

# Fleet Marriages in England & Wales

(Aka IRREGULAR or CLANDESTINE Marriages).

- The CIVIL REGISTRATION of Births, Marriages & Deaths in England and Wales was first introduced in 1837.

However, PARISH CHURCHES in England & Wales had been ordered to keep PARISH RECORDS since 1538.

For this reason, Family Historians today recommend that PARISH RECORDS are usually the first place to look when researching BAPTISMS, MARRIAGES and BURIALS prior to 1837. If you can't find your Ancestors' Marriage records in the Parish Registers it is possible that, along with a sizeable minority of the English and Welsh population, they had a 'CLANDESTINE' or 'IRREGULAR' MARRIAGE.

The FLEET PRISON was a DEBTORS' PRISON near the Fleet River, Hampstead Heath, London. Some of its 'inmates' actually lived in the area around the Prison, subject to the 'RULES OF THE FLEET'. Clergymen who were amongst the inmates would marry anyone for a fee, and the Prison Wardens took a cut of the fee charged.

These marriages are often termed 'FLEET MARRIAGES' because a large proportion of these IRREGULAR or CLANDESTINE marriages took place in or around FLEET PRISON in LONDON – for reasons that will soon become clear.

- By the early 18th Century, it was estimated that up to a third of all marriages were IRREGULAR or CLANDESTINE. In addition, around half of all marriages in London were performed at or around FLEET PRISON (which equated to around one seventh of all English weddings). Many couples travelled to London to get married so 'Fleet Registers' are well worth researching, even if your ancestors had no obvious London connection.

Various attempts were made by the authorities to stamp out IRREGULAR or CLANDESTINE marriages. They were eventually banned by the MARRIAGE ACT (1753) passed in 1754.



## ■ What Are Irregular Or Clandestine Marriages?

Since the 13th Century, CHURCH LAW ('Canon Law') imposed strict rules for a Valid Marriage. From the 16th Century onwards, a couple could avoid some of these rules (see below) by obtaining a MARRIAGE LICENCE, but this was expensive.

- IRREGULAR MARRIAGES were marriages that did not comply with CHURCH LAW, while CLANDESTINE MARRIAGES were irregular marriages that had an added element of secrecy.
- IRREGULAR or CLANDESTINE MARRIAGES did, however, comply with ENGLISH COMMON LAW and they were perfectly valid for the purposes of, say, INHERITANCE and PROOF OF LEGITIMACY.

## ■ Comparison of Rules governing Valid Marriage in Church Law and Common Law until Marriage Act 1754.

### A. Rules for Valid Marriage under CHURCH LAW

1. There must be CONSENT.
2. \*Legal Age MEN 14-years; WOMEN 12-years.
3. Must be Conducted by ANGLICAN CLERGYMAN.
4. \*\*Marriage BANNES must be called (or pay for MARRIAGE LICENSE).
5. MARRIAGE to take place at PARISH of one of the couple (or pay for MARRIAGE LICENSE).
6. PARENTAL CONSENT required if bride or groom under 21-years of age.
7. WITNESSES are required to attest the Marriage took place.
8. The WEDDING must be held during Canonical hours (8:00 AM - 12:00 NOON)

### B. Rules for Valid Marriage under COMMON (i.e. CIVIL) LAW

1. There must be CONSENT.
2. Legal Age MEN 14-years; WOMEN 12-years.
3. Must be Conducted by ANGLICAN CLERGYMAN.

\*This was briefly raised during Cromwell's Protectorate in the 1650s to 16 years (males) and 14 years (females). It was not raised permanently (to 16 years for both sexes) until the Age of Marriage Act 1929.

\*\* Marriage banns were a series of public announcements which were made on three consecutive Sundays prior to the wedding. These declarations were made from the church or chapel in which the wedding was to take place and gave the names of the engaged couple.

## ■ Why did CLANDESTINE or IRREGULAR MARRIAGES become so popular?

Although there were many reasons for their popularity, the main reasons were:

- **COST.** They were usually cheaper than a Parish Church Wedding.
- **PRIVACY.**
- **SPEED.**
- **PARENTAL CONSENT** was not required.
- **SECRECY.** Essential if, for example, an **INHERITANCE** might be lost if a marriage was exposed.
- **'FLEXIBILITY'** of dates. Backdating marriage certificates to confirm legitimacy or secure an inheritance was common.
- To **CLAIM "POOR RELIEF"** in a particular Parish. To prove **'SETTLEMENT'** in a particular Parish, some **PROOF OF MARRIAGE** was often required.
- **BIGAMY.** In the days before Centralized Records, a bigamous marriage performed without banns and outside the parish of bride and groom had a good chance of going undetected.
- **TO ESCAPE DEBT (females only).** If a single woman incurred debts and then got married, her debts transferred to her husband under the **LAW OF 'COVERTURE'**.

## ■ Who performed clandestine or irregular marriages?

As discussed, a **COMMON LAW MARRIAGE** had to be conducted by an ordained **ANGLICAN CLERGYMAN**. In practice, those Clergymen fortunate enough to have a 'living' (i.e. regular income) were unlikely to risk the disapproval of the Church authorities by conducting such Marriages.

However, there were many 'unbeneficed Clergymen' (i.e. those without a Regular Income). This less fortunate group of Clergymen often relied on the fees they could charge for conducting Irregular or Clandestine Marriages.

## ■ Where were clandestine or irregular marriages performed?

Up until the late 1600s, there were a great number of 'lawless' Churches and Chapels scattered throughout England and Wales. They claimed exemption from Ecclesiastical Jurisdiction and performed **CLANDESTINE** or **IRREGULAR MARRIAGES**.

The most notorious early examples were in the **CITY OF LONDON**. **CLANDESTINE MARRIAGES** were held in the **TOWER OF LONDON** (the White Tower) until around 1630, when **ARCHBISHOP LAUD** put a stop to them. **ST JAMES DUKE'S PLACE** and **HOLY TRINITY MINORIES** gratefully took up the slack, claiming exemption from the jurisdiction of the **BISHOP OF LONDON**.

At **ST. JAMES, DUKE'S PLACE**, the earliest Marriage Register covering the period 1664 – 1691 contained **40,000** marriages. **ST BOTOLPH'S, ALDGATE** was also prolific.

## ■ Attempts by the establishment to stamp them out – and the unintended consequences:

By the late 1600s, the Church authorities and Parliament had become increasingly keen to stamp out the practice. Their concerns were mainly financial:

- The LOST REVENUE from Marriage Fees.
- The LEGAL AMBIGUITY that these types of Marriages created, particularly surrounding INHERITANCE.

In 1686, the ORDER of the ECCLESIASTICAL COMMISSIONERS AGAINST CLANDESTINE MARRIAGES imposed suspensions and punishments for Clergymen performing Irregular Marriages. In the same year, the RECTOR of ST. JAMES, DUKE'S PLACE was suspended.

Parliament also passed the MARRIAGE DUTY ACT (1695), which imposed penalties for conducting IRREGULAR MARRIAGES. In 1696, an Act 'Enforcing the Laws which restrain Marriages without Licence or Banns' imposed a £100 fine on any offending Clergymen, as well as a £10 fine for the offending Groom.

By the late 1600s, the CHURCH OF ENGLAND and PARLIAMENT had largely succeeded in reining in those Clergymen who performed Irregular or Clandestine Marriages; provided those Clergymen had assets or a reputation to lose. The numbers of Weddings at St James Duke's Place and Holy Trinity Minories slowed, particularly after the suspension of the Rector of St James, Duke's Place.

However, some Clergymen had 'neither liberty, money, nor credit to lose'. The various measures to end Irregular Marriages did not affect them. Quite the opposite in fact; these men had now been gifted a near monopoly on the practice. Such Clergymen included Debtors languishing in Debtors' Prisons such as FLEET PRISON and KINGS BENCH PRISON.

## ■ FLEET PRISON

FLEET PRISON was a Debtors' Prison based in Fleet Market (modern day Farringdon Street) in the City of London. For a fee, inmates of the Prison were able to live in the surrounding area comprising parts of Ludgate Hill, the Old Bailey and Fleet Lane. This area was known as the 'RULES OF THE FLEET' or the 'LIBERTY OF THE FLEET'. The 'RULES' included Private Houses, Taverns and Coffee Shops, so that inmates were perfectly capable of living in some comfort, provided they had ready cash.



**FLEET PRISON**, on the east side of Farringdon-Street was burnt in the Great Fire of 1666; it was built anew and again destroyed in the riots of 1780; then rebuilt in 1781-1782 and finally pulled down in April 1844.



In 1845 the site was purchased by the CORPORATION OF LONDON for £25,000, with a view of converting it into a House of Correction, in lieu of the **GILTSPUR STREET COMPTER** (a small Debtor's Prison); but the site is still unoccupied. The outer walls were removed February 20th, 1846, and the Prison abolished, pursuant to 5 & 6 Victoria, c22, by which the three Prisons, the Fleet, the Queen's Bench, and Marshalsea were consolidated, and made one by the name of the QUEEN'S PRISON.



Giltspur Street Compter,  
London, England.

The earliest mention of a 'FLEET MARRIAGE' is contained in a letter dated September 1613. It refers to the marriage of **GEORGE LESTER**, a Debtor and Inmate of the Prison, to **MISS BABINGTON**, 'a woman of good wealth'. It was observed that he would now be able to 'maintain himself in Prison' but, intriguingly, he seemed unable (or unwilling?) to buy himself out of it.

The earliest FLEET REGISTER is dated from 1674. 'FLEET' WEDDINGS were initially held in the Fleet Prison Chapel itself, with the Prison Warden taking a cut of the proceeds. However, as business boomed the weddings spilled out into the various Taverns, Coffee Houses and Private Houses in the 'RULES OF THE FLEET'.

Not only did the Clergymen charge a fee, but so did the Tavern Keeper on whose premises the Marriages were performed. There were also "touts" hanging around to bring in business; sailors were particularly lucrative.

(A Tout is any person who solicits business or employment in a persistent and annoying manner.)

Sometimes the Clergyman lived 'in-house'. On other occasions, they were called in to officiate. There are records of Clergymen based in the 'RULES' OF THE FLEET being booked to perform Irregular Weddings in the Towns and Villages outside of London.

"The practice continued to increase at the Fleet, which was resorted to by persons of all ranks and conditions in life, from the Nobleman to the Chimney-sweeper, who desired to be married with secrecy and dispatch. Neither the penalties of the before-mentioned acts, nor even excommunication, had any effect in preventing these marriages, which it was well known were valid and indissoluble, although irregular."

In a classic example of Parliament closing the stable door once the horse had bolted, an ACT OF PARLIAMENT was passed in 1711 imposing a fine on any Prison Warden who allowed Weddings in the Prison Chapel. By this stage, most 'Fleet Marriages' were conducted in the area known as the 'Rules of the Fleet'.

In 1712, another ACT OF PARLIAMENT was passed with the intention of further punishment on those Clergymen who were already in prison. However, the "business" of Fleet Marriages continued unabated.

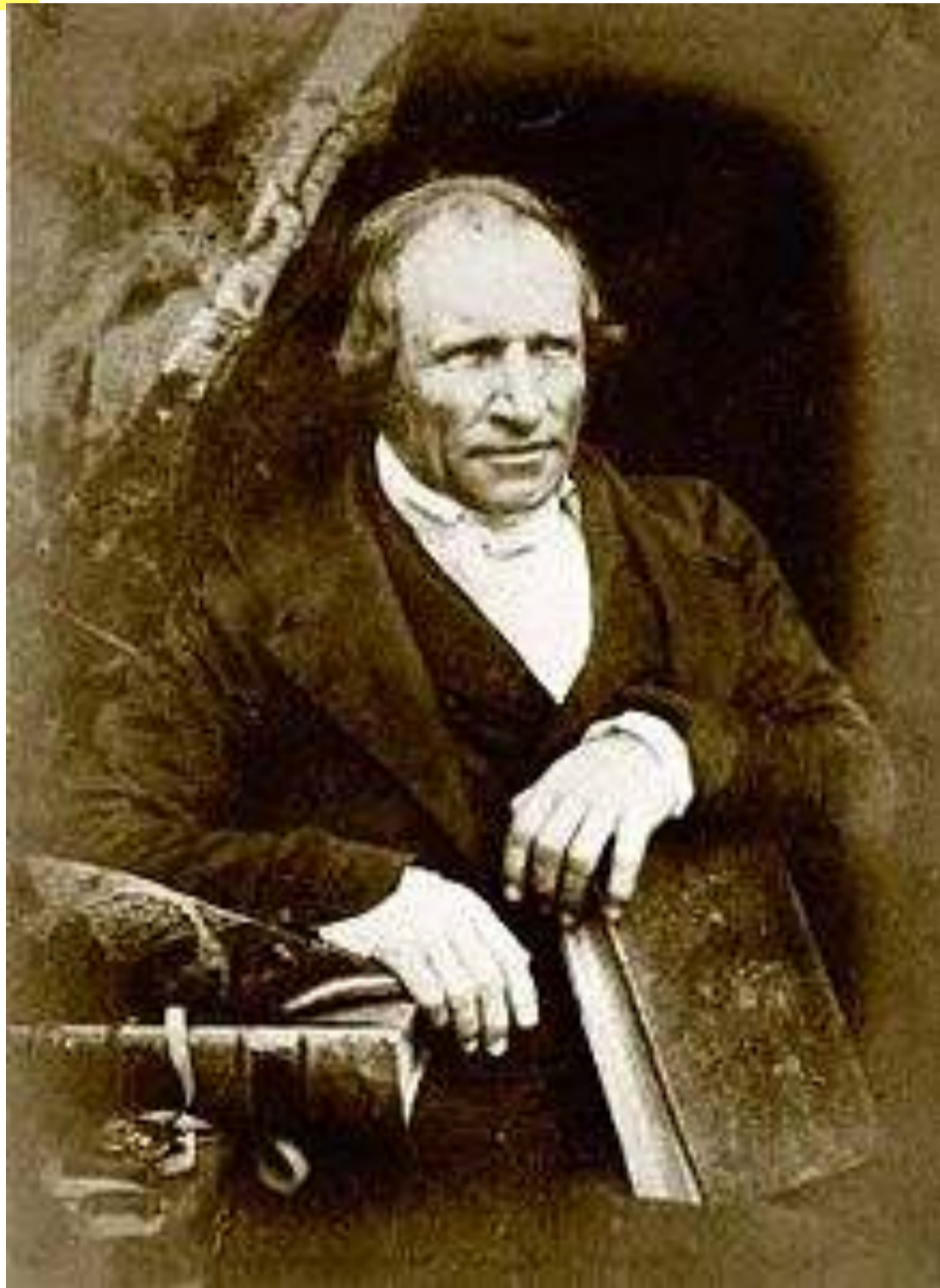
By the 1740s, it was estimated that 50% of all weddings in London were performed at the Fleet i.e. around 6,500 of 13,000 per year. The day before the BAN on Irregular or Clandestine Marriages came into effect, one Fleet Register recorded 217 marriages.

## ■ **KINGS BENCH PRISON and the 'Liberty of the Mint':**

Many Clandestine Marriages were also performed at **KINGS BENCH PRISON**, Southwark, South London and its surrounding area, known as the 'LIBERTY OF THE MINT' or just 'THE MINT' (a Debtors' Sanctuary similar to the 'Liberty of the Fleet'). This area catered mainly for couples travelling in from Kent or Surrey but was nowhere near as notorious as Fleet Prison.

## ■ MAYFAIR CHAPEL

**KEITH'S CHAPEL**, also known as MR KEITH'S CHAPEL and the MAYFAIR CHAPEL, was a Private Chapel in Curzon Street, Mayfair, Westminster, operated by the 18th Century Church of England Clergyman, **REVEREND DR. ALEXANDER KEITH**.



KEITH had been the first incumbent of the CHURCH OF ENGLAND'S new CURZON CHAPEL, built in Curzon Street in 1730, where he began to perform marriages without either banns or license until he was excommunicated by an ECCLESIASTICAL COURT in 1742. Keith then went to prison and remained there for several years. However, he quickly established his own Private Chapel very near to his old one on Curzon Street, where he and his Curates continued **Clandestine Marriages** until 1754, when the MARRIAGE ACT 1753 came into effect.

The marriages at KEITH'S CHAPEL were perfectly lawful, as until 1754 the only indispensable element of a marriage in England was a Church of England Clergyman. At its height, some 6,000 marriages a year were taking place at the Chapel.

When his wife died in January 1750, Keith combined the announcement of her death in the *Daily Advertiser* with an advertisement for his Chapel's Services.

MAYFAIR CHAPEL, had been built in about 1728, and “came late to the party”. However, it soon became the place for “FASHIONABLE CLANDESTINE MARRIAGES” – and charged accordingly. The REVEREND ALEXANDER KEITH, who performed IRREGULAR MARRIAGES at Mayfair Chapel, was accused of earning ‘a very bishopric of revenue’.



Clandestine Marriage by “broker” in 18th. Century England.

Following complaints from the Rector of neighbouring ST GEORGE’S CHAPEL, he was excommunicated and sent to FLEET PRISON in 1742. However, he was still able to set up a new Chapel 10-yards from his old Chapel and employed Assistant Curates (who were also Fleet Clergymen) to perform Weddings there. Here is an extract of an advert he ran, confirming his new address and prices:

“To prevent mistakes, the little new Chapel in Mayfair, near Hyde Park Corner, is in the corner house opposite to the City side of the Great Chapel, and within 10-yards of it ... and the License on a Crown Stamp, Minister and Clerk’s fees, together with the Certificate, amount to one Guinea (£1. 1s. 0p.) as heretofore, at any hour till 4-O’Clock in the afternoon. And that it may be even better known, there is a Porch at the door like a Country Church Porch.” – Daily Post, July 20, 1744.

When the MARRIAGE ACT banning Clandestine Marriages was passed, Keith wrote a pamphlet lamenting its likely effects:

“Happy is the wooing that is not long a-doing; is an old proverb and a very old one, but we shall have no occasion for it after the 25th day of March next, when we are commanded to read it backwards and from that period (fatal indeed to Old England!) we must date the declension of the numbers of the inhabitants of England.”

He went on to say that of the ‘many thousands’ of couples he had married, they generally ‘did not exceed the acquaintance of a week’.

The day before the ban on Clandestine Marriages took effect, 61-marriages were performed at the new MAYFAIR CHAPEL.

■ The REVEREND ALEXANDER KEITH died in Fleet Prison in 1758.

■ The Marriage Act 1753 (w.e.f. 25 March 1754) aka Hardwicke's Marriage Act.

The Marriage Act, "for the Better Preventing of Clandestine Marriage", finally brought an end to IRREGULAR and CLANDESTINE MARRIAGES. The rules for a Valid Marriage in CHURCH LAW became a legal requirement for all Marriages (with some variations). There were exemptions for JEWS and QUAKERS. The Penalties for Non-Compliance were severe enough to ensure Compliance; the Marriage would be rendered Void and the Offending Minister would be sentenced to 14 years' transportation.

However, the Act applied only to England and Wales and the Fleet's loss became GRETNA GREEN'S gain.

