

- (1) பக்கங்களின் எண்ணிக்கை 9-9.
 (2) புதுக்கித் திருப்பிய நாள் _____
 (3) ஆதாரம் குறிப்பவர் கருக்கொப்பம் _____

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பொது கிடை

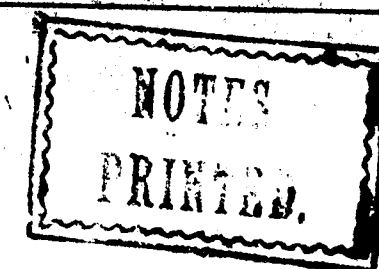
அரசாணை எண். <u>253</u> மு. கோப்புத் தாள் எண்.	அச்சுத் பலவுகை
நாள் : <u>9-4-1892</u>	<u>1892</u>

மடிக்கலோ துன்புடி கையாளலோ கூடாது.

Government of Madras.

PUBLIC DEPARTMENT.

G.O. No. 243, 9th April 1892



INDEX

Indian Christian Marriage Act, 1872

Directing that the Resident in Travancore and Cochin should suggest to the Travancore Government the desirability of passing a law similar to the Cochin Regulation I of 1086 with a view to facilitating the working of the — as regards British subjects.

Government of Madras.

PUBLIC DEPARTMENT.

Recd.

Regd.

} 1916.

Enclosures

Spare copies

G.O. No. 243, 9th April 1892

N. P.

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NOTES CONNECTED WITH G.O. No. 243, PUBLIC,
DATED 9TH APRIL 1892.

[SUBJECT.—*The Travancore Christian Marriage Regulation.*]

Previous papers :

G.O.	103, Ecclesiastical,	23rd July	1888.
"	134	" 17th September	"
"	31	" 24th April	1889.
"	71-72, Public,	1st February	190.
"	404	" 27th March	"
"	817-18	" 27th November	"
"	241	" 26th March	1891.

From the Resident in Travancore, dated 3rd March 1892.

PUBLIC DEPARTMENT.

The existing practice in Travancore—which has been followed for centuries*—is "Centuries" As regards Roman Catholics to allow the clergymen of the several only. They are the strongest objectors to Christian communities to perform and the proposed legislation. record marriages according to the rites and observances of the church to which they belong under the direction and authority of their ecclesiastical superiors. Marriages so performed have been and are held to be valid by the courts of law.

Attention is invited to India's letter in G.O. No. 241, Public, dated 26th March 1891.

F. D. BIRD—11-3-92.

There appears to be very strong opposition to the proposed Regulation. Might it not be ascertained whether a Regulation in the form of that embodied in G.O. No. 241, dated 26th March 1891, would prove acceptable or should the matter be dropped?

J. F. PRICE—14-3-92.

The Government of India has declared that legislation for the solemnization of marriage between Native Christians, the subjects of the Native State, is matter of purely internal concern with reference to which it does not desire to interfere. Accord-

J. H. G[ARSTIN.] ingly if the Travancore Darbar desires, in the face of the opposition which its Bill has provoked, to proceed no further with the measure, the Resident need not put any pressure upon the Darbar but may leave it to do as it likes.

The Cochin Regulation merely provides for the enforcement by Cochin courts of the penalties prescribed by Act XV of 1872 and for the transmission of the returns, etc., required by it, to the British authorities. It has been passed without remark or objection by the Government of India and it undoubtedly tends to facilitate the working of Act XV of 1872 within the limits of the State. I think that the passing of a similar enactment in Travancore is desirable.

H. E. S[TOKES]—18-3-92.

Perhaps it is, but I would not say so to the Travancore Government after their expressed wish to drop the proposed legislation.

J. H. G[ARSTIN]—27-3-92.

Public Dept.

Current 641.

Order 9 April 92 No. 243.

Recorded

In the circumstances

reported the Resident ^{high pressure on the District} should not ~~pass~~ ^{the} ~~bill~~ ^{to proceed with the bill}; but he ^{should} suggest to the ~~Government~~ ^{the} desirability of passing a law similar to the Cochin Regulation I of 1866, with a view to facilitate the working of Act XV of 1872 as regards British subjects in Travancore.

1 April.

To the Resd. in Travancore
thru the Political Dept.
with orig. enclos. etc. ^{Draft subd.} ^{For order} whether a copy of these pros. shd. go to India

30/3.

5/4.

It seems hardly necessary.

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NOTES TO G.O. 243, PUBLIC, 9TH APRIL 1892

The legislation proposed to be dropped is for the subjects of Travancore. It will be very convenient to have a law under which the penalties provided by Act XV of 1872 by British subjects can be enforced in Travancore. I still think it would be a good thing to suggest such a law.

Very well.
J. H. G[ARSTIN]--2-4-92.

H. E. S[TOKES]--2-9-3-92.

Draft submitted.

For orders whether a copy of these proceedings should go to India.

F. D. BIRD--5-4-92.

It seems hardly necessary.

J. F. PRICE--6-4-92.

No.

H. E. S[TOKES]--9-4-92.

[G.O. No. 243, Public, dated 9th April 1892.]

Travancore^{Malabar} Marriage Laws.

Hon. Mr. Stokes. C.S.O.

No. 243, PUBLIC, 9TH APRIL 1892,
GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

READ-- the following paper :--

Letter--from J. C. HANNINGTON, Esq., I.C.S., Resident in Travancore and Cochin.

To--the Chief Secretary to Government.

Dated--Trivandram, the 3rd March 1892.

No.--48.

With reference to Government Order, dated the 26th March 1891, I have the honour to forward herewith copy of a letter from the Diwan of Travancore, No. 1081/J-432 of 29th February 1892, with its original enclosures for return, from which it will be noticed that the Diwan is now of opinion that in the face of the objections put forward by the Roman Catholic Bishops of Malabar, it would not be advisable to pass and manage a regulation for Christian marriages in the State.

2. I have the honour to request instructions as to whether I should press on the Travancore Sirkar the advisability of passing a short regulation such as is now law in Cochin, a copy of which is contained in Government Order, dated the 27th November 1890, Nos. 817 and 818, Public.

ENCLOSURE.

Letter--from M.R.Ry. T. RAMA RAO, Diwan of Travancore.

To--the British Resident in Travancore and Cochin.

Dated--Trivandram, the 29th February 1892.

No.--1081/J-432.

I have the honour to reply to your Memorandum No. 522-G, dated the 10th April and letter No. 575, dated the 4th May 1891, regarding the Christian Marriage Act.

2. The correspondence, you will observe, opened with your letter No. 790, dated 17th August 1888, in which this Government was asked whether they would undertake such legislation as would make the Christian Marriage Act of 1872 of the Government of India effectual in this State for the prevention of marriages between British subjects otherwise than under the Act.

3. Difficulties were felt in having one law to govern the marriage of British subjects and another that of the Christian subjects of this State, namely, the customary practice followed for centuries of allowing the clergymen of the several Christian communities to perform and record marriages according to the rites and observances of the Church to which they belong under the direction and authority of their ecclesiastical superiors. Marriages so performed were held to be valid by the courts of law.

4. While the requisition of the Madras Government was pending disposal, a petition was presented by certain Native Christians of Travancore, praying that the Christian Marriage Act of British India "be introduced as law into Travancore on the ground of uniformity in social and religious laws with Native Christians in British India."

5. It was then thought desirable to pass a law which would apply to both British and Travancore subjects. A draft was accordingly prepared which while embodying the essentials of the British Indian Marriage Act, made certain modifications to adapt it to the circumstances of a Hindu State legislating for its Christian subjects--for instance, it abolished the distinction maintained by the Indian Act, between the privileges of clergymen *episcopally* ordained and those who were not, and allowed all ordained clergymen to solemnize marriages without a license. The objection to the Native State legislating for British subjects was anticipated and noted--vide paragraph 23 of the objects and reasons which accompanied the draft regulation forwarded with my letter No. 5145 J. 1917, dated the 18th October 1889.

6. At the instance of the Resident the draft regulation with the objects and reasons was circulated among the Bishops and other heads of the various Christian communities in Travancore, and their opinions thereon are forwarded herewith. It will be observed that all the Bishops of the Roman Catholic Church in Travancore are unanimous in protesting against the proposed legislation. They go so far as to say, that "if any procedure is enforced or any provisions are legislated in the case of any regulation enacted affecting the religious tenets or practices of the Catholic Church, which are opposed to the Canon Law of the Catholic Church, which, in conscience, binds all Catholics, neither we nor our clergy will be at liberty to comply with them." By the latter expression I believe they mean that, that they would rather undergo the penalties than comply with the law. The Roman Catholics form the majority of the Christians in Travancore.

7. The heads of the other Christian communities have contented themselves with making certain suggestions except that the Syrian Metropolitan of one party (Mar Dionysius) objects to the Bishop of the other party (Mar Athenasius) being recognised by law as the head of a Syrian Church at all, while Mar Athenasius objects to the Syrian Patriarch of Antioch being styled as such.

~~IN A BOUND~~

Proof of G.O. and notes submitted.

MOR Pres 24/2/16

21.2.16

Please give 24/2/16

has been printed under

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DATED 9TH APRIL 1892.

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H. E. S[TOKES]—10-3-92.

Draft submitted.

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F.D.B.—5-4-92.

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J.F.P.—6-4-92.

No.

H. E. S[TOKES]—9-4-92.

(G.O. No. 243 Pub. & 9-4-1892)

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