

AN INTRODUCTION

TO THE

MARRIAGE SERVICE.

WHEN Marriage was originally instituted by God, its institution was accompanied by the highest form of religious ceremony which is possible, that of the Divine Benediction pronounced by Himself. [Gen. i. 28, ii. 22, v. 2; Mark x. 6, 9.] As, therefore, our Lord's benediction of little children when He took them into His arms is the original type of Baptismal ceremonies, so the Divine benediction of our first parents is the original type of the Marriage Service, which is essential as a benediction of the natural conjugal union and of the civil contract by which husband and wife are bound together under human laws.

The continuity of this phase of Marriage may be seen by our Lord's association of it under Christian rule with its original institution, when He adopted the words of Adam, doubtless inspired words, as the exposition of the nature of Marriage which He would leave with His Church, saying, "Therefore shall a man leave his father and his mother, and shall cleave unto his wife; and they shall be one flesh." Hence St. Paul speaks of marriage of Christians as a marrying "in the Lord" [1 Cor. vii. 39], and from Apostolic times forward there is distinct evidence that Christians were married with ecclesiastical ceremonies by ecclesiastical persons.

Among the earliest of all Christian writings after the New Testament are the Epistles of St. Ignatius; and in one of these, which he wrote to St. Polycarp and the Church of Smyrna, as he was journeying onward to his martyrdom, he writes: "It is fitting for those who purpose matrimony to accomplish their union with the sanction of the Bishop; that their marriage may be in the Lord, and not merely in the flesh. Let all things be done to the honour of God." [IGNAT. *ad Polycarp.* v.] Tertullian speaks of Marriage being "ratified before God," and says afterwards, "How can we find words to describe the happiness of that marriage in which the Church joins together, which the Oblation confirms, the benediction seals, the angels proclaim when sealed, and the Father ratifies!" [TERTULL. *ad Ux.* ii. 7, 8.] In the thirteenth canon of the fourth Council of Carthage [A.D. 398] it is enjoined that the bride and bridegroom shall be presented by their parents and friends to a priest for benediction. St. Basil calls Marriage a yoke which *διὰ τῆς εὐλογίας*, by means of the benediction, unites in one those who were two. [BASIL, *Hexaem.* vii.] St. Ambrose calls Marriage a sacrament, as does also St. Augustine in many places of his treatise "on the Good of Marriage:" and the former, again, says, "As marriage must be sanctified by the priest's sanction and blessing, how can that be called a marriage where there is no agreement of faith?" [AMBROS. *Ep.* xix.] Lastly, to pass from the Fathers of the fourth century to our own land and to the tenth, there is among the laws of King Edmund [A.D. 946], respecting espousals, one which provides that "the priest shall be at the marriage, and shall celebrate the union according to custom with God's blessing, and with all solemnity." Our English Office, which is substantially the same as the old Latin one, is probably a fair representative of the one which was in use in that distant age.

Nothing more need be said by way of Introduction to this Office than to shew what provisions are made beforehand [1] to secure the publicity of Marriage, and [2] to prevent the union of those who cannot be lawfully joined together in Holy Matrimony.

§ The Publicity of Marriage.

It is reasonably supposed, from the manner in which Marriage is referred to by the primitive Fathers, that some

public notice was given to the Bishop, or to the assembled Church, equivalent to that now in use: and traces of such a practice have been observed in the French Church of the ninth century. The earliest extant canon of the Church of England on the subject is the eleventh of the Synod of Westminster, A.D. 1200, which enacts that "no marriage shall be contracted without banns thrice published in church" [JOHNSON'S *Canons*, ii. 91]: but this seems only like a canonical enactment of some previously well-known custom. The law of the Church of England has always been very strict on the subject, the Rubrics of the Latin Manuals declaring that any clergyman celebrating a marriage without banns or licence was *ipso facto* suspended for a whole year. The existing law is even more stringent, as may be seen from the first part of the sixty-second Canon.

"CANON 62.

"Ministers not to marry any Persons without Banns or Licence.

"No Minister, upon pain of suspension *per triennium ipso facto*, shall celebrate Matrimony between any persons, without a faculty or licence granted by some of the persons in these our Constitutions expressed, except the Banns of Matrimony have been first published three several Sundays, or Holydays, in the time of Divine Service, in the Parish Churches and Chapels where the said parties dwell, according to the Book of Common Prayer. . . ."

The licence is an Episcopal dispensation, permitting the marriage to take place without any previous publication of banns. Such licences have been granted by English Bishops at least since the fourteenth century, and the power of granting them was confirmed by 25 Hen. VIII. c. 21. Marriages to be performed under an ordinary licence are subject to the same restrictions in respect to time and place as those by banns; but special licences can be granted by the Archbishop of Canterbury, which are not subject to these restrictions.¹ Banns hold good for three months, and no longer, from the date of the last publication; and licences for the same time from the day on which they were granted.

The law respecting clandestine marriages is so very strict, and the consequences to any clergyman who performs the ceremony are so serious, that it may be well to state shortly what means are provided for guarding against them. [1] By Statute 4 Geo. IV. c. 76, s. 7, "no minister shall be obliged to publish banns, unless the persons shall *seven days at least* before the time required for the first publication deliver or cause to be delivered to him a notice in writing of their names, of their house or houses of abode, and of the time during which they have dwelt, inhabited, or lodged in such house or houses." The clergyman is not bound to demand this notice, but the power of doing so is given, that he may have opportunity of inquiring into the truth of the statements made respecting the alleged residence of the persons in his parish: and if after the marriage it is discovered that the persons were not so residing, and that the clergyman marrying them made no inquiry, he is liable to the full penalty of three years' suspension imposed by the Canon. [2] The Rubric enjoins that where the persons whose banns are to be published reside in different parishes, they shall be married in one of them, and

¹ These special licences were originally a privilege of the Archbishop of Canterbury as "Legatus natus" of the Pope. The right to grant them is confirmed by the Marriage Act of 1836.

