

and facilitating *legal* Marriages. Formerly the Law in England relating to Marriages, Banns, and Licenses, stood thus:

The Banns of Marriage were to be thrice published in the church, to which each party belonged, before their Marriage could be solemnized: No dispensation, or license to Marry without publication of Banns, was to be granted but to persons of good Estate and Quality: These dispensations or Licenses, were to be granted *only* by the Ecclesiastical Judge, who had power to examine on Oath, whether the Marriage might be legally celebrated or not: and the Judge was also to be satisfied, by the Oath of at least one of the Parties, that there existed no impediment of pre-contract, consanguinity, affinity, or any other cause, nor suit commenced in any Ecclesiastical Court, to hinder the marriage. Further, the oath of two Witnesses was requisite, that the Parties, if under age, had the consent of Parents;—or of Guardians if the Parents were dead. And when all these matters were observed, and the proper security taken, the Judge might decree for the dispensation, and grant a license accordingly, for the celebration of the Marriage *without publication of Banns*; directing it to be done in the Church or Chapel to which one or both of the Parties belonged; lest, by not knowing the parties, the Minister might be surprised into celebrating an illegal or unfitting marriage.

These rules and precautions, if duly observed, would have rendered clandestine Marriages very rare; but it appears to have been matter of serious complaint by those who have treated on the subject, that the Judges or Commissaries, and Registrars of the Ecclesiastical Courts, had universally neglected all these securities; and that a practice had grown up of sealing these Licenses, with *Blanks*, to be filled up with the names of any who would become purchasers—and without further enquiry than for the fees; and also of directing the License to be executed within their Jurisdiction, in any Church or Chapel, which the Parties desired: thus affording every facility for improper marriages. For as parties are usually well known in the Parishes where they live, especially to the Minister, it was reasonably to be expected that, if the license came to him, he would have it in his power to discover and prevent any illegal practice.

It must be evident that the object of publishing the Banns of Marriage, would be more extensively realized in a Country like England, than in a new settled Colony, where only a few Parishes are laid out; and where the Congregations of the Church of England, or of any other denomination of Christians, bear a very small proportion to the Mass of the Inhabitants. These causes, therefore, and the private manner in which some Dissenters publish Banns, provide those who seek to engage in illegal marriages, with every facility for effecting their designs.

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