

Public (1895) Department.

ORDINARY MS.

G.O., No. 242-43

DATED 2nd April 1895

[Despatch Abstract.]

ILLEGAL MARRIAGES BETWEEN NATIVE CHRISTIANS
IN THE MYSORE STATE.

Requesting the Registrar-General of Births, Deaths and Marriages and the Lieutenant-General, Madras Command, to report on the points brought to notice by the Resident in Mysore in connection with certain marriages between Native Christians solemnized by the Revd. J. Gillings not being legally authorised to do so.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

ORDINARY, MS.

Public DEPARTMENT.

G.O., DATED 21/4/95.

No. 242/3.

INDEXED.

When given for copying. 3/4.

[Despatch Abstract.]

Regarding the Regt. Genl of B. D. & M. and the Lt. Genl. Madras Command. to report on the several points brought to notice by the Resident in Mysore in connection with certain marriages between Native Christians and un-aided by the Govt. of Mysore not being legally authorized to do so.

PRINTED IN G.O., dated

28 May 1895 No. 425

BACK PAPER, No.

FURTHER PAPER, No.

OF 189

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

ENCLOSURES.

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.—

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- B — Not to be copied.
- P — Copy abstract only.
- Q — Copy heading only.

No. 915—224A-85.

FROM

W. LEE-WARNER, Esq., C. S. I.,
RESIDENT IN MYSORE.

TO

THE CHIEF SECRETARY TO THE GOVERNMENT
OF MADRAS.

Dated Bangalore, the 18th March 1895.

SIR,

I have the honour to report for the information of His Excellency the Governor in Council, and for such action in the Military and other Departments of the Government of Fort St. George as His Excellency may think fit, the following circumstances.

2. The Civil and Military Station of Bangalore is included within the Native State of Mysore, and when a Minister of Religion referred to in Sec. 5 (3) requires a license to solemnize marriages within Bangalore (Sec. 6 Act, XV of 1872) or to grant certificates of marriages between Native Christians (Sec. 9 of the same Act), the Governor-General in Council grants such licenses by Notification, as for instance by Notification 4443 I., dated December 27, 1894. Wesleyan Ministers are apparently not licensed under Sec. 6, but obtain the authority they require by securing their appointments as Marriage Registrars under Sec. 8 of the Act. When a marriage is solemnized by a duly licensed minister of religion, the certificate must under Sec. 34 of the Act be sent to the Marriage Registrar of the District.

A Marriage Registrar is appointed in Native States under Sec. 8 by the Governor-General in Council; and by Government of India Notification 1763 G, dated August 31, 1875 the Deputy Commissioner of Bangalore was formerly appointed Registrar. But that Notification was cancelled by Foreign Department Notification 14 I., dated January 1, 1890: and by Notifications No. 242 I., dated January 22, 1890, No. 4527 I., dated December 30, 1890, No. 4757 I., dated December 29, 1892, and No. 3229 I., dated September 12, 1894, and eight gentlemen of the Wesleyan Mission have been appointed under Sec. 8 Marriage Registrars in Bangalore and in the Mysore State. The "senior Marriage Registrar" contemplated by Sec. 34 of the Act in Bangalore is not defined by any known local rule or public declaration by Notification or otherwise. The Registrar General of Births &c., in Madras, on February 15, 1890, inquired whether any senior Marriage Registrars had been appointed for Mysore, and he was informed by my predecessor on February 28, 1890 that no such appointment had been made; but I apprehend that under Sec. 34 the senior Marriage Registrar is, in the absence of any special appointment as such, the Registrar for the time being in the District, whose appointment dates from the earliest date irrespective of the particular religious denomination to which he belongs.

3. In this condition of the law and of affairs which, as far as my researches into a somewhat complicated correspondence have gone, I believe to be correct, the following unfortunate circumstance has occurred. The Revd. J. Gillings is a very highly respected aged Missionary of the Wesleyans who having retired from active duties came to Bangalore at the end of 1893. He held in his possession a license dated December 19, 1871 issued by Lord Napier Governor of Madras under Sec. 8 of Act V 1865, authorizing him to solemnize marriages "within the territories subject to the Government of Madras," and another of the same date similarly signed under Sec. 47, Part V of Act V, 1865 regarding marriages between Native Christians. He had no authority under either Sec. 6 or Sec. 8 of Act XV, 1872 to solemnize marriages in Mysore territory including the Bangalore Station, nor did he otherwise become qualified under Sec. 5 of the Christian Marriage Act. On the 3rd of January 1894

he solemnized two marriages in the Civil and Military Station, Bangalore, between John William Grimes, Bombardier R. H. A. Bangalore, aged 23 and Isabella Marsh, aged 18: and between Arthur Edwin Blair Whitby Bombardier R. H. A., aged 26 and Ruth Florence Beauchamp, aged 19, all the parties residing at Bangalore.

On the 31st of January 1894, he solemnized another marriage between George Swasbrook, aged 33 engaged on the railway and Eva English Foregard. On a date unknown, but within the time prescribed by law, he forwarded the certificate of marriages to the Registrar General of Births, Deaths and Marriages Madras. The certificate of Swasbrook's marriage bears the stamp of the office of the Registrar General dated March 6, 1894. But the Registrar General apparently took no steps until January 17, 1895, when in his letter G. No. 41 of that date he returned the certificates with a request that "you will be good enough to forward them to the Marriage Registrar of your District to be dealt with by him under Section 34 of the Act of 1872."

4. The Revd. James Gillings thereon posted the certificates to the "Marriage Registrar of the Civil and Military Station," Bangalore, and they were returned to him through the dead letter office. He then immediately reported his difficulties to my First Assistant, Major Ravenshaw.

5. It appears to me a matter for deep regret that the Registrar General of Births, Deaths and Marriages, Madras, retained these certificates for 10 months. An earlier discovery of the mistake would have averted serious consequences. The Government of Madras will perhaps inquire further into that matter, but my principal object in addressing you is to submit for consideration whether the Military authorities of Madras should not immediately advise Bombardiers John William Grimes and Arthur Edwin Blair Whitby of the fact that the Revd. James Gillings was not legally empowered to solemnize their marriages. The parties may then be advised to have the ceremony performed by a duly qualified registrar or clergyman. I am taking steps in regard to George Swasbrook. The Revd. Mr. Gillings who is very distressed at the doubts raised and anxious to remedy the mistake, has asked for a license under Secs. 8 and 9 of the Christian Marriage Act with retrospective effect from January 3, 1894, and the request will be submitted to the Government of India; but in my opinion the Government of India has no legal power to antedate its appointments under the Act.

6. There remain two matters for consideration, the application of Sec. 68 of Act XV, 1872, and the determination of the question of senior Marriage Registrar. As regards the first point there is no doubt that the Revd. Mr. Gillings most fully believed that he was authorised to solemnize these marriages of Europeans. He has been a Chaplain to the Wesleyan soldiers at Wellington since 1887 and he believed that the Bangalore Military Station was in British India. The question seems to be whether the attitude of his mind was arrived at upon reasonable ground and whether he used due circumspection. The authority on which he acted distinctly states that it is limited "within the territories subject to the Government of Madras in accordance with the provisions of the said Act." The question as to further action will be referred to the Government of India. As regards the 2nd point I much regret to find that the list of Marriage Registrars in this station is not more widely published and accessible to the public. I am taking steps to correct this omission or otherwise declare who is the senior Marriage Registrar. But I venture to point out that, since marriages of Christians are frequent in this station and since Sec. 34 requires that the certificates be sent to the Registrar General of Births Deaths and Marriages, any suspicious interruption in the flow of such certificates or any irregularity or omission might have attracted his attention and formed the subject of timely reference to my office.

I have the honour to be,

Sir,

Your most obedient servant,

W. Neesam

Resident.

30-23-1-95.

DEPARTMENT.

M.U.

Order

2 April
1895. No. 243

Given for copying _____
Copied _____
Examined _____
Signed _____

189.

AD AGAIN G.O., No.
189.

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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From

The Resident in Mysore

Comm. to the Regr.

Genl. of Births, Deaths
and Marriages for
early remarks and for
explanation with
reference to para. 5.

No. 915. 224 A-85

Dated 13.3.95

Received 15/3
Raj 16/3
Enclosures 65c

2. A copy of the
letter will be forward-
ed to the ^{Genl. of Births, Deaths & Marriages} Military Dept
with adverbance to
the remarks in para. 5.

3. B. B.
19.3.5.

20
25.3.95

SUBJECT.

Inquiring whether the fact that
a Rev. J. Gillings was not legally
empowered to solemnize marriage
should not be pointed out to Com-
missioners J. W. Grimes & A. B. White
the mil. authorities of Madras
the parties advised to perform
the ceremony performed by
duly qualified registrar or
officer.

Regr. Genl. of
B. D. & M.

Military Dept.
Deputy Secy to Govt.

Encl. No. 243.

Copy to the Resident
in Mysore
with cl.

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