

‘GRIEVOUS, UNNECESSARY, AND NO GOOD CAN ARISE FROM THEM...’ – MARRIAGE BY LICENCE IN THE ARCHDEACONRY OF BUCKINGHAM

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Recently completed by the Centre for Buckinghamshire Studies (CBS) is a digital list of the surviving marriage bonds and allegations from the Archdeaconry of Buckingham. These document couples who, for a variety of reasons, chose the stealth of marriage by licence over the usual very public system of calling of the banns. Both the speed and the secrecy of the licensing system made it an attractive target for abuse by laity and clergy alike. In this article, the author (an Archivist at CBS) examines the surviving records, the information they contain and what they tell us about the people who chose this course.

Among the manuscripts preserved at the Centre for Buckinghamshire Studies (CBS) are records relating to around 15,000 licensed marriages in Buckinghamshire between 1623 and 1852. Custody of the records had passed from the Archdeacon of Buckingham to the Bodleian Library before coming to CBS in 1959. Ultimately deposited here was an enlarged collection, comprising a somewhat patchwork set of records from the Archdeaconry of Buckingham and also from the parishes of Aylesbury, Banbury, Bierton, Buckingham, Cropredy, Horley and Hornton, Kings Sutton, Leighton Buzzard and Thame (known as ‘peculiars’ and administered by bodies other than the Archdeacon). The collection is comparatively underused given the wealth of information it contains, particularly for family historians but also for social and economic historians.

In an attempt to broaden the use of this valuable material, we have recently completed an electronic version of the index for mounting on our website. This is a corrected version of a list compiled by the vicar of Medmenham, Rev. A.H. Plaisted, in 1938 whilst the records were at the Bodleian. It has been typed up by one of the volunteers at CBS with additional corrections where mistakes in Plaisted’s index were obvious. Amendments included mistakes of palaeography, as in the case of the 1810 marriage of François Gouverna, one the servants of the French King in exile at Hartwell. His occupa-

tion is given by Plaisted as ‘Cook in the service of the French Navy’, which we have amended to ‘Cook in the service of the French King’.¹ The list will shortly be available via our website. Using it makes examining the collection as a whole much easier than it had been in the past, and allows us to draw some conclusions about the practice of marriage in Buckinghamshire that had hitherto been difficult or impossible to achieve.

The standard form of marriage was marriage by banns. The calling of the banns in church for three weeks gave public exposure to a couple’s intent to marry, allowing objections to be brought forth by the congregation. Marriage by licence obviated the need for banns, allowing a much more swift and private marriage. This privacy shielded the match from the public scrutiny inherent in the banns system, but thereby exposed the church to some risk in the event that the wedding turned out to be illegal. Particular risks came from underage couples marrying without parental consent (either falsely claiming to have received consent or lying about their age) or from bigamous matches (for all but the hugely wealthy there was no legal form of divorce that permitted remarriage for much of the period. Simply running away and remarrying elsewhere was one solution to the problem).²

Marriage licences could be issued by a number of authorities at different levels of the church. Buckinghamshire people would primarily request a

licence from the Archdeacon of Buckingham. The Archdeacon delegated his authority to surrogates, generally the incumbents of parishes around the county, who issued the licences on his behalf. Although broadly co-terminous with the historical county of Buckinghamshire, there were exceptions to the Archdeacon's authority. A small number of parishes were subject to alternative ecclesiastical authorities and were known as peculiars. Some were under their own jurisdiction (e.g. Aylesbury); others were subject to distant church authorities (e.g. Bierton, Quarrendon and Stoke Mandeville to the Bishop of Lincoln). Inhabitants of those parishes would instead apply to the relevant authority for a licence. Licences could also be issued by higher ecclesiastical authorities, conferring greater prestige on the recipients but also higher costs. For most of the period Buckinghamshire formed part of the Diocese of Lincoln, whose remoteness meant that very few Buckinghamshire people obtained a licence from the Bishop.³ In practice therefore, the most well-to-do in the county probably obtained their licences from the Archbishop of Canterbury, much more conveniently situated at Lambeth Palace, where the resultant records still reside. The Archbishop of Canterbury was also responsible for several peculiars (Halton, Little Brickhill, Monks Risborough and Wotton Underwood), so residents of those places should in theory have also applied to the Archbishop. However, the presence of quite a number of licences granted for marriages in those parishes in the papers of the Archdeaconry of Buckingham is testament to the pragmatism of both residents and the Archdeacon. The tangle of ecclesiastical jurisdictions has left other Buckinghamshire records elsewhere. The parishes of Granborough, Aston Abbots, Winslow and Little Horwood formed part of the Archdeaconry of St Albans, whose records are now at Hertfordshire Archives and Local Studies.

Although sizable, we know the collection does not cover every marriage licensed by the Archdeacon of Buckingham. Research elsewhere in the country has suggested that from 1660 virtually the entirety of the middle class and above married by licence.⁴ By the 18th century, between a fifth and a third of all marriages are thought to have been by licence.⁵ The Archdeaconry collection is not large enough to include so large a proportion of Buckinghamshire marriages, but there are significant diffi-

culties in estimating exactly what proportion is covered. The marriage registers do not always state whether a marriage has taken place by licence or banns, nor do they usually state the authority who issued the licence. Fee books recording the money received by the Archdeacon for licences do survive, but only intermittently and do not provide a great deal of help in making an accurate estimate. The one covering 1717–1720 coincides with a period in the records where almost nothing has survived. Fees for 174 marriages are recorded for 1719 for instance, but only one bond survives. On the other hand, a similar analysis for a later volume covering 1805–1808 suggests that for those years the collection is close to complete.⁶ The earliest we hold dates from 1623, but it is not until the 1740s that large numbers survive, with numbers starting to tail off again from the 1820s onwards. Even where coverage is good there are peaks and troughs; more than 200 survive each year for 1764–1766, then only 7, 13 and 3 for 1767–1769 respectively before returning to 193 for 1770. The manuscripts have not always been kept in good condition, and extensive conservation work has been carried out on them in CBS in order to make them available for public consultation. Nonetheless, quite a number are partially or wholly illegible as a result of their previous storage conditions. It is to be expected that there were others which had deteriorated so far that they did not survive at all. These poor conditions are more likely to be responsible for the troughs than sudden dramatic plunges in the issuing of licences.

The information provided in the records varies from marriage to marriage. Surviving for most marriages, at least until 1823, is the marriage bond. This document indemnified the Church against legal action in cases where the licensed marriage turned out to be illegal. The groom and a second bondsman (perhaps a friend or family member) bound themselves to the Archdeacon to pay a large sum, often £100, in the event of any such cases being brought. This sum was far in excess of the means of most of those applying for a licence so was rarely if ever collected by the Archdeacon. Between June 1805 and December 1808 the Archdeacon received fees connected with 516 licensed marriages. For not a single one of these was a bond also paid.⁷

The information contained in the bond is variable according to the whim of the surrogate issuing the licence. As a minimum the information given

includes the name of the bride and groom, where both parties are from (although this does not denote their place of birth or even long term residency), the name of the second bondsman and the signature of a witness (often the Archdeacon's surrogate who issued the licence). Also sometimes included are the groom's occupation and marital status, the bride's marital status and the intended place of marriage. Ages are sometimes given but often conform to convention rather than being truly accurate. In most cases, those under the age of 21 are described as minors, those over the age of 21 as being 21 or of full age. In some cases, an actual figure for age is given but subject to rounding. Those slightly over 21 might be given the approximate age of 25 or 30. This is made clear in our collections, nearly four times as many grooms being described as being 30 as 29, and five times as many as being 31. All the way through the collection ages ending '0' and '5' are disproportionately represented.

The second most common piece of paperwork to survive is the allegation. The allegation records the appearance of the groom before the Archdeacon's surrogate to swear that there was no impediment in the way of the marriage taking place, particularly 'any Precontract entered into before the twenty fifth day of March 1754 [when the 1753 Marriage Act, also known as the Hardwicke Act after the Lord Chancellor who carried it through, came into force], consanguinity, affinity or any other lawful means to hinder the said intended marriage'. If either party was under the age of 21, the groom had to give oath that consent had been given, and to state from whom it had been obtained. From 1754 onwards, the allegation includes an oath made by the groom about his place of residence and the time he had lived there (although frequently this merely confirms that he had lived his parish of residence for four weeks, the amount of time required by Hardwicke). In the case of marriages of minors, a separate written acknowledgement that consent to the match had been granted by the parent or guardian is sometimes also found. Between them the bond and allegation often provide more information than that in the register of marriages. In pre-1754 registers particularly it is not unusual for entries to record minimal details of the couples marrying; their names, their parish, the date of the wedding.

The 1822 Marriage Act⁸ introduced a require-

ment for those getting married by licence to prove their age as a way of ensuring that the church was not being lied to about the ages of those involved and of maintaining the principle of parental consent for minors. In practice, this meant providing copies of baptism entries along with the other paperwork. The system proved unworkable, and was dispensed with inside a year.⁹ It was in place for so little time that for only one marriage do we have this paperwork.

Noticeable by their absence are the marriage licences themselves. Licences were sold by the Archdeacon to his surrogates around the county. The surrogates drew up the bond and allegation with the couple, issuing them with a licence once he was satisfied, again for a fee. The bond and allegation were retained among the papers of the Archdeacon's court, but the licence was itself given to the couple. They then handed the licence to the incumbent of the parish in which they were to be married. The licence informed the incumbent that the marriage could be celebrated without the reading of the banns. The licences themselves were not returned to the Archdeacon, instead being disposed of in most places, although scattered collections can be found throughout the papers of individual parishes. The only place they were preserved in any number was in Wing during the period 1754 to 1852. From the date of the granting of a licence, a couple had three months to marry before the validity of that licence lapsed. Most couples appear to have married swiftly after receiving the licence, but not all. Some delayed slightly; others did not carry the marriage through at all. The survival of paperwork for a licence does not therefore confirm that a marriage certainly took place, and should only be used as a starting point for finding the date and place of a wedding.

The process of marriage by licence was significantly newer than by banns, but still had a long history. Pope Innocent III had standardised the banns system across Christendom in 1215. Episcopal dispensation from the calling of the banns was available from at least the 14th century, generally issued in situations of significant difference of age, class or wealth between the two parties. The power to grant such dispensation was transferred to the Archbishop of Canterbury and the English bishops in 1534. In 1563 Archbishop Parker's 'Admonition to All Such as Intend to Marry' set down guidelines forbidding 'secret contracts

without consent and counsel' of the parents and elders of the couple and 'that no parson, vicar or curate shall solemnize matrimony out of his or their cure, or parish church, or chapel, and shall not solemnize the same in private houses, nor lawless exempt churches under pains of the law forbidding the same'. Marriage bonds were introduced in 1583, before the Canons of 1604 codified the existing situation. The key features were that couples were not to marry without the calling of banns or a valid licence. The marriage had to take place in one of the parties' place of residence. It had to be solemnised between the hours of 8am and midday. Minors (except widows) had to seek consent from their parent or guardian. Those with episcopal jurisdiction or their ordinaries were able to grant licences to people of 'good state and quality' upon 'good caution and security taken'. It also introduced the regulation that an oath had to be sworn that these conditions had all been met.¹⁰ The bond fulfilled the 'security taken' element of these regulations and the allegation proved the swearing of the oath.

Whereas the church required the conditions of the 1604 Canons to be met, the common law required little more than consent between the couple. Certain matches were forbidden (those already married, marriage between family members, marriage of minors) but no church or priest was technically required, at least until the Hardwicke Act. In its loosest sense, a marriage could be a couple simply promising themselves to each other without church or priest. It could involve a more formal marriage ceremony including a priest, albeit not one carried one according to the Canons, for instance in a parish that neither party was from. Such forms of marriage were known as clandestine marriages. Clandestine marriage was regarded as particularly pernicious, the upper classes being particularly fearful of ladies of good character being spirited away by unscrupulous men in search of their money.¹¹ Significant numbers of marriages were carried out in the Fleet Prison by churchmen without benefice, or in churches where the incumbent was more concerned with receiving the income from conducting the ceremony than obeying the 1604 Canons. Likewise, many surrogates issuing licences were sufficiently attached to the revenue they would receive to conduct only the most cursory of investigations into couples

applying. Particular churches, often peculiars not subject to local ecclesiastical jurisdiction, became known as 'lawless churches' for the volume of the marriages they carried out.

Many of the more notorious churches were in London but Buckinghamshire was not immune. Abuses took place in Aston Sandford, where depopulation in the latter half of the 17th century encouraged the rector, John Porter, to top up his income by marrying couples from outside the parish.¹² Even more obviously, St Leonard's in Aston Clinton saw 85 marriages between 1739 (when the first register starts) and 1753. Not a single marriage involved people from the parish itself, and only 9 took place by banns. No marriages at all are recorded after March 1754 when the Hardwicke Act came into force.¹³ Perhaps the most interesting example is at Little Brickhill. The parish exhibited the classic hallmarks of a lawless church. As a peculiar of the Archbishop of Canterbury it was not subject to the oversight of the Archdeacon of Buckingham. The living was not a wealthy one, being valued at £9 in the King's Books as opposed to £18 2s 11d for Bow Brickhill and £25 2d for Great Brickhill. The incumbency was also a perpetual curacy and thus received a stipend rather than the tithe revenues. It was poor enough to be endowed with £200 from Queen Anne's Bounty and a further £200 from Archbishop Thomas Secker in 1768. The problems of clerical poverty were well known. Browne Willis saw the result as principally one of spiritual neglect. Writing in the 1760s, he asked 'what Fruit is to be expected from the Labours of a Pastor, who ... notwithstanding his best Endeavours, tails into Contempt of the meanest of [the parishoners], which his Poverty alone, without any personal Demerit of his own to add to it, is sufficient to bring upon him?'.¹⁴ Rather than go down that path, it appears that in Little Brickhill one incumbent chose to maximise his revenue through manipulation of the licensing system. Thomas Martin was presented around 1717 and died in 1747. He solemnised his first marriage by licence in the parish in 1718. By 1728 he had still only undertaken 9 marriages by licence. From then until his death, the numbers rose steeply. A decade later he was undertaking an average of 7 a year, from when until his death he averaged 15 a year with a maximum of 22 in 1745. In only 7 of the marriages was either party from Little Brickhill. The couples came from all

over the north of the county and across the borders in Northamptonshire, Bedfordshire and Hertfordshire. An unusual number of people from places such as Newton Longville suggests that Martin had acquired a reputation in those areas for a willingness to marry with few questions asked.

As Little Brickhill was a peculiar of Canterbury, in theory licences for these marriages should have been issued by the Archbishop of Canterbury. In practice, the proximity of the Archdeacon's surrogates meant that the Archdeaconry was instead the authority consulted by most. They continued to issue licences for marriages in Little Brickhill throughout the 30 years of Martin's incumbency, of which documents for 13 survive. Only a handful of the marriages can be traced through the Archbishop's papers. It seems likely therefore that Martin was illicitly issuing licences on his own authority. The arrangement was beneficial for both the applying couples and himself. The couple would save some of the costs involved in applying to the proper authorities (including the payment of tax) and Martin would be able to supplement his income by levying a charge for the licence. If poverty could be used as an excuse at the start of Martin's incumbency it certainly could not be by the end of his life. His income had improved when he was granted a licence to take over the living of Granborough in 1728 (where no such abuse of the marriage system took place).¹⁵ His will, made in 1739 whilst he was in good health, includes a series of bequests of silver crockery and cutlery as well as income from bonds and mortgages.¹⁶ The accelerating numbers are instead suggestive of a man who has realised that there is little to check his activities. His death in November 1747 correlates with an immediate drop in the numbers of illicit marriages carried out. There were still around 6 a year afterwards, generally using licences granted by the Archdeaconry. As at St Leonard's, the practice only ceased when the Hardwicke Act came into force in 1754.

Such abuses made reform of the licensing system an inevitable part of attempts to clamp down on clandestine marriage. Repeated attempts were made to reform the system before the Hardwicke Act was passed, including efforts in 1666, 1667, 1670, 1677, 1678, 1679, 1685, 1689, 1690, 1691, 1692, 1695, 1696, 1698, 1712, 1717, 1719, 1733, 1736 and 1740.¹⁷ These included steadily increasing penalties for both the incumbents

carrying out the illicit marriages and the parties themselves. The clergy carrying out the ceremonies were particularly targeted, threatened with fines and with the loss of their benefice. Neither proved effective deterrents. The threat of a fine was insufficient to deter a priest living on the breadline for whom such practices were a welcome source of revenue. Suspending a priest from his benefice led to its own difficulties for the pastoral care of the parish affected and was not frequently used. The church's position was ambiguous. The revenue received from marriage licensing was large (around 40% of the Archdeacon's income from fees in 1719).¹⁸ The cost of the loss of this income had to be weighed against its ecclesiastical and moral concerns about the proper solemnisation of marriage. There were also other practical problems. By the 18th century the heat of Puritanism had cooled and sentences the church courts could hand down like excommunication no longer held the fear they once did. Church discipline in Buckinghamshire as a whole was starting to break down. Churchwardens' returns became standardised to 'Omnia Bene' (all well, *i.e.* no ecclesiastical offences had taken place in the parish) and numbers of returns dwindled. The Archdeacon's court, like many others nationwide, was also declining in effectiveness at enforcing church law. It was too lowly a court to attract notaries public to act as proctors because of the limited amount of revenue such a position would earn the holder. The court was sometimes so short of proctors it was unable to properly prosecute cases.¹⁹ Effective action, particularly against the laity, was therefore beyond them. The officials of the Archdeaconry had little choice but to resign themselves to the practice continuing with the consolation of collecting the revenue that accompanied it. That they retained the bond above all else suggests a certain continuing disquiet about the legality of some of the marriages licensed, and an eye on ensuring some financial protection in the event of action being taken against them.

Private displeasure directed at members of the clergy in person remained a deterrent, but not a strong enough one to curb the practice. An incumbent conducting marriages in secret could face consequences from relatives of the parties once they discovered that a ceremony had taken place. In 1714, Rev. Francis Green married David Lajonquere of North Marston and Penelope-Anne

Beaulieu at East Claydon, the bride's parish. Green had been vicar of the parish for 30 years, but this action earned the opprobrium of William Abel, whose family were Lords of the Manor of East Claydon. The marriage took place in private, 'against all [the bride's] Friends Consent to a Person worth nothing'.²⁰ Abel banned Green from the house, and when Abel's wife Elizabeth died 'Young Parson Butterfield' took the funeral rather than Green himself.

When reform eventually came in the form of the Hardwicke Act, it was not without opposition. The Act was passed in 1753 and came into force in 1754. It tightened the regulations on where and when marriages could take place, and ensured that only marriages conducted in an Anglican Church by a member of the clergy would be valid (Jews and Quakers excepted). Licences could only be granted for marriages in a parish where one of the two parties had lived for the preceding four weeks. Penalties were tightened significantly for offences, including transportation for clergy breaking the rules and capital punishment for falsified licences. Critically, enforcement of the Act was carried out by civil courts rather than the ecclesiastical ones. For some, the reforms did not go far enough in that they did not abolish licensing outright. The writer of a tract known as *Gentleman of the Temple* for instance contended to show that licences were 'grievous, unnecessary, and that no Good can arise from them'.²¹ Others in opposition to the Act had suggested that the regulations were too strict and would lead to a decline in the numbers of marriages taking place. Certain places in the county were hit, with declines in the total numbers of marriages taking place in a range of parishes. In Wolverton in the ten years after 1754 34 were solemnised against 289 in the ten years before, in Buckingham 180 after against 276 before, Chesham Bois 14 after against 145 before. The picture was not uniform, however. High Wycombe saw 355 marriages in the ten years after 1754 against 177 before, and Chesham 322 after against 187 before.²² We have seen already that one of the effects in Buckinghamshire was to shut down St Leonards as a venue for abusive marriages. It did not, however, stop the trade entirely, or overnight. Licences issued contrary to the residency requirements of the 1604 Canons formed approximately 45% of those issued by the Archdeaconry before Hardwicke came into force. For a short time, the Archdeaconry

continued to issue substantial numbers of licences to couples that flouted the residential requirements, albeit nowhere near as many as before. We do not have a good idea of the picture for 1754, as so few records survive from that year. However in 1755, the first full year after the regulations came into effect, around 17% of the surviving licences issued were for a marriage to take place in a parish neither the bride nor groom resided in. Thereafter the law was substantially obeyed, no infringing licences were issued in 1756, five in 1757, two in 1758 and settling in the low single figures per year from then onwards. This was presumably the result of the surrogates who issued the licences taking time to adjust to the new regulations, and the government showing their willingness to prosecute offenders.²³ Licences continued to be issued in similar or greater numbers, reaching a peak in the early 1780s. The effect of Hardwicke was not to depress licensed marriage but rather to redistribute it, forcing people to marry close to home rather than in a church of their choice. The stipulation that a marriage had to be celebrated in the Church of England for it to be legal stimulated demand for licences in some areas. Of Christian denominations, only Quakers had been exempted from this provision by Hardwicke. Other non-conformists still had to marry in the parish church for the marriage to be deemed legal. The calling of the banns would extend contact with the established church over the course of several weeks, whereas a licensed marriage would allow a nonconformist couple to reduce it to a minimum. Thus from the congregation of the Independent Chapel at Newport Pagnell we find members of the Parsley, Kilpin and Bull families among others choosing to marry by licence.²⁴

At a time when consent of the friendship group as well as the parents of anyone wishing to marry was important, the speed and potential secrecy of a licensed marriage were welcome for couples who feared that such consent would not be forthcoming. This was one of a wide range of reasons why people might choose this route rather than the calling of the banns, each personal to the couple involved. They might also include maids or apprentices liable to lose their post if their marital status was widely known, or widows whose remarriage would cause them to lose annuities left them under their husband's will or a family settlement.²⁵ A full public marriage entailed some embarrassment for

the shy and the modest. Some of the kinds of traditions were discussed by Anne Baker of Penn: 'in the Evening we had a Great Ball after which we Put the Bride to Bed and Inchaned some cake by Breaking it over her head and drawing it nine times through the Weding ring'.²⁶ For the wealthy, marriage by licence was a form of status symbol and marked them out from their poorer contemporaries. Pre-marital pregnancy was also a factor, allowing brides particularly to avoid fornication charges and public ribaldry. Pressure could be brought to bear on such couples by the parish authorities to marry, and thus relieve the parish rate of the burden of poor relief to support an unwed mother. A licence allowed such a wedding to be carried out quickly, with minimal disturbance.

Although difficult to establish definitively from the records, it can be surmised that of these reasons the licence as status symbol is of predominant importance in Buckinghamshire. That many were wealthy can be inferred from the occupations given on the bonds. Nearly 9,000 men gave their occupations, 1,585 of whom were yeomen. These men were generally wealthier farmers, often landowners but could not be styled as gentlemen because they worked with their hands. They were able to vote and could stand in juries. Another 1,083 were farmers, many of whom were probably minor landowners. The fourth most numerous group were husbandmen (472), who were generally tenant farmers and lower down the social scale. Also in the top ten most numerous professions were craftsmen and traders such as bakers, butchers and carpenters. Gentlemen are only seventh, with 269 appearances. For all these men, licensed marriage was either a sign of their wealth, or of their aspiration to it. Almost entirely absent are the aristocracy and the more prominent of the county's gentry. They had increasing access to a national marriage market through 'seasons' such as those in London and Bath.²⁷ Marriages frequently took place by special licence from the Archbishop of Canterbury in a fashionable church in London or in a private house. Richard Grenville of Stowe (later Earl Temple) for instance married Anna Chambers by special licence at Marble Hall in Twickenham.²⁸ As an exception, the Archdeaconry records do include the marriage of Charles Fitzroy, grandson of the Duke of Grafton, half-brother of the captain of *HMS Beagle* (on which Darwin made his voyages to South America) and later Governor of New

South Wales. Fitzroy married Mary Lennox, daughter of the Duke of Richmond, in 1820. Established Buckinghamshire families such as the Drakes of Shardeloes and the Fremantles of Swanbourne (sizable collections of whose manuscripts are at CBS) are among those who do not appear in the collection. The men listed as gentlemen seem instead to be predominantly professional men. In 1809 Thomas Tindal married Anne Chaplin (daughter of Acton Chaplin, solicitor and Clerk of the Peace for Buckinghamshire). Tindal and his father-in-law were to enter into practice together, yet he appears on his marriage bond as a gentleman, not as a solicitor or attorney (as 16 others do).²⁹ Outside the top ten, trade and merchant professions predominate. Among the approximately 300 different professions given are glassblowers, engineers, watchmakers, mathematical instrument makers, parchment makers, silversmiths and excise officers. The overall complexion is of the middle class of Buckinghamshire. The men for whom no occupation is listed include perhaps the most eminent person in the collection, William Herschel, discoverer of Uranus and resident of Slough.

Poorer classes made use of the licensing system as well as the wealthy. Labourers are the third most common group, servants the eighth. Together, they make up 15% of the total number of surviving licences. In 1798, the *Posse Comitatus* found that labourers made up 40% of the workforce so clearly they are still under-represented, probably because doing so presented problems for the poor. The 1604 Canons required that those applying for a licence would need to be of 'good state and quality'. No specifics are provided, but a surrogate with a mind to do so could refuse to issue a licence on those grounds. Mindful of the revenue they received from issuing licences, it seems unlikely that many would choose to do so. Indeed, the lack of scruples on the behalf of surrogates was more of an encouragement for the poor to marry by licence than a barrier. In the 17th century, objections to the banns of a poor couple were not an uncommon occurrence, though the law did not forbid such matches. Instead, excuses about disparity of age or the possibility of bigamy would mask fears about whether the couple could support themselves and the consequent risk of drain on the parish rate.³⁰ Such objections would be sufficient to delay, perhaps permanently, the incumbent in conducting the

marriage especially if local landowners were among those applying pressure. The surrogate, substantially free from the concerns that had given the local incumbent pause, would have no qualms at issuing a licence to allow them to marry away from their home parish. This is what happened in the case of John Butcher of Middle Claydon, who approached Sir Ralph Verney for permission to marry in 1660. Sir Ralph refused on the grounds that he felt Butcher unlikely to be able to maintain a family. Butcher obtained a licence instead and married away from the parish. Sir Ralph's fears were realised, the Butcher family being a burden on the parish poor rate and local charities into the next generation.³¹

More of a problem was the cost of a licence. Taxation on licences had started in 1695, when war with France required the government to find new sources of revenue. This tax had started at 5 shillings per licence. By the 1780s, the cost of a licence charged by the Archdeacon was £1 5s (excluding tax), becoming £2 8s 6d in 1805 (of which £1 15s 4d was tax).³² These sums were considerable for a labourer. The salary they would receive varied depending on the type of work they did, but the Chicheley estate paid its labourers between 3s and 9s a week in 1775.³³ Pay for servants varied depending on the type of servant and the house in which they served. In 1776 the Dashwoods were paying the kitchen maid £8 per annum, the butler £20.³⁴ For even the best-paid servants or labourers, the cost of a licence would therefore have been several weeks' wages.

By the late 17th century, attitudes to childbearing had changed. One of the provisions of the Marriage Duty Act of 1695 introduced a yearly charge for unmarried bachelors over 25 in attempt to get them to fulfil what was seen as their duty to marry and have children. The parish authorities were no keener than they had been earlier in the century to maintain such children on the parish rate, and used the licensing system as a way of encouraging unwed expecting parents from the lower classes to marry. Thus, the accounts of the overseers of the poor for Aylesbury record that they paid £2 5s 2d for 'expenses attending the marriage of Mary Green' in June 1796.³⁵ The primary expense would have been the cost of the licence. Green was pregnant at the time, so the overseers facilitated the marriage in an attempt to ensure that the father (Benjamin Painter, a labourer) would be respon-

sible for the upkeep of the child rather than the parish rate. At the very least, the marriage spared the overseers from having to draw up a bastardy bond or from seeking a filiation order from Quarter Sessions. The couple were married comfortably before the birth of their daughter Mary Ann in September 1796. The overseers would only take this step where a birth was expected imminently. No subsidy was provided for the application for a licence for the marriage of Thomas Woodcott to Susan Lawrence the month before, for instance. No ready explanation presents itself for where such couples would be able to obtain the money for a licence. Saving does not appear too likely, given that many would be living not far above subsistence level. The sacrifices such an approach would require must have dissuaded most when the option of marriage by banns was available and significantly cheaper. Some may have been able to obtain money from relatives or friends, but many of the remainder defy obvious explanation.

The largest group of people for whom occupations are not generally given are the brides. They were in general accorded a subordinate place to their husband throughout the process. It was for instance the groom who appeared in front of the Archdeacon's surrogate to swear to the legality of the match. For many women, marriage itself would be their trade. Particularly in middle class families 'the wedding was the female equivalent of coming of age, completing one's articles or graduating.'³⁶ The bonds do not therefore give as much information as we might hope about female occupations. Only 12 of the 15,000 records provide the bride's occupation. Of these, domestic service predominates, with eight servants or maidservants. The remainder were one gentlewoman, two mantua makers (dressmakers) and an innkeeper. We know from other sources that women were heavily involved in Buckinghamshire crafts such as lace-making, so this omission of information should not be taken to mean that women were not employed. The marriage of a maid might see her lose her position, so the secrecy of a licensed marriage could prove an attractive option to prevent her employer learning it had taken place.

It is not surprising to learn that the collection includes many more licences for widowers than widows. Of the men represented, 1864 were widowers, but only 1262 of the women were widows. This disparity is probably the result of

many of the men losing their previous wives in childbirth. The issue was a serious one; at the start of the period 10.5 women died in childbirth per 1000 births. Advances like the use of forceps had reduced this to more like 5 by the end of the period, still a significant number. Many men would therefore have lost their wives early. We have already seen that the ages provided in the records are not accurate and conclusions based on them should not be relied upon. However, it is interesting to note in passing that the average ages of the widows remarrying is just 36, compared to 40 for widowers, despite so many widowers being prematurely created by death in childbirth. This is probably a result of those widowed young being keen to remarry quickly whilst they were still able to have a family. There are also a much larger number of men marrying later in life in the collection. Widows remarrying were at risk of losing annuities settled on them by their deceased husbands' wills, a barrier to remarriage that did not exist for men.

External pressures like those applied by parish authorities to marry before a couple might otherwise choose to presumably account for the lower median age of marriage for labourers in this collection, compared to marriages at large. The median age for labourers marrying was 24, a little lower than the mid to late twenties, at which the labouring poor often married.³⁷ This disparity might be explained by the use of licences by those marrying outside their parish against the wishes of their peers or social superiors, rather than delaying until a suitable match could be found. Throughout the period the age at which a couple could be married was younger than today (14 for males, 12 for females), but few chose to do so. The youngest man marrying was 16-year-old Thomas Wright of Chicheley, the youngest woman 14-year-old Mary Eames of Great Kimble. In the collection as a whole (excluding labourers and servants), the median age of marriage is 25 for men. This is a little younger than for the middle class at large. The need to save enough for a house and to ensure sufficient career progression to support a wife, family and household generally saw the middle classes marry towards the end of their 20s instead.³⁸ Premature pregnancy is again a possible explanation but given their additional wealth the middle classes would not be as susceptible to bullying from external authorities. The inaccuracy of the age figures perhaps makes up the discrepancy.

Much more in-depth statistical analysis of the collection will be possible by those with greater expertise in such matters. An Excel spreadsheet containing the data is available on the Centre for Buckinghamshire Studies website, www.buckscc.gov.uk/archives. In due course a name-searchable version of the index to the collection will also be available. A later deposit of records from the Archdeacon of Buckingham includes registers of licensed marriages 1871–1931 and 1941–1943. The registers make note of the granting of licences. Indexing work on the section 1871–1931 has just started.

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NOTES

1. Centre for Buckinghamshire Studies (CBS), D/A/M/G/536.
2. Lawrence Stone, *Family, Sex and Marriage in England 1500–1800* (1990), 35.
3. Plaisted uncovered evidence of just four.
4. Lawrence Stone, *Uncertain Unions Marriage in England 1660–1753* (Oxford 1992), 22.
5. *Ibid.*, 25.
6. CBS, D-A/Fm/1/3.
7. CBS, D-A/Fm/1/13.
8. 3 George IV c. 75.
9. 4 George IV, c. 76.
10. R.B. Outhwaite, *Clandestine Marriage in England, 1500–1850* (1995), 5–8.
11. Lawrence Stone, *Uncertain Unions*, 25.
12. Gulland, 'Open Field Enclosure and Village Shrinkage at Aston Sandford', *Recs Bucks* 43 (2003), 138.
13. CBS, PR 178/1/1.
14. Browne Willis, *Thesaurus Rerum Ecclesiasticarum* (1768), v [accessed via Google Books, <http://books.google.co.uk/books?id=Wqk9AAAYAAJ>, 24 July 2013]
15. Lambeth Palace Library, FP XLII, f.41.
16. CBS, D-A/We 82/48.
17. Outhwaite, 69.
18. CBS, D-A/Fm/1/13.
19. W.A. Pemberton, 'Some notes on the Court of

- the Archdeaconry of Buckingham in the Eighteenth and Early Nineteenth Centuries', *Recs Bucks* **22** (1980), 21.
20. CBS, D-X 1069/2/20.
21. Outhwaite, 111.
22. D. Ayshford, 'Legitimate Ancestors – are you sure...?' *Origins*, March 2013, 27–28.
23. For instance the chaplain at the Savoy Chapel and his assistant, convicted 1755 and 1756, Outhwaite 126.
24. CBS, NC 15/2/1.
25. Stone, *Uncertain Unions*, 24.
26. CBS, D-X 1069/2/20.
27. Stone, *Family, Sex and Marriage*, 50.
28. J. Beckett, *The Rise and Fall of the Grenvilles Dukes of Buckingham and Chandos 1710 to 1921* (Manchester 1994), 37.
29. CBS, D/A/M/T/305.
30. S. Hindle, 'The Problem of Pauper Marriage in Seventeenth-Century England', *Transactions of the Royal Historical Society, Sixth Series* **8** (1998), 80.
31. John Broad, *Transforming English Rural Society, The Verneys and the Claydons, 1600–1820* (Cambridge 2004), p160–161.
32. CBS, D-A/Fm/1/1 and D-A/Fm/1/13.
33. CBS, D-X 958/1.
34. CBS, D-X 1548/1.
35. CBS, PR 11/12/9.
36. Mary Abbott, *Family Ties – English Families 1540–1920* (1993), 121.
37. *Ibid.*, 148.
38. Stone, *Family, Sex and Marriage*, 44.