

## Documents Demanded at Marriage

The holy servers, announcing the marriage to be performed in order to learn whether there are any legal obstacles to its fulfillment and at the same time for the verification of absence of obstacles to the marriage, make an investigation<sup>1</sup> through inquiry of the persons being married, authentic witnesses or guarantors and through the examination of the **written documents**, concerning the persons wishing to marry<sup>2</sup>.

Establishing the precautions by law at the crowning of marriages protects the priest, so that he would not crown those persons with whom it is impossible to crown: by age, absence of permission, relationship, obligation from other marriages and so forth (see Tserkovnyi Viestnik [Church Messenger] 1895, 19). According to this, appropriate documents<sup>3</sup> and instructions for responding to inquiries are completely clearly and precisely required for the fulfillment of marriage: the defining vocation, status, name, patronymic and surname, age, religion, residence of the groom and bride, and employees for the certificate of the absence of obstacles to the marriage (Samarskiiia Eparkhial'nyiia Vedomosti [Samara Diocesan News] 1898, 1).

It is left to the supervision and personal questioning of the clergy doing the marriage to verify the **normal mental status** of the groom and the bride (P. P. Zabelin, "The Rights and Duties of the Presbyter", p. 241).

Verification of this for those wishing to marry is not found in **relationship** and property **degrees** between them recognized by the church laws as an obstacle to the conclusion of the marriage union. It is mainly reached by questioning authentic witnesses or guardians and by means of announcements. In **mutual consent** both the desire of the groom and the bride to entry into marriage should be verified by them through questioning, of course, personally, in order not to marry persons under false pretenses<sup>4</sup> (Penzenskiiia Eparkhial'niia Vedomosti [Penzan Diocesan News], 1880, 18; Samarskiiia Eparkhial'nyiia Vedomosti [Samara Diocesan News] 1898, 1). Written certificates for **permission in marriage** from parents or trustees for searches are usually not required<sup>5</sup> (K. P. Pobedonostsev, "Course on Citizen Rights", p. 25).

Relative to the **written documents** demanded at marriage, the Lithuanian Spiritual Consistory published in 1891 the following order for local clergy<sup>6</sup>.

At the fulfillment of the sacrament of marriage the following documents are required:

a) the metrical records about the birth and baptism if there is any doubt about age. If metrical records are not available, then the certificate of the confession list of that church to which those being married belongs<sup>7</sup> (refer to pp. 1077-1078).

b) An unexpired passport in which full and exact information, required by law, are also registered, but equally data on the married or unmarried status of the person<sup>8</sup>, but if it on the

condition widowhood, then on the passport should be presented: the metrics about former marriage and the metrics about the death and burial of the deceased spouse<sup>9</sup>. The certificate of the clergy about the fulfillment of the triple premarriage announcements, with the record of the unrevealed obstacles to this marriage and equally the inquiry about age<sup>10</sup>, religion and whether the person being married is single or maiden, but if they are widows, then after which marriage and whether there is any present relationship or property between those being married;

c) the certificate of life confession, presented by the parish clergy, with the record of witness about the age and religion and marital status of the person being married<sup>11</sup> (refer to pp. 1074-1078 );

d) from persons who are serving in civil and military<sup>12</sup> departments certificates from the relevant authorities are required for permission to marriage with entries about age, religion, single or widowed after which marriage, of the one asking for permission to enter into marriage<sup>13</sup>;

e) certificates full and precisely written are required from those retired;

f) from those entering conscription to military service is enrollment for an conscription site, but from those who appeared for conscription is the certificate of conscription<sup>14</sup>;

g) the certificate of the marshal of nobility is required from noblemen,<sup>15</sup> but from citizens - from the justice of the citizens<sup>16</sup> (refer to p. 1106).

The certificate of religion of the person entering into marriage should be given out only by the clergy or the heterodox ecclesiastic<sup>17</sup>. Delivery of certificates by the volost board, notary and other persons about this (with the exception, of the main parts after the military and civil departments) has no value and is forbidden. In doubtful cases it is necessary to demand from priests of those parishes to whom those being married belong, special certificates of the absence of obstacles to the marriage. The certificate of private persons, the signature merely testified by the notary, has no value as a premarital document<sup>18</sup> (Litovskiiia Eparkhial'niia Vedomosti [Lithuanian Diocesan News] 1891, 3).

While examining the passports and visas of those wishing to marry, it is necessary to carefully observe that there were no **erasures or changes on them** which were not stipulated or have not been designated below by the authority that in a known line written on the cleaned place, or inscribed over by a known line, or corrected it is necessary to consider if it is really true and so forth. Similarly it is necessary to look (especially in capitals), whether the **residence of the bearer** is registered on the passport by the police authorities in order not to marry a vagrant, living under a false visa. - Refer to note 4 on p. 1132.

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<sup>1</sup> The clergy should strictly observe all the **premarital precautions** and demand from those being married, that they, for the certificate in unimpeded marriages, have presented all those documents, required in the form of a marital search (Dispositions of the Kiev. Spirit. Consistory - see Kievskii Eparkhial'nyiia Vedomosti [Kievan Diocesan News] 1874, 71; see also the Tserkovniia Vedomosti [Church News] 1896, 9, 28; refer to the Svod Zakonov [Code of Laws], vol. X, part 1, version for article 26, note item 2).

The Samara diocesan authorities explained to the clergy of the diocese that the clergy are obligated to direct those being married in obtaining the documents needed for marriage, assisting them with the letters of inquiry to the applicable places or to the competent persons (Samarskii Eparkhial'nyiia Vedomosti [Samara Diocesan News] 1898, 1).

The special **payment for inquiry** into the metrics, done for interested persons wishing to marry, in any case cannot be established, in as much as under the law the entire secretariat of the church and parish should be disinterested even though at the same time voluntary gifts from parishioners at the reception of these or other documents from the clergy are not prohibited by them (Tserkovnyi Viestnik [Church Messenger] 1898, 8).

<sup>2</sup> **For the unfair indication** of those marrying concerning permission of their authorities, or parents, or trustees for this, the guilty are subjected to arrest for a term of three weeks to three months. But if there would be made false written acts or other papers or obviously used by them for whatever purpose, then they are sentenced to punishment for this in the articles of the 1690 and 1692 Statutes for defined forgeries on the same basis as this is decided in article 1571. The guilty are subject to the same punishment for this as for the incorrect indication of the age of those marrying (Ulozhenie o nakazaniakh [Criminal Code of Laws], article 1572).

Whoever, for the concealment of obstacles, will present **obviously counterfeit**, or intentionally altered **certificates or documents** or to use whatever other forgery, is subject to deprivation of all rights of status for this and Siberian exile in a settlement or to deprivation of all special, personal and appropriate to status, rights and privileges and exile for life to Siberia or returned to a correctional guardhouse branch (Ulozhenie o nakazaniakh [Criminal Code of Laws], article 1571, 1690, 1692).

Although under the action of article 1571 of the Ulozhenie o nakazaniakh [Criminal Code of Laws], in its literal sense, **false oral statements** cannot be presented; but, for the reason from article 1012 of the Ustav ugovornii sudoproizvodstvo [Ustav of Criminal Law], the wider meaning should be given article 1571 and it is necessary to conclude that for marriages, made in deceit, all must be annulled, when for the concealment of the former for the conclusion of obstacles to the marital union false declarations and assurances have been employed, having led the ecclesiastics of doing the crowning in error (decisions of the Ugolovniia Kassatsia Deputatsiia [Criminal Court of Appeal Deputation], 1881, № 54).

<sup>3</sup> **Documents, certifying the lack of obstacles to marriage**, may be: metrical certificates, entries and inquiries from the metrical books, confessions and, in subject cases, clerical reports, attestations for service and resignations, passports and passport books, certificates from city and petty-bourgeois justices and from merchant and petty-bourgeois wardens, residence permits, given by police administrations and police ministries (but not the commissary of rural and city police), decrees (ukases) for the resignations of the military ranks, serving before the introduction of general compulsory military service, official records, certificates of the lack of obstacles to entry into marriage, affirmations to superior and staff officers and generals of the military and naval departments, but equally also to Cossack armies, and to the officials, serving in civil departments, - from their authorities, the permission of diocesan authorities serving in diocesan and religious-school departments, data and certificates for the reception into Orthodoxy and way of life at confession and holy communion and for the ability generally for entry into marriage, given by the clergy and father confessors of those being married, - inquiries from family records of class establishments (volost boards, city and petty-bourgeois justices and elders) and generally all documents, serving by residence permit and certifying of the absence of obstacles to the marriage (Samarskii Eparkhial'nyiia Vedomosti [Samara Diocesan News] 1898, 1).

<sup>4</sup> "Marriage is not consummated when a husband sleeps with his wife, but by their marriage deliberation" (Rudder, civil law, facet 4, chapter 17). By chapter 50 of the Rudder, the priest, without coming to the announcements, should personally ask the groom and the bride, "If by their free will... want to marry"?

The decree [ukase] of Patr. Hadrian, published in November 1693 (as it seems, merely for his own province), says: "priests, crowning a wedding, ask the groom and the bride their own consent, or do this carelessly and frequently crown persons who do not love each other and do not want to marry each other. By such a beginning of the marital union, all the further life of those spouses will be unfortunate, full of mutual enmity and childless. This is rather sinful and lawless, and the great lord (patriarch) specified to examine that priests of the groom henceforth are coming for marriage and the bride be separately tested and firmly interrogated, whether they want to marry for love and with mutual consent, or by force and compulsion by somebody. But if the woman and in particular the maiden is ashamed to say this, then to interrogate her parents, mainly her mother, or if she has no mother, her sister; and if any of persons being married, in particular the maiden completely holds back, or shows some sign, for example, will turn away from the groom, spits or wave away by her hand, then he should not crown them, while they do not express complete consent between themselves".

At the present time the law directly does not oblige the priest, during the fulfillment of the search, to personally ask the groom and the bride about their mutual and unconstrained consent to the marriage. But this does not mean that in the case although of

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least doubt in so much effectiveness of the existing conditions, the priest should not accept the preliminary measure, which would lead him to the full persuasion in existence or, on the contrary, the complete absence of this condition (A. Pavlov, "The Rudder", chapter 50, pp. 81-89; refer to pp. 1102-1103 above).

<sup>5</sup> It would not be useless to demand **written permission of parents** for their children to marry in certain cases, as this is done in practice (S. Grigorovsky, "Sbornik tser. i grazhd. Zak. o brake [Collection of Church and Civil Laws concerning Marriage]", p. 55).

The decision of the Holy Synod of 23-30 Sept. 1877, № 1413 on the question about the collection of stamp duties collected from the documents specified that the marriage documents and "the written permission of parents for their children to marry" are (not subject to payment by stamp duty).

The Don Spiritual Consistory declared to the clergy of a diocese for performance that, in cases where there is no personal statement of the parents for the marriage of their children, they should demand from those being married the certificate of the consent to marriage of their parents, and in other cases there are enough instructions in a search for the consent of parents or guardians for the wedding of their children or those sponsored (Donskiia Eparkhial'niia Vedomosti [Don Diocesan News] 1800, 2).

Precisely as well the Samara Diocesan Authorities explained to the clergy of the diocese that when parents or trustees are found in person, then their oral statements are sufficient for their consent to the marriage of their children and those sponsored (and parents or trustees should be interrogated personally by the clergy to have full confidence that the consent is given by them, instead of go-betweens). But when parents or trustees are not found in person, then it is necessary to take the written certificates of the relevant authorities of their consent to the marriage of children and those sponsored (Samarskiia Eparkhial'nyiia Vedomosti [Samara Diocesan News] 1898, 1).

Refer to pp. 1103-1106.

<sup>6</sup> Resulting in this arrangement, at the same time we approach him, mainly in interlinear notes, with explanations concerning the documents demanded at marriage, borrowing them from other sources, and, of course, special attention should be paid to the decrees [ukases] of the Holy Synod cited in these notes and decisions, together with the civil laws, as having unconditionally obligatory value for the fulfillment of the marriage of those being married and for other persons concerning the given marriage.

<sup>7</sup> About the **majority age of persons** wishing to marry, the clergy verifies through inquiry with the metrical books or with spiritual lists for all, especially for the first years of birth of the persons wishing to marry; but if the groom or the bride were born in another parish - through the metrical inquiry or entry from the clergy of this parish (Instruktsiia blagochinnim [Instructions for Deans], § 18, note 2, compare § 41), or - about the groom (see note on the form of a search) - on the basis of the certificate about his service (Tserkovniia Vedomosti [Church News] 1898, 13).

In the decision of the Holy Synod of October 30, 1898, № 4465, it is explained that neither in the Ustav [Typikon] of the Spiritual Consistories nor in the civil laws (enc. to article 26 of the civil law) no instructions will be affirmed on the necessity of presentation of metrics about the birth of those being married at the wedding, and therefore the stay of crowning marriages when **the birth of the groom or bride does not appear in the metrical books**, but the clergy have no doubt about those being married are of age for marriage, has correctly and legally no foundation, but furthermore there is a superficial appointment in these cases of investigation.

By decision of the Holy Synod stated in the decree [ukase] of December 31, 1839, it is concluded:

1) The diocesan authority orders that in each parish to which **immigrants** arrive, the parish priest immediately makes the list of juveniles, with the indication of families to which they belong, and dioceses, districts and parishes from which they moved, and presented to the Consistory.

2) The Consistories forward those lists of immigrants in the Consistory of that diocese, for a note in the metric records from where they came, of the year of birth of each child, and after that to return these lists to the new parishes, so that they would be in readiness for the inquiry of the age for marriages.

3) When this order is not done, or in that case when the metrical record about any person about the place of birth has not appeared, then parish priests have to search the confession lists for the age of the immigrants and the census lists and to question the sponsors and acquaintances and if all these means of inquiry agrees that the groom and the bride are old enough to marry without presentation to the diocesan authority, but in the case of contradictions to inform the diocesan bishop for examination and permission.

In view of this, one of the clergy of the Orenburg diocese crowned the marriage of an immigrant based on only one extract, without performance of all the requirements ordered by the above-stated decree [ukase] of the Holy Synod, the verification of the age of the groom was not questioned under oath of the designated persons for the precise age of the groom, with the result that the immigrant was married before he reached the majority age for marriage, then the Orenburg Spiritual Consistory made it a duty of the clergy of the diocese to ensure the accuracy of the fulfillment of the requirements at the wedding of marriages of immigrants, ordered

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in the decree [ukase] of the Holy Synod of 31 December 1839 № 20215 (Orenburgskiiia Eparkhial'niia Vedomosti [Orenburg Diocesan News] 1889, 17).

In view of this, the clergy of the Tomsk diocese quite often sent to Consistories of other dioceses **telegrams** with the message of the time of birth and baptism of various persons, obviously, on the subject of marrying them. Such petitions as not legal have been left unanswered. The Tomsk Spiritual Consistory announced to the clergy of the diocese that they never address henceforth the Consistory with such petitions by telegraph, as the Consistories can only grant metrical certificates, instead of partial inquiries, and not differently, as the petitions are paid by duty stamps (Tomskiiia Eparkhial'niia Vedomosti [Tomsk Diocesan News] 1898, 5).

<sup>8</sup> Nobody is obliged to view the residence as a place of continual residence (Polozh. o vidakh na zhitel'stvo [position of the views on residence], article 3).

The place of continual residence admits:

1) for noblemen, officials, honorable citizens, merchants and varied ranked officials, it is a place where, who because of service or occupation or craft or real estate, has settled into an acquired house;

2) for petty bourgeoisie and handicraftsmen, it is a city, suburb or a small place, where they are ranked as petty-bourgeois or handicraftsmen;

3) for rural inhabitants, it is a rural society or volost to which they are assigned (ibid., article 2).

The inhabitants within a volost never have residence permits, therefore it is impossible to demand them at a marriage (Tserkovnyi Viestnik [Church Messenger] 1895, 19).

The certificate of celibacy of the person who was for several years in **absence from a place of continual residence**, serves as his passport, according to which he lived and in which, at delivery, is meant, "whether it consists or whether it consisted of the given person in marriage" (Polozh. o vidakh na zhitel'stvo, note for articles 33, 41 and 59). If during the absence, the given person has married, then the priest who did the marriage should note this on his passport (see Svod Zakonov [Code of Laws], vol. X, part 1, article 22, note 2), to make an entry namely with whom, when and in what church the wedding is done" (Tserkovniia Vedomosti [Church News] 1898, 13).

A woman parishioner long absent from parish, in the case of entry into marriage, should present her passport, according to which she lived outside the parish (Tserkovniia Vedomosti [Church News] 1896, 1).

For the certificate of age, it is possible to be based **on the indications of the passport** only in the event that under the passport the person, wishing to marry, is found to be not so young in age and not so advanced (Prakticheskoe izlozhenie tserkovno-grazhdanski postanovlenij [Practical declarations of church-civil rulings], pp. 142-143; P. P. Zabelin, "Prava i Obiazan. Presvit. [Rights and Obligations of the Presbyter]," p. 241; See also the decision of the Simbirsk Spiritual Consistory in the Simbirskiiia Eparkhial'niia Vedomosti [Simbirsk Diocesan News] 1897, 5), and generally when the clergy have no doubt about the standing of those being married.

The Samara diocesan authority explained to the clergy of the diocese that everyone wishing to marry, except local parishioners well-known to the clergy, is obliged to present a passport or other document which has not expired, with the designation: their vocation, religion, single or widowed or divorced, then after which marriage; thus clergy should pay special attention to points 3 and 4 of the passport, which should be clearly and precisely designated by the words: "has no standing and did not have standing" (in that entry he should specially contemplate carefully the word "not", whether it is placed after, in another ink and other handwriting), "single", "maiden", "widower after the 1st, 2nd marriage", or "widow after 1st, 2nd marriage", or "is divorced" and "divorced after [such] a marriage"; entries about marital status with the words: "is married", "is not married", "widower" or "widow" as unclear and not precise, makes the passport, without other auxiliary documents, unsatisfactory; discrepancies in passports of those being married or some points which have remained without entries of these are fulfilled by means of inquiries from the clergy to subject establishments; passports should be registered with the police (in order not to marry a vagrant); data on marital status, age and religion, described in another hand other than the passport and not properly verified, makes this passport in the sense of verification at a wedding unreliable (Samarskiiia Eparkhial'nyia Vedomosti [Samara Diocesan News] 1898, 1).

Under the official report of one of clergy of the Samara diocese (rather the non-crowning of his marriage in view that in the passport of the groom it merely says that "he does not stand in marriage", but it may already be, he consisted in three marriages) the Samara Spiritual Consistory decided to ask the Samara Provincial Council about the order, in order that the volost boards did not abandon the performance of their duties and brought in their given views on the residence entries about the position of the person, who received a view of what they have in the family record; the Provincial Council thereafter has suggested subject to the Zemsky authorities to order the elimination of incorrect written residence permits allowed by volost boards, but the diocesan authority declared for the knowledge of the clergy of the Samara diocese that it, on the basis of the designated decision of Provincial Council, in case of the failure by volost boards of their duties to make exact entries about the marital status of the person who received the passport, could demand the completion of inexact entries (Samarskiiia Eparkhial'nyia Vedomosti [Samara Diocesan News] 1898, 5).

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The granting of the Spiritual Consistories **of certificates on the rights of the status of children spiritual departments**, as not substituting for their passports, cannot serve as documents, sufficient for their unimpeded marriage. In the presentation of such certificates among other marriage documents, the clergy doing the wedding of the given person, is obligated, owing to the application to article 26, p.1, vol. X, of the Svod Zakonov [Code of Laws], at the return of the certificate, to make on it an entry of the time of the fulfillment of marriage (Opredelenie sviatago Synoda [Decisions of the Holy Synod] 20 Mar. - 27 Apr. 1890).

**The certificate given out by the police** under article 26 of the granting of residence permits (for the person, included in view of another person, in case of the death of the latter), is the same deferment which is made by the police without any documents, but is why it does not follow to crown the marriage under such a certificate (for details see the Tserkovnyi Viestnik [Church Messenger] 1898, 1).

Generally crowning of marriages of persons cannot be allowed, who are living according to the granting up to the reception of new passports, **the deferment, peasant passport or address certificates** in as much as in these documents no data on the marital status of the persons are available (S. Grigorovsky, "Sbornik tser. i grazhd. zak. o brake [Collection of Church and Civil Laws concerning Marriage]", p. 57). It is not necessary to crown under the specified documents and consequently that entries (see below, the following note) about the crowning, done according to the specified documents, cannot prevent the entry into marriage of the person already married. Whereas after the receipt of new passports, the marriage status of this person is designated in it. It is also not necessary to crown under the delayed passports.

By explanation of the "Tserkovnyi Viestnik [Church Messenger]", not only it is incorrect but it is directly illegal (see Svod Zakonov [Code of Laws], vol. X, part 1, article 26 items and the disposition in this article) the clergy approach, crowning parishioners from other parishes **under one passport**, without getting the data on the grooms and brides from their parish clergy (Tserkovnyi Viestnik [Church Messenger] 1893, 30; see 1897, 49; refer to Tserkovniia Vedomosti [Church News] 1898, 6).

<sup>9</sup> For the prevention of double and fourth marriages in the Code of laws it is decided:

1) In **passports** given out to merchants, petty bourgeois and peasants for divorce, **always to mean**, according to trade and providence, who is married or single, and if widowed, after which marriage.

2) In giving out passports to persons of both sexes, for timely or continual place of habitation, passports and other documents, **in the case of the entry of these persons into marriage**, to mark that by the hand of the priest with the notes, with whom, exactly when and in what church the wedding took place. In compliance with these marks, the military and civil authorities at the change or renewal of the mentioned passports and documents also signify the marriage status of those persons, to whom they are delivered.

3) To not crown **soldier's widows** differently, after the priests' submission of the death certificates of their husbands (Svod Zakonov [Code of Laws], vol. X, part 1, article 22).

Today, these certificates are not delivered by the military authorities, but from city or rural societies to which the soldiers' widows and their children are assigned (article 2073 of the Sv. voien. post. [Codex of Military Regulations], after the 6th supplement; compare the Tsirkul. Min. Vnut. Del. 30 Aug. 1878, № 49; see the Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei [Practical Manual for Church Servers], p. 216).

In passports of widows if it is not marked after which marriage they are widowed, then their **widowhood can be proved** from the metrical records (or inquiries about the metrics) about the marriage and death of their husbands, and their names, patronymics and surnames should be identical to their passports with the written metrics about the marriage and death of their husbands, namely: their surnames should be written in the passports the same as that of their husbands at the marriage, their names and patronymics with which they are written down in their last marriage in the metrics, and again their surnames should be the same in their passports with what is written down in the 3rd part of the metrics for the burial of their husbands, but these latter are identical with what is written in the 2nd part of the metrical books. If, in the husband's passport is written the full name and patronymic of his wife (sometimes they write in passport: "and his wife"), and about this the latter will be presented a metrical entry about her death, or her death is noted on the passport by the clergy doing the burial. Then for the wedding of the widower this should be presented by a metric entry about his marriage with a note about the metric entry certifying her death (Samarskiia Eparkhial'nyiia Vedomosti [Samara Diocesan News] 1898, 1).

Such documents, as the announcements of other diocesan Consistories that the first marriage of the **given persons, were dropped from the record**, should be considered legal, about what and is offered to enter into the metrics and that at the present time it should be considered widowed from the 1st marriage, is not enough for marrying the given person, if having to do the marriage the clergy will not take all measures for the verification for the certificate of that after the decision of the diocesan authorities on the marital status of the person, presented in the indicated document, changes have not been made (Tserkovnyi Viestnik [Church Messenger] 1897, 27).

For the possibility of suppression condemned to celibacy to mislead the clergy, Holy Synod recognized as useful to establish:

1) so that, during the crowning of persons entering a new marriage, **after a divorce of the previous marriage**, the clergy demand from these persons, among other documents, a properly certified copy of the decree [ukase] of the Holy Synod on divorce,

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In 2) that entries about the prohibition to marry on the documents of the persons condemned to celibacy, the Spiritual Consistories made it a duty:

a) to demand those documents (attestations, passports, certificates and residence permits) at the beginning of divorce cases and after that, after the statement by the Holy Synod of decisions of the diocesan authorities about divorces and the condemnation of the guilty to celibacy, to announce this decision to the persons, exposed to that condemnation, simultaneously with the entry on their documents details about this inscription

and b) together with this to inform on the noted decisions to subject (class) management or leadership to persons condemned to celibacy, with the caution, that in the case of change by these persons in their documents, entries about their condemnation to celibacy must be entered also in the new documents (Uk. Sv. Syn. [Decrees of the Holy Synod] on June 28, 1888, № 10).

<sup>10</sup> In the message of the **inquiry of confession lists** one of the other clergy can only be limited to the conclusion that those marrying now, after confession lists, is of age (Tserkovniia Vedomosti [Church News] 1898, 13).

In the resolution of this question, how months must be considered from the confession lists for the age of the persons, missed in the metrical books, the Don Spiritual Consistory decided that the confession of the age of persons should be considered on the basis of the exact power of record. For example, if the known person at the checking of parishioners usually happening in July or August, is written for two months, means that the age of that person one needs to consider May or June, if at this checking it is written for a week or two, then his age is necessary to consider from the same months, with which checking was done, and so on (Donskiia Eparkhial'niia Vedomosti [Don Diocesan News] 1877, 11; see the Svod uk. i Zam. [Code of Ukases and Remarks]).

<sup>11</sup> If the groom takes the **bride from a parish church, registered** to that parish which he himself belongs, then it follows that the local clergy crowning these persons regard that bride as their own parishioner (Tserkovnyi Viestnik [Church Messenger] 1898, 35).

If the **bride if from another parish**, then she needs to get from her spiritual father a certificate with the information: maiden or widow, age, whether she was at confession and holy communion, and whether this certificate applies to a search (Svod Zakonov [Code of Laws], vol. X, part 1, enc. article 26, note, item 2).

Without leading, the priest cannot crown those brides, who, for example, were his parishioners 10 years ago, but after that transferred to another parish since during their **residing at the other parish** their marital status could be changed and there can be obstacles to marriage about which he does not know (Tserkovnyi Viestnik [Church Messenger] 1892, 37).

The Samara diocesan authority explained to the clergy of the diocese that the birth of the bride in this or that parish does not change the matter concerning the necessity of receiving the certificate about her remaining in Orthodoxy, which should be obtained on demand of the clergy not from that village where she is born and baptized, but in the one she lived in recently. Such clergy are obligated to direct inquiries to the clergy, from whom the knowledge is required, instead of to assign the care of that to the very groom or his parents (Samarskiia Eparkhial'nyiia Vedomosti [Samara Diocesan News] 1895, 6).

It has been made a duty of the clergy of the Penza diocese (see Eparkhial'niia Vedomosti [Diocesan News] 1880, 18) in the data on brides to enter all that is required by law, and the form of marital search in the following **form of the certificate** has been published:

"By this certificate we testify that the bride of our parish, such diocese, such city (to name it by the diocese and city) or villages, such district (to enter the village and district), such church (its name), such (enter the occupation, name, patronymic, surname and religion), maiden or widow after the first or second marriage, wishes with her consent (refer to p. 1131) and with the consent of her parents or guardians and trustees (vocation or rank, place of service, name, patronymic and surname of each of them; if the parents are not living, then so stipulate) to marry the groom (occupation, name, patronymic and his surname), a parishioner of such church in the city or village (of what district). Her age, as it has appeared under the inquiry into the metrics for such year, or - into the spiritual father lists for the first years from birth of not less than three years, with their designation, to write such age in words and after that in figures), and is found in sound mind (refer to p. 1131); she was at confession and holy communion (or will appear). After the triple announcement in the parish church, then (year, month and date), after which obstacles to this marriage by anybody is announced. In witness thereof, with the application of the church seal, are placed the signatures": (signatures of the clergy giving the certificate, and also the year, month and day follow).

It does not follow, instead of the certificate of the parish spiritual father of the bride, who knows about her as about one's parishioner, to accept **the certificate of the hieromonk** who can know neither the maiden bride nor her age; the certificate from a hieromonk, the celibate priest made it clear that the matter is hidden from the parish priest, who would make it an obstacle to marriage (see the resolution of Metr. Philaret in the Dushepoleznoe Chtenie [Edifying Reading], 1887, part 2, p. 24).

The Samara diocesan authority explained to the diocesan clergy that **certificates on the way of life in confession and at Holy Communion before the fulfillment of marriage**, given at the request of those being married, cannot serve as sufficient proof for Orthodoxy (Samarskiia Eparkhial'nyiia Vedomosti [Samara Diocesan News] 1896, 24, 1898, 1).

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It does not follow to confess the bride in the case of non-presentation by the bride of confession certificates from her father confessor to the priest doing the marriage; this is an abuse. The information from the former father confessor of the bride, because it explains the way of life in confession and other circumstances, is required: her age and marital status, the confession of the bride to the priest doing the marriage cannot substitute. Besides other matters, if the bride, confesses and partakes of the holy mysteries in due time. But one confession without preparation on the day of marriage is merely abusing the sacrament for the cover of unlawful activities (See the Resolutions of Metr. Philaret in Dushepoleznoe Chtenie [Edifying Reading], 1885, part 2, pp. 253-254).

The parish priest, who knows the church documents, should ask for the official confession certificates of the bride, precisely whether she is a maiden and her age, or a widow and after what marriage (see the resolutions of Metr. Philaret in the Dushepoleznoe Chtenie [Edifying Reading], 1887, part 2, p. 243).

**If the bride is not of age**, then to the clergy to whom the certificate is to be delivered, it is necessary neither to give certificates nor to stipulate immature age, in order not to promote the illegal fulfillment of marriage (ibid., 1892, part 2, p. 141).

If the priest, who delivered the information about the bride with the notification message about an obstacle to marriage and after that learned that she intends to enter into marriage with a close relative, the **prevention to the crowning by the priest about the "doubtfulness" of the marriage** has been made by telegram, then the main responsibility falls, of course, to the latter clergy, who have not paid any attention to care about the delivery of information of the clergy to correct the oversight. But it is also not right that the latter clergy, if they have not observed the precautions demanded by the law, i. e. if they have given out information, without having made announcements (Tserkovnyi Viestnik [Church Messenger] 1893, 21).

If where, after the established custom, the marriage gets crowned in the parish church of the bride, then all the aforesaid may concern, of course, not only the bride but also the groom. Refer to pp. 1073-1079.

<sup>12</sup> The permission for entry into marriage **by the military department** will be given: by the Minister of the Military - to the military ranks of the ministry, reporting directly to him (Sv. voien. post. [Codex of Military Regulations], publ. 1893, book 1, article 23). For the Authority of the Chief Management - for the military and civil ranks of this Management (ibid., article 387, item 4), but the designated assistant authorities and the designated assistant chief is for the lower ranks of Management (article 449, item 3); The commander in chief of the military districts is for the commanders of the departments of the military-district administration, but also for the ranks including the designated chief (article 449, item 3);

The chief of staff of the district is for all the ranks subordinated to him (article 92, item 7);

The chief of the local brigade is for the district military chiefs subordinated to him, commanders of separate parts and ranks of his administration (Sv. voien. post. [Codex of Military Regulations], publ. 1890, book 3, article 123);

The commander of the corps is for the chiefs of divisions and personnel, having different authority with them, for the chief of the corps staff, for the corps physician and persons under this commander (ibid., publ. 1891, book 5, article 167, item 7);

The division commander is for the generals subordinated to him to the commanders of the separate units, the chief of staff of the division and the divisional physician (ibid., article 236);

The chief of the shooting brigade and the chief of the sapper brigade have the rights of a Chief of a division (articles 292, 330);

The commander of an artillery brigade is for the commanders of the batteries subordinated to him and to the parks and ranks of the administration of a brigade (article 319);

The commander of the fortress artillery has the rights of the commander of the artillery brigade, which are part of the corps (article 543);

The commander of a regiment is for the staff and for the subaltern officers, civil officials and the lower ranks of his regiment (article 383);

Commanders of separate batteries, the chief of the cadre of the cavalier supplies and the commander field gendarme squadron have the rights of the commander of a regiment (articles 502, 588, and 607);

The chief of the hospital is for the ranks of the economical discharge (ibid., publ. 189, book 16, article 63, item 5);

The chief physicians are the medical and the pharmaceutical ranks (ibid., article 120).

After the military-medical department: the District military-medical inspector, but in the Caucasian district physicians of departments give the permission for entry into marriage to the medical ranks of the military schools, head physicians of hospitals and governing pharmacy. Divisional physicians are all the physicians and veterinarians in the division. The chief physician of the hospital is for the hospital ranks according to the medical and pharmaceutical parts. The chief of the hospital is for the hospital ranks by economical part (Sobr. ukaz. [Collection of ordinances], 1882, article 452; Polnoie Sobranie Zakonov [Full Collection of Laws], 1871, № 49169; Sv. voien. post. [Codex of Military Regulations], 1869, book 16, article 86, item 4, article 29, item 5).

Atamans of the Orenburg department of the Cossack armies authorize the entry into marriage for the ranks subordinated to them, which are in the service in departments (Sobr. ukaz. [Collection of ordinances], 1884, article 444). Army Board of the Seven of the Cossack armies presents to the ataman by delegation about the permission for entry the into marriage those serving on the army staff and subaltern officers (Sborn. rasp. po kazach. voisk., vol. 15, part 1, № 74); those standing in the exempt regiments in the

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army and on the supply staff and subaltern officers, do not ask for permission for entry into marriage (Sobr. ukaz. [Collection of ordinances], 1884, article 444).

The permission for entry into marriage of chancellery officials of the regional board of the Don army is given at the discretion of the assistant to the chairman of the designated managements (Nak. obl. pravl. voisk. Don. [Instructions of the ruling oblast of the Don Armies], § 21; see V. N. Mordvinov, "Sborn. Zak., raspor. i raziasn. o brake [Collection of Laws, questions and answers, about Marriage]", pp. 15-16).

The permission of marriages of naval officers is made by the chief commanders and commanders of the ports. The permission to officers for marriage: serving in the reserve fleet, employees on commercial vessels, which serve other departments and those on indefinite leave, will be given by the main commanders and commanders of the ports, if those officers are found in one of the ports of the naval department. In case of their finding out of the ports, the permission for the entry into marriage will be given by the director of the inspector department. Officers serving in the establishment of the ministry, permission for marriage will be given by the heads of those establishments. Permission for marriage for officers, who are on ordinary leave, depends on their authority (see Opređenje sviatago Synoda [Decisions of the Holy Synod] from 10 Oct. - 1 Nov. 1880).

Owing to the message of the Ministry of War of the Ober-Procurator of the Holy Synod that the lower ranks who are on short-term leave, have no right for the entry into marriage and that this right is the position confirmed by the Highest Command on December 26, 1870 by the position of the War Council, announced in the order for the military in 1871, for № 1 (Sbor. ukaz. i raspor. pravit. [Collection of Ordinances and Inquiry of the Director], 1871, № 84), is only given to the lower ranks, which are found on temporary leave (but not short-term), temporary leave by the Highest command, announced in the order of the military department in 1876 for № 205 (Sbor. ukaz. i raspor. prav. [Collection of Ordinances and Inquiry of the Director] 1876, № 1186), but also indefinite leave is now replaced by the general name - army transfer to the reserve, and tickets of the former form (red and yellow) are replaced by tickets of the new form - white with colored covers by the nature of the weapon, - by decision of the Holy Synod, 3-26 Oct. 1880 for № 2118, is offered by the spiritual department that clergy of churches did not do marriages of the lower ranks of the military department on short-term leave. Marriages of the lower ranks transferred to the army reserve may be done on the former basis. By explanation of the circulated decrees [ukases] of the Holy Synod of 28 Feb. 1889, for № 2 and 9 Feb. 1895 for № 2, certificates, are now given by the military authority transferred from the army to the reserves (former temporary or unlimited leave), but also equally leaving the reserve by resignation, merely certify the passage of military service by the bearers. Thus these certificates can be neither residence permits nor can they be certificates of family situations, just as there were former decrees [ukases] about retirement, or red and yellow passports. Therefore if someone from such people would wish to marry, then the priest is obligated to demand from him the same documents as under similar circumstances, should be presented by other persons who were not in military service and not to do marriages at all after discharge only for the passports which requirement from those being married is presented as excessive.

In the "Vest. Voen. Dukhovenstva [Messenger for Military Clergy]» among the order of the Fr. Protospresbyters of the Army and Navy Clergy, for the information and execution of the military clergy, is published from a copy of the response of the Chief of Staff from the passed 10th of August for № 37102 about documents at the entry into marriage of the lower ranks the following:

"In protection of regimental priests from responsibility, what is defined by the law, for non-observance of premarriage precautions by them, the Protospresbyter of the army and naval clergy has raised the petition for this, in order that the chiefs of the fighting units, authorizing ranks subordinated to them for entry into marriage, granted their certificates, with the explanation in these that the groom is of Orthodox or heterodox religion; single or widowed, and in the latter case - after which marriage; of what age, and that the military authorities did not see any obstacles for his entry into a legal marriage with the bride chosen by him. And, in view of this, that the mentioned certificates concern the documents which are given out in the private interests of the person, what each military rank appears in the present case, and are not specified in the Ustav [Typikon] about the stamp collection among the retirees from such collection of papers, would grant signifying certificates as to officers, and likewise for the lower ranks with the observance of the rules concerning the stamp duty; for discovering whether the individual bride has attained the age the church requires for entry into marriage, whether she is related to the groom, whether she is single or a widow, who her parents are and so forth, - would be ordered each time for the military ranks, who wish to marry in the regimental church, so that they present to the regimental priest all the necessary documents on the bride" (Vest. Voen. Dukh. [Messenger for Military Clergy], 1895, 24).

Not under any circumstances should priests open the envelopes pasted to tickets with their supplementary sheets of the lower ranks as these envelopes may be printed out only by the administration of the district military chief.

The discharge tickets, which are given out to the lower ranks, at their dismissal from active service in reserve, do not release the designated persons from reception of the established passports and visas for those cases when such are required, under the law. In giving out the reserve passports and visas to the lower ranks it is designated that the bearer be numbered in an army or naval reserve (Svod Zakonov [Code of Laws], vol. IV, Ust. o Voin. Povin., publ. 1897, article 239).

As to the new passport charter, transferred to the reserve and retired, being home, are not obligated to take tickets or passports, once they do not leave on the side, then, by explanation of the "Tserkovnyi Viestnik [Church Messenger]", it follows, at the

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marriage of these persons, to demand information on them from the local volost boards. This information may also serve as the verification as to whether the given person has really served in the army and is enlisted in the reserve, the clergy can also know about them and by the notes on the confession sheets. Information received from the volost boards are left for the search. It is necessary to inform that board from where the information is received about the marriage of these persons, (Tserkovnyi Viestnik [Church Messenger] 1897, 48; 1898, 8).

Refer to pp. 1107, 1116-1118.

<sup>13</sup> The Ekaterinoslav Diocesan Authority announced to the local clergy that they do not begin at all the fulfillment of marriages for persons who are in the service, both military and civil, without the **permission of their authorities**, verification in written certificates, in order to prevent the infringement of article 9, part 1, vol. X who will be made answerable to article 1577 of the Ulozhenie o nakazaniakh [Criminal Code of Laws] (see note 3 on p. 1127).

Persons, **servng at educational institutions**, of all vocations and situations while they serve in the educational service, ask permission for entry into marriage from the authority in the place of their service (Samariskiia Eparkhial'nyiia Vedomosti [Samara Diocesan News] 1898, 1).

In most cases during the marital crowning of those who **completed a theological seminary course** are satisfied with the permission, or with the ticket given out by the Spiritual Consistory, but, of course, the legal bases for similar privilege are not present, and if there is no reason to demand from all of them any documents (since the bases of them are found during the ordaining matter of the Consistory) the certificate for confession and communion and announcements (from other parishes) should certainly be demanded. Announcements are necessary for keeping the established order (Kishinevskiia Eparkhial'niia Vedomosti [Kishinev Diocesan News] 1894, 8).

**Workers on free hiring**, at least in the government agencies, should present the same documents, as well as all other persons, not serving in valid public service. By the documents which have been given to designated persons, from those establishments where they serve as free workers, or from those persons who serve according to the same hiring, - it is not necessary to crown.

<sup>14</sup> At the entry into marriage, young people who have not yet reached being called up (21 years) and who do not belong to peasant estate, are obligated to show the priest **the certificate about the codicil** to an invocatory police office, but all other persons without exception, who have reached 21 years of age, i. e. military age - certificates on the presentation of the passport for compulsory military service (Svod Zakonov [Code of Laws], vol. IV, Ust. o Voin. Povin. [Ustav on Military Service], publ. 1897, articles 118, 185).

<sup>15</sup> Permission for **marriage of the noble young woman** from the marshal of the nobility under laws in force (see article 1, part 1, vol. X, Svod Zakonov [Code of Laws] above on p. 1106) is not required (Tserkovnyi Viestnik [Church Messenger] 1892, 16).

<sup>16</sup> The Samara diocesan authority explained to the clergy of the diocese about the inhabitants of the city and suburbs and generally about those who often change their residence, due to their kind of occupations, although they also belonged to the continual parishioners having a settled way of life in the parish, as a precaution, are required from the city and justices of the peace, or from merchant or citizen elders **certificates based on family records** about their marital status (refer to p. 1100). Messages of appropriate establishments and persons issuing residence permits or leading official records of persons, working in public service, that in the family records or data cards there are no notes about entry into the 1st, 2nd or 3rd marriage of the person who wishes to marry, can be accepted with the same force, as well as notes about the marital status of these persons in the documents making residence permits. It is not necessary to accept certificates of police officers on the family status of persons (of the Orthodox confession), wishing to marry, established merely on the basis of testimony, (Samariskiia Eparkhial'nyiia Vedomosti [Samara Diocesan News] 1898, 1).

The Don Spiritual Consistory declared to the clergy of the diocese for the needed performance in needed cases, that those priests whom, applying to the search, instead of passports, not relevant to the certificate to the newly arrived people (of the Orthodox confession) on the lack of obstacles for entry into marriage issued by the local police administration, arrive incorrectly and do not observe the premarriage precautions in this case established by the law, why the following may appear as illegally performed marriages (Donskiia Eparkhial'niia Vedomosti [Don Diocesan News] 1892, 5).

<sup>17</sup> For elimination of met obstacles at the conclusion of marriages between persons of the Orthodox and Roman Catholic confessions, the Holy Synod declared by spiritual department circular decrees (ukases) for the fulfillment and administration so that clergymen at the fulfillment of marriages between persons of the Orthodox and Roman Catholic confessions did not demand from following presentation of **confession certificates from the censor** (Uk. Sv. Syn. [Decrees of the Holy Synod], 18 Dec. 1891, № 3212). - Refer to p. 1129.

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<sup>18</sup> The Stavropol Spiritual Consistory prescribed for diligent management to the priests of the diocese that they do not at all crown marriages of **foreign citizens** having national passports, by merely this document only, but would certainly demand from interested persons to marry foreigners of the certificate from their consuls that there are no obstacles to marriage (see Tserkovniia Vedomosti [Church News] 1896, 51 - 52).

Similar orders were issued by the Kherson (in 1881) and the Taurian (in 1890) Spiritual Consistories (see Tavricheskiia Eparkhial'niia Vedomosti [Tauric Diocesan News] 1890, 6; see also the Tserkovnyi Viestnik [Church Messenger] 1892, 29; Tserkovniia Vedomosti [Church News] 1896, 44).

The Austrian citizen, although living in Russia since childhood, in one parish after the observance of all other premarriage precautions, precisely after presentation moreover of the legal document on his celibacy and during absence from Russia (Kn. o dolzhn. presv. pr. [Book on the Duties of the Parish Presbyter], § 125). Likewise they should also arrive with **deserters of foreign armies** (Tserkovniia Vedomosti [Church News] 1898, 5). Generally concerning foreign citizens, it is necessary to have in view that they, being found in Russia, are subject to the action of Russian laws (Svod Zakonov [Code of Laws], vol. IX, publ. 1876, article 995), and at their wedding with Russian Orthodox citizens, the same legal demands should be made of them about the lack of obstacles to their marriage, as well as to the latter (ibid., vol. X, part 1, article 67, item 2).

*S. V. Bulgakov, "Handbook for Church Servers", 2<sup>nd</sup> ed., 1274 pp. (Kharkov, 1900) pp. 1130-1139.  
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