

10. K Great Britain and Ireland, 1823, 14

DISSENTERS' MARRIAGES.

REPORT

OF

THE DEBATE IN THE HOUSE OF LORDS,

ON THURSDAY, JUNE 12th, 1823,

ON THE

MOTION OF THE MARQUIS LANSDOWNE,

THAT A "BILL FOR GRANTING RELIEF TO HIS MAJESTY'S SUBJECTS, NOT BEING MEMBERS OF THE CHURCH OF ENGLAND, IN RELATION TO THE SOLEMNIZATION OF MATRIMONY," BE READ A SECOND TIME :

WITH PREFATORY OBSERVATIONS,

AND

An Appendix,

CONTAINING TWO BILLS, &c.

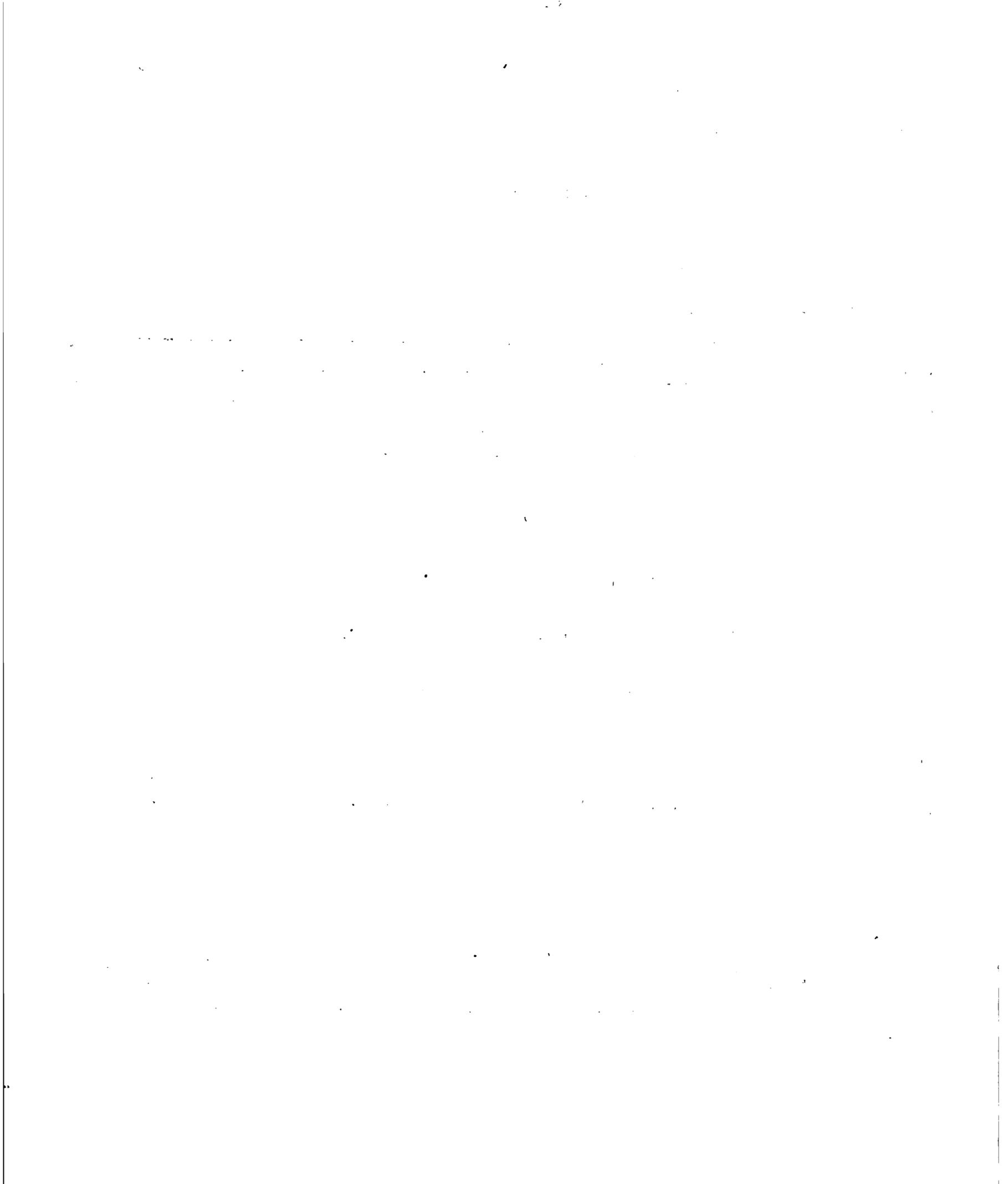
PUBLISHED BY THE

COMMITTEE OF THE UNITARIAN ASSOCIATION.

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1823.



OBSERVATIONS.

THE Committee to whom the application to Parliament for relief on the subject of the Marriage Law was entrusted by the Unitarian Dissenters, have thought it desirable to give circulation to as correct a Report as they could obtain of the Debate in the House of Lords, on the motion for the second reading of the Bill introduced by the Marquis of Lansdowne on their behalf.

They are actuated as well by a desire to communicate the fullest information on the subject, in order to prepare the way for future discussions, as by a wish to express in the most public manner,—their grateful acknowledgments, not only to the Noble Mover whose valuable exertions were engaged in their behalf, but generally for the attention to their case manifested on all sides of the House,—their entire confidence in the eventual recognition of the justice of their claims,—and their earnest desire to shew, that (at the same time as they press their case upon the Legislature,) they wish neither to put forward a plan of relief which shall be disagreeable to the feelings of others, nor in any way to relax the civil regulations which are and ought fairly to be imposed on all, for the well-being of society.

They trust that they may be indulged in a few observations on the nature and history of their case, particularly as it concerns that branch of Dissenters, on whose behalf more especially, the subject has within the last few years been repeatedly brought before Parliament.

Their claims have been introduced by many petitions, which have in substance stated,—that conscientious objections were entertained to the compulsive conformity with the worship and service of the Church which was produced by the operation of the Marriage Act ;—that Dissenters in general, (whether differing in doctrine from the Church or not,) objected to being obliged to become for that purpose its members, partaking in the rites, and joining in the worship and service, from which they, on all other occasions, conscientiously separated themselves under the sanction and protection of the Laws ;—that these objections acquired far greater force when the parties differed widely from the doctrines of the Church, but were nevertheless called to join in a service which recognized opinions unsupported (in their judgment) by the voice of reason or scripture ;—that previously to the Marriage Act of 26 Geo. II. c. 33, the marriage contract had been, so far as

its legal consequences were considered, essentially civil ;—that the marriages of Dissenters celebrated in the face of their congregations, were valid in the Courts of Law ; (see *Hutchinson and Wife v. Brooksbank*, 3 Levinz 376, *Wigmore's case*, Salkeld 438 ;)—that the Marriage Act was meant only to accomplish a civil purpose, the policy and utility of which it was by no means intended to impugn ;—that though by the operation of the Act, an essential abridgment of the liberty of Dissenters from the doctrine and discipline of the Church was effected, it was clear that such a result was not the intent of the Legislature, as appeared by its exemption of the Jews and Quakers.

Parties seeking exemption from the operation of laws, devised for the general welfare of the community, would naturally turn their attention to devising a method of relief, which they could submit with confidence, as evincing no wish to relieve themselves from the essential and wholesome civil regulations of their country, while they requested attention to the rights of conscience in matters purely religious. They saw and felt the desirableness of interfering as little as possible with existing institutions, the civil benefits of which were equally advantageous to all ; and it appeared therefore to them at first, that the simplest and most satisfactory plan was, to allow, in the case of parties scrupling the performance of the present service, that the minister might use only such part of it as was necessary to the formation of a solemn contract, omitting all to which the parties (as differing either in doctrine or discipline) could object.

On this principle a very short Bill was framed, and passed through some of its stages in the House of Commons, which provided that where the parties should deliver a written declaration that they were Dissenters from the Church of England, the minister should be allowed to solemnize the marriage by using only such part of the service as begins with the words, " I require and charge you both," and ends with the words, " And thereto I give thee my troth." A reference to the Bill printed below will shew the simplicity of this plan, and the words which would form the service useable under it are subjoined for convenience of reference.

To this plan it was, however, soon understood that insuperable objections were entertained, to which it became the petitioners to pay the greatest deference. While they were considering what other course should be adopted, a Civilian of eminence (Dr. Stoddart), whose political and religious principles furnish sufficient safeguard to the friends of the Establishment, that civil regularity as well as the interests of the Church would be fully considered, very politely drew up a Bill, upon the plan which appeared to him most advisable. This was adopted by the Committee, subject to some alterations unimportant in principle, and is the Bill just rejected by the House of Lords.

In order to repel any suspicion of an intention on the part of the Dissenters to propose an improper alteration of the law, it may be of some utility to quote the following passage from an article by the same gentleman, which appeared in "The New Times," and also an extract from another work attached to similar political and religious principles.

"We fully admit the existence and the magnitude of the evil which Mr. Smith proposes to remedy; perhaps we regard it as more obnoxious than he himself does; but our doubt is, whether the proposed mode of correcting the evil be not worse than the evil itself.

"Marriage is a contract *natural, civil, and religious*. It is quite clear that the civil law (that is to say, in England, the common and statute law) may put such restraints and limitations upon the law of *nature*, as may be required for the general good of the community. The general good of the community requires that the marriages of minors should not be clandestine. The statute called the *Marriage Act*, (26 Geo. II. c. 33,) was passed to prevent such clandestinity; and the preamble of Mr. Smith's Bill declares that the general policy of the Marriage Act was wholesome, and ought not to be infringed.

"So far there can be no dispute; but among the means adopted by the Marriage Act to prevent clandestine marriages, the principal is to compel all persons in England, except *Jews* and *Quakers*, to be married according to the rites and ceremonies of the Church of England. Now, this was a provision in no degree *necessary* to prevent minors from being married clandestinely. It might tend to produce that effect; but so might five thousand other measures which it is easy to devise. On the other hand, the preamble to Mr. Smith's Bill truly asserts, that many persons entertain conscientious objections to the use of certain parts of the office of matrimony in the Book of Common Prayer. The genuine and unaffected scruples of *conscience*, we trust, no one will ever be found more ready to respect than ourselves. We perfectly agree, therefore, that it is 'expedient to grant ease to scrupulous consciences in that respect.'"

The article then proceeds to urge objections to the mode of relief by changing the service of the Church, and in opposition to that plan the author eventually proposed the Bill now in question.

The same plan was also recommended by a prominent article in the *Christian Remembrancer*, (No. 41,) a periodical work usually considered as firmly advocating the principles and interests of the Established Church. The writer after objecting strongly to the proposed modification of the service adds—

“ That I may not be accused of recommending impossibilities, I will shew how the important objects just alluded to may be reconciled. Let the *banns* of marriage between Dissenters be published in their Parish Church; let a certificate of such publication be given by the minister; let the parties be married on the strength of such certificate, by their own teacher; and let them bring a certificate of their marriage to the parish register. This would provide against clandestine marriages, and would give sufficient facility of recording and proving them. I am not aware of any material objection to this plan: of its infinite superiority to that which is now before the House, I cannot think that one individual will doubt.”

While the subject was yet under consideration, the Marriage Law came generally under the consideration of the Legislature from other causes; and it was thought that while a Committee of the House of Lords were engaged in considering the whole code, it was peculiarly necessary that no time should be lost in calling their attention to the imperfect basis on which any law would proceed, which should provide only for marriages according to the rites and services of the Church. At the same moment appeared statements of a most important character with regard to the Roman Catholics, whose objections to conformity with the doctrine and discipline of the Church by joining in her worship and services, had, it appeared, carried great numbers of them so far, as to induce them to overlook all consequences of a civil nature, and to contract their marriages solely before their own priests—of course without any legal validity.

The Report of the Committee of the House of Lords to whom the Dissenters' petitions were referred, apparently admitted the principle that relief of some kind ought to be extended, but left it to the parties to bring their own case distinctly and separately before the Legislature. It was therefore determined (notwithstanding the late period of the Session) to place a Bill before the House, that at all events discussions might take place, which if they did not end in the approval of the present measure, would point to one more likely to be acceptable.

The Bill so introduced forms the subject of the ensuing discussion. A copy of it is subjoined, and its principle and details may therefore be fully examined. It was thought fairest to make the cause a common one, by including all persons separated from the Church of England, whether Catholic or Protestant, in the plan of relief; and if the Committee who had the matter under their management originally on behalf of the Unitarian Dissenters only, have found their progress in any way embarrassed, by their having considered more the general principle than their individual cause of complaint, they hope that they shall be thought to have erred on the best and most liberal side.

A few words may be allowed as to the plan and details of this Bill. They are submitted with the greatest deference to the high authorities to whose arguments they may appear addressed, and are perhaps only rendered necessary by the haste with which the subject came before the House, and the probable want of time for weighing deliberately the details and operation of the measure.

And first as to its supposed liability to create civil irregularities, or facilitate what it is the object of the general law to prevent, "clandestine marriages." On a careful perusal of the Bill, the Committee trust it will fully appear, (at any rate such was their anxious desire,) that every civil form and precaution is preserved, in as full force as in a Church marriage. They were aware of the jealousy, (and they admit the just jealousy,) with which the Legislature would regard a project for entrusting a matter of so much civil importance to persons whom it was extremely difficult to define or controul, or for granting any release from the wholesome restraints of the law, to persons whose bonâ fide possession of the character entitling them to such relief it was hard to secure. They saw too, that their plan would be necessarily unsafe and difficult in execution, if it implied the confiding of any civil function whatever, to persons not easily brought within the superintendence of the law, or released the parties from any one safeguard which is imposed on marriages contracted in the accustomed forms.

The Bill therefore *imposes every form now required of a Church marriage, and adds others*: the party who should avail themselves of it, would go through precisely the same ordeal, (except being compelled to join in a religious service;) and it is impossible to conceive, that a person, wishing to contract an irregular marriage, would resort to a course which would impose on him more expense, all (and somewhat more than) the usual Church forms, and the further inconvenience and risk of publicity occasioned by his having also to attend at the Dissenting Meeting-house. So far from a Churchman adopting the character of a Dissenter for such a purpose, it is far more probable that the reverse would in practice be the case. Having preserved untouched all the civil requisites as to form and place, the operation of the Bill would prevent any risk from the misconduct of the Dissenting minister, because his acts under it would be of no more avail than they are at this moment. He has by it no new power, no means (whatever his inclinations might be) of doing any mischief, for every thing necessary to the legal validity of the marriage is left where it was.

A second objection is made to the proposal of allowing the benefit of this Act in cases where only one of the parties is a Dissenter. If the relief is conceded where both parties dissent, there will probably be little objection to its being restricted to that case; but it may be observed that the relief pro-

posed by the Bill is merely optional; that the party whose attachment to his or her particular opinions was strongest, would doubtless yield to the other, and probably oftener to the Church than against it; that to send the parties to be married according to the religious service of each would not remedy the evil, because where conscientious scruples were entertained, such a plan would violate the consciences of both instead of one; and that the fairest plan seems to be to leave the parties their option. If both were equally firm in their adherence to their peculiar opinions, the consequence would be that their union could not take place; though it may be questioned whether that be a just or politic law, which should in any case make such a civil inconvenience the result of steady adherence to the dictates of conscience.

Thirdly, as to the class of persons to whom the proposed relief should apply; it is conceded that *doctrinal scruples* are matter of conscience and deserving of relief, but the Bill is objected to as extending the same measure to the general Nonconformist objections to the *discipline* of the Church, unconnected with the question of doctrine; and a question is raised whether "*conscientious scruples*" can properly be treated as the ground of such dissent.

Under the word *discipline* are usually comprehended the worship, services, formularies, authority, and political institutions of the Church; and it may perhaps be sufficient to ask, what drove the two thousand ministers from its communion in the reign of Charles II., and what has kept the great body of Dissenters separated from it for two hundred years, but grave objections to the Establishment in these particulars, urged on moral and scriptural grounds of conscientious Christian disapproval? Without entering on the merits of the controversy between the Church and the general body of Dissenters, (of which mutual toleration and increased liberality have happily removed the greater part of the acrimony which once existed,) it will surely be sufficient here to observe, that the latter have at any rate ever *professed* deep religious objections to such important propositions as,—that the civil Magistrate has any right or authority over the consciences or religion of men;—that the Christian Church can consistently with the principles of its founder be connected with the State;—that its ministers ought to be imposed without the choice of the people, and required to subscribe formularies of faith;—that "it hath power to decree rites and ceremonies, and authority in controversies of faith;"—that whoever affirms "that the government of the Church by Archbishops, &c. is repugnant to the word of God," (Can. VII.) or that "the Common Prayer hath *any thing* in it repugnant to the Scriptures," (Can. VI.) or "that *any* of its thirty-nine Articles are *in any part* superstitious or erroneous or such as he may not with a good conscience subscribe unto," (Can. V.) is excommunicate ipso facto;—that priests have power to forgive or retain the sins of men;—that he "who will be saved must

think" as one of her creeds thinks, and that he who rejects it, "shall without doubt perish everlastingly."

These, and some others which might be mentioned, are grave propositions; and the Dissenter to mark his conscientious disapproval of them, firmly but temperately withdraws himself from the fellowship of the Church, and refuses that assent which joining in its worship and services would imply. In former times he suffered persecution in the assertion of his right to follow the dictates of his judgment; in a wiser age he has been protected in his dissent; he has always for conscience' sake resigned that claim to an equal participation in the honours and rewards of the State which conformity would give him; and if such be the voluntary course of his conduct, can it be otherwise than a violation of his liberty of thought and action, to compel him to give that practical assent to the discipline, authority, and scriptural purity of the Church, which he on all other occasions refuses? True, he has not carried his protest against the principle so far as the Catholics, who have even sacrificed the legitimacy of their offspring to the assertion of their religious rights; he has thought himself justified in weighing the consequences; and though he gives up for himself the common rights of citizenship, to follow what he considers the path of duty, he conceives that, in this particular, a still more imperious duty calls upon him to bow to the necessity which morality and the well-being of society impose upon him in the present state of the law; but surely he is not on that account a less fit object for consideration and relief.

If the man who dissents from the mere *discipline* of the Church is not governed by conscientious principles, why does he not join in another of its rites, and thus escape the rigour of the Sacramental Test? If it was not known that every Dissenter would "conscientiously scruple" any such recognition of the authority, discipline, and services of the Establishment as would be implied in partaking of any of its ordinances, why was such a test imposed, and why does it still work its intended effect?

In the eye of the law all the "conscientious scruples" that were till lately recognized were scruples to the *discipline* of the Church. The Toleration Act relieves such and only such; the Schoolmasters' Act exempted the parties merely from the consequence of such objections, and it was reserved for the last reign to recognize any sort of attention to *doctrinal* differences.

With these observations the Committee dismiss the subject, recommending only a careful perusal of the ensuing debate, and earnestly intreating an impartial consideration of the measure to which it relates. They wish only for candid and liberal inquiry. They desire to shew no pertinacity of attachment to any one form of relief, the mode of which they are willing to leave, with

the fullest confidence, to the matured consideration of the Legislature. It would ill become them to attempt any thing like dictation on matters of so much importance to the interests of the community; still less (at the time that they are contending for a favourable attention towards their own religious difficulties) to press any plan which may be wanting in deference to the scruples and fair objections of others.



REPORT, &c.

HOUSE OF LORDS, JUNE 12, 1823.

THE MARQUIS OF LANSDOWNE rose to move the second reading of the Bill for granting to persons not conforming to the Church of England, relief from the operation of the Marriage Act. He stated that the Bill before their Lordships purported to relieve Protestant Dissenters and Catholics from that compulsive conformity to the service of the Church of England, which was inconsistent with any principles of toleration, inasmuch as it violated conscientious scruples. He did not anticipate any denial of the general principle on which the Bill rested. The objections of some of the parties complaining went to the acquiescence required in doctrines which they conscientiously declined to admit. Others, without the particular objections to doctrines, were opposed to the conformity to the rites and discipline of the Church of England required of them in this particular, while the law required no such conformity in any other matters. Under this head came the Roman Catholics. Among the latter it was found that owing to the present state of the law, the greatest irregularities had taken place. Great numbers of them refused conformity to the Church of England, and were married by their own priests: and the consequence was, that their Lordships saw before them the Petition of the Protestant churchwardens and inhabitants of a great parish, (St. Luke's,) calling on the Legislature to interfere, and attend to the state of the law which produced so much civil mischief. It should be recollected too, that in one part of the empire these very marriages were protected by law.

The present Bill proceeded on the general principle, and the least exceptionable one, of giving to all, that relief which had already been extended to Jews and Quakers; not, however, wishing to rest the relief, merely, as in their case, on exemption, but wisely seeking to bring the parties within the pale of the Parish Law, as to all the civil regulations of marriage; and thereby giving the fullest security for due attention to those formalities which were necessary for the well-being of society. It appeared to him, that what the Legislature had a right to require was, that individuals should conform to all such regulations as were necessary for the interest of the parties themselves, and also for the interest of other individuals composing the community. Farther than this, he thought it would also be the feeling of the House, that (besides providing for) the due

observance of these forms) some sort of religious ceremony should be connected with so important an act as marriage. But for that very reason it seemed desirable that the religious ceremony should be the one most agreeable to the conscientious feelings of the parties, most binding in their views of religion, and most connected with their usual habits, worship, and opinions. Assuming that toleration was the recognized principle of the law of England, how could their Lordships wish to enforce conformity in such a matter as this? The last exception which he would make to such a principle would be, to require a compulsive and insincere acquiescence in opinions, which the party on other occasions disavowed, on his entering upon a ceremony which, above all others, ought to imply and require sincerity and openness of heart. "Your Lordships," said he, "cannot hope, your Lordships I am sure do not wish, at any other period, to compel a person to admit doctrines which his conscience disavows; and can you require that at such a moment, at a time least of all tolerating any sort of equivocation, and requiring perfect sincerity, the parties should trifle with their principles and consciences, and pretend to conform to what they on all other occasions disavow, and which you allow them to disavow? Surely I need not argue that no benefit can be derived to the Church, the State, or the cause of Morality from such a conformity as this."

On these grounds the Bill had been framed. Every thing had been regarded that could give civil security; publicity of every sort, and the usual precautions required in other marriages, were recognized by it: all that was asked was, that after passing through all the formalities imposed on parties marrying at Church, the parties should be allowed to solemnize the religious ceremony in their own places of worship, according to their own religious rites, and afterwards to register their marriages in the parish books. Not professing that the Bill in its present form was perfect,—willing to listen to any suggestions for its improvement, especially from the reverend bench opposite, (anticipating, however, one objection to the number and kind of places that might be registered, by saying that he had no objection to confine the privilege to buildings *solely* appropriated to religious worship,)—willing also to believe that there existed in the House no wish to impose a burthen on conscience, and no desire to retain any thing for the sake of mere power and influence, he should confidently leave the Bill to their Lordships, and move that it now be read a second time.

The LORD CHANCELLOR regretted he was obliged to oppose the motion: he was perfectly satisfied that such an important measure should have been brought in at a much earlier period. No man could look at it without seeing that the generality of its provisions marked that the parties themselves had not had time to give it the consideration it deserved. He begged now to state and repeat, that while he yielded to no man in an inflexible attachment to the Church as established by law, he was fully as much influenced by

feelings of just and enlightened toleration. Without saying that no measure might be proposed calculated to relieve the parties complaining on unobjectionable principles, (but having no difficulty in saying that none yet offered, answered to that description,) he could not help observing, that in what was asked in the way of toleration for them, he could see no toleration shewn towards the members of the Church. If a Protestant and Catholic were to be married, no attention was to be given to the scruples of the Protestant; but he was to be taken from the rites and ceremonies of his own church to accommodate the scruples of the Catholic. This could not be.

The Bill did not bring forward the specific pretensions—(he was willing to admit) the *just claims*—of those bodies who differed from the Church, but whom still they would and must consider as comprising most respectable characters. It sought to open the door to every kind of mischief. It pretended to be founded generally on a concession to religious objections; but was it intended that, in cases where these might lead to the denial of the very truths of Christianity, there was to be no line drawn? Were their Lordships to lend themselves to relieve any thing that assumed the form of any sort of objection to the Church? This Bill led to such consequences. It defined or described nothing. In their wish to meet the conscientious difficulties of persons dissenting from the Church, let them see where this Bill would lead. In every town and village these places of worship, these conventicles (meaning to use the word in no invidious sense) were opened. Their licenses were easily got, and ought (he would admit) to be easily got; but would their Lordships allow, as this Bill allowed, that every place which could be so registered for worship should be a place for solemnizing marriage?—that not only every town and village, but every street should be full of them; and that not merely for respectable and conscientious bodies of Dissenters, but for every species of absurdity that might be devised?—for the followers of Johanna Southcott, for Ranters, Jumpers, and all sorts of sects, nay, further, for all persons who in any way might or should hereafter decline conformity to the Church? True it might be said the Bill may be amended in a Committee, but he did press on their consideration, whether a measure working such mighty changes should be brought in at such a period of the session, whether they should set about the task of seeing whether it could be amended, or whether it would not be wiser at an earlier period of an ensuing session, to introduce a Bill when there should be more time to give it proper consideration. There was another feature of the Bill which he could in no way reconcile to himself. Under the notion of giving this toleration, and feeling the necessity of attending to the revenues of the Church, there were provisions for making its ministers parties to these irregular marriages. He could never consent that the Church of England and its ministers should be made instruments to such purposes. He had rather she should lose the whole income proposed to be secured to her, than submit to such a proposition, as to make her a party to sanction the acts of the worst sets of congregationists. He was, he would

repent, the friend of toleration, but not of such as this Bill professed to support; and would willingly next session, if his life were spared, give the subject his best attention.

LORD LIVERPOOL. If the question were now whether this Bill, as it stood, should pass, he should concur with the learned and noble Lord in giving it a decided negative. At the same time he could not help stating that the object of it was one to a certain extent expedient and necessary. He must differ from that noble and learned Lord, and contend that, even at this period of the session, they ought to send it to a Committee, to see whether this Bill, or some other mode, could not be adopted to relieve the complainants. He said some other mode, because he fairly confessed that this did not seem to him the best. There was another plan which suggested itself to his mind, though he mentioned it only as a suggestion, and admitted that the Legislature should not force it on the Church unless it took it up of itself. What he meant was, not an alteration of her ritual as to marriage, but the formation of a new one, of so comprehensive a nature that none could object to it, to be used in the case of persons objecting to the present service. He said this, because he must confess, that the object and argument of this Bill were unanswerable. After admitting Jews and Quakers, he could see no principle on which the relief should be refused, he did not say to all, but at any rate to the respectable classes of Dissenters, under proper provisions. When they knew that there were conscientious objections to the service, to say, "We will force you to conform to our doctrines and rites, or you shall not enter into the state which is of the highest importance to society, and most conducive to your own welfare and virtue," was putting a case which could not be supported. Some relief, therefore, was indispensably necessary. This he would grant, if possible, without the inconveniencies which they would find would meet them when in the Committee. Except in the case of Catholics, to which it would not apply, it seemed to him, in truth, more advisable (if the Church saw no objection) that it should grant the requisite relief by making a service for all, to which none could object. The subject had been under reflection with him some years. He had received various communications from Dissenters, and he should himself probably have brought the subject before Parliament before this, but his difficulty was, that he never saw his way to the best mode of accomplishing his object. Though he thought the plan he had suggested the best, he did not think that the Legislature ought to force it upon the Church.

As to the Bill before them, (if the plan he suggested were not acceded to,) he would, notwithstanding any objections to it, send it to a Committee. To one leading feature of it he decidedly objected, which allowed the relief not only to the case where *both* parties differed from the Church, but where *only one* did. Why could not such parties of different persuasions, at any rate be married in the church of each? Why should the Protestant, or Churchman be called upon to bend to the Catholic or Unitarian, more than the reverse?

This could never be allowed. Why should it be supposed that the faith of the Churchman was not as strong as the Unitarian's? If neither party would give the other the benefit of his or her religious doubts, they ought not to come together. It was clear that the relief could only be extended where *both* were objects of it. Another material point was, to see that the parties were bona fide Dissenters—not merely professing themselves to be so for that purpose. This he knew would be a matter of great difficulty, but he did not despair of finding a means of overcoming it in a Committee. As to the places to be registered for marriages, it was impossible that every room or garret licensed for religious worship could be allowed to be used for this purpose; it was not necessary for the parties themselves that it should be so. On the whole, it was undoubtedly desirable that the Bill should have been brought in earlier: he was aware, however, of the reason why it was not, which was a fair one: but the subject was one that had excited great attention, and even now, at this period of the session, he had rather that it should receive the full consideration of the House, though it might be clear that no measure could absolutely be decided upon this session.

The Archbishop of CANTERBURY observed, that there were two modes proposed to them for the relief of the parties complaining. The first, the suggestion of Lord Liverpool as to an alteration in the service of the Church; the second, that they should go on with the present Bill. He could not accede to Lord Liverpool's suggestion. It was the first instance, he believed, of a recommendation being made to the Church to alter its Liturgy in matters of *doctrine*, to meet the scruples of Dissenters. In matters of *discipline*, attempts had been made at comprehension, but never, he believed, was any alteration contemplated in *doctrinal* matters to accommodate those who scrupled at conformity. "I give way to no man, my Lords, in my respect for religious scruples and feelings. The English Church is truly a tolerant Church, for this especially, as well as for other reasons, that she lays no claim to infallibility. Every man is on the momentous questions of religion to judge for himself, and, so judging, he may do well, if diligent in searching, and if the means which he adopts be suitable. But how many, my Lords, do we not know, found their faith on private and unlearned interpretation of particular texts? Am I unfriendly to toleration? No! it is the proper result of the fallibility of human judgment. But the mode and extent of that toleration is a subject for the Legislature to decide upon, not for the Church; and Parliament will, I have no doubt, take care to keep it within such limits, as that sound moral principles shall not be endangered, nor the interests of the Church subverted. I look at the noble Lord's suggestion with infinite alarm, as the first attempt to alter its Liturgy to meet doctrinal objections; and with regard to the Bill before us, I consider the principle of it also objectionable, because it goes further than the point which I am ready to concede, namely, relief to scruples of conscience in matters of *doctrine*. Forms of *discipline*, my Lords, can hardly be said to be the subject of scruples of con-

science; yet this Bill goes to meet the case of objectors to discipline, and states the parties to entertain 'conscientious objections to the doctrine and discipline of the Church.' Confining it to matters of *doctrine*, I think that relief should be granted, and that some plan may be devised, which may be free from some of the objections which apply to the present Bill."

The Bishop of WORCESTER conceded that there was just ground of objection, on the part of those who are required at present to join in a service that implies a confession of faith repugnant to their conscientious feelings and opinions. He objected to any man being called upon, on such an occasion, to profess what on no other occasion he was in any way called on to admit. He thought some remedy ought to be applied; the question was, What should be the relief? The Bill was in its present state very imperfect, but it might be altered to meet their views in a Committee. As to the suggestion of Lord Liverpool, he differed from the opinion expressed by the Archbishop of Canterbury. An omission or abridgement of the service did not appear to him to be, properly speaking, an alteration. Did not they all know that the service was every day in practice abridged?

LORD REDESDALE. The principle of the Bill was, in fact, to repeal the Act of the present session, while it professed not to do so. It was nothing more nor less than to convert all places licensed under the Toleration Act into Gretna Greens, where persons of all persuasions might go and make irregular marriages: two persons of the Established Church might be married under it, if they wished to evade the usual forms. This Bill was totally different in principle from the exception of Jews and Quakers in Lord Hardwicke's Act. *They* were two known denominations; their ceremonies, creeds, and customs, were known, and the exception only applied to parties being so *bonâ fide*, and, to bring them within it, it must be proved that they were really Jews or Quakers. If it was enacted, that, in the case of a marriage between *two* Catholics or Dissenters, they might marry in their own church, the principle would be followed; but, when it was allowed to *one* of the parties, the principle was deserted. This Bill was nothing more nor less than the repeal of an Act which it pretended not to repeal. It allowed any person to make irregular marriages, as easily as if at Gretna Green. Marriages of Jews and Quakers, too, were not registered in the parish book, as was proposed by this Bill: there again, the principle of their case was deserted. The Bill ought to be founded solely on that principle, if it was sought to establish it on the relief granted in that case.

LORD HARROWBY thought the Bill would require great amendment, but the *principle* was to relieve persons, who objected to the doctrines of the Church of England, from the difficulty of being compelled to give their assent to them in marriage. He agreed with the Marquis of Lansdowne, that there was no ground for the State's compelling such a conformity. It might be a

question whether the Bill did not go too far: he conceived that it did; and he could not agree to it as it stood. But in the *principle* he fully concurred, and therefore thought it should go to a Committee, where it might probably be brought even into a state to be approved by the noble and learned Lord (Eldon). He should have been desirous that it should have come earlier; but the reason why it had not, was fair and obvious; and, at any rate, they should be better prepared for consideration of the subject next session, if it passed a Committee in the present. If it had come earlier, there would have been more time; but the discussion must do good. Even with the present discussion, they would come to the subject much better informed than they had been.

The Bishop of CHESTER. The Bill was allowed to be as important as it was novel in principle. Whatever relief had been contemplated and discussed as to Unitarians, he had never before understood that it was meant to be applied to others. It affected deeply the discipline as well as the emoluments of the Church; and he appealed to the House whether it was fit to bring on so important a subject when so many of the bishops were absent, or leaving town, for their important duties. The Bill, while it regarded the scruples of Dissenters, might also affect the scruples and feelings of the clergy; and was it not proper that their sentiments, or their petitions if they pleased, should be first heard? He disavowed all wish to refuse to religious scruples in matters of doctrine, the relief to which they were most justly entitled.

Lord CALTHORPE contended that the Marquis of Lansdowne had laid sufficient grounds for going into a Committee. He confessed he looked to the agitation of these questions without the smallest fear. The more the rights and true interests of the Church were discussed and considered, the more, he was sure, it would appear deserving of the respect and affections of the community. He could not conceive how the interests of religion, or of the Church, could call on them to compel conformity in opinions which the parties considered repugnant to reason or scripture. This argument applied certainly, as he thought, only to one class of the persons seeking relief, whom he considered as clearly distinguished from the rest. He did not feel prepared to carry relief further than to them. He thought the Unitarians stood singly before them, and that their case was different from that of all others. Their objection arose on a fundamental and essential point. In that character, in which Parliament was alone justified in interfering on the subject, (in its parental character as guardian of the moral rights and interests of the people,) it was called upon to afford to scruples of conscience that relief which the present laws denied. He confessed he regarded with apprehension and dislike, any further interference which would seem to militate against that wholesome supremacy which, for the interests of the State, was vested in the Church; but he could not forbear giving the Bill before them this qualified approbation.

The Bishop of LLANDAFF. If he could see any probability of modelling the Bill for the better in its details, he would certainly be for going into a Committee; but it seemed so objectionable in the whole principle of its operation, that he despaired of any such result. In his objections, he had been anticipated by two learned and noble Lords (Eldon and Redesdale). If the Bill were to go to a Committee, he certainly contended that the State must be satisfied who and what were the persons who were to be allowed to solemnize marriages, and what were the forms to be used. Without knowing this, there was infinite hazard. As to Jews and Quakers, their Lordships knew their forms, customs, and ceremonies; but he believed there was not even in existence in the country any form of ceremony for other sects. He put it to their Lordships whether it was safe to entrust marriages to persons of whom they knew nothing, without, at any rate, putting Dissenting Ministers under similar restrictions with those imposed on Ministers of the Church, and which they themselves would probably think inconsistent with the liberty they enjoyed. He was a friend to toleration. The Church's glory was, that it was a tolerant Church. This was, he believed, the only point in which there was any compulsive conformity, and it was certainly important to relieve it. If the Bill went only to meet religious scruples, he would cordially agree in it; but the Bill was so loose, that it went to exempt any one who merely conscientiously *declined conformity*. It was one thing to say that a person could not conscientiously comply, and another to say he conscientiously declined to comply. The man of *no* religion might say he conscientiously declined to join with the Church. The Bill must define better the persons whom it proposed to relieve. As to Lord Liverpool's suggestion, he felt very reluctant to give a hasty opinion upon it. Though he felt the objections urged by the Right Reverend Archbishop, he was not prepared to say that the plan was impracticable; but the Church could not be expected to decide such a point at a moment. He was sorry to hear it said, that they had only the alternative of going into a Committee on this Bill, or agreeing to the suggestion at once. (*No! no!*) He was not prepared, certainly, to decide; he joined heartily in wishing the Bill might be withdrawn, as involving an intricate and difficult question; but when he said "not content," he said it merely because it was a matter on which he could not decide in the time allowed.

Lord ELLENBOROUGH thought it would be a sad thing that this House should divide on such a question as this. The Bill really went to nothing but to relieve religious scruples, which every one admitted should be relieved. It had been discussed again and again, and there was no difference on that point. He could not think that moral or religious principles could be advanced by forcing persons in this way into a conformity with the Church. He could not think a triumph of that kind gratifying to any one's feelings. He was convinced that every thing of that sort only widened the breach. The simple object of the Bill was (after requiring persons dissenting to go through all

the civil forms) to leave them to perform their religious rites in their own way. It changed nothing but the person and place of solemnizing the religious rite. He could not understand how they could hesitate about going into a Committee. No friend to the Church could wish that Dissenters, particularly Unitarians, should be compelled either to profess conformity to doctrines and worship which they disavowed, or be debarred from entering into the most important relation of life. Admitting the principle, as every one did and must, they had to choose between the two plans which had been suggested. He agreed that the details required much consideration, but he was desirous to sift those details; and, if they found the present plan impracticable, they could resort to Lord Liverpool's suggestion; but in that also he saw great difficulty. If they were to alter the Liturgy, so as to banish every thing objected to by any sect, they must make it little more than a civil ceremony, and to this he believed all would object. (*Hear!*) If they altered, they must alter to meet *all*, and he wished to find a plan of relief without *any* such alteration. Their Lordships should consider, that any Dissenter taking advantage of this Bill, would subject himself to much greater difficulty and expense. No person, therefore, but a bona fide Dissenter would take on himself such unnecessary trouble, especially on the day of his life when he was least likely to take on himself more trouble than he could avoid. Certainly the apprehensions of civil irregularity were most ridiculous. Why, in fact, all marriages under this Bill would be invalid, unless every one of the forms required of a Church marriage were gone through! Few things would give him more pain than to see that right reverend bench arrayed in opposition to such a measure as this. Such conduct could do them no good. From them the Bill took little—to the Dissenters it gave much. In the Committee, they could fairly weigh all the clauses, with a view to the security of the State and their Church, but let them not thus throw obstacles in the way of all relief.

Lord CARNARVON saw objections to the Bill as it now stood, but admitted that the grievance was so great, that he should hardly think their Lordships could be brought to overlook it. They might remove, if not the whole, at least part of the evils. They might think it expedient to postpone ultimate decision to a future session, but they would all come to the consideration of the subject next session, with much more information, if they considered it this. Even after the present debate, they could enter on it better than before; and with minds now much better prepared would they come to it, after the discussions of a Committee. He confessed that difficulties existed: the guards and protections which the general Act imposed, might be affected: they would have to consider what relief they should give, which would not give rise to occasional conformity for the purpose of avoiding the operation of the general law: all this required discussion, but the sooner it was entered upon, the better. If there were classes of Dissenters deterred only from conforming, willingly to the Church service, by a few words of a ceremonial nature, it

might be well to see if relief could not be given by the Church, without any change of the law. For instance, words alluding to the doctrine of the Trinity:—it did not occur to him to be objectionable that the Minister should, (on affidavit of the party that he conscientiously objected to a recognition of that doctrine,) be allowed to omit them. It might be for the benefit of the Church itself to open its doors, and the strength of Dissent might be weakened by such a conciliation. The Church would be benefited and the cause of morality advanced.

The Marquis of LANSDOWNE was extremely glad to have brought on such a discussion. He owed it in justice to the persons who prepared this Bill to state, that the view suggested by Lord Liverpool had not escaped their attention, and he could say, that it was only because it was understood that insuperable objections existed to such a plan, that they (wishing to meet such objections) did, in compliance with them, attempt a new mode of relief. From no expression of his, he trusted, could it be supposed that he wished to hurry this Bill through the House. He could not bring in such an important measure without being aware that serious amendments would be suggested, and it was for that reason that (while the general Bill was pending) he brought it in to receive the earliest and fullest consideration. He had, therefore, not been disappointed by the wish of the Lord Chancellor, that it should not pass this session; but he had been disappointed that noble Lords, admitting the principle, (which all must admit, seeing that the present system was one which violated conscience,) should refuse their consent to going into a Committee, to see if the admitted evil could be remedied, and to settle the most mature and judicious plan for meeting the acknowledged defect. He did trust that the Right Reverend Archbishop (who had himself put the persons seeking relief into this course, to meet his views and scruples) would not oppose this motion—an opposition which could only be justified by the opinion, that though a great evil existed, there was no cure for it. Though the Right Reverend Prelate objected on principle to that part of the Bill which applies to religious scruples as affecting *discipline*, that very objection could be removed by omitting only two words in the preamble. He wished to commit no one to the Bill as it stood, nor to the passing of *any* Bill this session, but to an admission that the evil existed, and to an inquiry how it could be cured. Though he had heard objections to the Bill, he had heard no argument to shew that it was good, either for the State, the Church, or the People, to compel conformity at a moment when policy, religion, and morality, called for the utmost sincerity, and counselled their Lordships, when wishing to impose a binding religious sanction, to seek one which was consistent with the feelings and opinions of the parties whom it was meant to affect.

The Archbishop of CANTERBURY rose to say, in explanation, that he made no objection to that part of the Bill which confined relief to *doctrinal* scruples;

though he did to that which applied to *discipline* : the first he held to be legitimate, and deserving of every consideration; the latter he conceived had nothing to do with conscience. It was to the *extent* only of the principle that he objected.

The house then divided, when the numbers of Peers present appeared to be equal, viz. 15 for the second reading, and 15 against it. The proxies then produced were, for the second reading 6, against it 12, making a majority against the Bill of 6.

Among the 15 present who voted against the Bill were 8 bishops, the Lord Chancellor, his brother Lord Stowell, Lord Redesdale, Lord Rolle, and Lord Shaftesbury. In the minority were the Archbishop of Canterbury, Lord Liverpool, and Lord Harrowby. The Bishop of Worcester, it is understood, did not vote.

On the next day, the 13th of June, Marquis LANSDOWNE gave notice that he should very early in the ensuing session bring the same subject before their Lordships.

APPENDIX I.

A BILL

INTITULED

An Act for granting Relief to His Majesty's Subjects, not being Members of the Church of England, in relation to the Solemnization of Matrimony.

WHEREAS many of his Majesty's good and faithful subjects, who conscientiously [*decline conformity to] the doctrine and † discipline of the Church of *England* as by law established, regard the necessity of solemnizing matrimony in a Parish Church or Chapel, and according to the rules prescribed by the rubric in the Book of Common Prayer, as a grievance, repugnant to their religious feelings, and have at various times petitioned Parliament to be relieved therefrom: and whereas it is expedient to grant ease to scrupulous consciences in this respect, without infringing on the general policy of the law relative to clandestine marriages: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that at any time after the passing of this Act, it shall be lawful for the occupier or occupiers of any place which now is or hereafter may be registered or recorded according to law as and for a place of religious worship, to cause the same to be registered in the Court of the Archbishop, Bishop, or other Ordinary having authority to grant marriage licences, within whose local jurisdiction the said place may be situated, as and for a place for the solemnization of marriages under this Act; and the registrar of such court is hereby required to register and record the same accordingly, and to give a certificate of such registry to the person or persons requesting the same; and that such certificate shall be given upon parchment or vellum, and shall or may be in the

* The Bill was originally drawn "conscientiously dissent from;" the phrase in the text was adopted to include more properly the case of the Roman Catholics.

† It might be more proper to use the word "or."

form or to the effect following, with such variations as the case may require;* (that is to say),

“ I *A. B.* Registrar of the Court of the Archbishop
 [Bishop or Archdeacon] of , do hereby certify, that a certain
 house or tenement situate in street, in the town of , and
 in the parish of , within the diocese [or Archdeaconry] of ,
 and which hath been duly registered as a place of religious worship, was, on
 the day of one thousand eight hundred and twenty-three,
 duly registered in the above-mentioned court, as a place for the solemnization
 of marriages, at any time after the day of one thousand
 eight hundred and twenty-three, under the provisions of an Act of Parliament
 passed in the Fourth Year of his present Majesty's Reign, intituled [*here
 set forth the title of this Act*]. As witness my hand, this day of
 one thousand eight hundred and twenty-three.

“ *A. B.* Registrar.”

And be it further enacted, that from and after the expiration of twelve calendar months, computed from the date of such registration, marriages shall or lawfully may be solemnized in every such place so to be registered, in such form, and with such rites and ceremonies, as shall accord with the religious feelings of the parties to be married, provided that every such marriage shall be solemnized with open doors, in the presence of two or more credible witnesses, between the hours of eight and twelve in the forenoon, and likewise subject to the further provisions herein-after expressed or referred to.

And be it further enacted, that at any time after the expiration of twelve calendar months from the passing of this Act, whenever the banns of marriage shall have been duly published three several *Sundays* in the proper Parish Church or Churches, or Chapel or Chapels, as required by law, without any declaration of just cause or impediment to such marriage between any two persons who shall be Nonconformists, or one of whom shall be a Nonconformist to the Church of *England* as by law established, and who shall be desirous of being married in some place of religious worship registered under the provisions of this Act, it shall be lawful for either of such persons, upon presenting a declaration in writing to that effect, specifying the place at which such marriage is intended to be solemnized, (which declaration shall be deemed and accepted as conclusive evidence of such Nonconformity,) to demand from the rector, vicar, curate, or officiating minister of each and every parish, chapelry, or ecclesiastical district in which

* In the House of Commons probably a proper fee would have been provided for this. To have added it in the House of Lords would have made it a money Bill, which cannot originate there.

such banns of marriage shall have been published, a certificate in writing under his hand,* specifying the respective times of publication, and certifying also that no cause or just impediment had been declared why the parties so proclaimed should not be joined together in holy matrimony, which certificate each and every such rector, vicar, curate, or officiating minister is hereby authorized and required to give to the party so demanding it.

And be it further enacted, that after the expiration of twelve calendar months, computed from the registration of any place of religious worship as a place for the solemnization of marriages under this Act, it shall be lawful for any person to pray a licence from the Ordinary in whose court the registration has been made, to solemnize a marriage in such registered place without previous publication of banns, provided that the party so applying shall sign a written declaration that the parties proposing to be married are Nonconformists, † or that one of them is a Nonconformist to † the Church of *England* as by law established, and that they are desirous of taking the benefit of this Act; and provided also, that the party so applying shall personally swear before the surrogate, or other person having authority to grant such licence, that he or she believeth that there is no impediment of kindred or alliance, or of any other lawful cause, nor any suit commenced in any ecclesiastical court to bar or hinder the proceeding of the said matrimony according to the tenor of the said licence, and that the usual place of abode of one or both of the said parties has been within ten statute miles of the registered place where the marriage is prayed to be solemnized, for the space of fifteen days next preceding the date of such affidavit, and also has been for the same space of time within the parish, chapelry, or ecclesiastical district wherein such marriage is intended to be registered under the provisions of this Act; and shall make such further declaration upon oath as is required by law touching the age, state, and degree of the parties to such intended marriage, and the consent or consents (if any) necessary to such marriage; and that it shall be lawful for any Archbishop, Bishop, or other Ordinary, or his surrogate, or other person having authority for the granting of marriage licences, and he is hereby authorized, upon the exhibition to him of such a written declaration, and also of such an affidavit as is herein-before described, and upon satisfying himself, if necessary, of the truth of such affidavit, to grant a licence for the solemnization of such intended marriage at the place desired, and for its subsequent registration in such parish, chapelry, or ecclesiastical district, as last aforesaid, on any day within three calendar months from and after the date of the said licence, without any previous publication of banns, and without requiring that the said marriage shall be solemnized by a minister of the Church of *England*, or

* See the preceding note as to the fee for this.

† In the Bill as originally drawn, the words used were, "*Dissenters from*." But it was doubted whether that phrase would correctly include the Catholics.

according to the rites of the Book of Common Prayer, but subject nevertheless in all other respects to the restrictions and regulations imposed by law relative to the granting of marriage licences; and that no gift or reward shall be demanded or received from any person on account of the said affidavit or licence that now is or hereafter may be legally demanded and taken from a person of the like degree or estate in the case of a licence to marry in a parish church, and according to the Rites of the Book of Common Prayer.

And be it further enacted, that no person or persons shall solemnize matrimony in a place registered for that purpose under this Act, unless it shall plainly appear to him or them, by the exhibition of such certificate or certificates, as herein before mentioned, that the banns of marriage between the parties have been duly published according to law, in some church or chapel within ten statute miles of the said registered place of marriage, and that such publication of banns was completed within three calendar months next preceding the day of the solemnization, and that no just impediment to the said intended marriage hath been declared; or unless a licence for the solemnization of such marriage, without previous publication of banns, duly granted under the provisions of this Act, within three calendar months immediately preceding such solemnization, shall have been exhibited to him or them; nor shall any such marriage be proceeded in, if at the time of solemnization any person present shall declare a just and lawful impediment to the same, and shall be bound with sufficient sureties to prove the same.

And whereas, in order to preserve the evidence of marriages solemnized under the authority of this Act, and to make the proof thereof more certain and easy, it is expedient to subject such marriages to the same or the like provisions in respect of registration, as marriages solemnized according to the rites and ceremonies of the Church of England; be it therefore further enacted by the authority aforesaid, that in any case in which a marriage shall be intended to be solemnized under the provisions of this Act, and in which the banns of marriage shall have been duly published and certified as herein before directed, or a licence shall have been duly obtained for such solemnization, notice thereof in writing shall be given, twelve hours at least before the intended solemnization, to the officiating Minister of the parish or chapelry, or one of the parishes or chapelries, within which such banns of marriage shall have been published, or of the parish or chapelry which shall be appointed in any such licence for the registration of such marriage, as the case may require, or in the absence of any such minister, then to the parish clerk or chapel clerk of such parish or chapelry; and such minister or clerk respectively is hereby authorized and required, immediately on the receipt of such notice, or as shortly thereafter as may be, to appoint a convenient time and place for registering the said marriage, before seven o'clock in the evening of the day of its solemnization, in the usual register book of marriages, for the

Provided also, and be it further enacted, that in case any marriage duly solemnized according to the provisions of this Act shall in consequence of any accident, neglect, inadvertence, or wilful default, be prevented from being registered on the day on which it is solemnized, it shall be lawful for the Court of King's Bench, on application of either of the married parties, or their respective parents or guardians, and on due proof of the facts within six calendar months after the solemnization, to order the said marriage to be registered in the proper marriage register, in such form as to the said Court shall seem meet.

Provided also, and be it further enacted, that all marriages which shall have been solemnized and registered according to the provisions of this Act, shall be as valid, binding, and effectual in the law, to all intents and purposes, as if they had been solemnized in the parish church or public chapel of the parish, chapelry, or ecclesiastical district within which the same shall have been registered, and had also been solemnized by a parson, vicar, minister, or curate of the Church of England, and according to the office of matrimony in the Book of Common Prayer, but no further or otherwise: provided also, that after the solemnization of any marriage under the provisions of this Act, it shall not be necessary, in support of such marriage, to give any actual proof of the previous residence of the parties required by this Act, nor of their or either of their Nonconformity to the Church of England, nor that the place wherein such marriage was solemnized was duly registered for the solemnization under this Act, nor that the same, in any case of a marriage by banns, was situate within ten statute miles of some church or chapel where such banns had been duly published; nor shall any evidence in any of the cases be received to prove the contrary in any suit touching the validity of such marriage.

Provided also, and be it further enacted, that nothing in this Act contained shall operate or be construed to alter or affect any of the provisions contained in a certain Act passed in this present session of Parliament, intituled *An Act for amending the Laws respecting the Solemnization of Marriages in England*, or in any other Act or Acts of Parliament relative to the due publication of Banns, for granting of licences, or for the grant of special licences by the Archbishop of *Canterbury* and his successors, or for the prohibition of suits to compel celebrations of marriage *in Facie Ecclesie*, farther or otherwise than as the before-mentioned provisions, or any of them, are expressly or necessarily altered by this Act; and that the same or the like forfeitures, pains, and penalties, shall be incurred in consequence of procuring a marriage to be solemnized under this Act, by means of any false oath, or other fraud or contrivance, and also in relation to making, or procuring to be made, or assisting in making, or entering, or publishing as true any false, altered, forged, or counterfeited register of marriage, or a copy thereof, or any altered, forged, or counterfeited licence of marriage, with intent

to elude the force of this Act, as are imposed by the said Act of this present session on the like offences if committed with intent to elude the force of that Act: provided always, that this Act or any thing therein contained, shall not extend to the marriages of any of the royal family.

Provided also, and be it further enacted, that the several ecclesiastical courts of this realm shall have and exercise such and the same or the like jurisdiction with respect to every or any marriage to be solemnized under the provisions of this Act, as if such marriage had been solemnized in the church or chapel belonging to the parish or chapelry within which the same shall be registered as aforesaid.

Provided also, and be it further enacted, that this Act shall only extend to *England and Wales* and to the town of *Berwick-upon-Tweed*.

And be it further enacted, that this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without specially pleading the same.

And be it further enacted, that two printed copies of this Act shall, as soon as conveniently may be after the passing thereof, be provided by his Majesty's printer, and transmitted to the officiating ministers of the several parishes and chapelries in *England and Wales* and the town of *Berwick-upon-Tweed* respectively, one of which copies shall be deposited and kept with the book containing the marriages of such parish or chapelry in the chest or box provided for the custody of the same.

II.

An Act to relieve certain Persons dissenting from the Church of England, from some parts of the Ceremony required by Law in the Celebration of Marriages.

WHEREAS several persons dissenting from the Church of England as by law established entertain conscientious objections to the use of certain parts of the office of matrimony in the Book of Common Prayer, and it is thought expedient to grant some ease to scrupulous consciences in that respect, without infringing upon the wholesome policy of the Act passed in the 26th year of the reign of his late Majesty King George the Second, intituled, 'An Act for the better preventing of Clandestine Marriages:'

Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Com:

mons, in this present Parliament assembled, and by the authority of the same, that from and after the day of , 18 , it shall and may be lawful to and for every parson, vicar, minister, or curate, entitled by law to solemnize marriages, and such parson, vicar, minister, or curate, is hereby authorized and required from time to time, upon receiving a written declaration in the form specified in the schedule to this Act, signed by the persons proposing to be married, to proceed to solemnize the marriage of the parties signing and delivering such declaration, by using such part only of the office of matrimony, contained in the Book of Common Prayer, as begins with the words [I require and charge you both] and ends with the words [and thereto I give thee my troth] according to the directions of the Rubric relative thereto; and thereupon to cause an entry of such marriage to be made in the parochial register, and subscribed in the form prescribed by the said Act in the 26th year of his late Majesty; and that all marriages so to be celebrated as aforesaid, shall be as valid, binding, and effectual in the law, to all intents and purposes, as if the whole of the said office of matrimony had been employed in the celebration thereof, and no further or otherwise; and that it shall not be necessary thereafter to give in evidence the delivery of such written declaration in support of the validity of any such marriage upon any occasion whatsoever.

Provided nevertheless, and be it further enacted, that nothing hereinbefore contained shall operate or be construed so as to annul, defeat, or alter the provisions of the last-mentioned Act, or any other existing law relative to the previous publication of banns, or the obtaining of licences, or any other qualifications, ceremonies, forms, or proceedings whatsoever, requisite to the validity of marriages, except so far as the same are expressly altered or dispensed with by this Act, in the cases aforesaid.

Provided also, and be it further enacted, that nothing in this Act contained shall be construed so as to defeat, prejudice, alter or affect the right of the officiating parson, vicar, minister, or curate and clerk respectively, to their accustomed fees, duties, or emoluments, payable upon the celebration of marriages in any of the cases provided for by this Act.

The Schedule to which this Act refers:

We, the undersigned A. B. and C. D., do hereby declare, that we are Dissenters [or that the undersigned A. B. or C. D., as the case may require, is a Dissenter] from the Church of England as by law established, and that we are desirous of taking the benefit of a certain Act, passed in the year of his present Majesty's reign, intituled, "An Act to relieve certain Persons dissenting from the Church of England, from some parts of the Ceremony required by law in the Celebration of Marriages." As witness our hands,

A. B.

C. D.

The following is the form which would be left to be used under this Bill :

“ I require and charge you both, (as ye will answer at the dreadful day of judgment, when the secrets of all hearts shall be disclosed,) that if either of you know any impediment why ye may not be lawfully joined together in matrimony, ye do now confess it. For be ye well assured, that so many as are coupled together otherwise than God’s word doth allow, are not joined together by God, neither is their matrimony lawful.

“ ¶ *If no impediment be alleged, then shall the Curate say unto the man,*
 “ M. Wilt thou have this woman to thy wedded wife, to live together, after God’s ordinance, in the holy estate of matrimony? Wilt thou love her, comfort her, honour, and keep her in sickness and in health, and, forsaking all other, keep thee only unto her, so long as ye both shall live?

“ ¶ *The man shall answer, I will.*

“ ¶ *Then shall the Priest say unto the woman,*
 “ N. Wilt thou have this man to thy wedded husband, to live together, after God’s ordinance, in the holy estate of matrimony? Wilt thou obey him, serve him, love, honour, and keep him in sickness and in health, and, forsaking all other, keep thee only unto him, so long as ye both shall live?

“ ¶ *The woman shall answer, I will.*

“ ¶ *Then shall the Minister say,*
 “ Who giveth this woman to be married to this man?

“ ¶ *Then shall they give their troth to each other in this manner :*
 “ ¶ *The Minister, receiving the woman at her father’s or friend’s hands, shall cause the man with his right hand to take the woman by her right hand, and to say after him as followeth :*

“ I, M., take thee, N., to my wedded wife, to have and to hold from this day forward, for better for worse, for richer for poorer, in sickness and in health, to love and to cherish, till death us do part, according to God’s holy ordinance; and thereto I plight thee my troth.

“ ¶ *Then shall they loose their hands, and the woman with her right hand taking the man by his right hand, shall likewise say after the Minister,*

“ I, N., take thee, M., to my wedded husband, to have and to hold from this day forward, for better for worse, for richer for poorer, in sickness and in health, to love, to cherish, and to obey, till death us do part, according to God’s holy ordinance; and thereto I give thee my troth.”