

HERITAGE HUB - SOURCE LIST

IRREGULAR MARRIAGES

What was an “irregular marriage”?

A “regular marriage” was conducted by a church minister following the reading of banns.

An “irregular” or “clandestine” marriage was in the form of a verbal declaration by the couple before witnesses, and did not require an established clergyman. The only legal requirement was that both parties had to give consent. No notice was required and no waiting period. Such marriages were valid in Scotland, but often frowned upon and over time they became less and less acceptable.

The British Parliament outlawed irregular marriages in 1753 with the introduction of Lord Hardwicke’s Marriage Act, but this did not apply to Scotland. As a result, many English couples eloped to Scotland to obtain a quick and easy marriage. Toll houses on the Scottish-English border became “centres” for irregular marriages e.g. at Annan and Gretna in Dumfriesshire and at Coldstream and Lamberton in Berwickshire.

In 1856 Lord Brougham’s Marriage Act imposed a residential qualification of 21 days for least one of the partners, which made it more difficult for couples outwith the area. Irregular marriages were not formally abolished until 1940.

What records were kept of Irregular Marriages?

Because no minister was required, few records were kept of the event and few have survived.

Such a marriage might not come to light until the first child was born and the parents sought baptism for their children. They were summoned to the Kirk Session, confessed their fault, and were “*rebuked, exhorted, and ordered to pay the charges*”. The charges went to the poor box, the normal fees for a regular marriage were then paid, and the marriage was thus regularised.

As a result, note of irregular marriages can sometimes be found in Old Parish Registers and in Kirk Session records.

Sources held at the Heritage Hub:

- *Old Parish Registers* for all parishes in the Scottish Borders are held on microfilm.
- *Coldstream Bridge Marriages 1793-1797 – 633 entries on microfiche.*
- *Lamberton Toll Marriages 1833-1849 – 2000 entries on microfiche.*
- *Irregular Border marriages: volume 1 – the registers of Henry Collins: marriages at Lamberton Toll 1833-1849. Transcribed with an introduction by Arthur Brack. Northumberland & Durham Family History Society, 1998.*
- *Irregular marriages recorded in the Berwick Advertiser and other Border papers 1808-1864 Northumberland County Archive Service and Northumberland & Durham Family History Society, 2004.*
- *Irregular marriages – Annan Dumfriesshire 1792-1854; transcribed with an introduction by Arthur Brack. Dumfries & Galloway Family History Society, 1997.*

- *Irregular marriages – Portpatrick, Wigtownshire 1759-1826; transcribed with an introduction by Arthur Brack. Dumfries & Galloway Family History Society, 1997.*
- *Irregular Border and Scottish runaway marriages: list of custodians and owners of known existing records, compiled by Ronald Nicholson, 1997.*

See Also:

- *Tracing your Scottish ancestors: the official guide, published by the National Archives of Scotland. Edinburgh: Mercat Press, 2003.*

Sources held elsewhere:

- *Kirk Session Records* at the:
National Archives of Scotland, General Register House, 2 Princes Street, Edinburgh EH1 3YY
Telephone: 0131 535 1314. E-mail: enquiries@nas.gov.uk. Website: www.nas.gov.uk
- “*Irregular Border and Scottish Runaway Marriages*” - a guide to the records held by the General Register Office for Scotland. This leaflet compiled by Ronald Nicholson provides details of the extant registers and their current (or last known) location.

It is available on the GROS website at www.gro-scotland.gov.uk.



*Heritage Hub, Kirkstile, Hawick, Roxburghshire TD9 0AE.
Tel. 01450 360699
E-mail: archives@scotborders.gov.uk
Web: www.heartofhawick.co.uk/heritagehub*

July 2008