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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Public DEPARTMENT

G.O. No.	353.	Press
B.P. No.		Mis.
Dated	2 - 5 - 1893	191

Not to be folded or roughly handled

C. No. 1054.

From

Dated

189

FOR ORDERS.

Which the Reg. Gen's answer is
all that can be given & devoted
near the papers

Wes
27 Apr.

The Office marked the current with
a reference to the Gov. Solicitor for
answers but as Gov. cannot express
any authoritative opinion as to
the point raised I submit these
the view expressed in the concluding
portion of the Reg. Gen's letter to
the Dir. Registrar is correct.
This seems to be the only way out
of the difficulty. Gov. cannot say
which is the law or custom in the
present case is.
The case of Lopez v. Lopez is a
very queer one and is not altogether
conclusive

W
25/4/93.

3/ CURRENT NO. 1054
3
REGISTRATION DEPARTMENT
(BIRTHS, DEATHS AND MARRIAGES).

G No. 72

From

M.R.Ry. S. SRINIVASA RAGHAVAIYANGAR, AVARGAL,
DEWAN BAHADUR,
REGISTRAR-GENERAL OF BIRTHS, DEATHS AND MARRIAGES,
Madras,

To

The Honorable C. A. Galton
AG CHIEF SECRETARY TO GOVERNMENT,
Fort St. George.

Madras, the 5th April 1898.

SIR,

I have the honor to submit for any action which the Government may deem fit to take, a letter from Mr. E. W. Wilkins, Marriage Registrar in the Coimbatore District bringing to notice the inconvenience resulting from the uncertainty that now exists as regards prohibited degrees concerning parties to a marriage belonging to the class of Native Christians together with a copy of my reply to Mr. Wilkins' letter.

I have the honor to be,
Sir,
Your most obedient servant

Srinivasa Raghavaiyengar
Registrar General of
Births, Deaths and Marriages

Coimbatore

1st April 1898

The Inspector General of Births
Marriages and Deaths.
Madras

From

E. W. Melkinn
Marriage Registrar of
Coimbatore.

Sir

I have the honor to enclose a letter
(original) addressed to me by the Rev. A. Long
of the London Missionary Society, Coimbatore
enclosing a notice of marriage, with which he
has been served (also herewith sent) requesting
me to inform him whether the proposed mar-
riage between the parties, giving the notice
(the woman concerned being the sister of the
man's deceased wife) would be legal.

I am not in a position (although I
have looked up the question as far as I have
been able to) to offer an opinion in the matter,
as have resolved (as the question of the
validity of such marriages among Native
Christians is of great and is becoming
of greater importance to a comparatively
large and growing community. I myself

having been on three or four occasions during the short term I have been Registrar, applied to for advice on the same point.) to submit Mr. Long's reference to you, so that an authoritative ruling or opinion on the subject might be obtained for the guidance of those called upon to solemnize such marriages.

I would take this opportunity of bringing to your notice that not only this question but the large question as to what particular degrees of "kindred or affinity" between persons wishing to be married would constitute such an "impediment" as is contemplated by section 42 of "The Indian Christian Marriage Act 1872" is left open and that neither in the Act itself nor (as far as I am aware) in any other Indian enactment, is it laid down in express terms, in what cases persons related or connected with each other by blood or marriage, may not intermarry. By English law a regular table (to be found in the book of Common Prayer of the Church of England) setting out the particular relationship between a man and a woman the existence of which would incapacitate them from intermarrying, is laid down

but how far Christians domiciled in India are governed by this table, I am not (nor as I believe in present uncertainty that surrounds the subject, is any body else) in a position to say. The whole question of "prohibited degrees" seems to be in a state of doubt and uncertainty, and in the interest not only of the large body of Christians domiciled in India but of those authorized to solemnize marriages in India (on whom the responsibility to some extent of determining whether there exists any "impediment" of "kindred or affinity" in cases in which they are called upon to act, rests) I think that the attention of Government should be directed to the matter.

In connection with this subject I would draw your attention to the remarks made by the Judges of the Calcutta High Court in the case of Lopez v Lopez, reported (I believe) in the XII Volume of the Calcutta series of the Indian Law Reports.

I beg you will be good enough to acknowledge receipt of this letter and its enclosures and favor me with an early reply.

I have &c
(Signed) E. W. Wilkins.

(True copy)

Shri Ramakrishna
Registrar General of Births

are not those laid down by the law of England
but those prescribed by the Customary usage
of the class to which the parties belong.

2. In view of the inconvenience brought
to notice by you as resulting from the
present uncertainty as regards prohibited
degrees applicable to the large body of
Native Christians, I am submitting a copy
of your letter to Government for such action
as Government might deem necessary in
the circumstances to take. Under Section
42 of the Christian Marriage Act, it
seems to me that it is for the parties to
declare on oath that there is not any
impediment of kindred or affinity or other
lawful hindrance to the marriage and that
the Marriage Registrar incurs no responsibility

I have &c

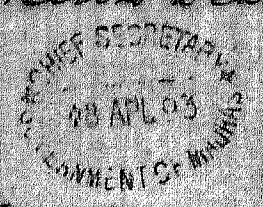
(Signed) S. Srinivasa Raghavayyengar
Registrar General of Births
& Deaths & Marriages

(True copy)

S. Srinivasa Raghavayyengar
Registrar General of
Births, Deaths & Marriages.

(Registration of Birth Deaths and Marriages) *Recd. 11th 5.16. 93*

From *The Registrar General's Office*
Birth Deaths & Marriages
Madras
Referred to the Govern.
Chief Secretary



To *The Chief Secretary to Government*
Fort St George.
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By No. 72.
Enclosures (2)

Reg. Gen. (a) *2 MAY 93*

No.
Subject.

Sub. relating for any action
that Government may deem
fit to take, a letter from
Mr. W. Wilkins, Marriage
Registrar in the Combaratore
District.

WITH ORDER

ORDINARY, MS.

(W)

Public DEPARTMENT.

G.O., DATED 2-5-98.

No. 353

INDEXED.

When given for copying.

[Despatch Abstract.]

Receiving letter
from the Registrar
of Births Deaths & Mar-
riages submitting for
my action the last
may deem necessary
letter from the Home
Registrar Combridge dis-
cussing to notice the
inconsequence resulting
from the uncertainty that
now exists as regards the
probable degree of
attachment of parties
to a marriage among
Native Christians.