

## AN INTERPRETATION OF *ARGAR v HOLDSWORTH* (5 Ecc LJ 34)

### APPENDIX

NOTE: by an oversight the Appendix referred to in this article was not included. It is as follows:

#### ARTICLES IN THE PROCESS D 49/211

1st We article and object that you, Henry Holdsworth, were and are a Minister in holy orders according to the Rites of the Church of England as by law established and for the space of five, four, three or at least two years last past have been Rector, Vicar or Curate of the parish church of St Saviour's, Dartmouth, in the County of Devon and Diocese of Exeter and within and Diocese of Exeter and within and that this and was true, public and notorious and the Party Proponant doth alledge of any other time space or spaces of time and jointly or severally.

2nd We article and object to you, the said Henry Holdsworth, that by the Laws, Canons and Constitutions Ecclesiastical in this Realm that every Rector, Vicar or Curate of the Church of England are in Duty and by law bound to obey the licence or dispensation of the Bishop of the Diocese in which such Rector, Vicar or Curate has cure or such Bishops Vicar-General and that Persons offending in the premisses are to be duly and canonically punished and corrected for refusing to obey such licence or dispensation.

3rd Also we article and object that by the laws of this Realm and the Canons and Constitutions thereof, every Minister shall celebrate matrimony between two persons they or one of them having first obtained a licence or faculty to the Rector, Vicar or Curate of the parish where one of the Parties to be married have been resident for upwards of one month before the obtaining of such a licence or faculty and applying with such licence or faculty.

4th Also we articulate and object that, notwithstanding the premisses men-

#### SIR GEORGE LEE'S NOTES

1. Holdsworth is a clerk and Vicar of St Saviour's, Dartmouth.

2. By the Canons etc every Minister is to obey his ordinary's licence etc.

3. every Minister by law is obliged to marry such of his parishioners as have resided a month in his parish; that the parties are parishioners; that they have resided a month and have obtained a licence to be married together.

that the parties are parishioners; that they have resided a month and have

tioned in the foregoing articles, you know, or ought to have known, that William Argar and Jane Howe were both of the parish of St Saviour's Dartmouth in the County of Devon and had respectively resided in the said Parish for three, two or at least one year previous to the month of December 1755 And in the month of January 1756.

5th And more particularly we article and object that the said William Argar having lawfully obtained a licence or faculty for the solemnization of the said marriage, did on or about the eighth day of January last past inform you that he had obtained or presented unto you a licence or faculty for the marriage with the said Jane How and in canonical hours but that you, not regarding the Dignity of your Profession or Priestly Office, did fly into a great Passion and very much abuse scold at and with undue threats and menaces to the said William Argar refuse to pay obedience, as you ought to have done, to the Licence or Faculty of your Diocesan and absolutely then denied joining together in holy Matrimony the said William Argar and Jane How And notwithstanding you were some day after in a mild and courteous manner desired that you would join them, the said William Argar and Jane How, together in holy Matrimony yet you still obstinately refused so to do or give any just reason why you did not.

6th Also we article and object that you, the said Henry Holdsworth, by reason of the Premises mentioned and specified, have incurred Ecclesiastical Censure and Punishment and are according to the Exigency of the Laws Ecclesiastical in his cause made and provided, to be censured and punished.

7th Also we article and object to you, the said Henry Holdsworth, that you were and are of St Saviour's, Dartmouth in the County of Devon and within the Archdeaconry of Totnes within the said County and therefore subject to the jurisdiction of this Court

obtained a licence to be married together

4. Argar had a proper licence to be married to Howe and acquainted Holdsworth there-with and desired him to marry them but he refused.

5. that he has thereby incurred ecclesiastical censures.

6. he is subject to the jurisdiction of the Court at Totnes.

8th Also we article and object that of and concerning the premisses it was and is rightly and lawfully complained of so as and for and by reason thereof it is lawfully and duly objected and articulated against you.

9th Lastly we article and object that all and singular the premisses were and are true Public and notorious and thereof there was and is a Public voice fame and report and of which legal proof being made, the Promotor of the Office prays right and justice to be done and administered to him with effect. And that you, the said Henry Holdsworth, for your neglect or refusal aforesaid may be ecclesiastically punished according to the Exigence of the Case and as proof shall hereafter appear and that you may be condemned in the Costs made, and to be made, on the part and on behalf of the said Promotor in the suit and duly compelled to the payment thereof.

7. pray that he be censured etc.