

**COMMONWEALTH OF THE BAHAMAS**  
**IN THE SUPREME COURT**  
**Common Law & Equity Division**

**2022**  
**CLE/gen/1329**

**IN THE MATTER OF** the Marriage Act, Chapter 120 of the Statute Laws of The Bahamas

**AND**

**IN THE MATTER OF** the purported marriage dated 12<sup>th</sup> July, 2019 between Myrtho Noel and Talia Destiny Duncombe at the Office of the Registrar General Department by Assistant Registrar Dellereese M. Grant

**BETWEEN**

**TALIA DESTINY DUNCOMBE**

**Plaintiff**

**AND**

**CAMILLE GOMEZ-JONES**

**(in her capacity as the Registrar General of the Commonwealth of The Bahamas)**

**First Defendant**

**AND**

**THE HON. L. RYAN PINDER**

**(in his capacity as the Attorney General of the Commonwealth of The Bahamas)**

**Second Defendant**

**Before:**                    **The Hon. Madam Justice Carla D. Card-Stubbs, Ag.**

**Appearances:** Ms. Glenda Roker of Counsel for the Plaintiff and Dr. David Whyms of Counsel for the Defendants;

**Hearing Dates:**        **December 6, 2022; January 17, 2023 and January 26, 2023**

**RULING**

[1] This matter concerns the Plaintiff's suit for damages and, inter alia, a declaration and concerning a certain entry in the Register of Marriages. The Plaintiff brings

this action by way of a specially endorsed Writ of Summons filed on the 20<sup>th</sup> day of September, 2022, seeking the following relief:

- 1) A Declaration that the entry to the Register of Marriages with respect to a purported marriage between the Plaintiff and one Myrtho Noel dated the 12<sup>th</sup> July, 2019 and performed by Assistant Registrar Dellereese M. Grant is fraudulent.
- 2) An Order directing the First Defendant to amend the Register of Marriages by deleting the said entry on the Register of Marriages forthwith;
- 3) Damages to be assessed;
- 4) Interests pursuant to the Civil Procedure (Award of Interest) Act 1992,
- 5) Costs, and
- 6) Such other relief as the Court deems just and fair in the circumstances.

[2] There being no Defence entered by the Defendants, the Plaintiff sought by summons to enter a default judgment against the Defendant. That Summons, filed on the 31<sup>st</sup> day of October 2022, was supported by the Affidavit of the Plaintiff filed on the 28<sup>th</sup> day of October 2022 and the Affidavit of Angela Rolle filed on the 25<sup>th</sup> January, 2023. This Court notes that while no formal appearance was entered on the record by the Defendants, that Counsel for the Defendants appeared on each occasion that the matter was set for hearing.

[3] The facts are not in issue in this matter and therefore there is no need for an exhaustive reproduction of same. There was no objection to the jurisdiction of the court to make the declaration and order sought in relation to the entry of marriage. In brief, the Plaintiff's case is that a record of a marriage that she took no part in was entered in the Register of Marriages without her knowledge and consent. Her allegation is that as a result of that entry, she has suffered damage. The Plaintiff's

uncontroverted evidence is that she learnt of the purported marriage when she had difficulties registering the birth of her daughter. The Plaintiff has by way of a 'certified copy of an entry in a Register of Marriages' provided proof of the entry of marriage complained of. It is the Plaintiff's inability to register her daughter's birth that her claim for damages is founded upon.

[4] Paragraphs 2, 3 and 4 of the Plaintiff's Affidavit are instructive:

- 2) When I returned to the Office of the Registrar General, I was told that my daughter could not get a Birth Certificate using the Affidavit of Birth because it did not say that I was married. I was told that the records showed that I was married on 12<sup>th</sup> July, 2019 to Myrtho Noel, Bridegroom and that the ceremony was held at the Office of the Registrar General performed by Assistant Registrar Dellerese M. Grant.
- 3) I do not know Myrtho Noel and I never went to the Office of the Registrar General on 12<sup>th</sup> July, 2019. In fact, the first time I went to the Office of the Registrar was in October, 2020 to register my daughter.
- 4) I continued to question this marriage and I spoke with Camille Gomez- Jones, the Registrar General and First Defendant named herein. It was revealed that there is no entry on the Marriage Register of the Marriage Book of the said Assistant Registrar Dellerese M. Grant and that there was no Marriage Licence or Marriage Licence Application on record with the office of the Registrar General. Further, I did not know and could not recognize the Assistant Registrar Dellerese M. Grant when she entered the room. There is now shown and produced by me as exhibit TD-2 a copy of a Letter dated 15<sup>th</sup> August, 2022 from the Registrar General indicating they could not provide the documents requested.

[5] The referenced letter from the Registrar General, as far as it is relevant, provides as follows:

“Please be advised that a thorough search of our records, in fact, indicates that Miss Talia Destiny Duncombe (d/o/b 28<sup>th</sup> November, 2000; **Passport AA049556, issued 27<sup>th</sup> April, 2018; Expires 27<sup>th</sup> April, 2028**) and Mr. Myrtho Noel (d/o/b 24<sup>th</sup> May, 1990; **Passport GV4677078; Issued 4<sup>th</sup> April, 2018; Expires 3<sup>rd</sup> April, 2028**) were married at the Registrar General’s Department on 12<sup>th</sup> July, 2019 by Assistant Registrar Dellereese M. Grant. Enclosed, please find a certified copy of the marriage certificate.

Regrettably, we are unable to provide the following requested documents:

- Marriage Licence Application
- Affidavit of Bachelorhood of Myrtho Noel
- Copy of Marriage Licence
- Copy of Marriage Register of Assistant Registrar Dellereese M. Grant”.

[6] In essence, the Defendant has offered no explanation as to how the entry dated July 12, 2019 came about: there being no application for a marriage licence, no marriage licence and no supporting documentation. Inexplicably, a copy of the Marriage Register of Assistant Registrar Dellereese M. Grant is unavailable. Counsel for the Defendants was candid and did not attempt to obfuscate the issues. The Defendants have not contested the facts relevant to the entry of the record. In the circumstances, this court accepts the uncontroverted evidence of the Plaintiff that she was not involved in a ceremony of marriage with one Myrtho Noel and, further, that she was not present at the Office of the Registrar General before Assistant Registrar Dellereese M. Grant on July 12, 2019.

[7] This court is satisfied that there is no evidence of a marriage involving the Plaintiff that could cause an entry to be made in the Register of Marriages. The evidence of the Plaintiff is that she does not know the alleged bridegroom. Given that evidence and having regard to the contents of the letter of the Registrar General, the court did not consider it necessary to put the Plaintiff to expenses of a futile search for a “Myrtho Noel”, or to hear from him if he does in fact exist.

[8] An entry can only be made in a marriage register consequent upon the solemnization of a marriage.

[9] The Marriage Act, Chapter 120, of the Laws of The Bahamas provides at sections 27 – 29 as follows:

**27.** Immediately after the solemnization of a marriage the marriage officer before whom it is solemnized shall register it in duplicate, that is to say, firstly in a book to be kept by him for that purpose, called the marriage register, and, secondly on a separate form, such registration shall be in the form given in Schedule K to this Act, and shall be signed by the parties married, by two witnesses and by the marriage officer.

**28.** After such registration of a marriage as aforesaid, the marriage officer shall transmit the duplicate register to the Registrar General and shall without payment of any fee, deliver to each of the parties married a copy of the original register of the marriage certified under his hand to be a true copy.

**29.** The duplicate register transmitted by the marriage officer to the Registrar General shall be filed and safely preserved by him in the general register office.

[10] This Court finds that there was no marriage performed by Assistant Registrar Dellereese M. Grant on 12<sup>th</sup> July, 2019 between Myrtho Noel and Talia Destiny Duncombe at the Office of the Registrar General Department, New Providence, The Bahamas.

[11] The court finds that, in this matter, the Registrar General had no authority to make the entry complained about, there being no marriage ceremony having taken place. There was no solemnization of marriage between the Plaintiff and Myrtho Noel.

[12] **IT IS HEREBY ORDERED AS FOLLOWS:**

1. The Court grants a Declaration that the entry on the Register of Marriages being a marriage dated the 12<sup>th</sup> day of July A.D., 2019 between the Plaintiff Talia Destiny Duncombe and Myrtho Noel is void and of no effect;
2. The First Defendant shall cause to be deleted from the Register of Marriages the entry of marriage dated the 12<sup>th</sup> day of July A.D., 2019 between the Plaintiff Talia Destiny Duncombe and Myrtho Noel; and
3. The Plaintiff is at liberty to pursue Damages and Costs and Interest pursuant to the Civil Procedure (Award of Interest) Act, 1992.

**Dated this 26th day of January 2023**

A handwritten signature in black ink, appearing to read 'Carla D. Card-Stubbs, J.', with a large, stylized flourish above the name.

**Carla D. Card-Stubbs, J (Ag.)**