

- (1) பக்கங்களின் எண்ணிக்கை 8-16
(2) புதுக்கித் திருப்பிய நாள்
(3) ஆதாரம் குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பெரிய துறை

அரசாணை எண். 224 மு. கோப்புத் தாள் எண்.	அச்சகம் பலவகை
நாள் : 23-3-1991	1991

மடிக்கவோ சுண்டப்படிகையாளவோ கூடாது.

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 23-3-91.
No. 224 ✓

INDEXED.

When given for copying

[Despatch Abstract.]

Courts, with remarks
to the Report of the Pro-
cess further opinion of
the Advocate General as
to whether the reports of
Saffron marriage offences
kept by the Clergy of the
Church of England are
admissible in evidence under
section 35 of the Indian Ev-
idence Act-1/72-

From *unction between*
is. Sir J. Hammen
F. Roala and of opinion that
Regis two classes of docu
the Government of
 To *which render*
The Chief to be kept apply to
the 16 May 1879
in force, Probably
 Sir *I have the registration of marriages.*
the Right Reverend his country specially
to address you in of births or deaths.
by the Registrar there was, for the
Marriages, Mad a register to be kept.
George Gazette of that certified copies
It will be receivable in
that with the above cited is extremely
sanctioned for order of the Govern
a scrutiny and of Baptisms, Mr J. Hammen, but,
the clergy of the provisions of section
this Diocese. They do not, in my
down to the 31st of the power to
that date, by some legislative
carefully scrutinized 35, a Court in
sent back where I believe I sense
Office may read as to "public
correct copies be" that such registers

The res  put to me by the
 tion above  of the Right
 time most  is that the
 mark of the  in this Diocese
 these sacred  are

The view obviously taken when those Rules were
 was that assuming *is competent to the*
 by the Marriage Act to *of "ally join" of*
 clergy of the Church the keeping up of Regis
 Marriages as a duty, *it was equally competent*
 to make a similar Law, as regards the Reg
 kept by the clergy of Baptisms and Buria
 No exception was taken by the Diocesan or any
 the clergy to the passing of the rules and
 provisions were faithfully carried out, and no
 need therefore need be anticipated if those prov
 are made part of the Law of the Country.

I have also the honor to submit that it
 fairly be claimed for the Registers of Baptis
 kept by the Church, that *prima facie* their
 evidential value is greater than that of any
 of Births. In the latter, entries are made
 the information of one person, who may be
 unknown to the Registrar, whereas in the
 the majority of entries are made after the
 solemnization of a public religious ceremony
 and the same argument applies to the
 value of the Church Registers of Burials.

Yours

In the matter of the law
in the Diocese of the clergy
Indian Evidence in their charge

1. Section 35 of the Advocate
that "an entry upon the last
or record, stating Registers of the
and made by a Diocese are not
his duty, or by section 35 of
of a duty, specially not, I submit,
in which such learned Counsel
itself a relevant Marriage Registers
they are "prescribed

2. In his com. Marriage Act)
says "The register value as they
-ained by the Ex. examination.
by laymen at made in public
be admissible, in discharge of
any law, and a Lay Trustee, (both
was scarcely an, blic servants") or
are prescribed by being "public
be no question of d by the Law
think that the Christian Marriage
evidence under sec Episcopal ordination.

1872, They are, Baptisms and
by public s mon of the
by persons ent footing to those
enjoined by from his opinion

3. In t evidential value
230, copies of lature to give the
in evidence no of the "Rules"
copies tender 1874, and under
office and dep were working
years.

The

and with the ordinary Registers of Deaths.

In conclusion I have the honor to
submit for the consideration of Government the
ability of such amendment of the Law as
"give full evidential value to Registers, and
certify extracts from Registers, when kept by the
Church of England in British India,
the manner in which they have been, and
now kept by established rules and custom.

I have the honor to be

Yours

Your most obedient servant

(Signed) F. Rowlands

Registrar of the

Diocese of

Madras.

The view obviously taken
were framed, was that assuming it was
to the Legislature by the Marriage Act to "speci-
ally enjoin" upon the clergy of the Church the keeping
of Registers of Marriages as a duty, it was equally
competent to it to make a similar Law, as to
the Registers kept by the clergy of Baptisms
Burials. No exception was taken by the Diocese
or any of the clergy to the passing of the Act
and their provisions were faithfully carried out
and no objection need therefore now be urged
if those provisions are made part of the Law
of the country.

I have also the honor to submit
it may fairly be claimed for the Registers of
Baptisms kept by the Church, that their
evidential value is greater than that
any Register of Births. In the latter, entries
made upon the information of one person
may be entirely unknown to the Registrar,
in the former, the majority of entries are made
on the solemnization of a public religious ceremony.
And the same argument applies to the evidential
value of the Church's Registers of Burials
compared with the ordinary Registers of Deaths.

In conclusion I have the honor to
submit for the consideration of Government the desirability
of such amendment of the Law as shall give
evidential value to Registers, and certify
extracts from Registers, when kept by the Church
of England in British India, in the manner in which
they have been, and are now kept by established
rules and custom.

I have the honor to be

Yours

Your most obedient servant

F. Rowlands

Registrar of the Diocese

11. 11. 1827/91

43 Pro's
10/19/20
10/20 1875
185

Government of (1891) Madras
Ecclesiastical

From

The Registrar of the Diocese
Madras



Dated 6th } March 1891.
Recd
Ref. No. 350.

Subject

Examination of Original Registers
of Baptisms Marriages & Burials

Suggesting that the Records
of this office lately verified up
to December 1884, should be examined
by the Commissioners, instead of
the Original Registers of Stations.
The sending of which under the
notification will materially interfere
with the work of the Diocese, and
submitting for consideration the
desirability of amending the
Law, as shall give full evidential
value to Registers and certified
extracts therefrom.

Forwards

no view

C. No 732

17/16 March 1891

Repe

The letter read above with
refers to the Advocate General
for early remarks as to whether
registers in question, by reason
Act XV of 1872 and possibly of
similar provisions in earlier
repealed thereby (which should
be examined) are within sections
of the Evidence Act - It is probable
that the attention of the Advocate
General has not already been
drawn to these enactments

14.3.91

14 March

To the Advocate General
with Carriage
Receipts

In the matter
1891 Public Dep

1891.

From

1. On the 22nd The Advocate General
the Diocese forwa
Madras

661, dated 7th Au To
and requested me The Chief Secretary to
whether the Regis Govt.
in this Diocese ar
Madras
under Section 35

Dated 18th March

Despatched 19--

I of 1872. Received

2. In the Opin
1889 I answered
put to me. Upon

Ends 3

XCH. 733 mP

I find that I exp
terms than I int
ring throughout
baptisms and dra
admissibility of

Subject

(a) see para 3. baptisms in evi

3. Marriage &

Registers of Baptisms
& Burials. Forwarding

the present enqui
may be divided
vants and prival

opinion on the question as
to whether the
kept by the clergy of the

The Indian Anglian Church come
quires every clergy
gland to keep a

within the provisions of
Section 35 of the Indian
Act 1872.

From ~~the~~ which he ~
The Honorable registers, do kept (6) 8.28.
Adv of the Indian
ade by public
To The Honorable duty or by
Chief a duty specially

Sir, nd Burials. The
In reply it refer to any
16th instant on wires or specially
honor to forwardister of Baptisms
question as to wed by Government
tions and Burial submission of
Anglican Church and Burials of
of Section 35 of appear to have
and to return tions of any law
do not specially

Baptisms
Regis.
of
t-

erson.

eral.

C. No. 827.

From The Advocate General

Dated 18. March 1879.

FOR ORDERS.

The Advocate General has changed his opinion so far as regards Registration of Marriages still thinks the Reg. in of Bapt. and Burials are admissible §35 of the Indian Evidence Act. Attention is solicited to the Advocate General's opinion in original of G.O. 16- March 74. It Sect. in the rules of 1874 for the submission of quarterly of Baptisms and Burials. would seem that the original intention of grouping the returns of Marriages with those for returns of Baptisms and Burials was abandoned in the two sets of rules kept due on the strength of Mr. Cunningham's opinion.

5 The Govt. of India in p
 of Mr. Henkle's letter to
 Bishop of Calcutta Mr. B.

the registers kept by Chaplains
the Marriage Acts of 1836
1872 alone seemed to be
in pursuance of a duty
fully imposed by Law.

Papers to be read in Proceedings:—

Again G.O., dated 18 , No.

Again G.O., dated 18 , No.

Current No. 733 of 1891, dated 6th March from The Registrar of
Diocese, Madras.

Current No. 827 of 1891, dated 18th March from The Advocate Gen

Order. 23 March 1891 p. 22

The Advocate General's first
opinion dated 18th March 1891
be communicated to the Registrar
of the Diocese with reference to
his letter dated the 6th idem.

2. The Govt. regrets that the reg-
of baptisms and burials, which are
also registers of births and deaths,
not being forwarded to the Registrar
General under Acts VI of 1886 and
XVI of 1890, but special legislation
in regard to these registers kept by
the Clergy of the Church of England
cannot be proposed. It is trusted how-
ever that the time still remaining in which
to submit these registers for validation
will not be lost. (From Order)

23rd March 1891
Registrar of the Diocese
Madras

Madras 18th March

the ground that there was a dis-
crepancy in the records of marriages and baptism
overruled the objection saying "Anderson Esquire
there is no distinction between the Registrar of the Diocese of Madras
and the Registrar of the Diocese of Madras
India, and the same public reason Secretary
it desirable that the one should Government
the other". This decision is dated
at which time Act X of 1872 was.

This was referred to as requiring the honor under instructions from
at that time there was no law in the Lord Bishop of Madras
enjoining any one to keep a register with reference to the Notification
When Act VI of 1886 came into force General of Births, Deaths and
first time, a law requiring such as published in the Fort Saint
The acts abovementioned declare the recollection of Government
entries in such registers shall be of an Establishment specially
evidence. The report of the case & the purpose, I recently completed
meagre. I am not aware of the examination of all Registers
ment of India" referred to by Sir viages and Burials kept by
even if such an "order" exist, the Church of England in
15 of the Indian Evidence Act, 18, examination was brought
opinion, include such an "order" 22 December 1884; and from
nate the "order" was conferred saving each return when receive
nactment. In construing section used by my Record Keeper, and
India must confine itself to the any room for error appears
words used, and cannot speculably be presumed to be
asons which render it desirable of the original Registers
should be kept.

My answer to the question
Registrar of the Diocese on behalf
Reverend the Lord Bishop of
Registers of the Church of England

ble in evidence under section
Evidence Act, No. 1 of 1872.

/ Signed J. H. Spring Branson
Sgt. Advocate General

ble J. H. Spring Branson
cate General

ble J. F. Price
Secretary to Government
Fort Saint George

J. H. Spring Branson

Registrar of the Diocese of Madras

to your Reference dated the
No. 733 of 1891, I have the
herewith my opinion on the
whether the Registers of Pap-
ls kept by the Clergy of the
come within the provisions
the Indian Evidence Act, 1872,
the papers sent to me.

In the honor to be
Sir

Your most obedient servant.

J. H. Spring Branson
Advocate General.

reference on No 733 of
ment
nion

August 1889 the Registrar of
d to me a copy of G.O. No
t 1889, Public, Department,
give my opinion as to
of the Church of England
missible in evidence in
the Indian Evidence Act

gave, on the 24th August
negative the question
question and say
that Opinion again,
self in more general
is evidently refer
to Criminals and
tion between the
marriages and

the purposes of
in this country
as public ser.

riage Act re-
arch of En-
ages and

are not admissi
of the Indian

High Court }
24th Aug 1889 }

(True copy)