

## The Marital Search

If after the announcements and an investigation through inquiries and examination of written documents, no legal obstacles were found to marriage, the **search**<sup>1</sup> is sustained by the rules ordered by the spiritual authorities (Svod Zakonov [Code of Laws], vol. X, part 1, and article 26). The search is none other than the formal written act about the ordered inquiry and inquiry consequences completed by the clergy before a marriage ceremony and certifying the lack of obstacles to the marriage (Prakticheskoe izlozhenie tserkovno-grazhdanski postanovlenij [Practical declarations of church-civil rulings]), pp. 101-102). The marital search by law establishes the uniform format on which clerics and church clergy are obligated to conduct a written search before the fulfillment of wedding, accurately keeping this form and conditions explained in this, at the crowning of marriages<sup>2</sup> (Svod Zakonov [Code of Laws], vol. X, part 1, note for article 28). Before completion of the marriage search, according to the tenth item of its form, it should be signed by the groom and the bride, guarantors<sup>3</sup> and the members of the clergy. It is said relative to the guarantors in article 28, vol. X, part 1 of the Svod Zakonov [Code of Laws]:

"On a search, witnesses, at the marriage fulfillment are found (marital escort), certify that between the combined relationships, there is no compulsion or other obstacles to the marriage, and this certificate, in the established form, or, because of their illiteracy, those whom they verify, sign".

The search of the necessary written documents must be done for the verification of the lack of obstacles to the marriage (item 8 on the form of the marital search). It stands as a duty for clerics and church clergymen (see notes in the enclosures to article 26, vol. X, part 1):

"The original documents presented for a search, which should be left in the church, as for example, the permission of the authority for the entry into marriage to the official and so forth, to protect the book during the search<sup>4</sup>, but from other documents, for example from certificates about the service, from which the indication of the age of the groom is borrowed, to enter into the book under the search copy<sup>5</sup>, but to return the original, to whomever it will be, it follows, with the receipt in the return reception, and with an inscription on it of the time of the fulfillment of the marriage under the signature of the priest" (refer to *ibid.*, addendum to article 26, note, item 1); thus concerning the indicated inscriptions should mean that article 22 of the Svod Zakonov [Code of Laws] (vol. X, part 1) it is necessarily required on passports and other visas to note the marriage with a denotation in the hand of the priest exactly with whom, when and in what church the wedding was held<sup>6</sup>.

**Having been married in another parish**, they should present to their clergy the marriage license from the clergy who married them or the passport, according to which they are married, otherwise they cannot be shown in confession lists with their spouses and their

children and cannot be entered into the metrical records with the legitimate<sup>7</sup> (see the Svod Zakonov [Code of Laws], vol. X, part 1, article 120; Instruksiiia blagochinnim [Instructions for Deans], 42; Tserkovnyi Viestnik [Church Messenger] 1878, 35).

The Stavropol Spiritual Consistory ordered the clergy of the diocese that they do not allow the following rebuke of the Consistory for the **incorrect entry of marriage searches**.

In the first point omissions of the vocation of the groom, his religion and residence<sup>8</sup> occur quite often; the latter is often not shown at all in other cities, obviously, temporarily living in the parish. The same omissions are noticed also in the second point concerning the bride. In the eighth point, the documents are either entered extremely vaguely and short, for example, previous weddings either are not at all indicated in the metrical records, or such expressions are entered: "there was an inquiry into the metrics executed", but neither the year of the book, nor the № of records are designated; or unduly lengthened, so that it is difficult to read this point, consequently of extremely narrow letters. Appropriate documents are not always required for searches, especially at nonresident weddings.

So, a) Sometimes weddings are done under short-term tickets, monthly and even fortnightly.

b) Sometimes they are done under delayed passports and consequently do not have any documentary value.

c) Sometimes they are done without passports at all, being limited to one metrical extract or certificate on the appeal to compulsory military service departure.

d) Metrical extracts are not even required in all cases, when in the ticket limiting years the established standing age for marrying for the groom is 18 years but for the bride merely 16 years, for they are shown certificates confirming the achievement of marriage as having reached majority accepted from the standing and rural boards, not having any value and even forbidden as unflattering.

e) And finally, certificates for preceding weddings are not always required from persons of foreign parishes.

The reserve is sometimes not done in important erasures, for example, in the name and surname of those being married, what marriage they are entering and so forth. Receipts are not always available separately for the groom, the bride and guarantors. Passports presented for a search (in particular of brides) and sometimes also certificates requested of grooms are left in the originals during searches, instead of in copies. Institutions, having issued passports, are therefore not standing in popularity about the completed wedding, and through this entered into marriage has not stopped the possibility to receive the passport again without the designation of marital statuses, for criminal repetitions of marriage<sup>9</sup>. Search books and documents, concerning them, are almost not witnessed by the deans during their semi-annual and annual audits, but if they are also witnessed, then in most cases the deans are limited to entering of the stereotypical

phrase: "during the survey no omissions and inaccuracies were noticed" at the end year. Such inscriptions are sometimes met during the faultiest examination of the search books. The deans are limited to such inscriptions during the presentation of the books and documents for audit in the Consistory<sup>10</sup>. But others, however, also do not do this (see Tserkovniia Vedomosti [Church News] 1892, 32).

In 1898 the Samara diocesan authority published the below-mentioned, with the addition of for its special explanatory notes, "**Instructions for inspecting the books of premarital searches**", according to which the inspection should look for: the vocation and the name of the groom and the bride, whether it be definitely written down so, so that for each of them marriage under the other was impossible, belonging to these or those, vocation and name and that neither the one nor the other could renounce the marital union, which they have already entered, through the refusal of that vocation by which they are written down in the search<sup>11</sup>.

Religion of the groom and the bride - a) whether it is registered, - b) if heterodox - to look, whether the documents presented, are required by whatever religion<sup>12</sup>.

The residence of the groom and the bride, whether granted the right to the clergy on his wedding, whether the documents presented, which requirement is caused by the residence of the bride<sup>13</sup>.

The age of the groom and the bride, a) so that they first have been entered in writing and then (in brackets) by figures, b) whether the bishop's permission for the marriage is available, during the marital inaccessibility by the groom or the bride because of the definitive civil and majority laws, no less than in the case of the advanced years of the groom or the bride.

Marital status of the groom and the bride, a) whether it is registered with the needed accuracy<sup>14</sup>, b) whether it is proved by the presented documents, c) whether the permission for the divorced person's entry into a new marriage is enclosed.

The right or the permission to marriage is not whether the right is really available, but whether the permission is available from the subjects of the given persons<sup>15</sup>.

Premarital announcements are a) whether they are done on three Sundays and festal days<sup>16</sup>, and b) whether they are done in the applicable church<sup>17</sup>.

The documents presented for a premarriage search are checked:

- A) by the Dean, in the original or in copies, and he pays attention to
  - a) whether they include in themselves the above written in the premarriage search of the knowledge,
  - b) whether it is registered in the search, what documents about this are left in the original and what are in copies,

- c) whether copies are removed from the documents which are subject to return,
- d) whether receipts are on the copies in the reception of returned original documents,
- e) whether the documents are enclosed in the original or carried with the returned documents of copies (refer below, about the collection of stamp duty),
- and f) whether the clergy signed the certificates of the search by which the marriage is also completed.

B) At the audit of the search books presented to the Consistory, attention is paid to:

- a) Documents, the premarital search is listed on this point, whether all data is included in the above written search,
- b) Whether the book of premarriage searches has been witnessed by the dean at the semi-annual review of churches,
- c) Whether the dean made remarks to the clergy concerning the deficiencies found in the conducting of the search books,
- d) Whether the clergy repeated deviations from the rules already indicated by the dean.

The place<sup>18</sup> of the fulfillment of marriage and its time of completion, - whether it was lawful<sup>19</sup>.

And whether the signed search represents a sufficient certificate of the completely written act<sup>20</sup> (Samarskiia Eparkhial'nyiia Vedomosti [Samara Diocesan News] 1898, 2).

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<sup>1</sup> On the basis of item 4 of the Visochaishii utvezhenie [Imperial ratification], 16 Apr. 1869, of the present periodical on matters of the clergy, the leading secretariat by the church and parish relies on the duties of the psalm reader. Where there are deacons, **searches are conducted** by the latter, and, both psalm readers and deacons operate under the supervision and management of the priest (Instruksiia blagochinnim [Instructions for Deans], note for § 43). Responsibility for faulty conducting of search books on the basis of article 193 of the Ust. Dukh. Kons. [Ustav of the Spiritual Consistory] falls on all the clergy (Tserkovnyi Viestnik [Church Messenger] 1898, 47).

<sup>2</sup> The **form of a marital search** is such: Year, month, day. Under the decree (ukase) of His Imperial Majesty, such city or village, such church sacred-servers and church clergymen executed a search about persons wishing to marry, and the results are the following:

1) The groom (here is shown the vocation or rank, place of service, name, patronymic and surname, Orthodox or Latin confession and so forth) will inhabit such city or district and village in this parish church.

2) The bride (here write the vocation, name, patronymic and surname, Orthodox or Lutheran confession and so forth) has inhabited hitherto, such city or district and village in such parish church.

3) Age for matrimony has been reached, namely: the groom is of such age and the bride is of such age, and both are found in good mental health.

4) A prohibited spiritual or physical relationship and estate between them by an establishment of the Holy Church, marriage, is not present.

5) The groom is single or widowed after the first or second marriage, and the bride is single or widowed after the first or second marriage.

6) They come to the wedding through mutual consent and desire, but not under compulsion and for that they have from their parents or sponsors or guardians, (to register the vocation and rank, place of service, name, patronymic and surname for each of them;

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if parents are not living, then so stipulate), civil officials and people of the military departments get permission from their authority; soldier wives and widows are confirmed with widow visas by the military authorities (refer to note 1 for p. 1133).

7) After the triple announcements of such year, month and day made in the designated church, no obstacles to this marriage were declared by anybody.

8) Written documents are presented for the certificate of lack of obstacles to this marriage:

a) the permission of entry into marriage for the groom from such authority, given out in such year, month and day for such that a number applied herewith in the original;

b) the information about the bride from her spiritual father, applied herewith in the original (here to show other written documents, depending on the circumstances, for example the Consistory decree (ukase), with the registration of the permission of this marriage in those cases when such permission is required by law).

9) According to this, the wedding of the designated persons is assumed to be done in this aforementioned church (year, day, month), during the legitimate time, with witnesses present.

10) That all, shown here about the groom and the bride is correct, in that they certify by their own signatures, as they, and after every two or three guarantors, that if anything appears falsely subscribed, then they are guilty before that court by the rules of the church and under civil law.

This is followed by the signature: a) the groom, b) the bride, c) two or three guarantors for the groom, d) two or three guarantors for the bride, and e) in conclusion it is written: the priest, deacon and church clergymen with their designated names, patronymic and surname of this church made a search (name, patronymic and surname). Everyone signs in own hand (Svod Zakonov [Code of Laws], vol. X, part 1, note for article 26).

On this same form the search is made and at the entry of an illegitimate marriage; special forms of the search and the way of construction of the latter about those being married is not illegitimate (Tserkovniia Vedomosti [Church News] 1898, 42).

<sup>3</sup> Both after the groom and after the bride there should not be less than two or three **guarantors**, who sign the search. Thus the guarantor of the groom cannot already be in any case the guarantor for the bride and vice versa. To the demanded 9th item of the form of the marital search for the standing witnesses at the marriage, this usually will be the so-called "member of the wedding party", some also are relatives of the groom and the bride, but that is why it is considered possible to allow these relatives to sign the search as guarantors (See Sovremennik [Contemporary] 1876, 87; Svod uk. i Zam. [Code of Ukases and Remarks]). But others affirm that guarantors cannot be near relations of those being married (see P. P. Zabelin, "Prava i Obiazan. Presvit. [Rights and Obligations of the Presbyter]", p. 248). According to the rules for witnesses, subscribing for the title deed, "it is not forbidden for relatives participating in the deed to be subscribed by these witnesses" (Svod Zakonov [Code of Laws], vol. X, part 1, article 708 enclosure, article 72). Whether relatives of those being married may or may not sign the marital search as guarantors, the Svod Zakonov [Code of Laws] says nothing. As far as it is known, in practice in frequent cases, relatives of the marital pair are allowed as guarantors. But parents are usually not allowed "as the guarantor for their children.

The Novgorod diocesan authority announced for the knowledge and management of the clergy of the diocese that they are not allowed as guarantors of females and minor pupils of educational institutions (see Novgorod Eparkhial'niia Vedomosti [Diocesan News] 1891, 3-4).

The Caucasus Spiritual Consistory ordered their subordinated clergy that for this, the clergy have not been allowed as guarantors at fulfillment of marriages of those who have not reached civil majority (i. e. 21 years), mindless and mentally ill, bankrupt and poor debtors, publicly punished and deprived of honor (See Kavkazskii Eparkhial'niia Vedomosti [Caucasus Diocesan News] 1879, 3).

By explanation of the "Tserkovnyi Viestnik [Church Messenger]", with reference to articles 43, 47 and 50 of the Ulozhenie o nakazaniakh [Criminal Code of Laws], a person with limited rights in court or a disenfranchised peasant cannot be the guarantor at a marriage (Tserkovnyi Viestnik [Church Messenger] 1891, 43).

Before the signatures of the groom, bride and guarantors of a search, the latter should be read.

For the illiterate the search subscribes those whom they trust, but not the servers of that church where the wedding will be done (Samarskii Eparkhial'niia Vedomosti [Samara Diocesan News] 1898, 1).

The witnesses, who were at the marriage and signed the search or others about the wedding documents, knowing about the required or received consent through the deceit of spouses, or knowing that the persons being married or one of them are obligated by a former marriage, are exposed: to deprivation of all special, personal and given by position, rights and privileges and exiled for life in Siberia or returned to the correctional arresting branches according to the specified article 31 of the Statute of Decrees (Ulozhenie o nakazaniakh [Criminal Code of Laws], articles 1553 and 1556; see also note 3 on p. 1130).

<sup>4</sup> In those cases when the marriage can be crowned only **with the permission of the bishop**, such permission should also be among the documents.

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The Kharkov diocesan authorities issued the order that clergy of the diocese, having done the wedding resolved by the Bishop, because of insufficient age or by relationship, the petitions with the resolutions of the Bishop and other documents added to the petitions, kept at the searches in the church archives and informed the diocesan authority only in those cases, when the resolved marriage could not take place for whatever reason or obstacles, except those already resolved (Khar'kovskiiia Eparkhial'niia Vedomosti [Kharkov Diocesan News] 1879 34).

**Residence permit of the bride**, even though that was also indefinite in the passport book, remains in the original at a marriage search (Tserkovnyi Viestnik [Church Messenger] 1897, 3; Samarskiiia Eparkhial'nyia Vedomosti [Samara Diocesan News] 1898, 1).

<sup>5</sup> A marriage search should be entered from those documents that are not applicable to a search in the original, namely an exact **copy**, but the completely unreduced lists (Tserkovnyi Viestnik [Church Messenger] 1893, 1; 1894, 32; Minskiiia Eparkhial'niia Vedomosti [Minsk Diocesan News] 1891, 11). And, of course, the № and from where the document is released should also be designated.

As to the passport book, then not everything included in the printed text in it, but only what is concerning the person, and the marriage which is done by the clergy.

If in the document, with which it is necessary for the clergy to leave a copy, it is impossible to decipher all, for example the signatures of officials (and generally that has no existing value in this case), then what is not deciphered should be stipulated in the copy with a remark: "is not deciphered" (Tserkovnyi Viestnik [Church Messenger] 1896, 26).

<sup>6</sup> The Samara diocesan authority explained to the clergy of the diocese that if the identification card of the bride or groom was the residence permit of the parents, then the **inscription about marriage** is also done on the passports of the parents (Samarskiiia Eparkhial'nyia Vedomosti [Samara Diocesan News] 1898, 1).

See note 2 on p. 1132. The church seal should be applied to the inscriptions.

<sup>7</sup> The Simbirsk diocesan authority declared to the diocese that, by the **marriage of persons of other parishes** with the consent of the parish priests, irrespective of appropriate inscriptions about the fulfillment of marriages on the documents presented for the search, the clergy, who did the marriage, are obligated to inform for the knowledge of those parish clergy whose parishioners are married by them (Simbirskiiia Eparkhial'niia Vedomosti [Simbirsk Diocesan News] 1897, 5).

<sup>8</sup> Any points of law on the established form for a marital search should never be **left blank**.

In ordinary relations (but sometimes also on passports) some are called **by altered names**; but, it is understood, that in a search it is necessary for those being married to write down as they are called in the metrics.

In the Orel diocese, the local diocesan authority ordered that in the case of **abnormalities in the records of those being married in the metrical books** (for example, when those being married are entered under another name, or the legitimate is entered as illegitimate, and so forth), the clergy reported to the Consistories about the abnormality seen by him in the metrical record and asked for the correction of the erroneous record before the writing up of the search, as marital searches should be based on the documents (see Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors], 1889, 10).

If the maiden who obviously had a **criminal connection** and also gave birth to a child marries; then, in any case, it cannot be reported in the search "sheltered", "fallen maiden", "unwed woman", and so forth, but should be necessarily entered (see the form for a marital search) as maiden (for more details, see Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1889, 4; Poltavskiiia Eparkhial'niia Vedomosti [Poltava Diocesan News] 1889, 1-2; refer to note 1 on p. 1128).

<sup>9</sup> The Samara diocesan authority made it a duty for the clergy of the diocese **to notify the establishment which has issued the identification card** (which certificate remains during the document premarital search), about the change in the marital status of the person being married (Samarskiiia Eparkhial'nyia Vedomosti [Samara Diocesan News] 1895, 4). - Seen note 1 on p. 1135.

<sup>10</sup> The Ekaterinburg diocesan authority issued the order that the clergy of the diocese, representing searches on audit, would present the **marriage documents** as books strung together and preprinted for the same books, and on the same documents, placed in the order of the search books, would make notes concerning what they searched (Ekaterinburgskiiia Eparkhial'niia Vedomosti [Ekaterinburg Diocesan News] 1889, 41).

<sup>11</sup> For this purpose everything should be written down in the search not according to the duty or the place, which is occupied with the structure of the search, but according to that vocation he belongs from birth or what he gained through education and from public service. Having the public service rights it should be written by civil rank irrespective of military rank, for example: "provincial secretary, ensign of supplies", or, "chancery clerk, numbered among the warriors under category 2", "not having a rank, the master of natural sciences". On the other hand, such records should be recognized as unsatisfactory, for example: "physician (of such) hospital",

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"such teacher or supervisor of such academic institutions", "the engineer serving on such railway". To the name of "nobleman" should be attached "hereditary" and the indication of the province to which nobility the person entered on the certificate of search, belongs. Not having an inherited nobility and merely possessing the rights of personal nobility should be written by his rank or vocation and the rank of the father who granted him these rights. Honorable citizens should also be entered with designated cities in which the citizens inhabit. If yet nowhere were not attributed, then it should merely be written as still "having the rights of honorable citizenship, personal or hereditary, but not anywhere attributed". In the record of the persons belonging to unprivileged estates, the place of the enrollment of merchants and petty bourgeoisie (province, city, suburb or hamlet, with the indication in the latter case, the district in which the suburb or hamlet is found, should be certainly registered; of peasants, the province, district, volost and society). Entered on the valid military service register is first the military rank, with the designation of ranks or estates, from which service they came, "the private soldier of such regiment or battalion, from superior officer children", "artillery men of such an artillery brigade, from peasants N of province N, district N, volost N and village N".

Vocation brides should be registered, first of all, agreeing with that document which serves as the certificate to her personal and residence permit, but then other documents testifying of the personal rights of the bride can be taken into consideration. Thus it is necessary to distinguish: a) whether the bride, irrespective of the rights of birth extraction, personal and independent position in the state, gained by education and service, also may be written according to vocation, for example: "the woman physician", "dentist", "assistant surgeon", "midwife", "house teacher" or "tutor", "city or rural teacher", "ending course of the Patriotic Institute" and so forth. But thus the bride should also register her patrimonial rank or estate, if she as a maiden, or obtained through marriage, if she is a widow, with the designation and the additional places if she does not belong to the inherited estates. Diplomas, certificates and all sorts of the certificate on education, as not serving as residence permits, cannot be considered as adequate documents for entering from them in the premarital search of vocation and names of brides, if on them her vocation by origin or by the marriage is not noted.

<sup>12</sup> These documents concern: the evidence of the education of children in Orthodoxy, who may be born of the marriage consists a search subject; the certificate of the pastor on the premarriage announcements made in the Lutheran Church for the groom; the police certificate of the lack of obstacles to marriage for the Roman Catholic groom.

<sup>13</sup> Namely: a) whether marriage fulfillment in the given parish is explained by the further data of the search if the groom does not live in that parish. For example, whether the marriage is done according to the residence of the bride are the local parishioners, whereas the groom in the given district does not belong to any parish. b) Whether it is justified by the wedding of the groom, in one with the district where the bride lives, but in another parish, with the consent of his clergy for that parish. c) Whether the notification message of the parish clergy about doing the premarriage announcements in the church is enclosed, in the other parish where the groom lives, if he has a permanent residence there.

<sup>14</sup> Blanks of this point should be filled by the words: "single" or "maiden", "widowed" or "widow", with the addition "after the first" or "second marriage", "unmarried" after divorce (of the) "first" or "second marriage".

<sup>15</sup> Instead of the permission of parents, whether the permission for marriage from the relevant authorities is required. Whether the permission of parents or trustees is registered with the required precision, namely: aa) whether the parents are named, bb) whether it is explained that the permission from someone of the parents is not given because of the death of one or the other of them. In the case of achievement of full civil majority by the groom or bride and their lack of position in educational institutions or in public service, the point blank can be filled by such an entry.... "And for that they have the right, as fully mature" (refer to pp. 1104-1105).

<sup>16</sup> Instead of the three announcements, such, under the law, should be made only at a liturgy, whether they are written down on the same festal day or Sunday, one for Vespers, on the eve of a feast, by the service, but the other on the feast, produced announcements, as though they were two separate announcements; dates, on which the announcements are entered, whether in that year really fall on Sundays and feast days.

<sup>17</sup> During the wedding of the groom and the bride, who before marriage inhabited different parishes, whether the announcements have been made in both, in the one and the other parish. Whether the announcements in the parish church have value in the place of residence of the groom and the bride, that is, whether such marital announcements could be made, where nothing is known in the parish, as they did not reside in that parish before marriage. A blank for entering the time and place of the made announcements, as space representing by two lines too, shows that day of the month, on which the announcements have been made, should be entered not only in figures only, but also written out.

<sup>18</sup> The place of fulfillment of marriage is defined by the form of the premarital search, in which is printed the word: "in the above designated ..." churches. But there are cases that marriages are made in churches, for which the search books are not available and then the marriage is registered in the search book of the other church. In these cases attention should also be paid to whether after the crowning of the marriage in non-parish churches there was permission of the diocesan authorities and, in visas of the reduction of

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responsibility for the legality of the completed marriage, whether other clergy has signed the marriage search, instead of the clergy who did the marriage ceremony.

<sup>19</sup> Day on which it was supposed to make wedding, whether it was one such on which it is not permitted to do marriages. After the fulfillment of the marriage, check to see whether it again fulfilled the requirement of the premarriage announcements (whether it has taken place more than two months from the date of the last announcement).

<sup>20</sup> Whether there are signatures: a) of the groom, b) of the bride, c) of witnesses (not less than two from each party), d) whether the signatures on the premarital search certificate by the clergy (not less than two signatures) participating in the fulfillment of the marriage, e) whether for illiterate signers for the search was not signed by whomever from the ranks of the clergy.

*S. V. Bulgakov, "Handbook for Church Servers", 2<sup>nd</sup> ed., 1274 pp. (Kharkov, 1900) pp. 1139-1144.  
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