

MADRAS RECORD OFFICE.

Government of Madras.

Justice DEPARTMENT.

G.O. No.	1597	Press
		~~Mis~~
Dated	10-11-	40 1865

Not to be folded or roughly handled

1597

Proceedings of the Madras Government, Judicial Department,
10th November 1865.

Read the following papers:—

No. 72. From the Deputy Adjutant General, to the Secretary to Government,
Fort Saint George; dated 25th October 1865, No. 472.

With reference to the Proceedings of Government in the Judicial Department,
and Order thereon, dated the 20th

Noting that reference is made of the said Order to the
Law Officer, in order to Government in the Judicial
Department.

August 1864, No. 1253, I have the honor,
by order of the Commander-in-Chief, to
forward the enclosed summary of evi-

dence, regarding the marriage of Store Lascar Shoolaporem, No. 201, of No. 5
Battery, 20th Brigade Royal Artillery, and to request you will be good enough to
furnish this Department with the opinion of the Law Officers as to the legality of
the marriage.

ROYAL ARTILLERY.

Case No. 1.

See Witness.—Principal Gun Lascar Durish, Principal Certificate No. 21671 of the
2nd Class.

Question by Committee.—State to the Committee what you know of your own knowledge
relative to the claim of Toolman's now under investigation.

Answer.—I know the claimant Toolman. She is the wife, by Captain Thaler, of the late Gun
Lascar Shoolaporem. I was present at the marriage, it took place about 1855, at Trichinopoly.
On account of Shoolaporem being ordered on Foreign Service, the marriage was performed in one
day. The claimant had lived with the deceased Shoolaporem some four or five years before they
were married. Friends, to the number of about 20, were assembled at the house of the deceased
in the Dorey's line at Trichinopoly, to witness the marriage. I did not hear the Pandaram ask
the deceased or the claimant for their consent. The ceremony commenced in the evening. The
Pandaram made Shoolaporem and Toolman sit side by side, then he sat before them, and
having placed flowers around their necks, took several kinds of food and burnt them to give;
then said some mantras. After this he took the Thaler and showed it to the assembled friends;
he then gave the Thaler to the deceased Shoolaporem and told him to fasten it on Toolman's
neck. While Shoolaporem was doing this, the Pandaram was saying mantras. After that the
assembled friends were feasted, after which betel was distributed and all went away. The deceased
was not married before to my knowledge. I have only known the deceased Shoolaporem since he
retired. I believe the mother of Shoolaporem was alive, but was not at Trichinopoly. I know
nothing about Toolman's relations. Both Toolman and Shoolaporem were of the Pariah
caste. I heard of no Dowry being sent. Shoolaporem was enlisted in 1852 or 1853, after I enlisted.
He was enlisted at the Madras. I know no other man called Shoolaporem. First the deceased
was a Dorey; then Gun Lascar. I do not know whether he spent some time in the
great army were transferred. I believe both the deceased was the claimant's husband. The
deceased married the claimant the evening he went on Foreign Service.

See Witness.—Principal Gun Lascar Vengap, Principal Certificate No. 2730.

Question by Committee.—State to the Committee what you know of your own knowledge
relative to the claim of Toolman now under investigation.

Answer.—I know the claimant Toolman. She is the wife, by Captain Thaler, of the late
Gun Lascar Shoolaporem, and I was present at the marriage. I was his Company Bartender, and
as he had no relation present, I had the chief management of the marriage. It only took one
day. The ceremony began in the evening. It was done quickly as the deceased Shoolaporem was
ordered away on Foreign Service. The late Shoolaporem and the claimant had lived together for
some years before they were married. They had two children before they were married. I had

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10th November 1865.*

known Shoolapooram was since he was a child. He was never married before. The marriage took place in June 1839. He married the daughter the same month he went to Tanjore. The marriage was celebrated in the house of the late Shoolapooram, in the Divan's line at Trichinopoly. A Bandraah was erected, and friends, to the number of 15 or 20, assembled. Then the Pandaram made the claimant Toolman and the late Shoolapooram sit side by side, and he seated himself in front of them, and placed strings and flowers on their heads, saying some mantras at the same time, and then performed the ceremony of burning some kind of grain in Oil, and saying mantras. Then he took the Thaler, and having showed it to the assembled friends, gave it to the late Shoolapooram, and told him to put him Toolman's neck which he did, the Pandaram saying mantras; after which a feast was given to the assembled friends. Afterwards lunch was distributed and all went home. There was no music or procession. The Pandaram did not ask their consent. There was no dowry paid. The mother of the late Shoolapooram was the only parent of his alive at the time of his marriage, but she was not at Trichinopoly. I do not know anything about Toolman's parents. Toolman was married at the time, and so was Shoolapooram. They were both of the Pariah caste. Shoolapooram was called about 1833. I do not remember his general name. He was called at the Kollam or Deiga. He was transferred to Gun Lamm in 1833. I do not know when he became *Sami Lamm*. I only know the Shoolapooram. I have no doubt that the deceased was the husband of the claimant.

(Signed) D. SHAW, Captain,
Dy. Asst. Adjutant General.

Referred to the Government Solicitor, for the opinion of the Advocate General.
Fort First George,
21st October 1865.
(Signed) W. HUDLESTON,
Acting Secretary to Government.

No. 56. From the Government Solicitor, Madras, to the Secretary to Government, Fort First George; dated Madras, 4th November, 1865, No. 601.

I have the honor to acknowledge the Order of Government noted in the margin (with enclosures), relative to the validity of the marriage of *Sami Lamm Shoolapooram*.

Send this Order to the Dy. Asst. Adj. Gen. for the Dy. Asst. Secy to Government, of this date, for all.

2. I submitted the papers for the consideration of the Advocate General, with whom I have also conferred; and,

3. I now forward a copy of his opinion, and return the Order and enclosures above noted.

COPIES—OPINION.

Both parties are Pariahs. Among the higher castes, especially the Brahmins, there are certain forms of marriage well-regulated and gradually perfected. In them, the chief or indispensable ceremony is that of the *Thalavay*, or the *manu* given. But my experience teaches me that the rite of the Thaler is regarded as the chief token of marriage among the inferior castes. I believe it is almost the only ceremony among the Pariahs. The rite which regulates marriage at the present day has been much relaxed since the Edicts were first promulgated, when the status law is supposed to have been promulgated. To hold that a *Thalavay* marriage was not valid among the Pariahs would involve the same, probably millions. I am of opinion that the marriage of these parties in the case before me is perfectly legal.

(Signed) J. B. BENTON,
Advocate General.

(True Copy)
(Signed) J. B. BENTON,
Government Solicitor.

2nd November 1865.

*Proceedings of the Madras Government, Judicial Department,
10th November 1865.*

No. 51. ORDER THEREON, 10th November 1865, No. 1597.

The foregoing Opinion of the Advocate General is communicated to the Adjutant General.

(True Extract).

Chief Secretary.

To the Adjutant General.

Ed. J. H. Davis.

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Read the following letters:

From the 2^d Adjut General - 25 October 1864 - 47
" Government Solicitor - 4 Nov: - 48

Order thereon - 10 November 1864

The foregoing opinion
of the Advocate General is
communicated to the Adjutant
General.

Proc. No. 177-78
25/8/64

4/11/64
13/11/64

The Adjutant General Dept

Recd

Feb 22/61

Let as now

Pro No 177-78

24/7/61

1597

10/4/65

7928

Received 1865. Copy

From the Govt. Secy. Madras

To the Acty. Secy. to Govt.

Dated 4th November.

Rev. G-5

N: 661

18 enclosures papers

N: 2088

Forwarded copy Advocate
General's opinion relative to
the Validity of the Marriage
of Store Saccar Shrotharam

Ld.

Let as now

N: 661

Madras November 4th 1865.

From

John Robert Beyson

Government Secy. - Madras

To

W. Hendlerton Esq.

Acting Secretary to Government
Madras.

Sir,

Dated 28th October
1865 and made in letter
from Deputy Adjutant
General to Government
of 25th October 1865.

1. I have the honor to acknowledge the Order of
Government noted in the margin (with enclosures) relative
to the Validity of the Marriage of Store Saccar
Shrotharam.

2. I submitted the papers for the consideration of
the Advocate General with whom I have also conferred,
and.

3. I now forward a copy of his opinion and
return the Order and enclosures above noted.

I have the honor to be,

Sir,

Yours most obedt. Servant

J. R. Beyson

Govt. Secy.

Rev. 28th Aug^r / 1869 / 18.

Lat 28 Nov

Rev. 28th Aug^r / 1869 / 18.

Rev.

Rev. 28th Aug^r / 1869 / 18.

Rev. 28th Aug^r / 1869 / 18.

Rev. 28th Aug^r / 1869 / 18.

Feb. 23rd 1869.

Rev. 28th Aug^r / 1869 / 18.

Rev. 28th Aug^r / 1869 / 18.

Rev. 28th Aug^r / 1869 / 18.

Rev. 28th Aug^r / 1869 / 18.

Rev. 28th Aug^r / 1869 / 18.

Rev. 28th Aug^r / 1869 / 18.

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Referral to the Court.

Solicitor for the opinion
of the Advocate General

L. R. Jackson
Acting Secretary
to Court

Fort St. George
25th Oct. 1865.

The Court. Solicitor

Wittm. Jackson

Rev. 28th Aug^r / 1869 / 18.

the Pundar was saying Mautum, after that the
Assembled friends were seated after which betel was
distributed and all went away the deceased was not
married before to my knowledge. I have only known the
deceased Shoolaparam since he enlisted, I believe the mother
of Shoolaparam was alive, but was not at Trichinopoly
I have nothing about Toolamun's father. Both
Toolamun and Shoolaparam were of the Pariah caste -
I heard of no Dargy being fixed. Shoolaparam was enlisted
in 1852 or 1853 - after I enlisted - He was enlisted at
the Mount I know no other name called Shoolaparam
- that the deceased was a Dravid, then Gun Laxman I
do not know whether he knew Sher Laxman, but I heard
great many were hand fast. I have no doubt the deceased
was the Claimant's husband. The deceased married the
Claimant the same month he went on Foreign Service.

Pundar - Would you please Pundar 3rd M. 1853
Pundar Attest 187730

State to the Committee what you know of Question by Committee
Your own knowledge relative to the Claim of Toolamun
was under investigation.

When the Claimant Toolamun the late the Pundar
wife by Kallu Thallu of the late Gun Laxman -
Shoolaparam and I was present at the marriage, I was
not Company Mautum and as he had no relation present
that the Chief Management of the Marriage. I only
took care by the Ceremony began in the evening it was
done quietly at the deceased Shoolaparam was not
away

away on Foreign Service, the late Shoolaparam and
the Claimant had lived together for some years before
they were married, they had two children before they
were married, I had known Shoolaparam some time
he was a child he was never married before, the marriage
took place in June 1859, he married the Claimant in
the same month he went to Foreign Service, the marriage
was celebrated in the house of the late Shoolaparam
in the District Land at Trichinopoly, a Mautum was
enlisted and present to the number of 15 or 20 Assembled,
then the Pundar made the Claimant Toolamun and
the late Shoolaparam sit side by side and he seated
himself in front of them and placed strings and flowers
on their necks saying some Mautum, at the same time
and then performed the Ceremony of burning some nine
kinds of grain in Ghee, and saying Mautum then he
took the Thaler and having shown it to the Assembled
Friends gave it to the late Shoolaparam and told him
to put it on Toolamun's neck which he did, the Pundar
saying Mautum after which a feast was given to the
Assembled friends, afterwards betel was distributed and all
went home, there was no music or procession, the Pundar
did not take this notice, there was no Dargy fixed,
The mother of the late Shoolaparam was the only friend
of his alive at the time of his marriage, but she was not
at Trichinopoly, I do not know anything about
Toolamun's parents. Toolamun was unmarried at the
time

