

Public (1896) Department.

ORDINARY MS.

G.O., No. 1344

DATED 23-12-96

INDEXED.

[Despatch Abstract.]

Stating that under the special circumstances of the case H.E. the Govt. in Council sees no reason to take any action because of the breach of Section 11 of Act XV of 1872 by the Rev. C. H. L. Wright.

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1344

write ref. to H. no

pencil note of this date. H. M. was in the minority and had he been here the draft would have gone to him before issue.

५०३

7/1/95

7/1/97
leave it alone.
Is too heavy a matter
to bother the wife. There was
no time wrong in what she
did. She did bring in the
the whole thing. The
had seen it and for
her then is
impression
18-1

செப்பனிருவவர் பெயர்
செப்பனிருவதற்காக எடுத்த
கொள்ளப்பட்ட நாள்

செப்பனிட் முடித்த நாள்

சுறிபார்க்கும் ஆராய்ச்சி
மு.பா.ஏ. பத்தியாளர்
கையொப்பம் இயக்குநர்

୨-୩-୪-୫-୬-୭-୮-୯-୧୦-୧୧-୧୨-୧୩-୧୪-୧୫

[G
74]

3 NOTE FOR THE CHIEF SECRETARY.

1354

As Mr Wright
may be anxiously
awaiting the disposal
of this matter perhaps
you will permit the
G.O. to issue at once,
& the file be sent to
H.M. for perusal on
his return.

yes.
note also my
note.
21/12

35B

21/12/16

செப்பனிருபவற் பெயர்

செப்பனிருவதற்குக்

கொள்ளப்பட்ட நாள்

செப்பனிரு முடித்

சுர்பர் ந்து

மு.பா.சு.

கையொப்பம்

~~Ecclesiastical~~ ^{Public} (1896) Department.

CURRENT No. 4045

1344

From
Mr. Bliss. C. J. E.

Bishop's Chaplain

Order No. 1344723-12-96

His

No. 1588

Under the
special circumstances
of the case H. E. the Govt.
Council sees no reason
to take any action
because of the breach of
Section II of Act XV of 1872
by the Revd. C. H. W. Wright.

Dated 2
Received 3
Registered 8
Enclosures 4
Spare copies

SUBJECT.

from orders

Reports for orders the case
of an irregular marriage at
Gotaamund.

90B
21.12.6.

21-12-96

The Rt Revd the Bishop's Depty 22/12

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

S. Stephen's Church,

OOTACAMUND,

25th Oct^r 1896.

FROM

THE CHAPLAIN OF

OOTACAMUND.

To

The Right Rev^d The Lord Bishop of Madras
Madras

My Lord Bishop,

- A young woman - virtuous of respectable

Character - Miss Gillham daughter of Captain Gillham of
Bangalore, former post office - was engaged without her father's
consent to private Claude Victor Evans & Co. D.W.B. 1896

Having been sent away from her father's house in Bangalore
she became for some time in the employ of Mr. Colquhoun of Ootacamund
- it was discovered that she was in the family way - and her
mistress of course could not keep her - for some time it was
thought that they were married both having stated thus to be
the case

When the case was brought to my knowledge
I instituted inquiries - & found that - there had been no marriage
application was made to me as Surrogate for a marriage license
which I granted (both the Registrar (at my request) & myself
relinquishing our fees) - in the mean time Col Porcelli R.E.
sent for Private Evans from Secunderabad by telegram - paying
his expenses down he has only 2 or 3 days been which cannot
be extended - I was to have granted my license this morning
of the marriage was to have been solemnized after morning
service at St. Stephen's, Miss Gillham was to have come
from hospital - At the last moment the Medical Officer
Surg^l Lt Col Cook requested permission for Miss Gillham to leave
hospital on account of the setting in of serious symptoms

And at the earnest request of Col Porcelli
I solemnized the marriage at St. Bartholomew's Hospital
Ootacamund in anticipation of the bride's permission

on Special License

I now

Department.

Your Lordship under the Special Circumstances
case to grant a Special License for the marriage
at St. Bartholomew's Hospital on this date. It
is necessary, on the sanction of the irregularity
under the derogatory license I have issued,
the urgency of the case.

The marriage was solemnized in the presence of 8
adult witnesses.

I append a statement - written at my request
by Col Dracoli R.E. detailing the circumstances of the
case. I trust your Lordship will see that the irregularity
is taken such steps as will exonerate me from blame in
the matter.

I give below particulars of the names of the
Parties - The case was a peculiar one & I had no time
to telegraph.

I have the honour to be

My Lord Bishop

Your Lordship's most obedient servant

Clement W. Wright

Chaplain of the Cathedral

Claud Victor Evans 26 yrs 11 mos Bachelor

of Trumpton 26 years 7 mos

Priscilla Ellen Gillham Spinster of Botocumund

25 years 7 mos

Place of Marriage St. Bartholomew's Hospital City

C.W.

Alta Chamber Hotel.

Botocumund

25th

Dear Mr. Wright,

As I have been the prime mover
in the sad marriage ceremony performed
by you this afternoon between Private Evan
XIXth Humors and Miss Gillham which has
saved a child from the sad heritage of
bastardy, and a girl from shame, I
write this Memo in order that you may forward
it with your application to the Bishop for
a covering License, under the Anglican Marriage
Act.

The facts are these:

It came to my knowledge last week that there
was a young lady in St. Bartholomew's Hospital, Botocumund
who was expecting her confinement though
not wedded. I saw her, and found that
she and her lover were anxious to be married.

but poverty and shame had prevented their applying
by Mr. Thompson went to the town Private House
at 10 o'clock to come at once before the Justice
of the Peace. He came directly that night
order to comply with the Marriage law had to
be within four days and a half time.

(96 hours). This I spent about 10.30 am
looking Sunday the 25th. I had made all
arrangements to carry Miss Fillham to

of this is a mistake
the application was
deposited by Miss Fillham
from the Hospital before
the Justice of the Peace
arrived at 10.30 am
Oct: 21st 1884

church but at the last moment my plans
were frustrated by an urgent note from
the Medical Officer in charge of the Hospital
(Surgeon General Cook) stating that as symptoms
of labour had appeared he could not permit
Miss Fillham to be moved.

I rushed to the Hospital, and tried all I
knew but it was hopeless. The midwife
refused flooding and refused to be responsible.
I then went to you and begged of you

7/21/84
a Christian brother to save this poor child from
lifelong shame, the mother from misery and the
father from regret. You kindly consented, though
with extreme reluctance - for according to the
Marriage Law a marriage requires an
Episcopal licence before and. It was a
physical impossibility to get this in time, and
the point therefore simply was are 3 lives to
be blighted because the reading of a human law
gives a Christian minister no liberty of
action?

I take all the blame and responsibility on
myself. I am ready, though a poor man,
to pay the penalty for I know we have done
a righteous, a Christian and a loving act
and God will bless and save your share
in it.

The happiness of poor Evans this wife repays
me for my humble share in what after all

PAPE

Department.

was only my duty as a child of God. The name
was witness to your uprightness as in margin.

Yours sincerely,

St John Percell

Lieut Colonel RR

asked a certificate from the doctor

S. Henderson

W. G. Sinclair

W. G. Sinclair

W. G. Sinclair

Miss Sinclair

Mr Wright

Mr Aspinall

Mr Egan

St John Percell RR

This is to certify that Miss
Fieham who is an expectant
in hospital was unable to
go to church as her confinement
was nearly expected -

Witnessed

Dec 25/96

was only my duty as a child of God. The man
was without any grown up person, as in margin.

Mr. Inver

My dear

Lucy

attach a artificial

9/18/94
16th November 1896

My dear Pelley

I have just
referred to the copy of my letter
to the Bishop dated Oct. 25th
I see that I stated, though
perhaps not very clearly,
that I pleaded the irregularities
license. I also asked the
Bishop, as an alternative
to his Lordship granting a
Special License, if it were
possible, to sanction the
irregularity of the marriage.

Mr. J. W. D.

Agnes

16 - November 1960

Le

1/25/70

2-2-62

attach a certificate

The Workshop 2003 Dec. 22nd
 moved to the Chapel of our little

See Part 3 dated 1/1/1941

[Handwritten signature]

10/10/10

James J. L. L.

[Handwritten signature]

100

1000



100

[Signature]

Why ? because he betrayed

2. I discuss a surrogate for
the prohibited apparatus to be being
fully known before me.

Kept these papers from
25th Oct. to 9th Nov. & then
sent them from the Bishop.

exposed them in the ordinary
course to the Registrar without
any comment.

The Affidavits are now
in the Register, Custody
I have retained the license
which is now in my possession
I am very sorry to
have put the Bishop to
so much trouble

1588

12/24
15
ECCLIASTICAL DEPARTMENT,

Madras 2^d December 1896.

From

G. H. Pelly,
THE REV. ~~MURPHY~~, M.A.,

BISHOP'S CHAPLAIN.

11
1344

To

THE HONORABLE THE CHIEF SECRETARY TO GOVERNMENT,

Fort Saint George
Madras.

SIR,

Letter from Rev. C. H. L.
Wright to the Bishop
dated 25th Oct. 1896.
Letter from La Col.
Porcelli to Rev. Wright -
dated 25th Oct. 1896.
Medical Certificate
Letter from Rev. C. H. L.
Wright to the Bishop's
Chaplain dated 16th
Nov. 1896.

I have the honor, by desire of the Right
Reverend the Bishop of Madras to forward for
the consideration of Government the accompanying
papers connected with a case of irregular mar-
riage at Cotacamund on the 25th of October last.
The facts of the case, as set forth in the
accompanying papers are briefly these:- It having
been brought to the notice of the Reverend C. H. L.
Wright, Chaplain of Cotacamund, that there was
a young unmarried woman in the station, who
was expecting her confinement at an early date,
he had made all arrangements for her to be
married by License to the father of the child in
St. Stephen's Church after service on Sunday
the 25th October. On that morning Mr. Wright
received notice from the Medical Officer
that the young woman was an inpatient in St.
Bartholomew's Hospital and was unfit to go to
Church as her confinement was hourly expected.
Colonel Porcelli, R.E., who was greatly interested
in the case, having notwithstanding every effort

failed to obtain the consent of the Medical Officer to allow the young woman to be taken to the Church, pleaded so earnestly with Mr. Wright, that he persuaded him (having first granted an Ordinary License) to perform the marriage in Hospital. This appears to the Bishop to be a breach of the Civil Law as laid down in Part II. Section 10, of the Indian Christian Marriage Act.

Mr. Wright wrote on the same day to the Bishop requesting him (to use Mr. Wright's own words) either to "grant a Special License for the marriage to take place at St. Bartholomew's on this date October 25th, if it is necessary, or to sanction the irregularity of the marriage under the Surrogates License I have issued, in consideration of the urgency of the case."

After much consideration the Bishop finds himself unable to comply with either of these requests. To grant a Special License after the event would be obviously improper, the more so as he is very doubtful whether he would have granted it had it been asked for before hand. Also the Act Part II Section 11, clause 3 requires that the Special License must have been received before the marriage. To condone the offence, would, the Bishop feels, be to exercise an authority which he doubts whether he possesses, as Mr. Wright is a Government Chaplain, and the offence appears to be one not merely against the Ecclesiastical but also against the Civil Law. The Bishop therefore feels it his duty to bring the case to the notice of Government.

He desires however to draw the attention of

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Government to the exceptionally trying circumstances in which Mr. Wright was placed owing to the necessity of taking immediate action, and the great pressure that was brought to bear upon him; also the fact that the proceedings had nothing in them of a clandestine character, to avoid which the Bishop believes is the object of the rule forbidding marriages in private-houses.

He would further point out that in the Indian Christian Marriage Act no penalty is attached to the breach of the rule relating to places, and that according to the provisions of the Act the marriage itself does not appear to be void.

Considering all these circumstances and the character Mr. Wright bears as a hardworking conscientious Clergyman, the Bishop trusts, that should Government consider that Mr. Wright has committed a breach of the Civil Law, they will deal with the offence as leniently as possible. Should Government on the other hand be of opinion that the case is one which the Bishop has power to deal with, he will be glad to receive a ruling to this effect.

I have the honor to be,

Sir,

Your most obedient servant,

C. H. Kelly

Bishop's Chaplain

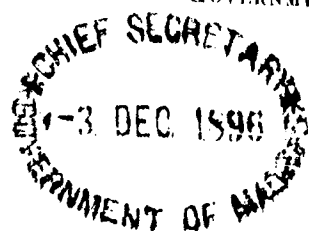
Govt. of {1896} Madras.
ECCLESIASTICAL.

From

C.H. Pelly.
THE REVEREND ~~C. H. Pelly~~, M.A.
BISHOP'S CHAPLAIN.

To

THE HONORABLE
THE CHIEF SECRETARY
TO GOVERNMENT



Dated 2^d } December 1896
Received

No. 1588 Enclosure 4

Subject.

Brings to notice of Govt
a case of an irregular marriage
at Ootacamund by Rev. C.H.D.
Wright & requests that they
may deal leniently with the
case.

[G. 1]
26
100-3-10-90.

C. No

4045

SUBJECT.

An irregular marriage at Ootacamund

3. ~~H. E. THE GOVERNOR.~~
1. THE HON'BLE MR. BLISS, C.I.E.
2. THE HON'BLE MR. GROSE, C.I.E.

FOR ORDERS.

The Rev^d Mr. Wright, Chaplain
of Ootacamund, on the 25th Oct. last
solemnized a marriage
at St Bartholomew's Hospital
under very exceptional
circumstances. The woman's
confinement was so imminent
that she was certified by the
Civil Surgeon to be unable
to attend the church on
that date, as previously
arranged for the ceremony.
In order to save the child
from illegitimacy and under
strong persuasion Mr.
Wright knowingly violated
§ 11 of Act XV of 1872 under
which no clergyman of
Church of England is
permitted

Solemnize a marriage
in any place other than
a church, unless in ^{some}
circumstances which did
not exist in this case.

It should be noted that
the Act attaches no penalty
to a breach of § 11 and that
under § 77(4) the marriage
is not void.

Immediately after
solemnizing the marriage
Mr. Wright wrote to the
Bishop to grant a special
license for the marriage
to take place at the hospital,
or to sanction the irreg-
-ularity he had committed
in consideration of the
urgency of the case.

The first request
could not be complied
with as the special license
^{must} be obtained
before the ceremony,
and the Bishop hesitated
to condone the offence
as it was against the
Civil Law and Mr.
Wright

as it is a breach of law
submitted that each case
should be ^{forwarded} to the
Bishop.

Submitted that the case
should be
forwarded to the
Bishop.

16
1344

Wright is a foot Chaplain
should however the
foot consider that the
case is one where the
Bishop has power to dispense
of, he asks for a ruling
to that effect; if otherwise,
that Mr. Wright may be
leniently dealt with.

As no harm can
result from Mr. Wright's
action, which has laid
him open to no penalty
under the law, it is
submitted that he may
be excused with the
very special circum-
stances of the case.

It would not have
been possible for the
Marriage Registrar
of the District to have
married the parties
under the Act as under
§ 41 (proviso 3) he is
bound to receive 4 days
notice.

30/3
5/4/11/96.

There is no question
that Mr. Wright, the Chaplain

Potacumund has
married. Sec 11.
of the Indian Christian
Marriage Act XV of 1872.

It is equally clear that
a penalty is prescribed for
this breach of the law. ~~But~~
~~the fact that the law is~~
~~not enforced is no excuse~~

have looked up the discussions
the Vicar's Council, & the
meeting of the rectory but there
no reference to the subject.
Council was intent on another
matter - the case of the carrier
William Green who became a
Roman Catholic in order to divorce
his wife.

Cost cannot approve a breach
of the law. He says, may say that
Rev. Mr. Wright, Chaplain
Potacumund was not
satisfied in infringing the clear
provisions of Sec 11 of the Indian
Christian Marriage Act XV of 1872.

It would be well to draw the attention
the Govt of India to the fact
that no penalty is provided
for this breach of the law.
is probably unintentional -
a slight penalty at least
necessary as sanction to
force every law.

marriage in question ~~is valid~~
is valid.

not that a clergyman in such a case is it
advisable to storm

I don't suppose
from the records even
that a similar breach
of the law in England
is punishable with
a fine of 500. many
amount of fifty
guineas.

I think Mr. prefer to say
that Govt. will leave the matter for dis-
posal by the Bishop, who is the head
of the Ecclesiastical Dept.

I don't think Govt. do this. Cases
of the kind cannot but be most imper-
fected, and, when they occur, should
be in my opinion, subject the clergyman
to a slight penalty - I would recommend
that, I think, to punish a clergyman for
doing that which his conscience cannot
conscience him to do. If I am not mis-
taken, this is only one of many cases in which
a clergyman's duty may run counter to the
civil law, but in which it is best to have the
infraction of the civil law unpunished. For in-
stance, if a clergyman refused to perform a ceremony
because he was not of age, would the law be
aid? My opinion is that public opinion is not
in a measure, though the law does it

21.12.96
4.14 20.12.96