102. Canon. — Canon. 102. (1) That there is no lawfull Impediment. (2) That no Suite is depending, touching any Marriage, or Contract of either of the Parties with any other. (3) That they have obtained the Consent of Parents & Guardians (4) That they will celebrate said Matrimony publicly in the Parish Church, or Chapel, where one of them dwelleth

Acts of Parlt were made with the same View of discountenancing Clandestine Marriages

6 & 7 W3. c. 6. S. 32 — 6 & 7 W3. cap. 6. Sec. 32 enacted "That no Person shall be married, in any Place pretending to be exempt from the Visitation (of ye Ordinary) without Licence, except the Banns be published & certified & every Person who shall marry Persons, contrary to the meaning hereof, shall forfeit 100l. & for the second Offence, be suspended ab Officio & Beneficio 3 Years . . .

7 & 8 W. 3. cap. 35 Sec. 2 — 7 & 8 W3. cap. 35. Sec. 2. "Every Person &c who shall marry any Persons, in any Church or Chapel, exempt or not exempt, or in any Place whatever, without Publication of Banns, (according to Law) or licence shall forfeit 100l — 3 The Same Penalty for substituting any other Minister to marry in any Church or Chapel to said Parson belonging without Banns or licence: 4 Every Man married without Licence or Banns, to forfeit 10l. Every Sexton or Clerk, knowingly assisting at such Marriage 5l

10 Anne. c. 19. — 10 Anne cap. 19. "Every Person in Orders, who shall marry any Persons without Publication of Banns, or Licence from the Proper Ordinary shall forfeit 100l. If the Offender be a Poisoner in any Gaol, other than the County Gaol, on Conviction for such Offence, he shall be sent to the County Gaol: & if any Gaoler, shall permit any marriage to be solemnized in his Prison without Licence, or Publication of Banns shall forfeit 100l.

Upon the whole then, it appears, that Marriages performed in any other Place, than the Church or Chapel of the Parties Habitation, & by Banns or Licence, which implies Consent of Parents, or Guardians, in both Cases, were always prohibited, by the Laws of this Country. Different Provisions had been made at different Times, to enforce the Law in this respect, which had all been found ineffectual; at last comes the 26 Geo. 2. which is not a new Law, prohibiting, what was before permitted; but a new Sanction only: doing that, which almost every other Christian Country, both Protestant & Catholic, had done long before; Viz. Declaring that

Marriages entered into, in any different manner, than the Law directs, should be to all Intents and Purposes, null & void.

But the Mischief & Inconvenience, it would be of, to great numbers of the Kings Subjects, who have been married in this manner, & to their Children, if Marriages so had, should be pronounced to be void, have been enlarged upon.

In the first Place, I believe, there are not many, who have been married in this manner, who have not got Marriage solemnized between them in England, afterwards; especially, where much Property depends upon it: & it is not a Contrivance for Poor People; they cannot go to Scotland to be married; they must stay at home & obey the Law.

But admitting there are many who have not: who is to blame, The Legislature, or themselves? suppose, they had been married, in the same manner, in England; neither in a Church, or Chapel; without either Banns, or licence? Nobody will say, this, could be a valid Marriage: Yet the Inconvenience, to themselves, & Children, would be the same; & the wilfull Contempt of the Law, is not more or less; whether the act were done a Mile on this Side, or a Mile on the other Side, the Boundary, of the two Kingdoms.

It is said . . . It has been acquiesced, in, for a great many years; i.e. these Marriages have not been pronounced void, in a Court of Justice; still for the same Reason: they have never been brought before a Court, to sentence; for whenever a Cause, has been begun, as it has, in some Cases, by the Guardians of Minors, they have come of Age; & then have married in a legal Manner: Cases have been cited too. Viz. Scrimshire & Scrimshire determ: in the Consistory of Lond. 1750 . . . That was a Cause of Restitution of Conjugal Rites, brought by Sarah Jones, calling herself Scrimshire, agt John Scrimshire Esq; the Case was, that Mr Scrimshire, a Gentleman of large Fortune; 18 Years old, being at Boulogne in Feb: 1744, got acquainted, with Miss Jones, 15 Years old, who lived with one Mrs Dunbar, her Relation, there; he was drawn in, to be married to her, by an Irish Roman Catholic Priest, according to the Romish Ritual, at Mrs Dunbars Lodgings, in the Presence, & by the Contrivance of 2 Irish Officers, Messrs Bagot & Magrath; Mr Scrimshires Mother, complained of this, (as a grievance done to her Son) first to the Civil Court of Boulogne, & afterwards, by Appeal, to the Parlt of Paris; which pronounced, that there was a