

A. The Age of those Entering Marriage

Marriage is forbidden to persons more than 80 years old without regard to sex¹, but also male persons less than 18, and women less than 16 years old. Only in the Caucasus owing to local environmental conditions is it permitted to natural inhabitants of the Caucasus to marry, men at 15, women at 13 years². However, the diocesan hierarch³ has the right under his personal discretion to approve the marriage and in the event that the groom or the bride will take no more than a half a year to become of legal age⁴. (Svod Zakonov [Code of Laws], vol. X., part 1, articles 4, 3 and the note for article 3).

If they do not reach that indicated legal age of majority for marriage in less than a half a year, even if it is merely for one day, then the petition to the Hierarch for his permission of such a marriage should in any case not be submitted and priests should teach and discourage their parishioners from submitting such petitions⁵.

Because minors have no right to marry without the consent of their parents or guardians, petitions to the Bishop for the permission of marriage of minors⁶ should also include a written consent signed by their parents or, in case of the death of the latter, guardians or relatives responsible for their upbringing of those who are seeking marriage⁷. Thus it is required that these petitions contain specified important reasons for an underage marriage⁸, one is the desire of parents to unite the groom or bride of insufficient age in marriage, according to the thinking of the Imperial ratification on May 11, 1879 of the decision of the Holy Synod, it is insufficient (see the disposition of the Chernigov Spiritual Consistory in the Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1888, 23).

Priests, from their view, should verify the requests for the date of birth of that person for which the permission is requested, and valid justification of the reasons in the request explained⁹ (see, e. g., the decision of the Chernigov Spiritual Consistory in the Chernigovskiiia Eparkhial'niia Vedomosti [Chernigov Diocesan News] 1886, 5, 1889, 11, Mogilev Spiritual Consistory in the Mogilevskiiia Eparkhial'niia Vedomosti [Mogilev Diocesan News] 1892, 34, Tobolsk Spiritual Consistory in the Tobol'skiiia Eparkhial'niia Vedomosti [Tobolsk Diocesan News] 1894, 6; refer to the Minskiiia Eparkhial'niia Vedomosti [Minsk Diocesan News] 1890, 4-5).

The Podolsk Spiritual Consistory announced to the clergy of the diocese, in order that while petitions for the permission of marriages by minors: 1) parish priests were not limited by the inscription that all petitions are faithfully written, but would represent literal extractions from the metrical registers; 2) so that not only the priest signs the document as in the Podolsk diocese, but also other members of the clergy (the deacon or the psalm reader); for the non-observance of these requirements a fine will be imposed on the guilty in favor of guardianship of the poor spiritual ranks. Together with this, parish priests should inspire their parishioners so that the stamps, necessary for the application to the petitions, were pasted, instead were applied merely to papers, in as much as the stamps not pasted can be lost, or not be applied to those papers, to what they (stamps) were applied¹⁰, because usually it is necessary to receive several various petitions at once (See Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1889, 14).

These petitions usually come from His Eminence in the Consistory, to where it is necessary to turn for the reception of hierarchical resolutions on such petitions. Telegrams from His Eminence concerning marriage permission are dropped

without consequences¹¹ (see the decision of the local diocesan authorities: in the Chernigovskiiia Eparkhial'niiia Vedomosti [Chernigov Diocesan News] 1886, 5, in the Kurskiiia Eparkhial'niiia Vedomosti [Kursk Diocesan News] 1898, 48, in Omskiiia Eparkhial'niiia Vedomosti [Omsk Diocesan News] 1899, 5).

The Penzen Diocese, in order to reduce expenses, allowed the sending of petitions by mail¹², and likewise it has been permitted to write the certificate of the clergy on the reasons for marriage on the petitions for the permission of marriage¹³ (Penzenskiiia Eparkhial'niiia Vedomosti [Penza Diocesan News] 1882, 1; see likewise the decision of the Volynsk Diocesan Authorities in the Volynskiiia Eparkhial'niiia Vedomosti [Volynsk Diocesan News] 1892, 4).

The local diocesan authorities notified the priests of the Polotsk diocese to inspire their parishioners to turn to His Eminence with the request for the permission to marry in relationship of those being married or their being of not of majority age, only when there are already resolute arrangements and firm intention of those being married, with their parents or guardians, instead of only partially raised assumptions (See Tserkovno-Obshchestvennyi Viestnik [Church-Society Messenger] 1876, 136).

In the view that some clergy gave out to their parishioners metrical extracts for the petition for the permission to minors on entering into marriage for half a year and even longer than that term, in which this permission of the hierarchical authority was given (and probably, that for the term of the permission of the groom and the bride already will not be in the light, or the courtship is disturbed, and for this or that reason the delivery of the extract, the petition and the expense for it and the hierarchical permission may be given in vain), the Stavropol Hierarch let it be known to the clergy of the diocese that in similar cases they abstain from the

premature delivery of metrical extracts (Stavropol'skiia Eparkhial'niia Vedomosti [Stavropol Diocesan News] 1889, 20).

Thus the order of soliciting permissions of the Hierarch on the marriage of persons, not having reached legal age, is extremely various: in one of the dioceses presentation to the Bishop is required, together with the petition and metric extracts; in others - besides the extracts, lists of the family structure of those entering marriage are presented; and, in the third - the clergy certifies on the petition the valid necessity of not waiting until the lawful age, in the fourth are data on the years left and subscribed to by the clergy on the petition; finally, the permission of the Hierarch may be asked also simply on the official report of the priest (see Tserkovnyi Viestnik [Church Messenger] 1895, 12). Thus it is clear that, during the soliciting of the above cited for permission to marriage, should follow the order, legalized in the given diocese by special rulings of the local diocesan authorities or established by custom, accepted in the given diocese. But anyway it should mean that petitions should be submitted:

- a) Addressed to diocesan Hierarch or his Vicar¹⁴,
- b) Parents, guardians or relatives who are rearing those being married (see Svod Zakonov [Code of Laws] vol. X, part 1, article 5),
- c) With the indication of good reasons for such marriage (see note for article 3, part 1, vol. X of the Svod Zakonov [Code of Laws]; Uk. Sv. Syn. [Decrees of the Holy Synod] 1841, IV, 23, 1857, V, 31, 1859, III, 28, 1879, V, 11),
- d) With the payment of the petition with an 80 kopeck stamp and with joining of another same stamp on the response (Ust. [Typ.] for the coll. of stamps, article 69;

Uk. Sv. Syn. [Decrees of the Holy Synod] 1877, IX, 23; for details see below, about the coll. of stamps), and

e) the authentication written on the petition by the church clergy, as well as any ecclesiastical document, should be sealed by the necessary quite discerning signature of those testifying and with the application of the church seal.

All officers on active duty in all the armed forces, military management, establishments and institutions without exception, or on temporary leave, are not permitted to marry before 23 years of age. Those not having reached 28 years of age the entry into marriage can be authorized by the authority not differently than after presentation of the established property bail¹⁵ (Sv. voien. post. [Codex of Military Regulations], book II, publ. 1892, article 946).

The decree [ukase] of the Holy Synod on February 20, 1861 made it a duty for priests that they marry persons of considerable age difference who turn to them, after they have explained to these persons all the inconveniences that can subsequently happen to them because of the difference of years; but if after this they do not cancel the desire to marry, then to crown them unimpeded¹⁶. If both persons, either of which or one of them have married, before reaching church majority¹⁷ or being more than 80 years old, then the marriage is considered unlawful and void¹⁸. After an investigation of the matter, those who have married immediately, after discussion of the diocesan authorities with the local civil authorities, are separated from further co-habitation and those more than 80 years old are separated for ever (without the right, of course, to enter a new marriage). Children from the specified marriages are considered illegitimate, however, the secular court can, attending to circumstances meriting consideration, turn to the merciful view of the Imperial Majesty on the petition for the protection of these

children with the same rights as lawful children (Svod Zakonov [Code of Laws], vol. X, part 1, 37-39, 132-133; Ustav Dukhovnikh Konsistorii [Ustav of the Spiritual Consistory], 205, 218). If those married have not reached church majority, on reaching full civil majority¹⁹, wish to continue the marriage, this is permitted to them. But their union must be validated by the church ritual (Svod Zakonov [Code of Laws], vol. X, part 1, article 39; Ustav Dukhovnikh Konsistorii [Ustav of the Spiritual Consistory], 219), i. e. they again "are married with the repetition of the established questions and answers during the wedding relating to the free desires to enter into marriage and with the repetition of the prayers at the end of the marriage in the published Great Book of Needs" (refer below about this), thus they are given an opportunity to cleanse their conscience before their father confessor for their premature entry into marriage (see the Uk. Sv. Syn. [Decrees of the Holy Synod] addressed to the Archbishop of Kharkov, of Jan. 31, 1838, №662).

The priest, deacon and assistant clergyman for the marriage ceremony of such persons who definitely still have not reached the age for entry into marriage, if an inquiry indicates that they have not applied due measures to ask about this, are punished²⁰ without dismissal from the places of their assignment to a monastery: priests for half of that time, depending on how many were married who did not reach the civil majority age, but the deacon and cleric for half of that time, on how many the priest sent. But if they would reach majority in less than a year, the priest is released from the place and is reduced in rank to a cleric, for the above designated length of time. Clerics convicted of that crime for the second time, after dismissal from the place, are defined as clergymen for half a year and more, depending on the circumstances of the deed, but the clergymen are sent to monasteries for half the term, of reaching to the majority, or are also completely

excluded from the spiritual department and transferred by order of the Governing Board if they were already tried for indecent behavior and were fined. A cleric of the same parish, if he did not participate in the wedding but knew of the illegality of the wedding, did not try to prevent it and has not immediately reported this, is punished at the discretion of the diocesan authorities (Ustav Dukhovnikh Konsistorii [Ustav of the Spiritual Consistory], 188).

1

In "the Course on Civil Rights" by K. Pobedonostsev (see part 2, p. 34) it is said that "the oldest age for marriages according to church law (see St. Basil the Great, canon 24) is 60 years, according to civil law it is 80 years. Therefore when they marry after 60 years, though it is not opposed to civil law, but permission of the hierarch is required for the wedding (also see Sborn. Tserkovnyi and grazhd. Zak. o brake, [Coll. of the Church and Civil Laws about Marriage], by S. Grigorovsky, p. 2; Sborn. zak. raspor. i raziasn. o brake [Coll. of Laws about Marriage, Questions and Answers] by B. Mordvinov, p. 7). By the established practice, according to some such permission is not required, but that is why marriages of the persons over 60 years old, also get married by us without asking permission of the hierarch to do the wedding. However, e. g., the Samara Diocese knows for those in advanced years wanting to marry that archpastoral permission is required (see Samarskiiia Eparkhial'nyiia Vedomosti [Samara Diocesan News] 1898, 2). Obviously, priests in this case should arrive at how this is accepted in their own diocese.

2

The application of this legislation is admissible only in Transcaucasia and then only to the native inhabitants i. e. those born there, instead of casually living there (Tserkovnyi Viestnik [Church Messenger] 1895, 48; 1896, 1).

3

If it should happen that those betrothed belong to two parishes of different dioceses, then the marriage in all those cases when the permission of the Hierarch is required, is decided by the local Hierarch, i. e. in the diocese where the marriage will be done, in as much as the local Bishop has supervision for the lawful fulfillment of marriages in his diocese (Pskovskiiia Eparkhial'niia Vedomosti [Pskovian Diocesan News] 1895, 5).

4

In 1890, the Archbishop of Tambov, seeing the full levity of the applicants for the permission of marriage for the lawful majority of the groom and, in rare instances, the bride, by a complete misunderstanding of the powerful meaning of the mystery of marriage, not going further than petty economic reasons and requirements, and, with other parties, is inappropriate and a self-interested condescension of church clergy, from which some obligingly write petitions, unlawfully subscribed for the illiterate, has suggested that the Consistory declare to the rectors of the parish churches of the diocese, for the exact execution, following his order: "In order that they, for the elimination of this moral harm, on both their sides:

- 1) Persistently inspire their parishioners about the unlawfulness being done, owing to indulgences for the usual appearance of early marriages of their children and the full harm from them.
- 2) Repeatedly, at any opportunity, declared to them that early marriages can be legally allowed only in such cases when judgment by the really important needs will also be shown to me, otherwise to advise and not vainly spend for the preparation of a wedding feast, and on the letter making the petition, which will be returned without satisfaction.
- 3) And, moreover, with father-like - understanding explained to the parishioners that in due time warn them, that they not be angry nor grumble, when it is necessary for them to be refused in requests without basis, taking great pains to convince them that parents need to become staid and be reasonable, to cease indulging in childlike passions and concede paying attention to unworthy petty economic considerations, as is usual in such cases the indulgence of

parents is extremely harmful to children for them both in corporal and moral relation to all life, as any premature, unlimited and unlawful satisfaction of corporal requirements (Tambovskii Eparkhial'niia Vedomosti [Tambov Diocesan News] 1890 22; see also the order of Kaluzhskago diocesan authorities in Tserkovniia Vedomosti [Church News] 1890, 7; refer to Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1895, 39; Vyatskii Eparkhial'niia Viestnik [Vyatka Diocesan News], 1897, 23).

5

In the "Simbirsk Diocesan News" the following form of the petition was published: "Presenting herewith a metric extract of the age of NN from the local clergy on which the certificate of extreme need in the premature marriage NN is stated, I humbly ask your Eminence, on the basis of the decree [ukase] to the Holiest Synod, dated May 31, 1857 for №5394, to permit the local clergy to do this marriage, if through a search they do not meet obstacles for this. Herewith I apply two 80 kopeck stamps. Signature of the applicant with a designation of his residence" (Simbirskii Eparkhial'niia Vedomosti [Simbirsk Diocesan News] 1883, 8).

6

The Decree [Ukase] of the Simbirsk Spiritual Consistory of Apr. 8, 1883 confirmed to the priests of the diocese that they, under fear of being fined, in entering into the clergy sheets, not giving out at all metric extracts about the birth of grooms and brides for the application to petitions for the permission to enter into such premature marriage which cannot be allowed even by Hierarch, i. e. earlier, than the groom be 17 1/2 years old, and the bride be 15 1/2 years (Simbirskii Eparkhial'niia Vedomosti [Simbirsk Diocesan News] 1883, 8; see also 1898, 1).

7

The Stavropol Spiritual Consistory ordered the parish clergy of the diocese to explain to their parishioners, that with the requests for permission to enter into marriage must be turned over to the diocesan bishop and not to matchmakers, parents or guardians of brides, and that petitions of matchmakers will not be satisfied in the future (Eparkhial'niia Vedomosti [Diocesan News] 1889, 18; see also the disposition the Minsk Spiritual Consistory in the Minskii Eparkhial'niia Vedomosti [Minsk Diocesan News] 1890, 4-5). Parents or guardians of minors may also charge business management to foreign persons, but, in that case, they should give the latter a written power of attorney, properly certified. Only those oral powers of attorney are valid, which are given: 1) for the application of the hand in whatever request, when those who are illiterate are verified as not able to sign this; 2) on giving, i. e. on the delivery of whatever requests, for which it is sufficient to make a sign under the request, that such a sign is verified (Zabelin, p. 216-217).

8

For good reasons there may be a lack of family members necessary for the supervision of underage children or for maintenance of the family due to the age, illness or death of senior members of the family (Zabelin, p. 215). The Penzen Spiritual Consistory (see Penzenskii Eparkhial'niia Vedomosti [Penzen Diocesan News] 1881, 1), explained that only for good reasons may be recognized: a) death or heavy illness of the sole women in the family; b) special multifamily, also consisting of juvenile children, for example, either the mistress is the mother of the groom or the matchmaker and so forth. Therefore clergy should take great pains to prevent parishioners from requests for the permission of marriages until a superficial majority and not to certify requests for permission of marriages for only economic reasons (e. g., following decreased cheapness of products during a known time). The desire of parents to have extra working hands in an economy has been recognized by the archbishop of Kaluga as a completely disrespectful reason (see Tserkovniia Vedomosti [Church News] 1890, 7).

9

Relating to the authentication of petitions for permission of underage marriages presented to the archbishop, the Archbishop of Stavropol presented to the local Consistory to make corresponding reminding and explanatory orders with forestalling, that requests not authenticated by clergy of the indicated kind will be sent to the clergy for authentication, that should cause the delay of the permission of His Eminence, sometimes unprofitable for applicants that, of course, the clergy should not wish and allow for their parishioners, and that may lead parishioners to unpleasant relations toward their clergy. But if it appears that the clergy knew about the presentation of the petition and it left without authentication, then he will remain without the necessary penalty collecting (Stavropol'skii Eparkhial'niia Vedomosti [Stavropol Diocesan News] 1889, 20). According to the order of the Kievan diocesan

authorities if after the examination of the petitions intended for presentation to His Eminence by the clergy, there should be whatever errors in the latter, then the clergy should give an explanation about this on such petitions (see the disposition of the Kiev diocesan authorities in the Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1889, 35).

By the explanation of the Penzen Spiritual Consistory, clergy should give out certificates of valid need in the allowance of marriage before the age of majority no more than a half a year only after the personal certificate in this need, instead of only an assurance of the applicants or after hearings, and besides to still explain that the groom or the bride, who has not reached the age of majority, have both sufficient physical and spiritual development (Penzenskiia Eparkhial'niia Vedomosti [Penzen Diocesan News] 1891, 1).

The Simbirsk diocesan authorities in 1897 paid attention that the clergy of the named diocese give the certificate of necessary need in under age marriages, for the most part, unintelligibly, vaguely without verification, without the application of the church seal to those certificates even when it is necessary, whenever possible, of the medical certificates. In a word, they witness to the marital status of the applicants with general phrases, instead of particular and detailed, as though followed, with the transfer of all the members of a family of the applicant and with the indication of their ages. Other clergy, without finding, as it seems, sufficient bases for the reception of the allowance of an underage marriage and without wishing to reject the petition asking for this, unfortunately, do not hesitate to allow the delivery of such certificates to local rural authorities. Some clergy, regretfully, also allow themselves such unasked for negligence in their duties, who, neither in any case nor under any pretext should be allowed. So, e. g. dates, months and years of the birth of the groom or the bride is not clearly designated in the metrical entries, they do not designate clearly, with explanations and corrections, without reservations about how to go about that, and sometimes the latter stands out even without the indication either of the month, day or year of the birth of the groom and the bride, will quite often also be cases of completely unrepresentative of these, but also with the certificates and to the contrary are represented, but without the signature of the senior or younger members of the clergy, but also without the application of the church seal. Either only one revenue stamp (two 80 kopeck revenue stamps established and required by law) is applied to the petitions or it is not applied at all. While in the petitions detailed addresses are not underlined, for which it is necessary to return the petition. After the verbal statements of the applicants, personally submitting the petitions for marriages, that there are also such clergy who, as if they do not consider themselves obligated to give out the certificate of extreme need in underage marriages are also found, even by the effectiveness and obviousness of such need and during the appreciable participation in composing such petitions of priests and other members of the clergy, referring, by the way, that there would be no instructions of the diocesan authorities for this, as though asking for this particular order each time, through that raise up vain correspondence and complicate the matter in diocesan management and force applicants to incur superfluous expenses. In the elimination in the future of that which is useless and vain for diocesan authorities on these affairs of correspondence and in the prevention of a) non-productive expenses for applicants, b) clearly negligent relations of the clergy to the aforesaid order, and also c) everything, His Eminence observed, is presented to the Consistory: new stricter rules to inspire the clergy of churches of the Simbirsk diocese to steadily execute the requirements of circulated decrees [ukases] of the Consistory of April 8, 1883 and of December 8, 1887, and, with the aim of reducing, increasing from year to year without any need, the numbers of receipts of marriage petitions, to order them to repeatedly announce significant orders to parishioners in the church on Sundays or feasts, so that none of them can plead ignorance of those orders of the diocesan authorities, and to warn them that all petitions, given them without a good reason, without authentication of the clergy and without the applicable metric extracts, will be dropped without any answer. Above all, to declare to the clergy that in the case of repetition from their side of the lack of fulfillment of the orders of the diocesan authorities and the above written infractions, that those guilty of this will be subject to punishment according to all the severity of the laws (Simbirskiia Eparkhial'niia Vedomosti [Simbirsk Diocesan News] 1898, 1).

10

The Volynsk diocesan bishop of Vladimir-Volynsk (refer to note 1 on p 1084) announced that required on the petition are two clear 80 kopeck stamps, without any inscriptions and semi stamps (Volynskiia Eparkhial'niia Vedomosti [Volynsk Diocesan News] 1892, 4). The Mogilev diocesan authorities ordered the clergy of the diocese

to explain to parishioners that the latter under any circumstances should not cross out through crossing through the stamps on the petition (Mogilevskiiia Eparkhial'niiia Vedomosti [Mogilev Diocesan News] 1892, 34).

11

The local Ufa diocesan authorities allowed similar telegrams, but only in extreme and extraordinary cases and besides not other than the assurance of the local clergy. Responding telegrams should not have fewer words than those appearing in the requesting telegrams (Ufimskiiia Eparkhial'niiia Vedomosti [Ufim Diocesan News] 1890, 14).

12

The sending of petitions by mail by some diocesan authorities is more expedient corresponding to what they have done and made concerning these special orders. So, the Kaluga diocesan authorities announced to the diocesan clergy that it did not allow them personally to present petitions to the supreme diocesan authority, to prevent superfluous expenses from their side, having explained to them that the lawfully written petition sent through the mail will be more likely satisfied by the hierarchical authority than stupidly unlawful explanations by the applicants personally (see Tserkovniiia Vedomosti [Church News] 1890, 7).

It was exactly the same in the Omsk diocese, the local Consistory issued an order, according to which parish priests must keep parishioners from trips to the diocesan city for the personal presentation of petitions to His Eminence, rather than quite often to muddle the matter: generally applicants by their illiteracy cannot be written a receipt for the reception of their petition with the resolution, do not present the certificate of their own character is why it is dangerous to hand over the resolution not for the one for whom it is necessary, and, finally the petition can be lost. Together with this, the noted Consistory offered that in the end petitions should be accurately stated in detail with the address of that clergy in the parish where the applicant belongs (Omskiiia Eparkhial'niiia Vedomosti [Omsk Diocesan News] 1899, 5). In the specified address the nearest postal station should necessarily be named.

13

By explanation of the Tambov Spiritual Consistory, for the elimination of misunderstanding and delay in satisfaction of the petitions of parishioners about entering into marriage up to the legal majority age of the groom or the bride and in the close relationship between them, parish priests should necessarily apply to the petitions of the first kind the formal metric entry about the birth and baptism of the groom or the bride with an 80 kopeck engraved stamp, with the authentication of what family circumstances either for one or another reason are existing to ask for the permission of marriage, is it really existing and valid. On petitions of the second order it is obligatory to make clear, exact and evident indication of the degrees of relationship, existing between the groom and the bride, by his signature, with the application of the church press (Tambovskiiia Eparkhial'niiia Vedomosti [Tambov Diocesan News] 1890, 17).

The Minsk Spiritual Consistory prescribed to the clergy of the diocese: a) in order that the writing of the presented petition for permission for the entry into marriage up to the indicated majority age to His Eminence or presenting these petitions in the form of special documents, metrical entries were not of that other as literal entries of this or that metric record, and b) in order that the time of birth and baptism, or death and burials, or weddings has been designated in these entries in words, instead of ciphers, while all metric entries should be signed by all members of the clergy and paid by the stamp duty of 80 kopecks. (Minskiiia Eparkhial'niiia Vedomosti [Minsk Diocesan News] 1889, 22; see likewise the decision of the Lithuanian Diocesan Authority in the Litovskiiia Eparkhial'niiia Vedomosti [Lithuanian Diocesan News] 1892, 34).

By order of the Omsk Spiritual Consistory, while petitions should be applied to the formal inquiry from the metrical registers or from confession lists (for the lifetime of the applicants, designated by years consistently from year to year), properly certified (Omskiiia Eparkhial'niiia Vedomosti [Omsk Diocesan News] 1899, 5).

In 1890 the Ufa diocesan authority declared throughout the diocese that only in extreme cases, for the lack of a metric entry, entries from the confession lists should be applied for all the years in which the groom or the bride with the indication of years written down (Ufimskiiia Eparkhial'niiia Vedomosti [Ufim Diocesan News] 1890, 14). Refer below, for the documents demanded at marriage.

The Penza Spiritual Consistory explained that while the petitions, except the metrical entries for the time of birth of the groom or bride, sheets should certainly be applied about the structure and age of the members of the family of

the applicants given by the clergy; without these sheets, the petitions will not be approved (Penzenskiia Eparkhial'niia Vedomosti [Penzen Diocesan News] 1891, 1).

14

The local diocesan authority of the Volynsk diocese announced to the clergy, in order that these petitions, together with the petitions on the crowning of marriages in known degrees of relationship, have been directed to His Eminence by the Vicar (Volynskiia Eparkhial'niia Vedomosti [Volynsk Diocesan News] 1890, 6).

15

Officers who have married before 23 years of age, but upon reaching this age and until 28 years, without presentation of the established property bails, are discharged from active duty and are enrolled in the reserves (Imperial Decrees of July 29, 1885 and Apr. 21, 1887); the marriage remains in force (Collection of Church and Civil Laws on Marriage, by S. Grigorovsky, p. 2).

The property bail may belong to the groom, the bride or both together. It may consist of immovable property or from percentage loans accepted in cash pledges, and should bring pure income of not less than 250 rubles in a year; only this income is sufficient to be used as legal owners of property bail. On the officer reaching 28 years of age, or in the case of retirement, or transfer to the reserve before this time, the bail returns to that from the marriage bonds to which it rightly belongs. The certificate in property bail is required from officers until they have served in military-overland department for twenty eight years, but in the naval department for twenty five years (Sv. Voin. Postav. [Codex of Military Regulations], Book VII, publ. in 1892, article 944; Ust. Voin. Povin. [Ustav on Military Service], vol. IV, publ. 1897, article 28).

Officers of the Cossack armies, except those registered without the maintenance by the army, army artillery or in the complex front lines, are also forbidden to enter into marriage before the age of 23 years, but who have not reached 28 years of age without presentation of property bails agreeing with the above-stated rules concerning this bail.

Those who entered marriage during the condition of being without maintenance by the army, army artillery or in the complex front lines, but equally during a finding in resignation or in non-military service, cannot be unconditionally accepted into active service in peace time earlier than 23 years of age, but between the ages of 23 and 28 years, if he does not present the established property bail. (Visochaishii utvezhenie [Imperial ratification] of the regulation of marriage of those in military service in the Cossack armies. See Donskiia Eparkhial'niia Vedomosti [Don Diocesan News] 1892, 20).

16

In the XVIII century, there were decrees [ukases] of the Holy Synod in which it was posited among the obstacles to a legal marriage a much too large disparity in the ages of the groom and bride. In the Instruksiiia blagochinnim [Instructions for Deans] (§ 18) it is called an illegal marriage between persons, in which one is young, and the other is very old. But, what is not defined is how illegal such an interface is. In the civil laws nothing is said about the illegality of such marriages (J. C. Berdnikov, Lectures on Church Rights, p. 74; refer to chapter 50 of the Rudder, by A. Pavlov, p. 144). The priest, of course, in this case should be guided by the decree [ukase] of the Holy Synod of Feb. 20, 1861.

17

By the "Rudder" and by the decisions of the One Hundred Chapter [Stoglav] Council, the marriage majority for men was 15 years of age. By the decree [ukase] of the Holy Synod of Dec. 17, 1774 (see Polnoie Sobranie Zakonov [Full Collection of Laws], №14229) it is ordered not to crown men earlier than 15 years of age and women not earlier than 13 years (see also the Book on the Duties of the Parish Presbyter, § 125). But in 1830 the Imperial Decree [ukase] only established this term for native born inhabitants of the Caucasus, it is forbidden for all other inhabitants of Russia to marry: men earlier than 18 years of age and women earlier than 16 years. But this last decision is entered into the Code of Civil Laws (see article 3), the force of the former (up to 1830) term of marital majority merely has been added instead of cancelled. Therefore two majorities for marriage were established: the earlier (named the church) and the new (named the civil) with various meanings (see the following note) in relation to legality and validity of the marriage (I. S. Berdnikov, Lectures on Church Rights, p. 72). This marriage civil majority (18 years for men and 16 years for women does not necessarily mix with the general civil majority defined to be 21 years of age.

18

The matter of the recognition of a voided marriage, concluded before reaching of church majority for marriage by one of spouses, may only be initiated by that under age spouse who was married. This is allowed only until the achievement by that person defined in article 3 of the civil laws for entry into marriage of reaching majority age and only in that case the marriage had no consequence of pregnancy of the wife (Ustav Dukhovnikh Konsistorii [Ustav of the Theological Consistory], 209; Svod Zakonov [Code of Laws], vol. XVI, part 2, publ. 1892, article 446). If it will be found that the married reached church majority, but still have not reached civil majority, then they are not separated, but the consequent of a penalty for the persons married may only be an infringement (see K. P. Pobedonostsev, Lectures on Civil Rights, part 2, p. 35; I. S. Berdnikov, Lectures on Church Rights, p. 73).

19

In the given case under this majority is understood the marriage of those of civil majority (see above, note 1), i. e. 18 years for the groom and 16 years for the bride (see S. Grigorovsky, Sbor. tser. i grazhd. zak. o brake [Collection of Church and Civil Laws on Marriage], p. 82).

20

For the entry into marriage before or after the legally defined church or civil age, persons who are joined in marriage with the agreement on that obviously or encouraged by their parents, guardians, or senior relatives are exposed to imprisonment from two to four months; or to arrest for three weeks to three months (Ul. Onak. [Imposition of Punishment], article 1563).

*S. V. Bulgakov, "Handbook for Church Servers", 2nd ed., 1274 pp. (Kharkov, 1900) pp. 1079b-1086.
Translated by Archpriest Eugene D. Tarris on July 23, 2012 © All rights reserved.*