

MARRYING BY LICENCE: MARRIAGE BONDS AND ALLEGATIONS

POINTS TO REMEMBER

- Marriage bonds and allegations only exist for couples who applied to marry by licence. They do not exist for couples who married by banns.
- The marriage allegation was the document in which the couple alleged (or frequently just the groom alleged on behalf of both of them) that there were no impediments to the marriage.
- The marriage bond set a financial penalty on the groom and his bondsman (usually a close friend or relative) in the case the allegation should prove to be false.
- After 1823 marriage bonds were no longer made. Only the allegations were made after this date.
- The sum named on the bond was not the price of the marriage licence. It was the penalty sum, and was set deliberately high to deter irregular marriages.
- The existence of a marriage bond / allegation merely shows that a marriage licence was applied for. It does not prove that the couple ever married.
- Canon law stipulated that the marriage bond should state where the marriage should take place; sometimes a choice of two parishes is given. There are, however, occasions where couples seem to have disregarded this and married somewhere else entirely.
- The ages given on marriage bonds and allegations should be treated with caution. If a person is said to be 23 then it is likely that he was actually (to the best of his or her knowledge) 23. If the bond or allegation states that he is 21 or above then this is only stating that the person had reached the age of majority. It is possible that he was 21, equally that he was 51.
- If one of the parties was a minor (under 21) then parental permission was needed for the marriage. Sometimes a marriage bond or allegation is annotated by a parent to the effect that they grant permission.
- Until 1733 Latin was the official language of legal documents. Until this date the first part of a marriage bond will be in Latin. The second part will be in English.
- The main series of marriage bonds and allegations at the Borthwick are those for licences issued by the archbishops of York. These survive from 1660 but are patchy in survival until 1700. We know that there were once earlier marriage bonds because they were indexed by Paver, but the whereabouts of these documents has been unknown since Paver's work. There were other people who had the right to issue marriage licences. We also hold bonds and allegations for those licences issued by the Dean and Chapter of York, and also a few for peculiar jurisdictions. Our marriage bonds are indexed up until 1839. After this date the best source of information about a marriage is the marriage certificate – copies of certificates can be obtained from the General Register Office (see our leaflet about the records of civil registration).

Marrying by licence: the allegation

In a marriage allegation, one of the parties alleges that there are no legal impediments to his or her proposed marriage. The impediments are listed in the second part: precontract (a previous marriage or contract for marriage), consanguinity (being related by blood), affinity (being related by marriage).

THE *twenty second* Day of *October* - - in the
Year of our Lord One Thousand Seven Hundred and
forty one - - which Day appeared personally
Field Sylvester Wadsworth of the parish of *Sheffield*
in the county of *York* - aged above *twenty three* Years
and a *Butcher* - and alledged that he intendeth to marry
with *Elizabeth Horsfield* - of the parish of *Sheffield*
a *foresaid* - - - in the county of -
York a foresaid - - - aged above *twenty three*
Years and a *Spinster* - - -

Where one of the Parties is a Minor; add with Consent of Parent or Guardian, in this Blank Space.

not knowing, or believing any Impediment, by Reason of any Precontract, Consanguinity, Affinity, or any other lawful Means whatsoever, to hinder the said intended Marriage: Of the Truth of which he made Oath, and prayed Licence for them to be married in the *parish church of Sheffield, or in the chappell of Attercliff within the parish of Sheffield*

Sworn before me *aforsaid*

John Dossie
Surrogate

A choice of two churches was usually given.

Wadsworth

The signature of the person applying for the licence.

The surrogate is a man appointed by the Archbishop to issue marriage licences.

Marrying by licence: the bond

The marriage bond lays down the penalties for giving false information in the allegation.

This part is known as the bond. It sets out the sums to be paid if the conditions are broken. Until 1733 this part is in Latin.

K Now all Men by these Presents, That we *Field Sylvester Wadsworth of Sheffield in the County of York Esq^r Gentleman, and John Roebuck of the same place Gentleman* are Bound, and firmly Obliged to the Right Worshipsful *John Audley* Doctor of Law, Vicar General, and Official Principal of the most Reverend Father in GOD *Laurence* by Divine Providence, Lord arch-Bishop of York, Primate of England, and Metropolitan. Lawfully Authorized, in the Sum of two Hundred Pounds of good and lawful Money of Great Britain, to be paid to him the said *John Audley* - his Executors, Administrators, Successors and Assigns; for the Payment whereof well and truly to be made, we oblige our selves, and each - - of us by our selves, for the Whole, and the Full, our Heirs, Executors and Administrators, firmly by these Presents, sealed with our Seals. Given the *twenty second* Day of the Month of *October* - in the Year of our LORD GOD, One Thousand Seven Hundred and *forty one*

These are the names of the person applying for the licence and his bondsman - this was often a friend of the groom or a relative.

The sum named here was only to be paid if the conditions of the bond were broken.

This part is known as the condition. It states the nature of the promise.

THE Condition of this Obligation is such: That if the above-bounded *Field Sylvester Wadsworth, and Elizabeth Horsefield* - now Licenced to be Married together be neither of Consanguinity or Affinity the one to the other, within the Degrees prohibited for Marriage: If also there be no precontract of Matrimony betwixt either of the said Parties and any other Person or Persons whatsoever, but that they may be lawfully Married together, both by the Laws of God, and this Land: Moreover If the Parents of both the said Parties, (if they be living) or otherwise their Tutors and Governours (if they have any) be thereunto agreeing: And lastly if the said Marriage be done and Solemnized in such manner as in the Licence to them granted is Limited: Then this Obligation to be void, or else to remain in full force and vertue.

This part gives the names of the prospective bride and groom

Sealed and Delivered
in the presence of
Eliz Langley
John Dofie

Wadsworth
J. Roebuck

The signatures of the groom and his bondsman.

Signatures of witnesses. One of these is the archbishop's surrogate.

Marrying by licence: minors

In the case of a minor the allegation also included the consent of a parent or guardian of the minor.

 **T**HE Twentieth Day of April in the Year of our Lord One Thousand Seven Hundred and *Forty One* which Day appeared personally *John Walls of Milby in y^e Parish of Kirby-Hill in the Diocese of Chester* aged above *Twenty one* Years and a Bachelor and alledged that he intendeth to marry with *Rachell Raper* of *Market in y^e Parish of Ripon* in the Diocese of *York* aged above *Eighteen* Years and a Spinster, with y^e Consent of *John Raper her Father*

Where one of the Parties is a Minor: and with Consent of Parent or Guardian, in this Blank Space.

not knowing, or believing any Impediment, by Reason of any Precontract, Consanguinity, Affinity, or any other lawful Means whatsoever, to hinder the said intended Marriage: Of the Truth of which he made Oath, and prayed Licence for them to be married in the *Collegiate Church of Ripon.*

John Walls

Sworn before me
John Watson
Suzrogate.

Upon y^e 20th day of April ~~also~~ in y^e year 1741. Appeared also *John Raper y^e natural & Lawfull Father of y^e said Rachell Raper,* & made Oath y^t he is consenting to y^e abovesaid intended Marriage.

Sworn before me
John Watson
Suzrogate.

John Raper