

ORDINARY, MS.

Subhi DEPARTMENT.
G.O., DATED *26-2-94*
No. *138-*

INDEXED.

When given for copying. 26/2

[Despatch Abstract.]

*Requesting the Govt of India
to lay down a definite ruling
as to the minimum period of time
that may be taken to conduct
the "usual" plan of work
referred to in Sec 42(b) of the
Indian Christian Newspaper Act
1842.*

PRINTED IN G.O., dated

14-6-1894 No. 428

73
BACK PAPER, No.

OF 18

FURTHER PAPER, No.

1632

OF 18

94

READ AGAIN ORDER OF GOVERNMENT, DATED
18 , No. , MISCELLANEOUS.

ENCLOSURE

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—

A = Copy in full.

B = Not to be copied.

P = Copy abstract only.

Q = Copy heading only.

the date of the notice therein mentioned. Act X of 1872 omitted this provision but inserted a new proviso to the section relating to the issue of the Registrar's certificate viz: that four days shall elapse between the receipt of the notice to him and the issue of the certificate by him.

13. The form of notice in schedule I of the act requires the length of residence within the district to be stated, but the minimum period of residence necessary before notice can be accepted by a Marriage Registrar does not appear to have been laid down and it seems very necessary that it should be for the guidance of Marriage Registrars.

1 from orders 1

22/2/94

3513.
21/2

notice to Marriage Registrars

22/2/94

N 138
26 Feb 94

Public Department

To

76
The Secretary to the
Government of India
Home Department (Eccl)

Sir,

DESPATCHED
2 MAR 94
I am directed ^{in M.S.} to invite attention to Section 142 (b) of Act II of 1872 - the Indian Christian Marriage Act - and to request a definite ruling as to the minimum period of time that may be taken to constitute "usual place of abode" as difficulty has been felt in this Presidency in cases in which parties have desired to give notice to a Marriage Registrar almost directly after arriving in his District.

2. Following the provisions contained in previous Acts the original Bill of the Indian Christian Marriage Act prescribed a period of residence within the District of a Marriage Registrar preceding

Reg. as to the period the
party giving notice
must have resided
within his district.

It is submitted that
it would be satisfactory
to refer to the G. of I.
four days notice is neces-
sary, but in the form of
notice which is filled in
on the first day the
dwelling place & length of
residence have to be
entered - please see the
specimen form at page
40 of the Act. The
question is whether there
is any minimum
length of residence
necessary before notice
can be accepted by a Reg.

J.B.
18/2

AS
15/2/94

The mistake appears to be in the use of the word "usual" in P. 42. a person who has only landed in India the day before cannot correctly say that his 'usual' place of abode is Madras or wherever it may be. I think the difficulty is a real one & would refer it to India.

I think we should refer to
Indiv. Also a serious matter

Public Account 6-27

Each district has one or more Marriage Registers and it is the intention of the Act that the party giving notice shall have had his or her usual place of abode in the district in which notice is given. There is seldom any difficulty in cases where the parties have had their usual abode somewhere in the Presidency.

The difficulty arises when people want to give notice who have recently moved from Hyderabad or Mysore or, as has happened, have recently arrived by steamer. There is nothing to guide the Rev

Pub (1894) Department

From. Ernest Barclay
Government Solicitor
Madras

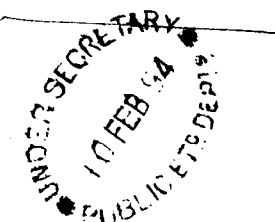
To
The Chief Secretary
to Government
Madras

N^o 64

Dated. 10th February 1894 }
Recd _____

Recd 12 _____

Encls. Aug 211 refd



Encls 1

Forwarded with enclosure
with reference to the order
of Government dated 3rd
February 1894. N^o 252. Public

Ernest Barclay

Government Solicitor

959: R. N. Hammond 4.

21. L. J. Q. B 153:

17. Q. B 772.

Whether a party has resided within the
meaning of the Act is more a question of fact
than of law. A temporary residence, however
short, would, I think be a sufficient compliance
with the Act.

Madras }
10: February }
1894 ——— }

(sd) J. D. Spring Branson
Advocate General.

(A. true copy)

Investigator

Govt. Secy.

you still think it desirable that the opinion
of the Advocate General should be obtained
on the point, I shall refer the question, for
the orders of Government."

Letter from Frank S. Bird Esq. Senior
Marriage Registrar, Madras, to the Registrar
General of Births, Deaths and Marriages, dated
Fort St George. 11th January 1894.

"With reference to paragraph 2 of your
letter No 207 of the 15th December last, I have
the honor to state that I think it very
desirable that a definite decision as to
what period constitutes "usual place of
abode" should be promulgated for the
guidance of Marriage Registrars."

(True Copies)

J. Harrison

Registrar of Births and Deaths
Madras

For Registrar General of
Births Deaths and Marriages

Department
(Registration of Births Deaths
and Marriages)

From The Registrar General of
Births Deaths and Marriages
Madras.

To
The Chief Secretary to
Government
Fort St George.

Dated 21
Received } January 1874.

J. No. 2.

Enclosure. (one)

No.

Subject.

Submitting for the orders of
Government, copies of Coram
-bona between the Registrar
General of Births Deaths and
Marriages and the Senior
Marriages Registrar, Madras
in regard to period of residence
within the district of a Marriage
Registrar, to entitle persons
intending to marry, to give
notice thereof, to such
Registrar.

With Recd

Referred to the Govt
Solicitor for the
opinion of the
Hon'ble the Advocate
General.

Reddiah
Chief Secretary

25B.
31.1.94

TO BE RETURNED
WITH FILE

Letter from the
Raghavayangar
Registrar General
to the Senior Ma
dated Madras 25

Honorable S. Srinivasappa
Dewan Bahadur G. I. &
of Births Deaths and Marriage
Marriage Registrar, Madras,
December 1893 G. No. 207.

"With referen
instant, I have to see to your letter of the 12th
no limit of time to honor to inform you that
XV of 1872 in regard has been prescribed by Act
district of a Marriage Registrar to entitle
persons intending to marry, to give notice
thereof to the Registrar. In the Indian
Christian Marriage Bill of 1871 (vide Fort
St George Gazette Supplement dated 7th
November 1871) the minimum period of a
residence was fixed at 5 days but this pro-
vision was omitted in the Act finally
passed. The Certificate of notice of marriage
cannot however be issued under section 41 of
the Act, till after the expiration of four days
after the date of the receipt of the notice. "The
usual place of abode" referred to in section
42(b), I take it, has reference to the dwelling
place of the person giving notice, while
residing within the district of the Registrar.
2. I have, however, no power to give an
authoritative opinion in regard to the
interpretation of the provisions of the Act.
If after considering what is stated above

14th ultimo, I have the honor to inform you that as the Indian Christian Marriage Act does not seem to fix any period within which persons who wish to have their marriage solemnized under Part V should reside, I do not understand why any ruling on the point is required. If you will explain in some detail what difficulty is felt in regard to this matter, I will refer it for the orders of Government in view to legal opinion being if necessary, obtained.

Letter from Frank D. Bird Esq. Senior Marriage Registrar Madras, to the Registrar General of Births Deaths and Marriages dated Fort St. George 12th December 1893.

"In reply to your letter G. No 205 of the 6th instant I have the honor to invite your attention to section 42 (b) of Act XV of 1872 - the Indian Christian Marriage Act - under which it is necessary for parties desiring marriage to have had their usual place of abode within the district of the Marriage Registrar concerned and to certify that fact. As the question of length of residence to constitute "usual abode" is frequently referred to the Registrar it would be very convenient to have a definite ruling on the point for the guidance of all Registrars."

added marriage
out. insured

PUBLIC (189) DEPARTMENT.

(REGISTRATION OF BIRTHS, DEATHS AND
MARRIAGES).

From

THE REGISTRAR-GENERAL OF

BIRTHS, DEATHS, AND MARRIAGES,

Madras,

To

THE CHIEF SECRETARY TO GOVERNMENT,

Fort St. George.

Dated

Received

} 189 .

No.

ENCLOSURES.

No.

Subject.

the expiration of 4 days after the receipt of the notice. In these circumstances, it seems to me that persons intending to marry are entitled to give notice of the intended marriage to a Registrar, however short may be their residence within his district.

3. As, however, the ^{Government} Marriage Registrar desires an authoritative ruling on the question raised, and as the point is of importance in as much as it may possibly affect the validity of marriages solemnized before Registrars, I beg to refer it for the decision of Government after reference to the Advocate General, if necessary.

I have the honor to be,

Sir,

Your most obedient servant.

Shunmugam Rajagopal
Registrar General of
Births, Deaths and Marriages.

and
L.S.

Registrar of the intended marriage and to make before him the oath required to be made by them under section 42 of the Act, in view to the certificate referred to in section 41 being issued.

2. The Act itself contains no provisions prescribing a limit of time such as that referred to. Under the provisions of subsection 2, section 42, persons intending to marry have to mention in the notice given by them to the Marriage Registrar their "usual place of abode." The usual place of abode here referred to, I take it, refers to the principal place of residence of the persons during their stay, however short, within the Registrar's district, as opposed to a place of casual resort. See the Indian Christian Marriage Bill of 1871 (Vide Fort St. George Gazette Supplement dated 7th November 1871) the minimum period of residence within the Registrar's jurisdiction necessary before notice of intended marriage could be given to the Registrar was fixed at 5 days. This provision, however, appears to have been omitted in the Act as finally passed, and in lieu of it it was provided in section 41 that the certificate of notice of marriage should not issue till after

REGISTRATION DEPARTMENT

(BIRTHS, DEATHS AND MARRIAGES).

No. 2.

From

The Honorable
M.R. S. SRINIVASA RAGHAVAIYANGAR, AVARGAL, C. I. C.

DEWAN BAHADUR,

REGISTRAR-GENERAL OF BIRTHS, DEATHS AND MARRIAGES,

Madras,

To

The Honorable J. F. Price, C.S.I.

CHIEF SECRETARY TO GOVERNMENT,

Fort St. George.

Villupuram, the 21st January 1894.

SIR,

I have the honor to submit for the orders of Government copies of correspondence noted in the margin between the ^{Senior} Marriage Registrar, Madras, and myself, from which it will be seen that the ^{Senior} Marriage Registrar requests that a definite rule be laid down as to the period of time during which persons intending to marry under the provisions of Part V of the Indian Christian Marriage Act should have resided within the district of a Marriage Registrar to entitle them to give notice to such

*Marriage Registrar Madras to the Registrar General of Births, Deaths and Marriages Madras dated 14th November 1893 and 11th May 1894.
122 Salutation Army to the Registrar of Marriages dated 9th Nov 1893
123 from the Registrar General of Births, Deaths and Marriages to the Senior Marriage Registrar Madras dated 6 and 15th December 1893 and 20th Jan 1894.*