

ORDINARY, PRINTED.

7.3.34.I

Public	DEPARTMENT.
G.O., DATED 31-8-91	
No. 736. ✓	

INDEXED.

First copy sent to Press. 3-9-91.

Returned for signature. 18-9-91.

Despatched in print. 24-9-91.

[Despatch Abstract.]

Bill to validate certain
marriages Coming to
certain officers & to
all magistrates, collectors
letter from the Govt of
India regarding that
the attention of certain
persons be drawn to
the provisions of the
— solemnized under
Act No. 1 of the Indian
Christian Marriage
Act 1872.

READ AGAIN ORDER OF GOVERNMENT, DATED
18 No.

FURTHER PAPER, No.

OF 19

3227/91

ENCLOSURES.

CURRENT No.

2505 - a

SEALMENT WITH DITTO

ORDER, &c., OF GOVERNMENT - A.

Mf - B.M. - A

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL,
(not paged).

NUMBER OF COPIES
REQUIRED.

Order complete. 500
Letter only.
Order complete with Letter.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

Proof please

31st AUGUST 1891, No. 736, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper:—

From J. P. HEWETT, Esq., C.I.E., Deputy Secretary to the Government of India (Home Department—Ecclesiastical), to the Chief Secretary to the Government of Madras, dated Simla, the 11th August 1891, No. 2 Eccl.—246.

With reference to the correspondence ending with your letter No. 64, dated 18th October 1890, I am directed to say that a Bill was introduced on the 16th ultimo in the Council of the Governor-General for making laws and regulations, for the purpose of validating marriages which have been certified in the past under Part VI of the Indian Christian Marriage Act, XV of 1872, between persons one of whom is not a Native Christian. A clause has been inserted in the Bill imposing a penalty on persons licensed under section 9 of the said Act who hereafter wilfully solemnize or certify marriages under Part VI knowing that one of the parties does not profess the Christian religion.

2. I am to request that, with the permission of His Excellency the Governor in Council, the attention of all persons licensed to certify marriages under Part VI in the Madras Presidency may be drawn to the provisions of the Bill, and that it may clearly be explained to them (1) that, after the three months specified in section 3 of the Bill, no marriage certified under Part VI will be valid unless both the parties are Native Christians; (2) that although the validation of the marriages in question has become necessary because they have been *bonâ fide* solemnized in ignorance of the law, Part VI of the Act of 1876 does not apply to such marriages, and any person who knowingly solemnizes such marriages under cover of a license granted under the Act is guilty of a breach of the law; and (3) that if after the passing of the Bill (the three months' grace is not allowed here) any licensed person solemnizes or certifies a marriage under Part VI, knowing that one of the parties is not a Christian, he will be liable to the penalty provided in section 6 of the Bill.

ORDER—dated 31st August 1891, No. 736, Public.

Communicated to the Resident in Travancore and Cochin, all District Magistrates and all Missionary Societies, in view to effect being given to the wishes of the Government of India.

2. A copy of the Bill referred to will be found in the Appendix to these Proceedings.

(True Extract.)

Chief Secretary.

To the Resident in Travancore and Cochin.
„ all District Magistrates.
„ all Missionary Societies.
„ all Marriage Registrars.
„ the Registrar-General of Births, Deaths and Marriages.

[Appendix

Exd. J. Henrius.

APPENDIX.

BILL INTRODUCED INTO THE COUNCIL OF THE GOVERNOR-GENERAL FOR MAKING LAWS AND REGULATIONS, OR PUBLISHED UNDER RULE 22.

A Bill to validate certain marriages solemnized under Part VI of the Indian Christian Marriage Act, 1872.

WHEREAS provision is made in Part VI of the Indian Christian Marriage Act, 1872, for the solemnization of marriages between persons of whom both are Native Christians, but not of marriages between persons of whom one only is a Native Christian;

And whereas persons licensed under section 9 of the said Act have in divers parts of British India, through ignorance of the law, permitted marriages to be solemnized in their presence under the said Part between persons of whom one is a Native Christian and the other is not a Native Christian;

And whereas it is expedient that such marriages, having been solemnized in good faith, should be validated;

It is hereby enacted as follows:—

Commencement.

1. This Act shall come into force at once.

Definition.

2. In this Act the expression "Native Christian" has the same meaning as in the Indian Christian Marriage Act, 1872.

3. All marriages which have already been solemnized under Part VI of the Indian Christian Marriage Act, 1872, or which may, within three months after the commencement of this Act, be solemnized

Validation of irregular marriages.

under that Part, between persons of whom one only was, or shall have been a Native Christian, shall be as good and valid in law as if such marriages had been solemnized between persons of whom both were Native Christians.

4. Certificates of marriages which are declared by the last foregoing section to be good and valid in law, and register-books, and certified copies of true and duly authenticated extracts therefrom,

Validation of records of irregular marriages.

deposited in compliance with the law for the time being in force, in so far as the register-books and extracts relate to such marriages as aforesaid, shall be received as evidence of such marriages as if such marriages had been solemnized between persons of whom both were Native Christians.

5. References in this Act to the Indian Christian Marriage Act, 1872, shall, so far as may be requisite, be construed as applying also to the corresponding portions of the Indian Marriage Act, 1865.

Application of Act to marriages under Act V of 1865.

6. If any person licensed under section 9 of the said Act to grant certificates of marriage between Native Christians shall

Penalty for solemnizing irregular marriages.

at any time after the passing of this Act solemnize or affect to solemnize any marriage under Part VI of the said Act or grant any such certificate as therein mentioned, knowing that one of the parties to such marriage or affected marriage was at the date of such solemnization not a Christian, he shall be liable to have his license cancelled, and, in addition thereto, he shall be deemed to have been guilty of an offence prohibited by section 73 of the said Act, and shall be punishable accordingly.

STATEMENT OF OBJECTS AND REASONS.

The objects and reasons of this Bill are set forth in its preamble. Marriages between persons who are Christians and persons who are not Christians must be solemnized under some other Part of the Indian Christian Marriage Act, 1872, than Part VI.

ALEX. EDW. MILLER.

The 15th July 1891.

Govt. of {1891} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 31st August 1891; No. 736.

AUGUST.

Bill to validate certain Marriages.

Communicating to certain officers and all Missionary Societies, letter from the Government of India requesting that the attention of certain persons be drawn to the provisions of the — solemnized under Part VI of the Indian Christian Marriage Act, 1872.

2 Encl
No. 246 .

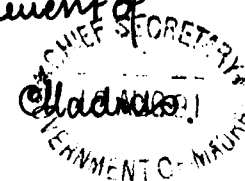
FROM

J. P. HEWETT, Esq., C.I.E.,
Deputy Secretary to the Government of India,

TO

The Chief Secretary to the Government of

Home Department.
Ecclesiastical.



Simla, the 11th August 1891.

SIR,

WITH reference to the correspondence ending with your letter No. 64, dated 18th October 1890, I am directed to say that a Bill was introduced on the 16th ultimo in the Council of the Governor General for making laws and regulations, for the purpose of validating marriages which have been certified in the past under Part VI of the Indian Christian Marriage Act, XV of 1872, between persons one of whom is not a Native Christian. A clause has been inserted in the Bill imposing a penalty on persons licensed under section 9 of the said Act who hereafter wilfully solemnize or certify marriages under Part VI knowing that one of the parties does not profess the Christian religion.

2. I am to request that, with the permission of His Excellency the Governor in Council, — the attention of all persons licensed to certify marriages under Part VI in the Madras Presidency — may be drawn to the provisions of the Bill, and that it may clearly be explained to them (1) that after the 3 months specified in section 3 of the Bill no marriage certified under Part VI will be valid unless both the parties are Native Christians; (2) that although the validation of the marriages in question has become necessary because they have been *bonâ fide* solemnized in ignorance of the law, Part VI of the Act of 1876 does not apply to such marriages, and any person who knowingly solemnizes such marriages under cover of a license granted under the Act is guilty of a breach of the law; and (3) that if after the passing of the Bill (the three months' grace is not allowed here) any licensed person solemnizes or certifies a marriage under Part VI, knowing that one of

2
the parties is not a Christian, he will be liable to the penalty provided in section 6 of the Bill.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. Hewitt.

Deputy Secretary to the Government of India.

From Govt. of India
Home Dept

No. 246

27th Aug 1891
218
Registered in Public 26/8

Enclosures:

Subject:

Requesting that the attention of all persons licensed to certify marriages may be drawn to the provisions of a Bill introduced in the Council of the Governor General for validating marriages certified under Part II of the Indian Christian Marriage Act.

31st Aug. 91 No 736
H.M.
Order

144
25 Aug.
Command: to the Resi-
dent in Travancore
and Cochin, all District
Magistrates and all
Missionary Societies
in view to effect being
given to the wishes of
the Govt. of India.

2. a copy of the Bill
referred to will be found
in the Appendix to these
proceedings.

27 Aug.

20 B.
26/8

To the Res. in I. & C.
all Dist. Magistrates
Missionary Societies
Marriage Registry
Reg. Genl. of B. & all

16-5-61
19-7-91



Bill introduced into the Council of the Governor-General for making Laws
and Regulations, or published under Rule 22.

*A Bill to validate certain marriages solemnized under
Part VI of the Indian Christian Marriage
Act, 1872.*

WHEREAS provision is made in Part VI of the Indian Christian Marriage Act, 1872, for the solemnization of marriages between persons of whom both are Native Christians, but not of marriages between persons of whom one only is a Native Christian;

And whereas persons licensed under section 9 of the said Act have in divers parts of British India, through ignorance of the law, permitted marriages to be solemnized in their presence under the said Part between persons of whom one is a Native Christian and the other is not a Native Christian;

And whereas it is expedient that such marriages, having been solemnized in good faith, should be validated;

It is hereby enacted as follows:—

Commencement. 1. This Act shall come into force at once.

Definition. 2. In this Act the expression "Native Christian" has the same meaning as in the Indian Christian

Marriage Act, 1872.

3. All marriages which have already been solemnized under Part VI of the Indian Christian Marriage Act, 1872, or which may, within three months after the commencement of this Act, be solemnized under that Part, between persons of whom one only was, or shall have been a Native Christian, shall be as good and valid in law as if such marriages had been solemnized between persons of whom both were Native Christians.

4. Certificates of marriages which are declared by the last foregoing section to be good and valid in law, and register-books, and certified copies of true and duly authenticated extracts therefrom, deposited in compliance with the law for the time being in force, in so far as the register-books and extracts

relate to such marriages as aforesaid, shall be received as evidence of such marriages as if such marriages had been solemnized between persons of whom both were Native Christians.

5. References in this Act to the Indian Christian Marriage Act, 1872, shall, so far as may be requisite, be construed as applying also to the corresponding portions of the Indian Marriage Act, 1865.

6. If any person licensed under section 9 of the said Act to grant certificates of marriage between Native Christians shall at any time after the passing of this Act solemnize or affect to solemnize any marriage under Part VI of the said Act or grant any such certificate as therein mentioned, knowing that one of the parties to such marriage or affected marriage was at the date of such solemnization not a Christian, he shall be liable to have his license cancelled, and, in addition thereto, he shall be deemed to have been guilty of an offence prohibited by section 73 of the said Act, and shall be punishable accordingly.

STATEMENT OF OBJECTS AND REASONS.

The objects and reasons of this Bill are set forth in its preamble. Marriages between persons who are Christians and persons who are not Christians must be solemnized under some other Part of the Indian Christian Marriage Act, 1872, than Part VI.

ALEX. EDW. MILLER.

The 15th July 1891.

(Republished by order of the Right Honorable the Governor in Council.)

J. F. PRICE,
Chief Secretary.