Coptic Bible for "to engrave," and it is usual in such cases to regard the Egyptian word as the earlier form. In "the sixteen or eighteen corrections of the scribes" (p. 184), the number should rather have been left indefinite; Geiger's celebrated "Urschrift," although it needlessly and fancifully multiplied the number, nevertheless proved, even to sober judges, that this enumeration is imperfect. "*Azazel*, or the scapegoat" (p. 160), suggests an identity between the two, which it is not likely that the learned author would maintain. For the most part, however, the accuracy both of the statements and of the typography of this book leaves nothing to be desired.

D. S. MARGOLIOUTH.

ART. II.—THE MARRIAGE LAWS.

THE condition of the laws relating to marriage has been complained of for many years past. The marriage laws of different parts of the United Kingdom differ from one another materially; and the differences often cause inconveniences; but it would lead us too far to discuss these. I shall limit myself in this paper to those laws which affect us of the Church of England only.

These need reform, as is admitted on all hands. The most complete information on the whole subject will be found in the Report of a Royal Commission bearing date 1868. That Commission was composed entirely of statesmen and lawyers —Mr. S. H. Walpole, Lord Chelmsford, Lord Hatherley, Lord Cairns, Lord Selborne, Dr. Travers Twiss being leading names. No ecclesiastic had a place on it. Since that date several projects of law have been framed for the purpose of giving effect to recommendations of the Royal Commission, the latest of them being a Bill drawn up by the Bishop of London, and discussed in both Convocations last spring; but as yet nothing has been done.

It is the requirements preliminary to marriage which seem to demand our first and special attention.

Marriages to be solemnized in church must be preceded by banns, by special license, by ordinary license, or by superintendent registrar's certificate. The special license is issued only by the Master of the Faculties of the Archbishop of Canterbury. Its effect is merely to set aside the usual restrictions as to residence and time and place of solemnization. It is a survival of the Papal times, for the Archbishop of Canter-

bury possessed the power of issuing these extraordinary indulgences only as "Legatus Natus" of the Pope, and the power was reserved to him by 25 Hen. VIII., c. 21, and continued by 4 Geo. IV., c. 76, which is the principal statute governing our marriage law at present. The special license is costly, about £30, and is only granted in exceptional cases. It is consequently not much used; there were 21 issued in 1887, 23 in 1888, 24 in 1889.

The superintendent registrar's certificate of publication in his office may also be obtained in lieu of banns by those who prefer it; and this method finds not a little favour in some parts of the land. In the district where I now reside it is, perhaps, as common as banns. In 1887 it was issued for marriages in church to 3,451 couples, in 1888 to 3,296, in 1889 to 3,327. Doubts have been expressed as to whether a clergyman *must* or only *may* solemnize a marriage on production of this document. It would certainly seem from 18 & 19 Vict., c. 119, s. 11, that there is a discretion in the matter; but I for one strongly advise that no difficulty should be made. The clergy, I think, ought in the interests of morality and religion to accept and act on the certificate.

Ordinary licenses are issued by the Diocesan Chancellor in the Bishop's name, and merely dispense with the publication of banns, and are valid only for that diocese. The Archbishop of Canterbury, however, can issue from Doctors' Commons an ordinary license, available in any church of any diocese in either province in virtue of the pre-Reformation jurisdiction just alluded to. This license is subject to the same conditions in other respects as a license granted by the diocesan authority, and costs somewhat more.

Banns still remain the usual method of proceeding; about 90 per cent. of the marriages in church are "after banns." Very serious objections exist to this method. Banns are intended as a security against clandestine and unlawful marriages. And no doubt originally, when our parishes were nearly all small, when everyone might be known to the incumbent, and certainly to his neighbours, and there was but one place of worship, to which all were required by law to resort, then banns served the purpose sufficiently well. In these times banns not seldom serve as a cloak for those very proceedings they were designed to prevent. Persons desirous of concealment "procure their banns to be published in populous places, where they do not usually live, and are not personally known, and where the clergy have neither the leisure to seek nor the means of obtaining accurate information concerning them" (Report, p. vi.). Moreover, such is the number of names rapidly read out after the Second Lesson in

some of our large churches, that it is almost impossible to identify particulars, and the recitation of them causes an inconvenient and unseemly interruption of Divine service. Nor is this all. The publicity given by banns, where the congregation listens to them at all, is distasteful to many. It leads to personal annoyances in some cases. It leads occasionally to demands for largesses or hospitalities which the newly-married can badly afford. Evidence has shown that the notoriety of banns has deterred some from marriage who ought to have been married previously. There can be no doubt that the greater quietness and secrecy of the registrar's office is a great recommendation in many cases. I can give a clear proof of this. A newspaper in the North of England began to publish in its columns the names of couples put up in the registrar's office. The effect was to check marriages in that office, and to send people back to the church. Such pressure was brought to bear upon the newspaper that the practice was discontinued. (See *York Journal of Convocation*, April, 1890, p. 133.) I have heard in some cases that the civil registrars, or their agents, use influence or persuasion to induce parties to be contented with a civil marriage.

Marriages by ordinary license have declined steadily for many years past. In 1863 there were out of a total of 136,743 marriages in church, no less than 19,298 by common licenses; whilst in 1888, out of 142,263 church marriages, those by such license were 10,378; and in 1889, out of a total of 149,356, only 10,261 were by license. The intermediate years show a falling off year by year. Possibly expense may have had something to do with it; the times have of late been hard. But the chief reason has been fashion—fashion alleging that to be married after banns is more rubrical. This, however, is due assuredly to misunderstanding, and a rather perverted misunderstanding, too. No doubt banns are mentioned in the rubric to the Marriage Service, but that rubric itself is not the one authorized either by Church or State. The Act of Uniformity, which had the Prayer-Book of 1662 sanctioned by Convocation amongst its schedules, directed the banns to be published "in the time of Divine Service, immediately before the sentences for the Offertory." This was altered, by the Oxford University Press I believe, without any authority of Parliament, or Convocation, or Bishops, or anybody else, to its present form in 1809; and the alteration has found its way—a very curious fact—into all editions of the Prayer-Book now published. The reason alleged was to bring the rubric into conformity with the Marriage Act, 26 Geo. II., c. 33. The authorities of the Press, however, quite mistook the purport of the Act, which was not

at all to alter the time of publication of banns from that formerly appointed, but merely to require them to be published after the Second Lesson at evening service, when—as in those days was not uncommon—there was no morning service in the church at all. Hence so high a legal authority as Sir Edward Alderson expressed a doubt in 1856 whether the publication of banns after the Second Lesson instead of after the Nicene Creed is valid in law. It can hardly be questioned, however, that the marriage following such publication is valid; and in these days, when the service in the forenoon often consists of Matins, Litany and Sermon, following upon an early administration of the Holy Communion, probably the right course would be to publish the banns after the Second Lesson. Any irregularity of this nature might involve the censure of the officiating minister, but would not be suffered to impeach the marriage. Still, the publication of banns after the Second Lesson in a morning service, when there is an offertory to follow, would seem to be in strictness a contravention of Church order, and to be married after such publication to be by no means an exemplary act of obedience thereto. A license, anyhow, is purely an act of the spiritual power, abundantly recognised by ancient Church law and practice. It is, in fact, merely an ecclesiastical dispensation setting aside the ordinary requirements of statute and canon as regards certain preliminaries of marriage.

There is, however, a "business" reason why marriages which may affect the devolution of property or be otherwise important in the interests of posterity should always be by license, they can be so much more easily traced. A license is only granted on affidavit; the affidavit itself is filed in the diocesan registry, and carefully preserved. The names are ledgered and indexed; and the marriages by license can thus always be surely and easily referred to. No such security exists as regards marriages by banns. If the church in which the marriage is solemnized be forgotten, a thing which may easily happen, especially in these days of constant locomotion and change, there is no means at the diocesan registry of giving assistance. Hence those urgent advertisements we sometimes observe, and handsome offers to parish clerks and others who can discover the record of some marriage on which perhaps an old estate or a mass of savings may depend. The record wanted is wanted because the marriage has taken place after banns, and consequently nobody knows where to look for it. Since 6 & 7 Will. IV., c. 86, the general registry at Somerset House may be able to render help which there was no means of giving in former days; but I have no information on this point.

Various proposals have been made for reforms in those particulars to which I have adverted. The Commissioners of 1868 and others subsequently have suggested the removal of the stamp duty on licenses, 12s. 6d., which of course must always, so long as it lasts, interfere with their general use. Some uniformity in the fees charged for licenses is also desirable. In the Dioceses of Chester and Liverpool a license, including the stamp duty, costs £2. In the Diocese of Durham it costs £2 12s. 6d.; in some dioceses £3 3s. Uniformity in this matter ought to be established by law; and considering the greater security of this method, licenses ought to be cheapened as much as possible and their use extended. Considering that the Chancellor of the Exchequer now receives only about £6,000 per annum from this source, he might perhaps, if pressed, see his way to remit the duty, as not many years ago he did on the cognate instruments called faculties.

In view of the difficulties which beset the whole subject of the legal preliminaries of marriage, some good men have advocated the Continental system. This system makes a complete separation between the civil contract and the religious ceremony. The former is compulsory, the latter quite optional. The former must take place before a purely civil officer, and is identical for all citizens. They can, if they so please, follow it up by any religious solemnities that they approve, or by none at all.

This method recognises, what is undoubtedly the fact, that marriage is essentially a civil contract; and that all the State needs to do is to secure that this contract, the most important of all on which two human beings can enter, the very basis of society, should be placed beyond the reach of fraud and doubt. This is effectually secured on the Continental system by the requirement in all cases of certain simple and uniform preliminaries. For some years I was myself inclined to think that some such system would be the best reform of our own marriage laws. It would enable us most readily to get over the excessive inconveniences of having different systems of constituting the most important of relations in countries like those within the four seas, so closely allied by natural and political connections. The Continental system is simple, certain, and uniform. But longer experience and maturer reflection have altered my views in this particular. The reasons are various, but I will only refer to what seems to me the paramount necessity in these times more than ever of strengthening and consecrating the civil bond by the sanctions of religion. One great danger of the age is its growing secularism. Merely civil marriages, which are permitted as an alternative by the present law, are steadily, if not very

rapidly, on the increase. The sad proof may be seen in the returns of the Registrar-General, to which I may premise that the total number of marriages in proportion to the population has been steadily declining for several years past until 1889. Now, there were of civil marriages in

1879	21,769	1885[1]	25,851
1880	24,180	1886[1]	25,590
1881	25,055	1887	27,335
1882	25,717	1888	27,809
1883	26,547	1889	29,779
1884	26,786		

Now, I am not prepared to say that the State is wrong in tolerating secular marriages at all; and I know that the causes for the increase as shown by these figures are various. Just now I quote the figures simply to show that unless we wish such marriages to become the rule, rather than the exception, we had better not proceed to reform our marriage law on the Continental system, but rather try to build on the foundations of the existing law, encourage to the very utmost the celebration of marriage by duly authorized ministers of religion, and respect in so doing the habits and sentiments of the great majority of our people. We must try to improve our present system as regards Church marriages, and at the same time we ought to be willing to lend a hand to remove any grievances which our Nonconformist friends experience in the present state of the law as it affects them.

One principal improvement would be to introduce an alternative to banns. The Royal Commission was decided on this point. They deem it sufficient that the notice of an intended marriage should be given, accompanied by the necessary declarations, to the minister of religion before whom the marriage is to be solemnized. The Committee of the Lower House of York Convocation, which dealt with the subject in April last, prefer that the entry should be made in a marriage notice-book kept for the purpose, which should be open to inspection on demand. It is important also that a proper form should be provided by law, setting out the particulars to be declared by the parties intending marriage, and this form ought to be annexed to any new Marriage Act. The form ought to state the condition, age, residence, time of residence, and so on, as does the form which the civil registrar at present has to see filled up and attested in cases where his services are called in. It is a very

[1] Remarkably small number of marriages altogether by all methods in the years 1885, 1886.

serious defect in our law as it is at present, that the parish clergyman has no express power to require any information from parties giving in banns, except their names, places of residence, and length of residence. A notice such as is proposed would, in fact, give a better security against clandestine or improper marriages than banns at present afford. And if it be objected that the notice given in, entered in the notice-book, and kept, of course, with other parish books in the vestry, would be a secret way of getting married, let us observe that it is not at all more so than the procedure by license, or than that through the registrar's office is now. It might, however, be well that the notice should be transmitted to the diocesan registry, and a certificate obtained thence that no objection had been made. Let us note what the law aims to prevent. It seeks to stop marriages contracted without the knowledge of those who have a natural or legal right to information. What banns afford is at best a notoriety, just such as was obtained and objected to when first the Act establishing civil marriage was passed. Then the names were read out at meetings of the guardians of the poor. This was distasteful for just the same sort of reasons as banns are to some, and was speedily altered by 19 & 20 Vict., c. 119, to the present requirement, merely an entry of the names in the superintendent registrar's notice-book and office. I can see no reason why parallel requirements should not serve as well for church marriages. A notice in the banns-book kept in the vestry is as public for all practical purposes, or might easily be made so, as a notice hung up in the civil registrar's office.

A church marriage can only be solemnized in the church of the parish in which one if not both the parties reside. The civil registrar's certificate holds for any chapel in his district: greater liberty in this matter ought to be allowed to Churchpeople. Irregularities of all kinds are of constant occurrence from persons desiring to be married in one church whilst the law consigns them absolutely for such purposes to another. And this inconvenience is multiplied in districts where divisions and subdivisions of parishes go on frequently, and go on sometimes without any consent, or even knowledge, of the laity who are concerned. There can be no valid reason, where notice is given to the incumbent or incumbents of the parish or parishes in which the parties reside—and thus the usual safeguards are provided—why the area of choice as regards the church should not be extended. And it should be a well-known area. The diocese is so; the archdeaconry or rural deanery is not always so.

Fees need more effective regulation in some districts. In

no case ought the total cost for a marriage by banns, or any alternative method instead of banns, to exceed the cost of an alliance contracted in the registrar's office. There, I believe, the total is 6s. And I think that 1s. when the notice is given in, and 5s. at the solemnization in church, is enough. "A virtuous woman is a crown to her husband," a text which some associate with the 5s. in question. Originally the fee was an offering; I suspect that "the tokens of spousage" required by the old books, which became "the accustomed duty to the Priest and Clerk" in the second Prayer-Book of King Edward, were usually appropriated by the officiating minister, and were intended so to be, and thus custom made the offering into a fee. No doubt the fee is now a debt, and can be claimed at law. But I much doubt whether the old plan was not the better, and I am sure that the excessive fees which used to be levied for marriages in church, and which sometimes are levied still, are one cause amongst several which send the bridegroom to the registrar's office.

The general principles on which reforms should proceed in the law of marriage, so far as it concerns the Church, will, then, be these:

(1) An alternative plan to banns for publication of the necessary notices.

(2) More specific information when banns are given in.

(3) A greater choice as regards churches.

(4) A reduction in the cost of licenses.

(5) A more general regulation of fees, such as would take away everywhere any temptation to resort to the merely civil ceremony for economy's sake.

Whatever may be thought as regards such details, or any of them, we shall all be agreed, I think, in desiring that, subject to the necessary safeguards, every facility and encouragement should be given to solemnization of marriage in the sanctuary. We all know that marriage is the contract on the faithful observance of which the happiness and the virtue of the community depend more than they do on any other.

We all know that the breach of its obligations entails infinite miseries and mischiefs, not only on the parties principally concerned, but on their offspring. It cannot be of happy omen that this contract should be so commonly, and so more and more frequently, treated as a merely secular transaction, just like a bargain for property, or even the purchase of a dumb creature. Such ideas cannot prevail without injury to the respect and honour for the female sex which is one of the characteristics and glories of Christianity—I think we might even say without injury to morals. The plain words of the New Testament, and the universal sentiment of the Christian

Church, have invested marriage with a sacred character and a deep religious significance. The regulations of our Church have fully recognised this. She requires that matrimony should be solemnized by one in priest's orders. Indeed, up to the last revision of the Prayer-Book in 1662, the office was always and by law concluded with an administration of the Holy Communion. This, indeed, was at that date so far modified as that the sacrament is no longer necessarily included in the solemnities of marriage, but the rubric still declares at the end of the service that "it is convenient that the newly-married persons should receive the Holy Communion at the time of their marriage," and it is therefore evident that the parties can claim to be communicated then and there. In fact, the Psalm introducing the second part of the service, and following the actual nuptials,—which, by-the-bye, ought to be transacted "in the body of the Church," as the rubric says,—is really nothing but the introit, the only survival from the introits which were provided in the first English Prayer-Book of 1549 for every celebration of the Sacrament of the Lord's Supper. In truth the "Form of Solemnization of Matrimony" underwent at the Reformation less change than almost any other of the mediæval offices. It is therefore plain on the face of it that a deacon ought not to be allowed to solemnize matrimony. He has no commission to do so in the rather specific and thorough enumeration of his duties rehearsed at his admission to office; and no less an authority than Lord Chief Justice Tindal stated in 1843 that serious doubts might be entertained as to the validity of a marriage at which the officiating minister was a deacon only. Independently of such legal considerations, it undoubtedly pertains to the dignity of the office that it should be performed by one in full orders. And nothing, surely, can be more plain than the duty which lies upon us to maintain to the uttermost every particular which in any way touches the estimation and reverence due, according to Holy Scripture and the Prayer-Book, to this ordinance and the state of life to which it is the consecrated introduction. Our duty as Churchmen is clear. We must exert ourselves to remove any serious obstacle that may hinder these pious and wholesome principles from commanding the general allegiance of our people.

THOMAS E. ESPIN.

By way of illustration the following Table, compiled from official returns, is appended, which shows the marriage rate, and the various modes in which marriages have been contracted for ten years past.

Year.	Total Number of Marriages in England and Wales.	According to Rites of Church of England.					
		By Special License.	By Ordinary License.	By Banns.	By Supt. Registrar's Certificate.	Not Stated.	Total.
1880	191,965	43	13,920	119,819	3381	498	137,661
1881	197,290	62	13,505	123,267	3637	524	140,995
1882	204,405	75	13,280	128,761	3517	469	146,102
1883	206,384	63	12,981	129,734	3740	482	147,000
1884	204,301	68	12,188	128,107	3523	458	144,344
1885	197,745	69	11,551	124,387	3399	507	139,913
1886	196,071	48	11,072	123,643	3324	484	138,571
1887	200,518	21	10,654	126,100	3451	381	140,607
1888	203,821	23	10,378	128,802	3296	364	142,863
1889	213,865	24	10,261	135,372	3327	372	149,354

Year.	Not according to Rites of Church of England.					
	In Registered Places.		Quakers.	Jews.	Civil Marriages in Supt. Registrar's Office.	Total.
	Roman Catholic.	Other Christian Denominations.				
1880	8210	21,394	57	463	24,180	54,304
1881	8784	21,922	56	484	25,055	56,295
1882	9235	22,768	70	513	25,717	58,303
1883	8980	23,260	58	539	26,547	59,384
1884	8783	23,726	61	601	26,786	59,957
1885	8162	23,130	49	640	25,851	57,832
1886	8220	22,969	47	674	25,590	57,500
1887	8611	23,259	57	649	27,335	59,911
1888	8632	23,667	51	799	27,809	60,958
1889	8988	24,802	73	867	29,779	64,509

Art. III.—NOTES AND COMMENTS ON ST. JOHN XXI.

No. 2.

SO the seven disciples set out for their evening's fishing, and spent that summer night in vain efforts on the lake. "*And that night they took nothing.*" No doubt many a well-known favourable place was tried, now the nearer now the further shore, the deeper and the shallower waters. Most of them were experienced fishermen, and they were at work where the prey was then, as now, abundant. But "that night they took nothing."

It was not an unprecedented disappointment. Some three years before they had passed a similar night (Luke v.), the