

# “So now you are wed enough:” clandestine unions in the north-west of England in the first half of the eighteenth century<sup>1</sup>

## Introduction

In 2008, in his *Law, Politics and Society in Early Modern England*, Christopher Brooks remarked on the difficulties of measuring,

how far religious ideas, most often expressed in sermons, corresponded to life as lived in real families. Much the same can be said of legal practices and ideas ... it is no easier to prove the take up of legal ideas by the population at large than it is religious ones.<sup>2</sup>

Although pinning down specific ideas and their origins is always challenging, social historians would, nevertheless, argue that Church Court cause papers offer one means to trace the circulation of religious and legal ideas and practices within families, especially where marriage breakdown is concerned. Spouses deployed scripture, morals conventions, and concepts of contractual rights and patriarchal privileges in their marital litigation, for example, as well as using the services of religious and legal personnel to resolve their conflict.<sup>3</sup> The making of marriage offers a further way to assess people’s response to religious and legal ideas within the family. This chapter, therefore, explores a lengthy ‘Jactitation of Marriage’ action from the mid eighteenth century to consider how far couples conformed to marital law in the period prior to Hardwicke’s Marriage Act, 1753. It suggests that people engaged with religious and legal practices when establishing families but did so in ways that sought to prioritise their own needs and were shaped by local conditions. Three findings emerge. Firstly, marital behaviour could be diverse outside of the hotspots for clandestine marriage in London, due to local religious and economic circumstances and customs. Secondly, not all couples sought a ceremony that conformed entirely to religious and legal forms, although they were prepared to adapt their behaviour if the authorities required. In more remote areas, even this might be somewhat ambiguous. In the case examined, there seems to have been some confusion over whether the celebrant’s ordination was sufficient to make a union valid, or whether he had to be mentally capable of discharging the functions of a clergyman. Thirdly, the chapter proposes that it is possible to evaluate the extent of marital conformity over time by attending to the continuities underlying irregular

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<sup>1</sup> Quotation from Borthwick Institute of Archives [BIA] Trans.CP.1764/1, William Cowper 833-842. In writing this chapter, I am grateful to Daniel Reed, for carrying out research into the clerical background of Christopher Bulcock, as well as searching out leads and filling gaps in my understanding of clerical ordination. William Gibson and Rebecca Probert were kind enough to read an earlier iteration and I hope that the final version has addressed their suggestions satisfactorily. Michael Brown has assisted by discussing the case with me, reading this formulation, and taking on other tasks to free me to finish it. I also want to thank Michael Lobban and Adrian Green for their helpful comments in situating the study in the wider volume.

<sup>2</sup> Christopher Brooks, *Law, Politics and Society in Early Modern England* (Cambridge University Press, 2008), p. 383.

<sup>3</sup> See for example, Joanne Bailey, *Unquiet Lives: Marriage and Marriage Breakdown in England, 1660-1800* (Cambridge University Press, 2003), *passim*.

marriages of the early modern period, eighteenth-century clandestine unions, and the ‘imprudent’ marriage of the turn of the eighteenth century which are usually examined as discrete phenomena.

### **Marital Law and Conformity**

To be deemed regular, the making of marriage had to comply with a number of requirements in canon law: it was to be preceded by either the calling of banns in the church of the parish where the couple lived, or the purchase of a marriage licence; and be celebrated by a clergyman in church, before two witnesses, at specified hours and days of the year.<sup>4</sup> A union which was carried out by an ordained clergyman, but occurred without public notification of intent, and performed outside the neighbourhood of residence of bride and groom was deemed ‘clandestine’.<sup>5</sup> This union provided the same legal rights to a couple who had married regularly, but as, Rebecca Probert observes, was problematic because it was difficult to prove that the union had occurred. Moreover, it opened the couple and the celebrant to ecclesiastical censure.<sup>6</sup> The extent to which clandestine marriage was considered deviant behaviour has been the subject of debate for some time. Initially, historians of marriage viewed Hardwicke’s Marriage Act of 1753 as a break in marriage practices, ending a long period when couples could wed simply by exchanging consensual vows. Rebecca Probert’s close examination of Law Reports, local censuses, and parish registers revised this account of the making of marriage. She argued that the Act was not a rupture that introduced a more prescriptive model, since there never had been a ‘pluralistic system, in which multiple forms of marriage were accepted.’<sup>7</sup> Actually, such irregular unions were simply the exchange of promises: contracts to wed. In Probert’s view, nearly everyone was wed in a church by a clerical celebrant. In fact, even couples who married clandestinely were not particularly deviant in their behaviour.<sup>8</sup> If some couples sought clandestine unions for purposes of secrecy, hiding a ceremony from minors’ parents, or shielding a pregnant bride, the majority of clandestine marriers were wed in a church by a Church of England clergyman, and fell into the category of ‘clandestine’ simply because they married in a non-home parish. This conformity was most marked outside London, which had the largest numbers of clandestine marriages before the Act, whereas in the provinces ‘it was relatively rare for such marriages to take place outside a church’.<sup>9</sup>

This picture of widespread compliance with marital law in the long eighteenth century is supported by the broader scholarship on marriage, which sees it as an institution that underpinned social order. The union of two individuals was the business of the community, and, at many times, the nation, due to its economic and procreative functions. Early modernists, for example, used court records to show that state and society were in broad

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<sup>4</sup> Rebecca Probert, *Marriage Law and Practice in the Long Eighteenth century, A Reassessment* (Cambridge University Press, CUP, 2009), p. 6.

<sup>5</sup> Gill Newton, ‘Clandestine marriage in early modern London: when, where and why?’ *Continuity and Change* 29/2 (2014), 151; Probert, *Marriage Law and Practice*, pp. 7-8, 166. This differs from Eleanor Gordon’s definition in which it a marriage performed by an unauthorised celebrant, Gordon, ‘Irregular Marriage: Myth and Reality,’ *Journal of Social History*, 47/2 (2013), p. 513.

<sup>6</sup> Probert, *Marriage Law and Practice*, p. 178.

<sup>7</sup> *idem*, pp. 2-3.

<sup>8</sup> *idem*, pp. 110-130

<sup>9</sup> For consistent use of a clergyman to perform clandestine marriages see *idem*, pp. 193, 197-8.

agreement about the stabilising effect of matrimony.<sup>10</sup> Historical demographers identified nuptiality as the driving force of population size, producing a picture of shared marital values and strategies across the nation and over several centuries in which couples postponed marriage until they could afford to set up an independent household.<sup>11</sup> According to this ‘big picture’ of entering marriage, for perhaps three centuries most couples married prudently, planned their union well in advance, secured the appropriate financial resources, and were joined together by an Anglican clergyman in Church.

This picture of long-term and universal marital conformity is being nuanced at the macro and micro level. As early as 1999, Steve King questioned the Cambridge Group for the History of Population and Social Structure’s conceptualisation of English marital patterns, primarily in its assumptions that couples married only when they could achieve economic independence. As he observed, the ‘mean of family reconstitution still conceals wide dispersal of marriage ages (and presumably marriage motivations) within and between communities’.<sup>12</sup> The claim that everyone married prudently in the long eighteenth century has been skilfully questioned by Emma Griffin’s work on courtship and illegitimacy, which uses working-class autobiographies to nuance generalisations offered by quantitative research.<sup>13</sup> She contends that we should ‘reconsider widely held assumptions that marriage customs remained stable over the long eighteenth century.’<sup>14</sup> While some individuals espoused prudent values about entering stable, economically viable unions, in practice, she argues, there was often little in the way of financial planning. In fact, apparently prudent marriers often united without savings, but in hope of future resources; prospects were equated with fitness to marry. By the later eighteenth century, she finds that even future potential earnings were not considered by those we might categorise as imprudent marriers, such as young partners who made hasty weddings, often after the woman was pregnant or delivered of her child, and without any familial support. For Griffin, the shift towards younger age at marriage in some subsets of the population, was less the result of improved economic opportunities allowing people to marry younger. It was due, instead, to industrialisation which meant families, communities, and apprenticeship placed fewer constraints on courtship. Indeed, Griffin suggests that it was this increase in ‘improvident’ marriers that contributed to the fall in the age of marriage, rather than improving real wages, problematizing the implied ‘universal’ national picture of marriage behaviour.<sup>15</sup>

Recent studies of irregular and clandestine unions also unsettle the picture of placid convention by revealing more diversity. For one thing, Scotland was somewhat different. Eleanor Gordon’s overview of irregular marriage in Scotland challenges Probert’s claim that clandestine marriages were a largely London phenomenon, and shows that exchange of consent was enough to make a valid union in Scotland.<sup>16</sup> Gill Newton’s study of clandestine

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<sup>10</sup> For example, Martin Ingram, *Church Courts, Sex and Marriage in England, 1570–1640*, (Cambridge University Press, 1987); Keith Wrightson, *English Society 1580–1680*, (Routledge, 1982).

<sup>11</sup> E. A. Wrigley and R. Schofield, *The Population History of England, 1541–1871: A Reconstruction* (Cambridge University Press, 1981).

<sup>12</sup> Steven King, ‘Chance Encounters? Paths to Household Formation in Early Modern England,’ *International Review of Social History*, 44/1 (1999), 26

<sup>13</sup> Emma Griffin, ‘A Conundrum Resolved? Rethinking Courtship, Marriage and Population Growth in Eighteenth-Century England,’ *Past & Present*, 215/1 (2012), 153–4.

<sup>14</sup> *ibid*, 162.

<sup>15</sup> *ibid*, *passim*.

<sup>16</sup> Gordon, ‘Irregular Marriage,’ 515.

marriage in London from 1610 to 1753 argues that Probert downplays the impact of clandestine marriage before 1753, especially in London, where it was the rule rather than the exception and carried no stigma.<sup>17</sup> Newton finds that these London couples chose not to marry in their own parishes, seeking private unions not to hide secrets, but to emulate wealthy marriage habits. Moreover, they were not saving money, since the venues were not necessarily cheaper than church weddings, and they preferred to marry in locations that also offered entertainments and food and drink.<sup>18</sup> Although Londoners took advantage of the freedoms to marry at times and venues that suited their needs, she concludes that ‘this did not mean behavioural constraints dissolved’.<sup>19</sup> While Gordon notes that in Scotland the majority of people conformed to marital law, she found that they adopted ‘a more flexible definition of marriage than the official one’.<sup>20</sup> Perhaps what is emerging is an overall picture of limited flexibility rather than rigid conformity. As, Newton remarks, however, we still know very little about the identities and motivation of people who married clandestinely.<sup>21</sup>

This rest of this chapter offers a detailed, individualised, and regional case-study to tease out people’s conformity to marital law. In 1758 Thomas Whitaker, a gentleman of Symonstone, in the parish of Whalley, Lancashire, brought an action of ‘Jactitation of Marriage’ against Ann Lee at Chester Consistory Court. Plaintiffs initiated such an action to stop a defendant declaring that a marriage existed between the two. Ann Lee claimed that on 11 May 1737, when she was twenty-two and pregnant, she married Thomas, then aged around thirty-five. They were wed, she said, by a priest, Christopher Bulcock, at the public house of Allen Edmundson, in Pendle Forest, Lancashire, and while they did not cohabit, the community knew they were husband and wife, and she bore him two daughters. Thomas denied that he had married her since she was his father’s servant but admitted she had been his mistress. The case turned on proving whether Ann and Thomas were legally wed. The clandestine nature of the ceremony did not invalidate it, since it was performed by a priest of the Church of England. Thus, the status of the clergyman, Christopher Bulcock, came under scrutiny, because Thomas alleged that he was an ‘idiot’ and incapable of performing a wedding ceremony. In 1763, Chester Consistory Court decided in favour of Ann, so Thomas appealed the case to York; it was appealed again in April 1767 to the Court of Delegates. Many deponents were called to give evidence about the marriages Bulcock performed and so the several hundreds of pages that this protracted case generated offer insights into couples’ motivation for marrying clandestinely.

Bulcock acted as the celebrant for couples marrying from the 1720s through to the 1750s. The deponents in the case refer to at least twenty-five weddings, and several mentioned that they had also witnessed Bulcock performing numerous clandestine unions. Certainly, Michael Snape’s study of the Anglican Church in Whalley notes that 27 couples were presented to the diocesan church courts between 1712 and 1753 for marrying without banns or licence.<sup>22</sup> The numbers may well have been substantial; one deponent estimated that he officiated as clerk at over 100 marriages across thirteen years, so one could speculate that Bulcock married two hundred or more couples in his time. These marriages are analysed for

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<sup>17</sup> Newton, ‘Clandestine marriage,’ 151, 152.

<sup>18</sup> Ibid, 153-5.

<sup>19</sup> ibid, 176-6.

<sup>20</sup> Gordon, ‘Irregular Marriage,’ 522.

<sup>21</sup> Jennifer McNabb, ‘Fame and the Making of Marriage in Northwest England, 1560-1640’, *Quidditas* 26 & 27 (2005-2006), 9-33.

<sup>22</sup> Michael Snape, *The Church of England in Industrialising Society: The Lancashire Parish of Whalley in the Eighteenth Century* (Woodbridge, Boydell and Brewer, 2003), p. 115.

what they indicate about the ways in which local circumstances shaped couples' decisions about marriage ceremonies. What emerges is that even in cases of near marital 'conformity' in clandestine unions, where couples were married outside their home parish by an Anglican priest, non-conforming behaviour is evident. The findings also inform the chronology of marital conformity over the eighteenth century. Emma Griffin argues that by the late eighteenth century, couples 'were not applying the old logic of marriage formation to a new, more favourable economic climate; they were jettisoning the old logic altogether.'<sup>23</sup> This case study implies that the old logic was not necessarily pervasive everywhere in the 1720s-1750, due to some of the structural factors that Griffin identifies as shaping behaviour later, such as social dislocation due to new economic conditions, which weakened the social forces that controlled access to marriage.

After all, as Michael Snape shows, Whalley was an area that underwent significant social and economic upheaval in the period studied. It was the largest parish in England, covering approximately sixty-one square miles.<sup>24</sup> The extensive parish was situated at the western edge of the Pennines, mostly south of the River Ribble, with much of it in the old royal forests of Pendle, Trawden, and Rossendale, all areas that had undergone enclosure and settlement in the early modern period, resulting in a large population of smallholders and cottagers. Whalley was so extensive that it was divided into chapelries, with one parish church and seventeen chapels of ease. Eleven of the chapels were parochial, enabling them to perform christenings and burials, with the other four reserved for praying and preaching. The size of the parish is indicated by the fact that the chapelries were larger than many parishes elsewhere in England. Thus, few residents were near the parish church and many chapels were unable to provide a full range of services. Inhabitants also faced the challenges of the topography, particularly in the smaller north-western chapelries which combined rough terrain and poor communications. There were no turnpike roads until the mid-century and even afterwards roads were often inadequate. Michael Snape shows that the population in Whalley was rapidly growing, estimating that it experienced a three-fold increase between 1720 and 1780. This was mostly from natural increase rather than migrants, due to the expansion of textiles manufacture. Certainly, where deponents' employment was stated, they included shalloon weavers, cotton weavers, weavers, dyers, a piece-maker, stuff-maker, winder of worsted yarn, and a tailor, as well as colliers, carriers, coopers, lime-burners, gardeners, inn-keepers, labourers, husbandmen, and some yeomen.

As such, kinship ties were strong, and local customs and practices were not dissolved by industrial migration. Indeed, Jennifer McNabb observes more broadly that the northwest's remoteness and political and economic autonomy in the early modern period 'allowed for the flourishing of distinctive cultural values and practices'.<sup>25</sup> Her work on cases disputing matrimonial contracts from 1560 to 1640 leads her to conclude that there was a 'distinct regional culture of matrimony in the northwest,' with marriage practices, such as spousals, surviving in the region long after they were discontinued elsewhere in England.<sup>26</sup> The next section considers these distinctive marriage practices in Whalley in more detail for the following century up to the 1750s.

### **Thomas Whitaker of Symonstone, Parish of Whalley, versus Ann Lee**

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<sup>23</sup> Griffin, 'A Conundrum Resolved?', 163.

<sup>24</sup> This paragraph is informed by Snape, *Church of England*, pp. 5-15.

<sup>25</sup> McNabb, 'Fame and the Making of Marriage,' 12, 15.

<sup>26</sup> She defines such unions as lacking some component of the church's requirements for a formal marriage, McNabb, 'Fame and the Making of Marriage', 12, 15.

Thomas Whitaker's jactitation suit denied that he was married to Ann and claimed that her children were not his and illegitimate, although he eventually conceded that he had given a bond for £40 as security for the maintenance of the first child. He admitted only that he had promised to marry Ann, in order to pacify her father, a miller in Padiham, a village a mile from Symonstone, who discovered the relationship and threatened Thomas that if he did not marry his daughter, he would expose him to Thomas Whitaker Senior. Interestingly Whitaker senior maintained the pretence that he was unaware of his son's union with Ann. In 1748 he wrote to Robert Parker of Alkincoats noting:

[t]is some concern to me that the late Miller of Padiham John Lee's daughter Ann should run about the country with a child borne I think before last Christmas near Haworth & says to every body that she is my son's wife, but it must not be known whilst I am living, altho' 'tis said 'tis 10 years since they were married...<sup>27</sup>

There is little doubt that Thomas did not see himself as legally wed to Ann, given that he married Ann Willion in May 1759 (with whom he went on to have two sons), during the suit's deliberation and fifteen months after he began the jactitation suit in February 1758.<sup>28</sup> He further alleged that Ann boasted that they were married for financial reasons alone. He stated that she rambled in the north of England after bearing her first child in 1737 (she claimed she worked industriously as variously a servant, teacher, and housekeeper in the locality) and only returned to Symonstone when Thomas's father died in 1757.<sup>29</sup> At that point she was persuaded by 'ill-minded people who have long been endeavouring to set up a pretended marriage between Thomas and Ann' to publicly claim the union's existence.<sup>30</sup> Thomas's father's will left him a considerable entailed estate for life. On his death, it would pass to Thomas's sons, though his father stipulated that these must be offspring by any other woman than Ann. He further insisted that Thomas must always deny being married to Ann, otherwise the estate would go to the male heir of Ellen Baron, Thomas's sister. In Thomas's opinion, therefore, the Barons were keen to prove a valid marriage between Thomas and Ann so that his sons with Ann Willion were unable to inherit, thereby enabling the Barons' son to inherit the estate.<sup>31</sup> Ann did admit to living with the Barons, although she denied that Mrs Baron supported her financially.<sup>32</sup>

Ann's defence depended upon proving a valid marriage to Thomas. The odds were stacked against her, however. There were a couple of witnesses, but no record in Bulcock's marriage register. The couple had not cohabited, and she was obliged instead to offer evidence that they were reputed to be husband and wife.<sup>33</sup> For example, Elizabeth Bridge confirmed that after the wedding they 'were commonly esteemed a man and wife,' although the wedding

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<sup>27</sup> Lancs. RO, DDB 82 Acc. 7886 Wallet 6, Thomas Whitaker to Robert Parker, 23 May 1748, cited in Henry French and Mark Rothery, *Man's Estate: Landed Gentry Masculinities, 1660-1900* (Oxford University Press, 2012), p. 224.

<sup>28</sup> Bigamy was a felony.

<sup>29</sup> BIA Trans.CP.1764/1, Answers of Ann Lee to the Exceptive Allegation, p. 517.

<sup>30</sup> BIA Trans.CP.1764/1, BIA Trans.CP.1764/1 Exceptive Allegation on the part of Thomas Whitaker, pp. 447-8.

<sup>31</sup> BIA, CP. I/1462, Positions Additional to an Allegation admitted on part of Thomas Whitaker. No date given, although probably 1763 or early 1764.

<sup>32</sup> BIA, CP. I/1463, Personal Answers of Ann Lee to Allegation, July 1765.

<sup>33</sup> Probert, *Marriage, Law and Practice*, pp. 104-5.

was kept secret during Thomas's father's lifetime.<sup>34</sup> To strengthen her case, Ann also brought evidence in the form of Thomas's letters written in 1737 and 1740. In one dated April 1737, he conceded that he would:

make good my promise that I made yw [sic] the other night I do now assure then in writing that I do intend to marry you in case a method can be found out to do it privately and that they [Ann's parents] will promise me that they will use their utmost endeavour to conceal it.<sup>35</sup>

The letters reveal the secrecy surrounding their relationship. Thomas was terrified of anyone, especially his father, discovering their intimacy, and their meetings were secret and organised under cover of his going fishing. He would meet her at the back of her house and leave letters in hiding places.<sup>36</sup> When Thomas Whitaker senior died in 1757, Ann said she tried and failed to contact Thomas. On discovering that he was publicly denying their union, she sought advice from Mr Oddy, an attorney at law in Burnley. He communicated with Thomas's attorney, Mr Aspinall, who offered her £100 or £200 to stay quiet.<sup>37</sup> When Oddy failed to honour a meeting, she paid him off and applied to another lawyer, Mr Baldwin, who advised her to go to see Thomas to request a separate maintenance.<sup>38</sup> She alleged that when she did this, Thomas beat her. He then brought the jactitation suit to prevent her initiating a case for restitution of conjugal rites. Perhaps her answer to Thomas's Exceptive Allegation is most revealing of her motives in considering a restitution suit: she had heard 'that in courts of Law or Equity have been several suits or litigations touching the validity of such marriages', which were all determined in the plaintiffs' favour. Importantly, she understood that this meant that the issue of the unions did not suffer under any legal impediments.<sup>39</sup> As this indicates, for couples like Whitaker and Lee, much depended upon the status of their union. Yet, as the following section reveals, couples seem to have been willing to be wedded in circumstances that could be considered somewhat ambiguous.

### **The status of Christopher Bulcock**

Throughout the suit and its appeal, Thomas's proctors focused on proving the inadequacy of the marriages Bulcock performed. As Probert's analysis of the ingredients for a regular marriage makes very clear, the 'crucial element' for a valid union was an ordained clergyman. She shows that discussions of marriage assumed an Anglican clergyman was essential, as did all contributors to the parliamentary debates about the Clandestine Marriages Act. The fact that the ceremony was clandestine did not invalidate the union, after all. Indeed, a marriage celebrated without the rites of the Book of Common Prayer and carried out in a

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<sup>34</sup> Thomas's interrogatories asked deponents to comment on whether Thomas Whitaker and Ann Lee were known to be married. BIA Trans.CP.1764/1, Elizabeth Bridge, p. 356. For reputation and co-residence see Probert, *Marriage, Law and Practice*, pp. 180-1.

<sup>35</sup> BIA Trans.CP.1764/1, Positions Additional on behalf of Ann 7 Nov 1758, exhibits 1, 2, 3, pp. 237.

<sup>36</sup> BIA Trans.CP.1764/1, Positions Additional on behalf of Ann 7 Nov 1758, exhibits 1, 2, 3, pp. 237.

<sup>37</sup> Ann seems to have sought a regular maintenance rather than a one-off payment. She alleged that Thomas negotiated with a friend to offer £600 for her to deny the marriage, but she refused.

<sup>38</sup> Ann shows the ease with which people employed lawyers, as Chris Brooks' scholarship demonstrates.

<sup>39</sup> BIA Trans.CP.1764/1, Answers of Ann Lee to the Exceptive Allegation, pp. 558-9

location that was not prescribed, could still be good if it was performed by a clergyman.<sup>40</sup> Deponents for both litigants agreed that Christopher Bulcock was a clerk in holy orders, licensed around 1712, and that early in his career was officiating curate to the chapel of Accrington, in the parish of Whalley.<sup>41</sup> William Robinson, a gentleman of Newchurch-in-Pendle remembered Bulcock returning from university and going into orders.<sup>42</sup> What made Bulcock more problematic, was whether he was in a fit state of mind and whether he could read the service. According to the *Codex Juris Anglicana*, candidates for ordination were to be sufficiently qualified to undertake ministry, which required knowledge of Latin, and Greek, as well as testimonials of good behaviour.<sup>43</sup> Presumably Bulcock met these requirements at the time, although Robinson stated that Bulcock only officiated three or four times before he went ‘crazy’. Hence, Thomas alleged that Bulcock was an ‘idiot’ and thus incapable of acting as a minister.<sup>44</sup>

Deponents agreed that Christopher Bulcock’s suffered from some degree of mental infirmity, but not its extent. Deponents on behalf of Thomas declared that he was unfit for the duties of a minister. Many referred to him as an ‘idiot.’ James Folds said that when someone had done something foolish, it was common to tell them, ‘thou art as mad as the Vicar of Blackow’.<sup>45</sup> Susanna Sutcliffe described him as ‘the mad Vicar’ when recalling him preaching forty years earlier at Newchurch-in-Pendle Chapel (c. 1721). Even at that point, she said, he would stop in his sermon so that people thought him ‘crazy or short of learning’.<sup>46</sup> Thomas mustered deponents who knew Bulcock’s habits and living conditions. One noted that he was frequently ‘badly beshit’ and stole food from children; though it should be noted that the same man acted as Bulcock’s clerk at the weddings he performed for the previous twelve to fourteen years.<sup>47</sup> Ann Walsh was put as a town apprentice to Bulcock’s father and was in his service for fifteen years, during which time she cared for Christopher, since he was unable to wash and dress himself. He dirtied himself, she stated, rubbing his hand in his excrement.<sup>48</sup> Neighbours of the Bulcocks also reported that Christopher would chase women and children around the fields with his ‘yard’ hanging out.<sup>49</sup> Unsurprisingly, given the adversarial nature

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<sup>40</sup> Probert, *Marriage, Law and Practice*, pp. 56-8.

<sup>41</sup> There is no listing of Bulcock as curate of Accrington, on The Clergy of the Church of England Database [CCED], which, indeed, shows another man named as curate in 1712 at Accrington. Nevertheless, assistant curacies are sometimes missed on the CCED due to deficiencies in the diocesan records, as Daniel Reed explains in ‘Digital Pitfalls: Laurence Sterne and the “Clergy of the Church of England Database”’, *The Shandean*, 28 (2017), 129-137

<sup>42</sup> Although some deponents deposed that Bulcock was educated at university, he is not listed in either Foster or Venn’s accounts of Oxford or Cambridge alumni, suggesting that he perhaps qualified as a literate candidate without a university education.

<sup>43</sup> Edmund Gibson, *Codex Juris Ecclesiastici Anglicani: Or, The Statutes, Constitutions, Canons, Rubrics and Articles, of the Church of England [etc.]*, second edition, vol. I (Oxford: 1761), 147.

<sup>44</sup> BIA Trans.CP.1764/1, Thomas Whitaker’s Exceptive Allegation, pp. 451-2.

<sup>45</sup> BIA Trans.CP.1764/1, James Folds, of Trawden, Chapelry of Colne, Esquire, aged 50.

<sup>46</sup> BIA Trans.CP.1764/1, Susannah Sutcliffe’s deposition

<sup>47</sup> BIA Trans.CP.1764/1, John Titherington, of Dolehouse, Forest of Pendle, Shaloon Weaver, p. 691-3.

<sup>48</sup> BIA Trans.CP.1764/1, Ann Walsh, wife of Joshua Walsh, Mile Smithy, Chapelry of Colne, June 1761, p. 656.

<sup>49</sup> For example, BIA Trans.CP.1764/1, William Folds, of Admiregill, parish of Barnoldswick, shalloon weaver, June 1761.



of this litigation, those who deposed for the defendant were more circumspect. They had heard him called the Vicar of Blacko, but not the ‘mad’ vicar and denied that he was completely irrational or impaired.<sup>50</sup> Typical was Richard Slater who had been married by Bulcock twenty-eight years earlier and admitted only that he was ‘a little disordered in his senses,’ though capable of reading the ceremony.’<sup>51</sup>

The emphasis on Bulcock’s ability to read the ceremony was, therefore, critical for Thomas’s case. He stated that the clergyman was incapable of ‘transacting any publick or private concerns whatever especially performing a reading over the office of holy matrimony’.<sup>52</sup> The 1763 appeal to York described Bulcock as a ‘Lunatick Clergyman then and at all times thereafter without any Lucid Intervals to render him capable to Marry any persons whatsoever or to do or perform any binding or Lawful Act whatsoever as being totally devoid of all mind memory reason or understanding’.<sup>53</sup> Memory was essential because there is some evidence that a candidate could be ordained if blind, despite the inability to read. An exchange of letters in 1730 between the Archbishop of Canterbury, the Bishop of Lincoln, and their advisers sought to establish whether a blind candidate could be admitted to Holy Orders. The conclusion was that he could be, if he was able to perform prayers and duties from memory. It was also noted that it was possible for an Assistant to be kept to supply any defect in the clergyman’s performance of public service.<sup>54</sup> In the circumstances of a clergyman suffering from the impairments of old age, for instance, a curate could be paid to fulfil the duties of the parish.

What is clear from the depositions is that Bulcock’s father and brother assisted him in performing weddings; later, after Robert Bulcock’s death, Christopher’s nephew took over. Indeed, William Cowper reported that Robert Bulcock, Christopher’s father, was known as the ‘Old Parson’ because of the belief that Robert officiated at the marriages, since his son was incapable of reading the ceremony.<sup>55</sup> John Sutcliffe, who recalled witnessing the marriage of one couple in 1730, stated that Bulcock was fed ‘Wynburys and Milk and Gingerbread’ and coaxed like a child to say the service. Following the treat, his father then handed him the prayer book, said some words and asked him to repeat them. Christopher would repeat one word, then ‘immediately fly off[f] into some rambling expressions’, laughing, so that it took two hours before they could finish.<sup>56</sup> William Edmundson deposed that due to Bulcock’s talking nonsense, he ‘never did look upon it that he was right married to his said first wife’.<sup>57</sup>

As such, it was particularly crucial for Thomas’s jactitation case to determine the extent to which Bulcock was able to read the marriage service without assistance. Ann’s deponents stated that he was able to read the ceremony. Allan Edmundson, ran the public house where Bulcock had performed weddings; he was 78 when he was examined in 1760, and by that point had known him for forty years. He claimed that Bulcock was ‘a little crack’d (with hard

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<sup>50</sup> BIA Trans.CP.1764/1, Wife of Fishwick, p. 961.

<sup>51</sup> BIA Trans.CP.1764/1, p. 1020.

<sup>52</sup> BIA Trans.CP.1764/1, Thomas Whitaker’s Exceptive Allegation, pp. 451-2.

<sup>53</sup> BIA Cause Papers. CP.I.1464, 1763 appeal to York.

<sup>54</sup> Cornwall Record Office. PB8/8, Letter book of William Wake, 1730-1735. Letters dated 11 May, 14 May, 1730.

<sup>55</sup> BIA Trans.CP.1764/1, Allen Edmundson, pp. 397-8.

<sup>56</sup> BIA Trans.CP.1764/1, John Sutcliffe of Padiam, Shalloon Weaver, June 1761, pp. 611-2.

<sup>57</sup> BIA Trans.CP.1764/1, William Edmundson, of Whitemore Bottom, Chapelry of Colne, husbandman, June 1761, p. 546.

studying),’ but ‘was not an Idiot or incapable of performing his office’ and said he heard him read the ceremony plainly.<sup>58</sup> His daughter, Mary Ratcliffe, remembered many couples being married at her father’s pub, and stated that Bulcock performed his office word by word as the parsons do in the Church of England.<sup>59</sup> George Yates, a yeoman, went so far as to declare that he could read the marriage ceremony without help, and that he saw him sign a certificate.<sup>60</sup>

The other important fact to be determined was whether the couples who had been wed by Bulcock were forced to remarry later. To some extent the depositions again fell into two camps. Several of Ann’s deponents stated that they were not aware of couples remarrying after one of his ceremonies. Of course, Thomas’s Allegations declared that Ann’s deponents were not competent to judge since their own marriages were clandestine and they needed to prove such unions legitimate and their children not base. He also alleged that clandestine marriages were debauched, profane, and disorderly and therefore likely to be bribed. Clearly, clandestinity itself could be used to symbolise deviance.<sup>61</sup>

Unsurprisingly many of the deponents that Thomas called offered accounts of marriage ceremonies that were carried out again. Some said they remarried because they felt Bulcock was too ‘crazy’ to have wed them properly.<sup>62</sup> Some couples were obliged to remarry after the first clandestine ceremony, because their local clergyman thought the service irregular. Margaret Bateson married William Bateson in April, 1738; they were ‘immediately asked in Church at Gisborn on the Sunday next following and twice after successively’ about the wedding and therefore were married in church on 10 May. Margaret stated that they had not felt married after Bulcock’s service, so that they only lived and lay together after the Church ceremony.<sup>63</sup> Such remarriages were recorded in the marriage register. The parish of Downham noted in its register: ‘John Bevern of Blackburn, carpenter, and Margaret Banks of Downham, spinster, Married February ye 15th, having been, as they pretended, married ye Day before by Christopher Bulcock, a Man non compos mentis, or not in his right senses. By James Cowgill, Cur[ate].’<sup>64</sup>

However, Thomas’s deponents’ situations were not without some ambiguity. Not all the couples who deposed on behalf of Thomas were instructed to remarry immediately. It was four years after his marriage to his first wife, that John Sutcliffe was called before the spiritual court in Padiham Chapel about his union. Afterwards he was married again by James Fishwick, Padiham’s curate. He stated that he had done this after being worn down by the Reverend Mr Fishwick frequently telling him that he and his wife lived like rogue and whore. On one occasion the Curate pointed at a nearby dog and declared, ‘Mr Bulcock could no more marry you than that Dog,’ blaming such incapacity on Bulcock’s want of

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<sup>58</sup> BIA Trans.CP.1764/1, Allan Edmundson, pp. 397-8.

<sup>59</sup> BIA Trans.CP.1764/1, Mary Ratcliffe, p. 412.

<sup>60</sup> BIA Trans.CP.1764/1, George Yates, Windy Bank, Parish of Blackburn, Yeoman, Sept 1762, p. 967.

<sup>61</sup> BIA Trans.CP.1764/1, Allegation on part of Thomas, p. 1131.

<sup>62</sup> BIA Trans.CP.1764/1, Margaret Bateson, p. 1237.

<sup>63</sup> BIA Trans.CP.1764/1, Margaret Bateson, p. 1237. For being ‘asked’ in the home church see also Catherine Suddell who married at about sixteen, p. 1251.

<sup>64</sup> Published in *Notes and Queries*, volume 10, 5 Dec, 1908, p. 447. Cowgill was curate at Downham from 1724 to 1747.

understanding.<sup>65</sup> Not everyone was certain of Bulcock's inadequacies. James Folds, Esquire, for instance, declared that he could not tell if Christopher Bulcock's marriages were good or valid, although he knew that 'many' of those married by him were married over again at Colne or elsewhere.<sup>66</sup> Another of Thomas's deponents, Robert Nowell, gentleman, opined that he had heard it said that Bulcock's marriages 'would stand', though he never knew 'instances of a trial of it'.<sup>67</sup> Others specified that it was only after the Marriage Act of 1753 that any people had been married over again, usually at the instruction of a clergyman.<sup>68</sup>

Even some clerics were ambivalent.<sup>69</sup> William Nabbs, the curate of Newchurch in Pendle, had heard that Bulcock was in deacon's orders, but was not sure if he was licensed. He had not witnessed any weddings, which, given his clerical position is not surprising, but thought Bulcock was not capable of going through the service by himself, since he was not rational, and melancholic. Nevertheless, in response to Ann's interrogatory he stated that the many persons who had been married by Bulcock have 'lived together as Husband and Wife without being married again and such he supposes looked upon their marriages as good'. He insisted that he did not know if these unions were valid, referring this question to those more learned than him in law.<sup>70</sup> Most confusingly, perhaps, the Reverend Mr Fishwick deposed on behalf of Ann Lee. In contradiction to his reported haranguing of Sutcliffe and others, he supported Lee's good character and claimed never to have seen Christopher Bulcock or know anything of him personally. He admitted only to hearing that Bulcock had preached well when first appointed curate at Accrington, but then became affected in his head, possibly by intense study.<sup>71</sup>

### **Clandestine marriers' motivation**

So, how far do these clandestine marriages demonstrate their Lancashire protagonists' conformity to canon law? In the first instance it is worth noting that in some respects, people who were married by Bulcock experienced a reasonably conventional service. The couples clearly believed a clergyman was essential.<sup>72</sup> When acting as celebrant, Christopher Bulcock

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<sup>65</sup> BIA Trans.CP.1764/1, John Sutcliffe's deposition, p. 625 Indeed there is a marriage certificate for John Sutcliffe to Susan Brotherton: Lancashire Online Parish Clerk: Marriage: 10 Oct 1750 St Leonard, Padiham, Lancashire, England, John Sutcliff, of Padiham, and Susan Brotherton, of Padiham: LDS Film 1040343

<sup>66</sup> BIA Trans.CP.1764/1, James Folds, pp. 729-30. Another, a clerk of the Chapel of Harwood, declared his marriage was proven not valid: William Hindle, Great Harwood, Parish of Blackburn, Clerk of Chapel of Harwood, 16 May 1763.

<sup>67</sup> BIA Trans.CP.1764/1, Robert Nowell, of Altham, Gent, June 1761, pp. 785-6.

<sup>68</sup> BIA Trans.CP.1764/1, George Yates, p. 971; also see Ann Pomfret, pp. 984-5

<sup>69</sup> BIA Trans.CP.1764/1, John Holmes, curate of Haslingdon, 50.

<sup>70</sup> BIA Trans.CP.1764/1, William Nabbs, clerk, curate of Newchurch in Pendle, June 1761, pp. 725. According to CCED, he was ordained deacon in 1728, priest in 1730, and appointed curate at Newchurch in Pendle in 1735.

<sup>71</sup> BIA Trans.CP.1764/1, James Fishwick, Clerk of Padiham, 13 Sept 1762. He was minister at Padiham from 1740. Michael Snape concludes that Whalley's clergy were a non-graduate clerical proletariat, often poor, ignorant and immoral, so Fishwick's status is perhaps questionable.

<sup>72</sup> A study of matrimonial suits shows that northwest inhabitants increasingly used the services of a minister in their unions in the seventeenth century, McNabb, 'Fame and the Making of Marriage,' 26.

wore a clerical band and used the *Book of Common Prayer* to conduct the ceremony, just as with a regular Church of England service.<sup>73</sup> Tamor Crossley, who was married to her first husband by Bulcock, and to her second husband by Reverend Mr. Fishwick, emphasised that Bulcock did exactly the same as Fishwick.<sup>74</sup> Many wives received a ring; Ann Lee's, it was recalled, was silver.<sup>75</sup> This was not universal, however. Susanna Sutcliffe, deposing for Ann, noted that there was no ring or joining of hands at her wedding. She remembered that her husband asked Bulcock's nephew whether 'they never used a "ring" and he said sometimes we do and sometimes we do not'.<sup>76</sup> The spouses received a certificate of marriage following the ceremony, and presumably were recorded in a book since Bulcock's nephew was requested to find an entry for Thomas's and Lee's union (he failed to do so).<sup>77</sup> Of course, these marriages deviated in many ways from marital law. They were not conducted in a Church, but in a public house, after all.<sup>78</sup> The locations named included a parlour below stairs in Allen Edmundson's public house in Pendle Forest, the Cross Gates, a public house on Coalpit Road, a mile and a half from Brownhill where Bulcock lived, and the Robin Hood, in Barrowford, near Colne.

In short, then, the couples were not operating in ignorance of conventional forms of union and were likely aware that there were deterrents in place against this type of marriage. In 1750, for instance, four couples from the Chapelry of Burnley were fined by the visitation court for being married in secret by Bulcock.<sup>79</sup> Indeed, what is perhaps remarkable is that the couples who chose to use Bulcock did so in the full knowledge of his mental impairment. Even those who deposed on behalf of Thomas, confirming that Bulcock was unable to make his way through the service without rambling, were often those who had already seen him in action and still chose to use him for their own wedding. John Sutcliffe, for instance, witnessed one of Bulcock's weddings (and noted his impairment) but then used Bulcock for his own marriage two years later. Thirteen years after this, having been widowed, he married again, once more happily using Bulcock, who was encouraged to say the service by his nephew offering him a piece of pie.<sup>80</sup> Susannah, John Sutcliffe's second wife, had also seen Christopher struggle through wedding ceremonies persuaded once by sweet pie and once by roast beef.<sup>81</sup> William Edmundson, a husbandman, initially refused to be married by 'such a fool' in 1720 but was eventually persuaded by his betrothed to proceed. This young woman

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<sup>73</sup> BIA Trans.CP.1764/1, Elizabeth Bridge, p. 353. According to Probert, most clandestine marriages used the *Book of Common Prayer, Marriage Law and Practice*, p. 198

<sup>74</sup> BIA Trans.CP.1764/1, Tamor Crossley, pp 1087-88.

<sup>75</sup> BIA Trans.CP.1764/1, Elizabeth Bridge, p. 353.

<sup>76</sup> BIA Trans.CP.1764/1, Susanna Sutcliffe, p. 631.

<sup>77</sup> BIA Trans.CP.1764/1, John Titherington, p. 699. For Ann Lee's agent's failure to find the register in 1757 and 1759, see CP.I/1463, which consists of a document to show why the sentence for Ann should be declared null, November 1764.

<sup>78</sup> The making of marriages in public houses waned over the seventeenth century in the north-west, although private houses remained popular, McNabb, 'Fame and the Making of Marriage', 25.

<sup>79</sup> Clearly Hardwicke's Marriage Act was successful since there were no presentments after 1753, Snape, *Church of England*, p. 116

<sup>80</sup> BIA Trans.CP.1764/1, John Sutcliffe's deposition, pp. 613-4.

<sup>81</sup> BIA Trans.CP.1764/1, Susanna Sutcliffe, p. 633.

went on to be a servant to the Bulcocks for two years up to 1730, with the duty of washing the clergyman like a child and changing his dirty bed.<sup>82</sup>

Some commonalities in motivation emerge from the depositions. Flexibility was important. John Sutcliffe explained that he had the banns called in church at Padiham when he planned to marry Isobel Whitehead. But since he was in service, he was prevailed upon to put it off and to let his master stop the banns. About three or four months later, the master repented, but the parson refused to marry him ‘upon once asking[,] insisting upon asking him three times over again’. In other words, he wanted the banns called three times again. This was not speedy enough for the couple and John used Bulcock to marry Isobel.<sup>83</sup> For most, privacy, in the sense of secrecy, was crucial, much as Brian Outhwaite suggested. Indeed, the phrase most deponents use to describe Bulcock’s business was marrying people ‘privately’. For Thomas Whitaker and, less willingly, Ann Lee, marrying clandestinely kept their union secret. Secrecy was essential because his father had discovered the relationship between his son and his servant and warned him he would disinherit him and his offspring if he married her.<sup>84</sup> William Edmundson simply stated that the young woman he courted agreed to have him ‘but would be married privately’. Thus, they went to an alehouse where this was available, one and a half miles from Brownhill, Pendle.

Convenience was a factor, in terms of location, speed, and cost. Those with more means had more choice when seeking a quick union. Thomas married Ann Willion in May 1759 in Scotland, because she was under twenty-one and he did not want to wait for the Court of Chester to appoint a guardian since her father was deceased. Instead, they were married by a clergyman in Edinburgh.<sup>85</sup> Other studies have shown that couples might choose not to marry in their home parish for reasons which were not deliberately irregular. In London it could be because many were recent emigrants; elsewhere some couples followed the incumbent of a parish who had more than one living or sought out another parish church because their own had no permanent incumbent. In some cases, as Probert observes, particular churches, such as a cathedral, became fashionable.<sup>86</sup> As stated earlier, Whalley was a large parish divided into chapelries and thus many of the population were not in reach of the chapels, only some of which provided a full range of services in any case. Couples may therefore have used Bulcock because he was convenient and there were few regular options. Ann Walmsley, for instance, was married by Bulcock twenty-six years before she deposed, in Robert Bulcock’s house in Blacko.<sup>87</sup> Given the size and location of Blacko, where the marriages were performed, it was also perhaps easily accessible. The Cross Gates pub, where some of the marriages were celebrated, seems to have sat at the intersection of three roads.

It is difficult to establish whether cost was a factor. Probert and Newton found that this was not particularly important in London, where church marriages could be cheaper than

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<sup>82</sup> BIA Trans.CP.1764/1, William Edmundson, Whitemore Bottom, Chapelry of Colne, 9 June 1761.

<sup>83</sup> BIA Trans.CP.1764/1, John Sutcliffe’s deposition, pp. 613-4.

<sup>84</sup> BIA Trans.CP.1764/1, Exhibit 2, second letter. Thomas Senior pre-empted him by writing a will that disinherited Thomas Junior if he married Ann Lee and denied that any issue of the marriage could inherit his estate.

<sup>85</sup> BIA CP.I/1463, Christopher Bridge of Padiham, Innholder, Jan 1765, deposing on behalf of Thomas Whittaker.

<sup>86</sup> Probert, *Marriage Law and Practice*, pp. 173, 202-4.

<sup>87</sup> BIA Trans.CP.1764/1 p. 1017.

clandestine ones, since marriage by banns incurred parish fees and ancillary costs.<sup>88</sup> The description of costs charged by Bulcock varied. Allen Edmundson, the landlord of the pub where some of the ceremonies occurred in the 1720s remembered that a couple paid Bulcock 6d for the service, which would be an incentive to use him. Others, however, mentioned costs of 2s, and 5s in the 1750s, which compared less well with marriages by banns that tended to cost from 3s 4d to 5s and more.<sup>89</sup> Newton shows that the clandestine marriage venues in London offered food and entertainment too, and it is feasible that a wedding carried out in a pub might have taken advantage of the alcohol and food that was available.

Couples' accounts of remarrying after being wed by Bulcock are also revealing and do not necessarily reveal any specific desire to conform to marital law. Many did so for pragmatic reasons rather than because they felt the clandestine union was inadequate. William Hindle remarried his wife at the advice of John Smith, the Curate of Harwood, the Sunday following the Whit Sunday after his marriage. Reading further, however, it becomes clear that at the time of his marriage, William's wife was a minor. Her 'friends' in Yorkshire therefore refused to release her portion to him when he visited them following the clandestine ceremony. They stipulated that he would only get part of her fortune if they were remarried in Church.<sup>90</sup> Tamor Crossley was married three times in total, twice to her first husband. They remarried after a wedding presided over by Bulcock simply to make a point. Having married outside their own parish, the Reverend Mr Fishwick still demanded his dues for the wedding. Therefore, Tamor's husband indignantly informed the parson that 'if he would have his dues he must do the work for it for which reason only they were married again for she thought nothing to the contrary but that she was well married by Mr Bulcock'.<sup>91</sup>

Even parish authorities only conformed over marital arrangements when it suited them. It seems that clandestine marriage was a quick solution to longer-term financial problems for some parish officers. William Cowper, Doctor in Physic, who lived in Colne, three miles from Blacko, was in the Commission of Peace for the West Riding of Yorkshire and County Palatine of Lancaster for twelve years. He deposed that Bulcock was notorious due to the 'great numbers of loose and mean persons being married at his residence'. What troubled Cowper most was that parochial officers frequently applied to bind over putative fathers but would then re-apply to have the recognizance superseded, because they had since prevailed upon the man to marry the pregnant woman at Blacko. When Cowper admonished the officers, telling them they should not be aiding and abetting 'illegal and clandestine pretended nuptials,' they informed him:

that it was done for expedition and cheapness for that if they could get the Old Parson or Old Vicar who married what marrying there was, in a good humour he was then moderate in his demands and would treat them with drink out of the fees either at the Hole or the Cross Gates.<sup>92</sup>

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<sup>88</sup> see Jeremy Boulton 'Itching After Private Marryings? Marriage Customs in Seventeenth-century London', 16:1, *The London Journal* (1991), 17-18.

<sup>89</sup> Probert, *Marriage, law and Practice*, pp. 197-8. Susannah Sutcliffe deposed that when she used Bulcock to marry her husband he paid Bulcock's nephew 2 s for the service BIA Trans.CP.1764/1. Snape found that some couples in 1750 were charged 5s each, *Church of England*, p. 116

<sup>90</sup> BIA Trans.CP.1764/1, p. 1234.

<sup>91</sup> BIA Trans.CP.1764/1, Tamor Crossley, pp. 1090-91.

<sup>92</sup> BIA Trans.CP.1764/1, William Cowper, pp. 833-842.

## Conclusion

There are several points to be drawn from this analysis of the clandestine marriages of couples between the 1720s and 1750s in Whalley, Lancashire. Most obvious is that the union at the centre of the jactitation case reveals the fundamental problem of such marriages: proving their existence and the legal rights that marriage afforded spouses and heirs could be extremely difficult when the parties were in dispute. Thomas did not live to see his case resolved. He died in May 1766 and Ann Willion took over the suit as his 'widow', appealing to the Court of Delegates. In January 1767 the judge decreed that the cause was 'ill-appealed' and should be remitted to the judge from whom it was appealed, condemning Ann Willion to the costs of the suit. Nevertheless, by April the High Court had issued an inhibition to York. There is evidence of continued negotiations between all the parties over the estate into the adulthood of Whitaker's sons with Willion and his nephew, Ellen Baron's son. It is clear that couples were safer ensuring their union adhered to all the regulations if they wished to ensure the security of their children's inheritance and status.

Next, the clandestine marriers' actions nuance our account of clandestine marriages. Their unions did not adhere to Probert's definition of clandestine marriages conforming to all intents and purposes to regular marriage. As we have seen, they were performed by a clergyman of dubious status in a public house.<sup>93</sup> Several of the couples ignored Bulcock's mental state to satisfy their needs, which revolved around privacy, cost, and ease of access and timing. They possessed a pragmatic attitude towards marriage law, simply marrying elsewhere when informed thereafter that their initial union was problematic. Probert may well be correct that such couples are exceptions who prove the rule of matrimonial conformity. Yet they do suggest that more diversity could co-exist at local level. In the north-west the combination of a pre-existing and fairly long standing regional culture of matrimony was combined with specific economic, social, and geographical conditions from the later seventeenth century which together meant that the social forces that controlled access to marriage elsewhere were less powerful.

Finally, the examples offered by these couples offer a way to produce a slightly more joined-up approach to the making of marriage over the long eighteenth century. Currently scholarship tends to address types of union discretely: the early modern irregular marriage, the clandestine unions of the first half of the eighteenth century, and the 'imprudent' marriages in industrialising areas in the late eighteenth century. Yet there are similarities underlying people's marriage practices, influenced by social, economic, and religious factors that could allow a *longue duree* view of marriage which does not force us to assume that couples' behaviour into either conforming or not conforming to marital law. In the north-west, for example, as the toleration of irregular marriage declined, clandestine marriage, which facilitated easier unions that side-stepped some of the rigidities or hurdles of regular marriage, offered a convenient way to enter matrimony. Some people, at least, seem to have been satisfied to be wed by a clergyman who was assisted in saying the service by his father, who concluded ceremonies by announcing: 'So now you are wed enough'.<sup>94</sup> These nascent families certainly knew the religious and legal ideas underlying matrimony, but they applied them to suit their own ends.

8745 words

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<sup>93</sup> Probert, *Marriage Law and Practice*, p. 177.

<sup>94</sup> BIA Trans.CP.1764/1, William Cowper, pp. 833-842.