland also introduced this act. However, the Northern Ireland Assembly has not legislated to allow marriage of same-sex couples in Northern Ireland.

PARISH RECORDS before 1837 only have to show the name of the bride and groom and the date. However, there were no rules and some have much more information.

BOYD'S MARRIAGE INDEX

Lists 3.5 million English marriage for the period 1538 to 1837. It is held by the Society of Genealogists in London. It is held on fiche or search through printed copies. Transcripts are available at both Ancestry and Findmypast but if you want an original print then it will cost you £15 from the Society of Genealogists

where you live. I find Google Maps (there are others) useful and you can get a street view as well.

All English counties are covered though not completely and periods indexed vary. 4300 Parishes were indexed. 7 million names are covered of which 1 m relate to London and Middlesex.

PALLOT'S MARRIAGE INDEX

Contains more than 1.5 million marriages which took place between 1780 and 1837.
Covers 103 parishes in the Old City of London and Middlesex.

Just because **banns** are called does not necessarily mean the marriage takes place but is a good guide. Also shows whether the parties live in the parish where the banns are called

STANDARDISED MARRIAGE CERTIFICATE FROM 1837

The parish record of a marriage echoes exactly the information on the marriage certificate. If you can find these you save the £11 to get a copy of a marriage certificate from the General Registrar's Office.

Scottish Marriage Record available from Scotlandpeople. In addition to the usual information the mother's name is shown. They hold parish records as well.

The **1939 Register** shows change of name, mainly for women who marry, but also if a name is changed by Deed Poll. However, the 100 year rules applies so no person born after 1920 is shown unless their death was reported to the records before 1991.

Don't forget family notices in **newspapers**.

Finally Hints and Tips

First you have to decide what you want to research. You can decide to research your maternal or paternal line and then find an interesting sibling and off you go spending a happy few hours looking at that individual. No research is wasted but try to stay focussed* and remember to get back on track.

There are hundreds of local family history societies around the country. You can join your local one and they meet monthly with talks etc which you may find useful. Don't dismiss ones outside where you live. I was recently researching Norfolk and found that the Norfolk Family History Society had on-line births, marriages and deaths for the county going way back and other records. For a few pounds I gained access to these – much cheaper than visiting their archive.

Check if your local library has subscriptions to Ancestry and Findmypast. If they do check if they have a specific time when a local volunteer is there to help you with your research.

This is a good way to find out which on-line source you find easier to use. However, don't think that you should go with Findmypast because they are going to have the 1921 census on-line on 1 January 2022. My suspicion is that they will charge an additional fee for access to their subscribers. When they published the 1911 Census anyone could search for free, even non-subscribers, and then you had to buy credits to see the actual record and I suspect they will also have this system for the 1921.

Local History Societies may have information you would find useful. They may have information about a particular building or street. If your ancestor ran a shop; pub or local business they may have a picture.

Maps are also available on-line. There are specialist maps which include Charles Booth's Poverty Maps of London but there are others and your local archive will have those for