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 in given. There are, however, occasions where couples seem to have disregarded this and marriage 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).
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 — Sir John Wadsworth of the Parish of the Field in the County of York — aged above twenty three Years and a Bachelor — and alleged that he intendeneth to marry with Elizabeth Horseyfield — of the Parish of the Field in the County of York aforesaid — aged above twenty three Years and a Spinster.

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 the Field, or in the Chapel of St. Peter within the parish of the Field.

Sworn before me before said

John Topse
surrogate

A choice of two churches was usually given.

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.

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 gives the names of the prospective bride and groom.

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.