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[Despatch Abstract.]

Illegal Marriages

Directing that the for
be addressed on the subject of the illegality
of certain marriages solemnised in the
Native States of Pudukkottai & Travancore
by ministers of religion.

19/10/98

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Enclosures

Spare copies

G.O., &c., Nos. 1043, 1044, 16th August 1898.

AUGUST.

Illegal Marriages.

Directing that the Government of India be addressed on the subject of the illegality of certain marriages solemnized in the Native States of Pudukkottai and Travancore by ministers of religion.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—again the following paper:—

G.O., Mis. No. 361, Public, dated 1st April 1897.

ABSTRACT.— Addressing the Government of India on the subject of the illegality of certain marriages solemnized in Native States by ministers of religion licensed by Government under Act XV of 1872, in view to those marriages being validated by special legislation.

READ—also the following paper:—

From J. P. HEWETT, Esq., C.I.E., Secretary to the Government of India, Home Department (Ecclesiastical), to the Chief Secretary to the Government of Madras, dated Simla, 13th July 1897, No. 262.

I am directed to acknowledge the receipt of your letter, No. 361, Public Department, dated the 1st April 1897, bringing to notice the illegality of certain marriages solemnized in the Native States of Pudukkottai and Travancore by ministers of religion, and requesting that they may be validated by special legislation.

2. In reply, I am to say that the Governor-General in Council concurs in the opinion of the Honourable the Advocate-General of Madras, to which reference is made in paragraph 4 of your letter, that the marriages in question are illegal and that legislation is necessary for their validation. The law on the subject is contained in sections 6 and 86 of Act XV of 1872, as amended by Act II of 1891, and though, under the second clause of section 86, the Governor in Council of Fort St. George may exercise the powers and functions given by the Act as regards the Native States "situate within, or bordering on" the Presidency of Fort St. George, yet, since the persons here interested are resident outside British India, and since legislation in a local council is limited territorially to the Province concerned, it seems essential that the legislation now necessary should be undertaken in the Council of the Governor-General.

3. Before taking any action in this direction there are certain points regarding which it is necessary to ask for more precise information in connection with the cases cited in the lists submitted with your letter than is at present available—

(a) With reference to the list A of marriages solemnized by the Revd. C. M. Zorn, it is stated in paragraph 7 of your letter that "no record has been found of the issue of any license." Since section 6 and section 9 of the Act both require that the issue of a license to solemnize marriages shall be published in the official gazette, it seems that the question whether a license was granted or not can easily be verified, and I am to ask that, with the permission of the Governor in Council, a search may be instituted and that a copy of the license, in virtue of which each of the ministers of religion and others mentioned in the lists accompanying your letter acted, together with a copy of the gazette notification on the subject, may be forwarded to the

Government of India. If, in Mr. Zorn's case, it should be found that no license was issued, I am to ask that it may be ascertained whether the marriages solemnized by him were solemnized under clause (1) or clause (2) of section 5 of the Act.

(b) In column 6 of list A the nationality of each of the persons mentioned as having been married is given as native. If this means that the parties are subjects of the Native State of Pudukkottai, I am to point out that the Indian Christian Marriage Act, 1872, which extends to the territories of Native Princes and States in alliance with Her Majesty, in so far only as regards Christian subjects of Her Majesty, has nothing whatever to do with their marriages, and that the Government of India therefore have no power to move in the matter.

(c) It is not understood what is intended to be conveyed by the term "Native" as used in columns 5 and 6 of list B. The remarks in the last column of the list do not help to make the point clear, except in the case of the first entry opposite the name of the Revd. A. Gehring. The remarks against the second entry in that column probably mean that the bridegroom is a subject of the Pudukkottai State, and that the parents of the bride are subjects of the Queen. I am to ask that it may be distinctly stated whether the persons concerned are British subjects or subjects of the Pudukkottai State.

(d) I am next to point out that the meaning of the expression "not known" in the same column opposite the fourth entry is not clear. The parentage of the parties apparently is meant, but either the heading of the column or the entry seems to require amendment to make the matter clear.

(e) The Act does not seem to apply at all in the cases of the persons mentioned in entries Nos. 16, 24 and 28, in list C if, as is surmised from the remarks in the last column of that list, the persons married are subjects of the Travancore State.

I am to request that, with the permission of the Governor in Council, it may be ascertained, in the case of each of the persons mentioned in the lists submitted whose marriage is considered to be invalid, whether they are or are not subjects of Her Majesty. Remarks similar to that entered in column 8 of list B would answer the purpose the Government of India have in view.

(f) The first entry in column 3 of list B against the name of the Revd. T. Paesler seems to be misleading. The licenses in the revised forms prescribed in the Proceedings* of the Madras Government for June 1892, which appear to have been given to the Revd. T. Paesler

* No. 382, Public, dated the 4th June 1892. in that year, authorized him to solemnize marriages and grant certificates in the Native State of Pudukkottai. But all the marriages shown in the list as having been solemnized by Mr. Paesler appear to have been solemnized prior to that year under the original licenses which he held and which it is understood authorized him to act only in the territories subject to the Government of Madras. If this is correct, it seems necessary to amend the entry.

(g) In list C it is stated that the marriages therein mentioned were solemnized by a native catechist of the Church Missionary Society within Travancore territory. Apparently a license was granted to him under section 6 of the Act; and the question arises whether a native catechist can be held to be a minister of religion. I am to ask that a copy of the notification publishing the license may be forwarded for the information of the Government of India. The license in this case should apparently have been granted under section 9; but, whichever section it was granted under, the license is said to have been expressly "restricted to the territories subject to the Government of Madras" and the action taken under it in Travancore, therefore, clearly requires to be validated by legislation.

4. I am to request that in place of the present lists new and complete lists, prepared in accordance with the remarks and suggestions conveyed in this letter, may, with permission of His Excellency in Council, be submitted to the Government of India.

ORDER—No. 1043, Public, dated 16th August 1898.

The Government of India will be addressed.

(True Extract.)

G. STOKES,
Chief Secretary.

LETTER—No. 1044, Public, dated Ootacamund, 16th August 1898, to the Secretary to the Government of India, Home Department.

I am directed to reply to your letter, No. 262, dated 13th July 1897, on the subject of the illegality of certain marriages solemnized in the Native States of Pudukkottai and Travancore.

2. In paragraph 3 (a) the Government of India asks that copies of the licenses in virtue of which each of the persons who performed the marriages in question acted, should be submitted, together with a copy of the gazette notification in each case. No copies of the licenses in question were kept at the time of issue among the records of this office, but copies of those granted to the Revd. T. Paesler and catechist Solomon have been obtained and are here-

* Enclosures 1, 2 and 3.

with several others issued under the same Act to other persons not concerned in the present discussion, and it may therefore be presumed that the missing licenses were also in the same form. Copies † of the gazette notifications are furnished as requested in all cases except that of Mr. Zorn.

† Enclosures 4—9.

3. With regard to Mr. Zorn, it has now been ascertained, after a prolonged search among the records in this office, that he was licensed on the 18th of April 1872 under sections 8 and 47 of Act V of 1865, and not under Act XV of 1872, which had not then come into force. ‡ Section 47 of Act V of 1865 requires that the issue of a license shall be notified in the gazette, but no such notification was made. No copies of the licenses granted to Mr. Zorn are forthcoming, but probably the wording was the same as that of the licenses granted in 1866 under the same Act to the Revd. W. Bowden, copies of which accompany this letter. §

‡ Vide G.O., No. 65, Ecclesiastical, dated 18th April 1872—Enclosure 10.

§ Enclosures 11 and 12.

4. Clauses (b), (c), (d) and (e) of paragraphs 3 of the letter under reply relate to certain matters connected with the nationality of the parties to the marriages in question. In regard to columns 5 and 6 of lists A and B, I am to explain that the word "nationality" in the heading of the column was improperly used instead of "race." The wording has now been amended.

In the heading of column 8 of list B the word "remarks" was inadvertently entered instead of "parentage and place of birth." This has now been remedied and the expression "not known" referred to by the Government of India in clause (d) thus becomes intelligible. With regard to clause (e), the entry in the last column of list C shows the nationality of the parties concerned. In the case of Nos. 16, 24 and 28, while one of the parties was a British subject the other was a subject of Travancore. I am to express regret that in the entry opposite to No. 24 the word "British," which should have appeared against the name of the bride, was through the mistake of a copyist omitted. In all the remaining cases included in this list (C) both parties to the marriage are reported to be British subjects.

5. The Government of India observes that the Indian Christian Marriage Act has nothing whatever to do with the marriages of subjects of Native States, and it asks that it may be distinctly stated in each case whether or not the parties are subjects of Her Majesty. With reference to this request His Excellency the Governor in Council desires me to refer more fully than has hitherto been done to two questions which arise in connection with the marriages now under consideration. When the lists A and B were originally prepared, care was taken to omit from them persons who were known not to be Christian subjects of Her Majesty at the time of marriage. Persons whose status was doubtful were however included. The entries in columns 5 and 6 of those lists relate only to residence at the time of the marriage from which no certain clue to nationality can be obtained. With regard therefore to all the marriages mentioned in list A, and the twelve * cases in list B in which information as to the parentage and place of birth

* Nos. 1, 4, 9, 10, 11, 13, 14, 16, 17, 20, 21 and 22.

is not available or is incomplete, it can only be said that one or both of the parties are not known to be other than British subjects. His Excellency the Governor in Council was doubtful whether the presumption thus raised that the parties were British subjects would be sufficient to justify legislation with regard to their marriages. But this matter being one for decision by the Government of India, the names were included in the lists. All the cases of this nature have now been included in supplemental lists A (1) and B (1). No. 3 in list A, however, in which the bride is dead and it is not known whether there is any issue, has been omitted, as in that case it seems unnecessary to undertake legislation.

6. The second question alluded to above relates to marriages in which one of the parties was a British subject and the other a subject of a Native State. Assuming that, in cases where the place of birth is not given, the residence of parents given in the last column of list B is a sufficient indication of the nationality of the parties, there are in that list nine † cases of this nature, while list C, as already mentioned, contains three instances of marriages under similar conditions. The Indian Christian Marriage Act, 1872, applies, as the Government of India remarks, only to Christian subjects of Her Majesty, and on this ground it would appear that no legislation can validate marriages in which one of the parties is not a British subject, and which would therefore not have been valid even if the ministers performing them had been properly licensed; at the time when the lists were prepared, however, His Excellency the Governor in Council had some doubt as to the legal effect of such mixed marriages. They were therefore included in the list with a view to a decision by the Government of India upon the question. They have now been removed and entered in supplemental lists B (2) and C (1).

7. Of the twenty-four entries in list B, twenty-one have already been referred to. The remaining three consist of Nos. 7, 8 and 23. In the two latter cases the parties are Europeans or Eurasians and may be presumed to be British subjects. These marriages may therefore be validated. With regard to No. 7 it is now observed that the bride has apparently died without issue and the bridegroom has re-married (vide entry No. 24 in the original list B). In this case therefore no legislation is necessary.

8. In clause (f) of paragraph 3 of the letter under reply, the Government of India points out that the entry in column 3 of list B, against the name of Revd. T. Paesler, is misleading, as all the marriages which have been solemnized by him appear to have taken place prior to 1872, when the revised licenses referred to were granted. The Government of India's view is correct, and the entry has been amended. Mr. Paesler was in 1892 granted revised licenses in supersession of those given to him in G.O., No. 209, Public, dated 11th August 1876. The first * marriage entered opposite to his name, however, is dated 3rd June 1876. No trace has been found of the issue to Mr. Paesler previously to August of any marriage licenses, and it is not known, therefore, under what powers the marriage in June was solemnized. Mr. Paesler is now dead, and no further information on this point is obtainable.

* No. 1 on original list B.

9. In clause (g) the Government of India assumes that the marriages solemnized by catechist Solomon were solemnized under licenses granted to him under section 6 of the Act, and it raises the question whether a native catechist can be held to be a minister of religion. The license granted to catechist Solomon (who belongs to the London Missionary Society and not to the Church Missionary Society as stated by the Government of India) was under section 9 of the Act—a license to grant certificates of marriage between Native Christians. The Government of India appears to have been misled by the expression “marriages solemnized by” which occurs in paragraph 7 of this Government’s letter No. 361, Public, dated 1st of April 1897, and in the heading of list C. But it will be observed that section 5 of Act XV of 1872 includes among “marriages which may be solemnized in India,” “marriages performed by any person licensed * * * to grant certificates of marriages between Native Christians.” The use of the word “solemnized” in this connection appears therefore to have been correct. Copies of the licenses granted and of the gazette notification on the subject accompany this letter.

10. The new and complete lists which have been prepared in accordance with the request contained in your letter are herewith submitted. The information which they now contain will, His Excellency the Governor in Council trusts, prove sufficient to enable the Government of India to arrive at a decision in the matter.

G. STOKES,
Chief Secretary.

Exd. C. M. Thambuswamy.

[Appendix.

APPENDIX.

ENCLOSURES.

1.

His Excellency the Governor of Madras in Council, under and by virtue of the authority contained in and conferred by section 6 of Act XV of 1872, passed by the Governor-General of India in Council and entitled “The Indian Christian Marriage Act, 1872,” hereby licenses the Revd. Ludwig Trangott Paesler, Leipzig Evangelical Lutheran Mission, stationed at Pudukkóttai, to solemnize marriages within the territories subject to the Government of Madras in accordance with the provisions of the said Act.

As witness the hand of His Grace the Duke of Buckingham and Chandos, Governor of Madras in Council, this eleventh day of August 1876.

(Signed) BUCKINGHAM AND CHANDOS.

2.

His Excellency the Governor of Madras in Council, under and by virtue of the authority contained in and conferred by section 9, Part I of Act No. XV of 1872, passed by the Governor-General of India in Council and entitled “The Indian Christian Marriage Act, 1872,” hereby licenses the Revd. Ludwig Trangott Paesler, Leipzig Evangelical Lutheran Mission, stationed at Pudukkóttai, to grant certificates of marriage between Native Christians in accordance with the provisions of the said Act within the territories subject to the Government of Madras.

As witness the hand of His Grace the Duke of Buckingham and Chandos, Governor of Madras in Council, this eleventh day of August 1876.

(Signed) BUCKINGHAM AND CHANDOS.

3.

His Excellency the Governor of Madras in Council, under and by virtue of the authority contained in and conferred by section 9, Part I of Act No. XV of 1872, passed by the Governor-General of India in Council and entitled “The Indian Christian Marriage Act, 1872,” hereby licenses catechist Visuvasam Solomon of the London Missionary Society, Nagercoil, Travancore, to grant certificates of marriage between Native Christians, in accordance with the provisions of the said Act, within the territories subject to the Government of Madras.

As witness the hand of His Grace the Duke of Buckingham and Chandos, Governor of Madras in Council, this nineteenth day of June 1877.

(Signed) BUCKINGHAM AND CHANDOS.

4.

EXTRACT from the *Fort St. George Gazette*, dated 15th August 1876.

ECCLESIASTICAL DEPARTMENT.

Ootacamund, August 11, 1876.

Under section 9 of “The Indian Christian Marriage Act, 1872,” the Revd. Ludwig Trangott Paesler, of the Leipzig Evangelical Lutheran Mission Society at Pudukkóttai, has been licensed to grant certificates of marriage between Native Christians.

5.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 19th June 1877.*Fort St. George, June 19, 1877.*

MARRIAGE LICENSE.

Under section 9 of "The Indian Christian Marriage Act, 1872," Catechist Visuvasam Solomon, of the London Missionary Society, Nagercoil, Travancore, has been licensed to grant certificates of marriages between Native Christians.

(Signed) D. F. CARMICHAEL,
Chief Secretary.

6.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 27th May 1879.

ECCLESIASTICAL DEPARTMENT.

Ootacamund, May 23, 1879.

MARRIAGE LICENSES.

Under section 9 of "The Indian Christian Marriage Act, 1872," the undermentioned persons have been licensed to grant certificates of marriage between Native Christians:—

The Revd. Friedrich Karl Alwin Gehring, of the Leipzig Evangelical Lutheran Mission, Kumbakonam, Tanjore District.

7.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 9th November 1886.*Fort St. George, November 4, 1886.*

No. 96.—Under section 9 of the Indian Christian Marriage Act (XV of 1872), the Revd. E. L. Dachsett, of the Lutheran Mission, Trichinopoly, is licensed to grant certificates of marriage between Native Christians.

(Signed) H. E. STOKES,
Ag. Chief Secretary.

8.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 27th March 1888.

ECCLESIASTICAL DEPARTMENT.

Fort St. George, March 27, 1888.

No. 41.—Under section 9 of the Indian Christian Marriage Act (XV of 1872) the Revd. Karl Trangott Rueger, Missionary of the Leipzig Evangelical Lutheran Mission, Madras, is licensed to solemnize marriages and to grant certificates of marriage between Native Christians.

(Signed) H. E. STOKES,
Chief Secretary.

9.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 10th April 1888.*Fort St. George, March 31, 1888.*

MARRIAGE LICENSES.

No. 49.—Under section 9 of the Indian Christian Marriage Act (XV of 1872) the Revd. Theodor Meynor, Missionary of the Leipzig Evangelical Lutheran Mission, Trichinopoly, is licensed to grant certificates of marriage between Native Christians.

(Signed) H. E. STOKES,
Chief Secretary.

G.O., No. 65, Ecclesiastical, dated 12th April 1872.

Read—the following letter from the Revd. J. M. N. SCHWARZ, Senior of the Leipzig Evangelical Lutheran Mission, Tranquebar, dated 4th April 1872:—

I have the honour to request that you will please to lay before His Excellency the Governor in Council this my petition in behalf of several ordained Ministers of the Leipzig Evangelical Lutheran Mission for licenses under the Indian Marriage Act No. V of 1865, authorizing them to solemnize marriages under section 8 (Part II) and section 47 (Part V) of the said Act, namely to—

The Revd. Friedrich Zucker at Tranquebar.
" Ernst Grahl at Poreiar.
" Heinrich Beisenherz at Negapatam.
" Carl Manthey-Zorn at Pudukkottai.
" Alfred Grubert at Madras.

Order—No. 65, Ecclesiastical, dated 18th April 1872.

The licenses applied for will be granted.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Ag. Secretary to Government.

11.

His Excellency the Governor of Madras in Council, under and by virtue of the authority contained in and conferred by section 8 of the Act V of 1865, passed by the Governor-General of India in Council, and entitled "An Act to provide for the solemnization of marriages in India of persons professing the Christian religion," hereby licenses the Revd. William Bowden, senior, of the Narsapur Baptist Mission, to solemnize marriages within the territories subject to the Government of Madras in accordance with the provisions of the said Act.

As witness the hand of Sir William Thomas Denison, Governor of Madras, in Council, this twenty-seventh day of February 1866.

(Signed) W. T. DENISON.

12.

His Excellency the Governor of Madras in Council, under and by virtue of the authority contained in and conferred by section 47, Part V of Act No. V of 1865, passed by the Governor-General of India in Council and entitled "An Act to provide for the solemnization of marriages in India of persons professing the Christian religion," hereby licenses and authorises the Revd. W. Bowden of the Baptist Mission, Narsapur, to grant certificates of marriage between Native Christians, in accordance with the provisions of the said Act within the territories subject to the Government of Madras.

As witness the hand of the Right Honourable Francis Baron Napier, Kt., Governor of Madras in Council, this twenty-second day of October 1867.

(Signed) NAPIER.

SUPPLEMENTAL LIST A(1).

List of Marriages solemnized in Pudukkottai State (1872—75)—Marriages in which there is no information as to the nationality of the parties, except that they are not known to be other than British subjects.

No.	Name of the Minister who celebrated the marriage.	Nature of license under which the marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Remarks.
1		3	4	5	6	7	8
1	Rev. C. M. Zorn...	Not known ..	3rd December 1874.	V. Pabiam, Mangaluthupatti (Native).	Mariammal, Pudukkottai (Native).	1. Rethasami. 2. Joseph.	The bridegroom who is reported to have located himself as a teacher at Madura in dead. The bride and children are reported to be living at Madura or Madura.
2			28th January 1876 ..	Joseph, Tanjore (Native) ..	Mariammal, Nedungudi (Native).	Names of children not known, though there are some.	The bride and the bridegroom are reported dead. Their children are reported to be at Tanquebar.

NOTE.—No 3 omitted as bride is dead (vide paragraph 5 of the letter).

**Revised List B.
List of Marriages solemnized in Pudukkottai State (1876—95).**

No.	Name of the Minister who celebrated the marriage.	Nature of license under which the marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Parentage and place of birth, i.e., the State to which contracting parties belong.
1		3	4	5	6	7	8
8	Rev. A. Gehring	Act XV of 1872, sections 6 & 9.	10th December 1884.	George Trevor Morton, Trinopoly (Eurasian).	Alice Rose James, Pudukkottai (Eurasian).	Not known ..	The bridegroom is the son of T. Morton of Madras. The bride is the daughter of J. James of Pudukkottai town. Both may be presumed to be British subjects.
23	Rev. T. Paesler ..	Do. do.	26th November 1891.	George Edward James (not known).	Matilda Jeremiah Abernethy, Trinopoly (not known).	Do. ..	The bridegroom is the son of J. James of Pudukkottai Town. The bride is the daughter of Abernethy, Trinopoly.

No.	Name of the Minister who celebrated the marriage.	Nature of license under which the marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Parentage and place of birth, i.e., the State to which contracting parties belong.
1		3	4	5	6	7	8
1	Rev. T. Paesler ..	Act XV of 1872, sections 6 & 9.	23rd June 1876 ..	T. Jesudasan, Vayalagam (Native).	Annamal, Vayalagam (Native).	Thomas, son ..	The whereabouts of the bridegroom not known. The name of the bride is ascertained to be Komadammal, native of Lalgudi, Trichinopoly district. Nationality of bridegroom not known. The bride may be presumed to be a British subject.
4			13th " 1881 ..	Arulanandham, Kottagudi (Native).	Arokiam, Katchagudi (Native).	1. Periyanyagam, daughter. 2. Samathanam, daughter. Not known.	Not known.
9			13th February 1885.	P. Arulanandham, Pattukkottai (Native).	Saundiram, Tanjore (Native).	Do.	Do.
10	Rev. A. Gehring.	Do. do.	6th June 1885 ..	Savirumuthu, Aruppapalayam (Native).	Savirumuthu, Kocapatti (Native).	Do.	Do.
11			8th " " ..	David, Kalkanimattam (Native).	Arulayee, Tirumanenjeri (Native).	Do.	Do.
13			16th August 1886 ..	Jesudasan, Mattuchery (Native).	Santhammal (Native) ..	Do.	Do.
14			23rd December 1886.	Vasavam, Trinopoly (Native).	Elizabeth (Native) ..	Do.	Do.
16	Rev. E. Dachselt.	Do. do.	28th May 1888 ..	Adakkalam, Kudalur (Native).	Leah (Native) ..	Do.	Do.
17			20th June " ..	Christian, P., Trinopoly (Native).	Tiravayam, Trinopoly (Native).	Do.	Do.
20			9th September 1889.	Arulanandham, Muthunadu (Native).	Paripurnam (Native) ..	Do.	Do.
21	Rev. Th. Meynor.	Do. do.	18th October 1889 ..	Savirumuthu, Pudukkottai (Native).	Madalei (Native) ..	1. Ignasimuthu, son. 2. Anthony, son. Not known.	Do.
22			9th August 1891 ..	Arulanandham, Nemeli (Native).	Arokiam, Katchagudi (Native).	1. Periyanyagam, daughter. 2. Samathanam, daughter.	Do.

SUPPLEMENTAL LIST B(2).
List of Marriages solemnized in Pudukkottai State (1876—95)—Marriages in which one of the parties appears from the evidence as to parentage or place of birth not to be a British subject.

Number and name of the Minister who celebrated the marriage.	Nature of license under which marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of the bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Parentage and place of birth, i.e., the State to which contracting parties belong.	Nationality (known or presumed) of	
							Bridegroom.	Bride.
1	2	3	4	5	6	7	8	9
2. Revd. T. Paesler	Act XV of 1872, sections 6 and 9.	7th Oct. 1876.	Savirinuthu, P., Vayalagam (Native).	Mariammal, (Native). Kudalur	1. Muthusami, son. 2. Arulappan, son. 3. Adakkalam, daughter.	The bridegroom is the son of Nalla Pillai and Annappa of Pudukkottai State. The bride is the daughter of Antony Pillai and Maruthamuttu of Sarukani, Madura district.	Pudukkottai.	British.
3. Do.	Do.	18th Oct. 1880.	Nyanamutta, P., Vayalagam (Native).	Annammal, Trichinopoly (Native).	1. Selvam, daughter. 2. David, son. 3. Periyasayagam, daughter. 4. Anukvacham, son.	The bridegroom is the son of Karutta Pillai and Mathelammal of Vayalagam, Pudukkottai State. The bride is the daughter of Maraval Pillai and Susammal of Trichinopoly.	Do.	Do.
4. Do.	Do.	15th June 1881.	L. Mathew, Manapparai (Native).	Muthabramom, Pudukkottai (Native).	Not known	Bridegroom appears to be native of Manapparai, Trichinopoly district. Parentage not known. The bride is the daughter of Daniel and Savathammal, Pudukkottai town.	British	Pudukkottai.
5. Do.	Do.	4th May 1883.	Rajappan Thambasami, Coimbatore.	Elizabeth Nyanammal, Pudukkottai (Native).	Do.	Bridegroom is the son of Kuttaya Pillai and Savini Ayes of Vayalagam, but was born at Coimbatore. The bride is the daughter of Arulappa Pillai and Mangalam of Pudukkottai town.	Do.	Do.
6. Do.	Do.	29th June 1885.	Savirinuthu, Kottai-karanpatti (Native).	Muthayee, Anyakaram-patti (Native).	1. Ignasimuthu, son. 2. Petree, son. 3. Mariammal, daughter.	The bridegroom is the son of Rayam-halagaram and Savini Ayes of the Pudukkottai State; the bride is the daughter of Devasegavayam and Mariammal of Kottai, Dindigul taluk, Madura district.	Pudukkottai.	British.
12. Revd. A. Gehring.	Do.	14th May 1898.	do.	Mariaseelvar, Anyakaram-patti (Native).	Peripurnam, daughter.	The bridegroom is the son of Muttam-halagaram and Annammal of the Pudukkottai State; but the bride is not known.	Do.	Do.

SUPPLEMENTAL LIST B(2).

List of Marriages solemnized in Pudukkottai State (1876—95)—Marriages in which one of the parties appears from the evidence as to parentage or place of birth not to be a British subject—*cont.*

Number and name of the Minister who celebrated the marriage.	Nature of license under which marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of the bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Parentage and place of birth, i.e., the State to which contracting parties belong.	Nationality (known or presumed) of	
							Bridegroom.	Bride.
1	2	3	4	5	6	7	8	9
18. Revd. Th. Meynor.	Act XV of 1872, sections 6 and 9.	27th May 1889.	Arulanandham, Kottai-karanpatti (Native).	Nyanaammal, Karupatti (Native).	Not known	The bridegroom is the son of Ganga-pillai and Ignasammal of the Pudukkottai State, and the bride is the daughter of Ramapillai and Annammal of Trichinopoly.	Pudukkottai.	British.
19. Do.	Do.	14th August 1889.	Obed, (Native).	Santhanam (Native)	Do.	The bridegroom is a native of Tranquebar, but his parentage is not known. The bride is the daughter of M. Anthony and Savathammal of Pudukkottai town.	British.	Pudukkottai.
24. Do.	Do.	3rd October 1895.	Muthusami Cannusami, Amburpatti (Native).	Sampurnam, Pudukkottai (Native).	Do.	The bridegroom is a British subject. The bride is the daughter of Chinna Pillai and Muktambaram, Pudukkottai town.	Do.	Do.

List of persons to whom Certificates of Marriage were granted by the Revd. Visvasam Solomon of Agastees rem London Missionary Society.

When married.			Name of parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's name and surname.	Where solemnised.	British or Travancore.
No.	Day.	Month.	Year.	Christian name.							
1	5	December.	1877	Nathanavel ..	23	Bachelor	Cultivation ..	Kannankulam.	Bettinadan Perumal. Uthakanthan Jeyamurthiadan Swaminathan.	Kannankulam Church.	British.
2	3	July	1878	Annamalai ..	19	Spinster	Do. ..	Do.	Swaminathan Perinpanayagan.	Do.	Do.
3	11	January	1879	Yessavadi ..	20	Bachelor	Do. ..	Do.	Swaminathan Swami Adiyam.	Do.	Do.
4	23	May	1879	Yessavadi ..	18	Spinster	Do. ..	Do.	Kilassam Paramanathan.	Do.	Do.
5	13	November	1879	Yessavadi ..	26	Bachelor	Do. ..	Do.	Swami Adiyam Vakkam.	Do.	Do.
6	21	December	1879	Yessavadi ..	19	Spinster	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
7	29	January	1880	Yessavadi ..	21	Bachelor	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
8	13	November	1879	Yessavadi ..	19	Spinster	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
9	21	December	1879	Yessavadi ..	26	Bachelor	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
10	29	January	1880	Yessavadi ..	19	Spinster	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
11	29	January	1880	Yessavadi ..	26	Bachelor	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
12	29	January	1880	Yessavadi ..	19	Spinster	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
13	29	January	1880	Yessavadi ..	26	Bachelor	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
14	29	January	1880	Yessavadi ..	19	Spinster	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
15	29	January	1880	Yessavadi ..	26	Bachelor	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
16	29	January	1880	Yessavadi ..	19	Spinster	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
17	29	January	1880	Yessavadi ..	26	Bachelor	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
18	29	January	1880	Yessavadi ..	19	Spinster	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
19	29	January	1880	Yessavadi ..	26	Bachelor	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
20	29	January	1880	Yessavadi ..	19	Spinster	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
21	29	January	1880	Yessavadi ..	26	Bachelor	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
22	29	January	1880	Yessavadi ..	19	Spinster	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
23	29	January	1880	Yessavadi ..	26	Bachelor	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
24	29	January	1880	Yessavadi ..	19	Spinster	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
25	29	January	1880	Yessavadi ..	26	Bachelor	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
26	29	January	1880	Yessavadi ..	19	Spinster	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.
27	29	January	1880	Yessavadi ..	26	Bachelor	Do. ..	Do.	Swaminathan Suvil.	Do.	Do.

When married.

Name of parties.

No.	Day.	Month.	Year.	Christian name.	Surname.	Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's name and surname.	Where solemnised.	British or Travancore.
15	23	October	1889	Paramanathan ..	Santhoshanadan	23	Bachelor	Cultivation ..	Kannankulam.	Arunkulamadan Santhoshanadan.	Kannankulam Church.	British.
17	27	October	1890	Yesavadi ..	Kaylasom	17	Spinster	House management.	Kannankulam.	Basakku Kailasom	Do.	Do.
18	30	April	1892	Chinnadan ..	Chinnadan	29	Bachelor	Cultivation ..	Rakunipuzham.	Chinnadan	Levingipuzham Church.	Do.
19	1	September	1892	Chinnadan ..	Chinnadan	24	Spinster	House management.	Levingipuzham.	Swaminathan Suvil.	Do.	Do.
20	3	October	1892	Chinnadan ..	Chinnadan	27	Bachelor	Cultivation ..	Kannankulam.	Arunkulamadan	Kannankulam Church.	Do.
21	3	Do.	1892	Chinnadan ..	Chinnadan	16	Spinster	House management.	Kannankulam.	Periyasami	Do.	Do.
22	9	December	1892	Chinnadan ..	Chinnadan	26	Bachelor	Cultivation ..	Kannankulam.	Yesavadiyan Arumana.	Kannankulam Church.	Do.
23	15	August	1893	Chinnadan ..	Chinnadan	21	Spinster	House management.	Kannankulam.	Chinnadan	Do.	Do.
24	11	May	1894	Chinnadan ..	Chinnadan	26	Bachelor	Adjutant, Salvation Army.	Nagercoil.	Sargunom Gnanavoli	Prayer house, Salvation Army Nagercoil.	Do.
25	11	Do.	1894	Chinnadan ..	Chinnadan	34	Spinster	Captain, Salvation Army.	Do.	Martyn Martyn	Do.	Do.
26	11	Do.	1894	Chinnadan ..	Chinnadan	25	Bachelor	Lieutenant, Salvation Army.	Do.	Apatha Urnom	Do.	Do.
27	14	Do.	1894	Chinnadan ..	Chinnadan	21	Spinster	Cultivation ..	Levingipuzham.	Kirupananathapunchira.	Levingipuzham Church.	Do.
28	14	Do.	1894	Chinnadan ..	Chinnadan	26	Bachelor	House management.	Kudankulam.	Malasudinadan Pakkianathan.	Prayer house, Salvation Army.	Do.
29	14	Do.	1894	Chinnadan ..	Chinnadan	22	Bachelor	Captain, Salvation Army.	Nagercoil.	Nallathampia Pillai Muthu Pillai.	Do.	Do.
30	14	Do.	1894	Chinnadan ..	Chinnadan	19	Spinster	Lieutenant, Salvation Army.	Do.	David Pillai Masillamoni	Do.	Do.
31	14	Do.	1894	Chinnadan ..	Chinnadan	26	Bachelor	Ensign, Salvation Army.	Do.	Kaligavara Raman Pillai Arokiam.	Salvation Army Barracks, Kaddam.	Do.
32	14	Do.	1894	Chinnadan ..	Chinnadan	19	Spinster	Captain, Salvation Army.	Do.	Tuesig Raja Pillai Gnanamuthu.	Do.	Do.
33	14	Do.	1894	Chinnadan ..	Chinnadan	25	Bachelor	Do.	Do.	Arulanathan	Do.	Do.
34	14	Do.	1894	Chinnadan ..	Chinnadan	19	Spinster	Do.	Do.	Gnanamuthu	Do.	Do.
35	14	Do.	1894	Chinnadan ..	Chinnadan	27	Bachelor	Do.	Do.	Vedanyagam Sastry Gnanasigamony.	Agasteespuzham Church.	Do.
36	14	Do.	1894	Chinnadan ..	Chinnadan	20	Spinster	Do.	Do.	Rajandram Pillai Sargunam.	Do.	Do.

Government { 1898 } of Madras. PUBLIC.

Supplemental List C(1).
List of persons to whom Certificates of Marriage were granted by the Revd. Visuvanatham Solomon of Agasteeswarem London Missionary Society.—Marriages in which one of the parties is not a British subject.

When married.			Name of parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's name and surname.	Where solemnised.	British or Travancore.
No.	Day.	Month.	Year.	Christian name.							
16	28	9	1890	David Thiruvadi Pillai Salomy	20	Bachelor	Schoolmaster	Palamcottah	Chokalingon Pillai Pichai Pillai	Trivandrum Church.	British Travancore.
24	9	5	1894	Arokinawami	18	Spinster	House management.	Trivandrum	Kuchumadan Yovan	Trivandrum Church.	British Travancore.
28	22	1	1895	Amirtham	25	Bachelor	Cadet, Salvation Army	Nagercoil	Mahimai Das	Agasteeswarem Church.	British Travancore.
				Arokinawami	24	Widow	Do.	Do.	Christian	Do.	British Travancore.
				Aruprakasam	25	Bachelor	Ensign, Army.	Do.	Lekshmanan Naideo	Do.	British Travancore.
				Gnanamani	18	Spinster	Lieutenant, Salvation Army.	Do.	Esakkinadan Masillamoni	Do.	British Travancore.

Recd.

Regd.

1898.

Enclosures

Spare copies

Letter, No. , August 1898.

AUGUST.

Replying to the letter from the Government of India on the subject of the illegality of certain marriages solemnised in the Native States of Pudukkottai and Travancore.

PUBLIC DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to reply to your letter, No. 262, dated 13th July 1897, on the subject of the illegality of certain marriages solemnized in the Native States of Pudukkottai and Travancore.

2. In paragraph 3 (a) the Government of India asks that copies of the licenses in virtue of which each of the persons who performed the marriages in question acted, should be submitted, together with a copy of the gazette notification in each case. No copies of the licenses in question were kept at the time of issue among the records of this office, but copies of those granted to the Revd. T. Paesler and catechists Solomon have been obtained and are herewith forwarded.* These licenses have, on comparison, been found to be identical with those granted to other persons not concerned in the present discussion, and it may therefore be presumed that the missing licenses were also in the same form. Copies of the gazette notifications are furnished as requested in all cases, except that of Mr. Zorn.

* Enclosures 1, 2 and 3.

3. With regard to Mr. Zorn, it has now been ascertained, after a prolonged search among the records in this office, that he was licensed on the 18th of April 1872 under sections 8 and 47 of Act V of 1865, and not under Act XV of 1872, which had not then come into force. †

† Vide G.O., No. 65, Ecclesiastical, dated 18th April 1872—Enclosure 10.

made. No copies of the licenses granted to Mr. Zorn are forthcoming, but probably the wording was the same as that of the licenses granted in 1866 under the same Act to the Revd. W. Bowden, copies of which accompany this letter. §

§ Enclosures 11 and 12.

4. Clauses (b), (c), (d) and (e) of paragraph 3 of the letter under reply relate to certain matters connected with the nationality of the parties to the marriages in question. In regard to columns 5 and 6 of lists A and B, I am to explain that the word "nationality" in the heading of the column was improperly used instead of "race." The wording has now been amended.

In the heading of column 8 of list B the word "remarks" was inadvertently entered instead of "parentage and place of birth." This has now been remedied, and the expression "not known" referred to by the Government of India in clause (d) thus becomes intelligible. With regard to clause (e), the entry in the last column of list C shows the nationality of the parties concerned. In the case of Nos. 16, 24 and 28, while one of the parties was a British subject the other was a subject of Travancore. I am to express regret that in the entry opposite to No. 24 the word "British," which should have appeared against the name of the bride, was through the mistake of a copyist omitted. In all the remaining cases included in this list (C) both parties to the marriage are reported to be British subjects.

5. The Government of India observes that the Indian Christian Marriage Act has nothing whatever to do with the marriages of subjects of Native States, and it asks that it may be distinctly stated in each case whether or not the parties are subjects of Her Majesty. With reference to this request His Excellency the Governor in Council desires me to refer more fully than has hitherto been done to two questions which arise in connection with the marriages now under consideration. When the lists A and B were originally prepared, care was taken to omit from them persons who were known not to be Christian subjects of Her Majesty at the time of marriage. Persons whose status was doubtful were however included. The entries in columns 5 and 6 of those lists relate only to residence at the time of the marriage from which no certain clue to nationality can be obtained. With regard therefore to all the marriages mentioned in list A, and the

Nos. 1, 4, 9, 10, 11, 13, 14, 16, 17, 20, 21 and twelve * cases in list B in which information as to the parentage and place of birth

not available or is incomplete, it can only be said that one or both of the parties are not known to be other than British subjects. His Excellency the Governor in Council was doubtful whether the presumption thus raised that the parties were British subjects would be sufficient to justify legislation with regard to their marriages. But in this matter being one for decision by the Government of India, the names were included in the lists. All the cases of this nature have now been included in supplemental lists A (1) and B (1). No. 3 in list A, however, in which the bride is dead and it is not known whether there is any issue, has been omitted, as in that case it seems unnecessary to undertake legislation.

6. The second question alluded to above relates to marriages in which one of the parties was a British subject and the other a subject of a Native State. Assuming that, in cases where the place of birth is not given, the residence of parents given in the last column of list B is a sufficient indication of the nationality of the parties, there are in that list nine † cases of this nature, while list C, as already mentioned, contains three instances of marriages under similar conditions. The Indian Christian Marriage Act, 1872, applies, as the Government of India remarks, only to Christian subjects of Her Majesty, and on this ground it would appear that no legislation can validate marriages in which one of the parties is not a British subject, and which would therefore not have been valid even if the ministers performing them had properly licensed; at the time when the lists were prepared, however, His Excellency the Governor in Council had some doubt as to the legal effect of such mixed marriages. They were therefore included in the list with a view to a decision by the Government of India upon the question. They have now been removed and entered in supplemental lists B (2) and C (1).

7. (If the twenty-four entries in list B, twenty-one have already been referred to. The remaining three consist of Nos. 7, 8 and 23. In the two latter cases the parties are Europeans or Eurasians and may be presumed to be British subjects. These marriages may therefore be validated. With regard to No. 7 it is now observed that the bride has apparently died without issue and the bridegroom has re-married (entry No. 24 in the original list B). In this case therefore no legislation is necessary.

8. In clause (f) of paragraph 3 of the letter under reply, the Government of India points out that the entry in column 3 of list B, against the name of Revd. T. Paesler, is misleading, as all the marriages which have been solemnized by him

5.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 19th June 1877.

Fort St. George, June 19, 1877.

MARRIAGE LICENSE.

Under section 9 of "The Indian Christian Marriage Act, 1872," Catechist Visuvasam Solomon, of the London Missionary Society, Nagercoil, Travancore, has been licensed to grant certificates of marriages between Native Christians.

(Signed) D. F. CARMICHAEL,
Chief Secretary.

6.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 27th May 1879.

ECCLESIASTICAL DEPARTMENT.

Ootacamund, May 23, 1879.

MARRIAGE LICENSES.

Under section 9 of "The Indian Christian Marriage Act, 1872," the undermentioned persons have been licensed to grant certificates of marriage between Native Christians:—

The Revd. Friedrich Karl Alwin Gehring, of the Leipzig Evangelical Lutheran Mission, Kumbakonam, Tanjore District.

7.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 9th November 1886.

Fort St. George, November 4, 1886.

No. 96.—Under section 9 of the Indian Christian Marriage Act (XV of 1872), the Revd. E. L. Dachsett, of the Lutheran Mission, Trichinopoly, is licensed to grant certificates of marriage between Native Christians.

(Signed) H. E. STOKES,
Ag. Chief Secretary.

8.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 27th March 1888.

ECCLESIASTICAL DEPARTMENT.

Fort St. George, March 27, 1888.

No. 41.—Under section 9 of the Indian Christian Marriage Act (XV of 1872), the Revd. Karl Trangott Rueger, Missionary of the Leipzig Evangelical Lutheran Mission, Madras, is licensed to solemnize marriages and to grant certificates of marriage between Native Christians.

(Signed) H. E. STOKES,
Chief Secretary.

9.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 10th April 1888.

Fort St. George, March 31, 1888.

MARRIAGE LICENSES.

No. 49.—Under section 9 of the Indian Christian Marriage Act (XV of 1872), the Revd. Theodor Meynor, Missionary of the Leipzig Evangelical Lutheran Mission, Trichinopoly, is licensed to grant certificates of marriage between Native Christians.

(Signed) H. E. STOKES,
Chief Secretary.

10.

G.O., No. 65, Ecclesiastical, dated 12th April 1872.

Read—the following letter from the Revd. J. M. N. SCHWARZ, Senior of the Leipzig Evangelical Lutheran Mission, Tranquebar, dated 4th April 1872:—

I have the honour to request that you will please to lay before His Excellency the Governor in Council this my petition in behalf of several ordained Ministers of the Leipzig Evangelical Lutheran Mission for licenses under the Indian Marriage Act No. V of 1865, authorizing them to solemnize marriages under section 8 (Part II) and section 47 (Part V) of the said Act, namely to—

The Revd. Friedrich Zucker at Tranquebar.
" Ernst Grahl at Poreiar.
" Heinrich Beisenherz at Negapatam.
" Carl Manthey-Zorn at Pudukkottai.
" Alfred Grubert at Madras.

Order—No. 65, Ecclesiastical, dated 18th April 1872.

The licenses applied for will be granted.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Ag. Secretary to Government.

11.

His Excellency the Governor of Madras in Council, under and by virtue of the authority contained in and conferred by section 8 of the Act V of 1865, passed by the Governor-General of India in Council, and entitled "An Act to provide for the solemnization of marriages in India of persons professing the Christian religion," hereby licenses the Revd. William Bowden, senior, of the Narsapur Baptist Mission, to solemnize marriages within the territories subject to the Government of Madras in accordance with the provisions of the said Act.

As witness the hand of Sir William Thomas Denison, Governor of Madras, in Council, this twenty-seventh day of February 1866.

(Signed) W. T. DENISON.

12.

His Excellency the Governor of Madras in Council, under and by virtue of the authority contained in and conferred by section 47, Part V of Act No. V of 1865, passed by the Governor-General of India in Council and entitled "An Act to provide for the solemnization of marriages in India of persons professing the Christian religion," hereby licenses and authorises the Revd. W. Bowden of the Baptist Mission, Narsapur, to grant certificates of marriage between Native Christians, in accordance with the provisions of the said Act within the territories subject to the Government of Madras.

As witness the hand of the Right Honourable Francis Baron Napier, K.T., Governor of Madras in Council, this twenty-second day of October 1867.

(Signed) NAPIER.

SUPPLEMENTAL LIST A(1).

List of Marriages solemnized in Pudukkottai State (1872—75)—Marriages in which there is no information as to the nationality of the parties, except that they are not known to be other than British subjects.

No.	Name of the Minister who celebrated the marriage.	Nature of license under which the marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Remarks.
1	2	3	4	5	6	7	8
1	Rev. C. M. Zorn..	Not known ..	3rd December 1874.	V. Peetiam, Mangaluthupatti (Native).	Mariammal, Pudukkottai (Native).	1. Rethnasami. 2. Joseph.	The bridegroom who is reported to have located himself as a teacher at Madura is dead. The bride and children are reported to be living at Madura or Madura.
2			28th January 1875 ..	Joseph, Tanjore (Native) ..	Mariammal, Nedungudi (Native).	Names of children not known, though there are some.	The bride and the bridegroom are reported dead. Their children are reported to be at Tranquebar.

NOTE.—No 3 omitted as bride is dead (vide paragraph 5 of the letter).

REVISED LIST B.

List of Marriages solemnized in Pudukkottai State (1876—95).

No.	Name of the Minister who celebrated the marriage.	Nature of license under which marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Parentage and place of birth, i.e., the State to which contracting parties belong.
1	2	3	4	5	6	7	8
8	Rev. A. Gehring ..	Act XV of 1872, sections 6 & 9.	10th December 1884.	George Trevor Morton, Trinopoly (Eurasian).	Alce Rose James, Pudukkottai (Eurasian).	Not known ..	The bridegroom is the son of T. Morton of Madras. The bride is the daughter of J. James of Pudukkottai town. Both may be presumed to be British subjects.
23	Rev. F. Peeler. ..	Do. do.	26th November 1891.	George Edward James (not known).	Matilda Jeremiah Abernethy, Trinopoly (not known).	Do. ..	The bridegroom is the son of J. James of Pudukkottai Town. The bride is the daughter of Abernethy, Trinopoly. Both may be presumed to be British subjects.

SUPPLEMENTAL LIST B(1).

List of Marriages solemnized in Pudukkottai State (1876—95)—Marriages in which there is no information as to the nationality of the parties, except that they are not known to be other than British subjects.

No.	Name of the Minister who celebrated the marriage.	Nature of license under which marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Parentage and place of birth, i.e., the State to which contracting parties belong.
1	2	3	4	5	6	7	8
1	Rev. T. Paesler ..	Act XV of 1872, sections 6 & 9.	23rd June 1876 ..	T. Jesudasan, Vayalagam (Native).	Annammal, Vayalagam (Native).	Thomas, son ..	The whereabouts of the bridegroom not known. The name of the bride is ascertained to be Komadammal, native of Lalgudi, Trinopoly district. Nationality of bridegroom not known. The bride may be presumed to be a British subject.
4			13th " 1881 ..	Arulanandham, Kottagudi (Native).	Arokiam, Kottagudi (Native).	1. Periyanyagam, daughter. 2. Samathanam, daughter. Not known.	Not known.
9			13th February 1885.	P. Arulanandham, Pattukkottai (Native).	Saundiram, Tanjore (Native).	Do.	Do.
10	Rev. A. Gehring.	Do. do.	6th June 1885 ..	Savirumuthu, Aruppapalayam (Native).	Savirumuthu, Koppattai (Native).	Do.	Do.
11			8th " " ..	David, Kalkaniamattam (Native).	Arulayee, Tirumanenjeri (Native).	Do.	Do.
13			16th August 1886 ..	Jesudasan, Mattuchery (Native).	Santhammal (Native) ..	Do.	Do.
14	Rev. E. Daehsel.	Do. do.	23rd December 1886.	Visvasam, Trinopoly (Native).	Elizabeth (Native) ..	Do.	Do.
16			28th May 1888 ..	Adakkalam, Kudalur (Native).	Leah (Native) ..	Do.	Do.
17			20th June " ..	Christian, P., Trinopoly (Native).	Tiravayam, Trinopoly (Native).	Do.	Do.
20			9th September 1889.	Arulanandham, Muthunadu (Native).	Paripurnam (Native) ..	1. Ignasimuthu, son. 2. Anthony, son. Not known.	Do.
21	Rev. Th. Meynor.	Do. do.	18th October 1889 ..	Savirumuthu, Pudukkottai (Native).	Madalai (Native) ..	Do.	Do.
22			9th August 1891 ..	Arulanandham, Nemeli (Native).	Arokiam, Kottagudi (Native).	1. Periyanyagam, daughter. 2. Samathanam, daughter.	Do.

SUPPLEMENTAL LIST B(2).

List of Marriages solemnized in Pudukkottai State (1876-95)—Marriages in which one of the parties appears from the evidence as to parentage or place of birth not to be a British subject.

Number and name of the Minister who celebrated the marriage.	Nature of license under which marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of the bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Parentage and place of birth, i.e., the State to which contracting parties belong.	Nationality (known or presumed) of	
							Bridegroom.	Bride.
1	2	3	4	5	6	7	8	9
2. Revd. T. Paesler	Act XV of 1872, sections 6 and 9.	7th Oct. 1876.	Savirimuthu, P., Vayalagam (Native).	Mariammal, Kudalur (Native).	1. Muthusami, son. 2. Arulappan, son. 3. Adakkalam, daughter.	The bridegroom is the son of Nalla Pillai and Gunappu of Pudukkottai State. The bride is the daughter of Antony Pillai and Marudhamuttu of Sarukani, Madura district.	Pudukkottai.	British.
3. Do.	Do.	18th Oct. 1880.	Nyanamuttu, P., Vayalagam (Native).	Annammal, Trichinopoly (Native).	1. Selvam, daughter. 2. David, son. 3. Periyasayagam, daughter. 4. Annakudam, son.	The bridegroom is the son of Karutta Pillai and Mathalammal of Vayalagam, Pudukkottai State. The bride is the daughter of Mariyval Pillai and Susammal of Trichinopoly.	Do.	Do.
4. Do.	Do.	15th June 1881.	L. Mathew, Manappara (Native).	Muthabramem, Pudukkottai (Native).	Not known	Bridegroom appears to be native of Manappara, Trichinopoly district. Parentage not known. The bride is the daughter of Daniel and Savathiammal, Pudukkottai town.	British	Pudukkottai.
5. Do.	Do.	4th May 1883.	Rajappan Thambusami, Coimbatore.	Elisabeth Nyanammal, Pudukkottai (Native).	Do.	Bridegroom is the son of Kuttaya Pillai and Saviri Aye of Vayalagam, but was born at Coimbatore. The bride is the daughter of Arulappa Pillai and Mangalam of Pudukkottai town.	Do.	Do.
13. Revd. A. Gehring.	Do.	29th June 1886.	Savirimuthu, Kottai-karanpatti (Native).	Muthayee, Anyakaranpatti (Native).	1. Ignasimuthu, son. 2. Petree, son. 3. Mariammal, daughter.	The bridegroom is the son of Ravam-belagaram and Saviri Aye of the Pudukkottai State; the bride is the daughter of Devasegaram and Mariammal of Kottai, Dindigul taluk, Madura district.	Pudukkottai.	British.
14. Revd. E. Debsalt.	Do.	14th May 1888.	Do. do.	Mariasevram, Anyakaranpatti (Native).	Peripparam, daughter.	The bridegroom is the son of Muttam-belagaram and Annammal of the Pudukkottai State; but the bride is the daughter of Sinnappan and Annammal of British territory. Exact whereabouts not known.	Do.	Do.

SUPPLEMENTAL LIST B(2).

List of Marriages solemnized in Pudukkottai State (1876-95)—Marriages in which one of the parties appears from the evidence as to parentage or place of birth not to be a British subject—cont.

Number and name of the Minister who celebrated the marriage.	Nature of license under which marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of the bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Parentage and place of birth, i.e., the State to which contracting parties belong.	Nationality (known or presumed) of	
							Bridegroom.	Bride.
1	2	3	4	5	6	7	8	9
18. Revd. Th. Meynor.	Act XV of 1872, sections 6 and 9.	27th May 1889.	Arulanandham, Kottai-karanpatti (Native).	Nyanammal, Karupatti (Native).	Not known	The bridegroom is the son of Ganga-pillai and Ignasammal of the Pudukkottai State, and the bride is the daughter of Ramapillai and Annammal of Trichinopoly.	Pudukkottai.	British.
19. Do.	Do.	14th August 1889.	Obed, Pudukkottai (Native).	Santhanam (Native)	Do.	The bridegroom is a native of Tranquebar, but his parentage is not known. The bride is the daughter of M. Anthony and Savathiammal of Pudukkottai town.	British.	Pudukkottai.
24. Do.	Do.	3rd October 1896.	Muthusami Cannusami, Amburpatti (Native).	Sampurnam, Pudukkottai (Native).	Do.	The bridegroom is a British subject. The bride is the daughter of Chinna Pillai and Muktambaram, Pudukkottai town.	Do.	Do.

List of persons to whom Certificates of Marriage were granted by the Revd. Visnuvasam Solomon of Agasteeswaram London Missionary Society.

When married.				Name of parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's name and surname.	Where solemnized.	British or Travancore.
No.	Day.	Month.	Year.	Christian name.	Surname.							
1	5	December.	1877	Nathanuvel ..	Ualakathan ..	23	Bachelor	Cultivation ..	Kannankulam.	Retinaden Perumal Jeyamurthiandan Swaminathan.	Kannankulam Church.	British.
2	3	July	1878	Annamalai ..	Swaminathan ..	19	Spinster	Do.	Do.	Swaminathan Perinpanayagam.	Do.	Do.
3	11	February ..	1879	Yesuvadial ..	Peruppanayagam ..	20	Bachelor	Do.	Do.	Swaminathan Swaminathan.	Do.	Do.
4	23	May	1879	Samuel ..	Swami Adiyen ..	18	Spinster	Do.	Do.	Adiyen Kilasam Paramanathan.	Do.	Do.
5	12	November.	1879	Yesuvadial ..	Paramanathan Vakkundam ..	26	Bachelor	Do.	Do.	Swami Adiyen Vakkundam.	Do.	Do.
6	11	December.	1879	Yesuvadial ..	Yesuvadial ..	19	Spinster	Do.	Do.	Swaminathan Sathianathan.	Do.	Do.
7	26	May	1880	Yesuvadial ..	Yesuvadial ..	21	Bachelor	Do.	Do.	Swaminathan Sathianathan.	Do.	Do.
8	11	November.	1880	Yesuvadial ..	Yesuvadial ..	25	Bachelor	Do.	Do.	Swaminathan Sathianathan.	Do.	Do.
9	7	December.	1881	Yesuvadial ..	Yesuvadial ..	20	Spinster	Do.	Do.	Swaminathan Sathianathan.	Do.	Do.
10	20	June	1882	Yesuvadial ..	Yesuvadial ..	23	Bachelor	Do.	Do.	Swaminathan Sathianathan.	Do.	Do.
11	1	November.	1882	Yesuvadial ..	Yesuvadial ..	22	Spinster	Do.	Do.	Swaminathan Sathianathan.	Do.	Do.
12	15	Do.	1882	Yesuvadial ..	Yesuvadial ..	21	Bachelor	Do.	Do.	Swaminathan Sathianathan.	Do.	Do.
13	27	October ..	1886	Yesuvadial ..	Yesuvadial ..	24	Spinster	Do.	Do.	Swaminathan Sathianathan.	Do.	Do.
14	23	Do.	1888	Yesuvadial ..	Yesuvadial ..	26	Bachelor	Do.	Do.	Swaminathan Sathianathan.	Do.	Do.

List of persons to whom Certificates of Marriage were granted by the Revd. Visnuvasam Solomon of Agasteeswaram London Missionary Society—cont.

When married.				Name of parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's name and surname.	Where solemnized.	British or Travancore.
No.	Day.	Month.	Year.	Christian name.	Surname.							
16	23	October ..	1889	Yesuvadial ..	Yesuvadial ..	23	Bachelor	Cultivation ..	Kannankulam ..	Arakulamadan Santhoshanadan.	Kanakappapuram Church.	British.
17	28	September.	1890	Yesuvadial ..	Yesuvadial ..	17	Spinster	House management.	Kanakappapuram.	Esakku Kallasom ..	Do.	Do.
18	27	October ..	1890	Yesuvadial ..	Yesuvadial ..	20	Bachelor	Schoolmaster	Palameottah ..	Chokalingon Pillai Picha Pillai.	Trivandrum Church.	British.
19	1	September.	1892	Yesuvadial ..	Yesuvadial ..	16	Spinster	House management.	Trivandrum ..	Kundumadan Yovan ..	Do.	Do.
20	3	October ..	1892	Yesuvadial ..	Yesuvadial ..	24	Spinster	House management.	Rakshanyapuram.	Chinnadan Chinnadan.	Levingipuram Church.	Travancore.
21	3	Do.	1892	Yesuvadial ..	Yesuvadial ..	21	Spinster	House management.	Levingipuram.	Swaminathan Suviseshamuthan.	Do.	Do.
22	9	December.	1892	Yesuvadial ..	Yesuvadial ..	27	Bachelor	Cultivation ..	Kannankulam.	Narayanan Arakulamadan.	Kanakappapuram Church.	Do.
23	15	August ..	1893	Yesuvadial ..	Yesuvadial ..	16	Spinster	House management.	Kanakappapuram.	Periyasami Mookhakannu.	Do.	Do.
24	9	May	1894	Yesuvadial ..	Yesuvadial ..	26	Bachelor	House management.	Kannankulam.	Yesuvadiyan Arumainayagam.	Kannankulam Church.	Do.
25	11	Do.	1894	Yesuvadial ..	Yesuvadial ..	21	Spinster	House management.	Kannankulam.	Chellaniyagan Nandan.	Prayer house, Salvation Army.	Do.
26	11	Do.	1894	Yesuvadial ..	Yesuvadial ..	26	Bachelor	Adjutant, Salvation Army.	Nagercoil	Sargunom Gnanavoli ..	Do.	Do.
27	14	Do.	1894	Yesuvadial ..	Yesuvadial ..	34	Spinster	Captain, Salvation Army.	Do.	Martyn Martyn ..	Do.	Do.
28	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	25	Bachelor	Lieutenant, Salvation Army.	Do.	Apatha Urumom Kuranathapunchira.	Do.	Do.
29	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	21	Spinster	Lieutenant, Salvation Army.	Do.	Isakkimthi Yakobu ..	Do.	Do.
30	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	26	Bachelor	House management.	Do.	Malasudindan Pakkianathan.	Do.	Do.
31	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	22	Bachelor	Captain, Salvation Army.	Do.	Nallathampia Pillai Muthu Pillai.	Do.	Do.
32	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	19	Spinster	Lieutenant, Salvation Army.	Do.	David Pillai Masillamoni.	Do.	Do.
33	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	25	Bachelor	Cadet, Salvation Army.	Do.	Mahimai Das ..	Do.	Do.
34	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	24	Bachelor	Ensign, Salvation Army.	Do.	Kaligavara Raman Pillai Arokkam.	Do.	Do.
35	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	26	Bachelor	Captain, Salvation Army.	Do.	Theogar Raja Pillai Gnananathan.	Do.	Do.
36	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	19	Spinster	Captain, Salvation Army.	Do.	Arulanathan ..	Do.	Do.
37	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	25	Bachelor	Do.	Do.	Gnanamuthu ..	Do.	Do.
38	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	19	Spinster	Do.	Do.	Vedanyagan ..	Do.	Do.
39	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	27	Bachelor	Do.	Do.	Gnanasigamony ..	Do.	Do.
40	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	20	Spinster	Do.	Do.	Rajandrum Pillai Sargunam.	Do.	Do.
41	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	25	Bachelor	Do.	Do.	Lechmanan Lechmanan.	Do.	Do.
42	22	January ..	1895	Yesuvadial ..	Yesuvadial ..	18	Spinster	Lieutenant, Salvation Army.	Do.	Esakkimthi Masillamoni.	Do.	Do.

SUPPLEMENTAL LIST C(1).
List of persons to whom Certificates of Marriage were granted by the Revd. Visuvam Solomon of Agasteeswaram London Missionary Society—Marriages in which one of the parties is not a British subject.

No.	When married.		Name of parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's name and surname.	Where solemnized.	British or Travancore.
	Day.	Month.	Year.	Christian name.							
16	28	9	1890	David Thiruvadi Pillai	Pichai Pillai	20	Bachelor	Schoolmaster	Palancottah	Trivandrum Church.	British.
24	9	5	1894	Salomy Arokiawami	Yovan	16	Spinster	House management.	Trivandrum	Travancore.	Travancore.
28	22	1	1895	Amirtham	Gnanaprakasam	25	Bachelor	Cadet, Salvation Army	Nagereol	Agasteeswaram Church.	British.
				Arulprakasam	Aaron	24	Widow	Do.	Do.	Do.	British.
				Gnanamani	Lekshmana Naidoo	25	Bachelor	Ensign, Salvation Army.	Do.	Do.	Travancore.
					Masilamoni	18	Spinster	Lieutenant, Salvation Army.	Do.	Do.	Travancore.

Government {1898} of Madras. **PUBLIC.**

Recd.

Regd.

1898.

Letter, No. ,

August 1898.

AUGUST.

written to the
 super¹⁸⁹
 1898

Please call the
 attention of the Supt.
 of the Censors Examining
 of the Appendices. The
 mistakes here are nearly
 all pen mistakes.

Replying to the letter from the Government of India on the subject of the illegality of
 certain marriages solemnised in the Native States of Pudukkottai and Travancore.

11/5/98

~~The enclosed~~
~~be referred~~

The Appendices should
 be appended to the

Enclosures

Spare copies

Letter. As well as
 to the G.O. There
 is no necessity to send
 back to India its own

sharp
 corrections.
 AK.

10/8/98

PUBLIC DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to reply to your letter, No. 262, dated 13th July 1897, on the subject of the illegality of certain marriages solemnized in the Native States of Pudukkottai and Travancore.

2. In paragraph 3 (a) the Government of India asks that copies of the licenses, in virtue of which each of the persons who performed the marriages in question acted, should be submitted, together with a copy of the gazette notification in each case. No copies of the licenses in question were kept at the time of issue among the records of this office, but copies of those granted to the Revd. T. Paesler and catechist Solomon have been obtained and are here-

* Enclosures 1, 2 and 3.

with several others issued under the same Act to other persons not concerned in the present discussion, and it may therefore be presumed that the missing licenses were also in the same form. Copies † of the gazette notifications are furnished as requested in all cases except that of Mr. Zorn.

† Enclosures 4—8.

3. With regard to Mr. Zorn, it has now been ascertained, after a prolonged search among the records in this office, that he was licensed on the 18th of April 1872 under sections 8 and 47 of Act V of 1865, and not under Act XV of 1872, which had not then come into force ‡. Section 47 of Act V of 1865 requires that the issue of a license shall be notified in the gazette, but no such notification was made. No copies of the licenses granted to Mr. Zorn are forthcoming, but probably the wording was the same as that of the licenses granted in 1866 under the same Act to the Revd. W. Bowden, copies of which accompany this letter §.

‡ Vide G.O., No. 65, Ecclesiastical, dated 18th April 1872—Enclosure 9.

§ Enclosures 10 and 11.

4. Clauses (b), (c), (d) and (e) of paragraphs 3 of the letter under reply relate to certain matters connected with the nationality of the parties to the marriages in question. In regard to columns 5 and 6 of lists A and B, I am to explain that the word "nationality" in the heading of the column was improperly used instead of "race." The wording has now been amended.

In the heading of column 8 of list B the word "remarks" was inadvertently entered instead of "parentage and place of birth." This has now been remedied, and the expression "not known" referred to by the Government of India in clause (d) thus becomes intelligible. With regard to clause (e), the entry in the last column of list C shows the nationality of the parties concerned. In the case of Nos. 16, 24 and 28, while one of the parties was a British subject the other was a subject of Travancore. I am to express regret that in the entry opposite to No. 24 the word "British," which should have appeared against the name of the bride, was through the mistake of a copyist omitted. In all the remaining cases included in this list (C) both parties to the marriage are reported to be British subjects.

5. The Government of India observes that the Indian Christian Marriage Act has nothing whatever to do with the marriages of subjects of Native States, and it asks that it may be distinctly stated in each case whether or not the parties are subjects of Her Majesty. With reference to this request His Excellency the Governor in Council desires me to refer more fully than has hitherto been done to two questions which arise in connection with the marriages now under consideration. When the lists A and B were originally prepared, care was taken to omit from them persons who were known not to be Christian subjects of Her Majesty at the time of marriage. Persons whose status was doubtful were however included. The entries in columns 5 and 6 of those lists relate only to residence at the time of the marriage from which no certain clue to nationality can be obtained. With regard therefore to all the marriages mentioned in list A, and the twelve * cases in list B in which information as to the parentage and place of birth is not available or is incomplete, it can only be said that one or both of the parties are not known to be other than British subjects. His Excellency the Governor in Council was doubtful whether the presumption thus raised that the parties were British subjects would be sufficient to justify legislation with regard to their marriages. But this matter being one for decision by the Government of India, the names were included in the lists. All the cases of this nature have now been included in supplemental lists A and B (1). No. 3 in list A, however, in which the bride is dead and it is not known whether there is any issue, has been omitted, as in that case it seems unnecessary to undertake legislation.

6. The second question alluded to above relates to marriages in which one of the parties was a British subject and the other a subject of a Native State. Assuming that, in cases where the place of birth is not given, the residence of parents given in the last column of list B is a sufficient indication of the nationality of the parties, there are in that list nine † cases of this nature, while list C, as already mentioned, contains three instances of marriages under similar conditions. The Indian Christian Marriage Act, 1872 applies, as the Government of India remarks, only to Christian subjects of Her Majesty, and on this ground it would appear that no legislation can validate marriages in which one of the parties is not a British subject, and which would therefore not have been valid even if the ministers performing them had been properly licensed; at the time when the lists were prepared, however, His Excellency the Governor in Council had some doubt as to the legal effect of such mixed marriages. They were therefore included in the list with a view to a decision by the Government of India upon the question. They have now been removed and entered in supplemental lists B (2) and C (1).

† Nos. 2, 3, 5, 6, 12, 15, 18, 19 and 24.

7. Of the twenty-four entries in list B, twenty-one have already been referred to. The remaining three consist of Nos. 7, 8 and 23. In the two latter cases the parties are Europeans or Eurasians and may be presumed to be British subjects. These marriages may therefore be validated. With regard to No. 7 it is now observed that the bride has apparently died without issue and the bridegroom has re-married (vide entry No. 24 in list B). In this case therefore no legislation is necessary.

8. In clause (f) of paragraph 3 of the letter under reply, the Government of India points out that the entry in column 3 of list B, against the name of Revd. T. Paesler, is misleading, as all the marriages which have been solemnized by him appear to have taken place prior to 1872, when the revised licenses referred to were

granted. The Government of India's view is correct, and the entry has been amended. Mr. Paesler was in 1892 granted revised licenses in supersession of those given to him in G.O., No. 209, Public, dated 11th

* No. 1 on list B.

August 1876. The first * marriage entered opposite to his name, however, is dated 23rd June 1876. No trace has been found of the issue to Mr. Paesler previously to August of any marriage licenses, and it is not known therefore, under what powers the marriage in June was solemnized. Mr. Paesler is now dead, and no further information on this point is obtainable.

9. In clause (g) the Government of India assumes that the marriages solemnized by catechist Solomon were solemnized under licenses granted to him under section 6 of the Act, and it raises the question whether a native catechist can be held to be a minister of religion. The license granted to catechist Solomon (who belongs to the London Missionary Society and not to the Church Missionary Society as stated by the Government of India) was under section 9 of the Act—a license to grant certificates of marriage between Native Christians. The Government of India appears to have been misled by the expression "marriages solemnized by" which occurs in paragraph 7 of this Government's letter No. 361, Public, dated 1st of April 1897, and in the heading of list C. But it will be observed that section 5 of Act XV of 1872 includes among "marriages which may be solemnized in India," "marriages performed by any person licensed * * * * to grant certificates of marriages between Native Christians." The use of the word "solemnized" in this connection appears therefore to have been correct. Copies of the licenses granted and of the gazette notification on the subject accompany this letter.

10. The new and complete lists which have been prepared in accordance with the request contained in your letter are herewith submitted. The information which they now contain will, His Excellency the Governor in Council trusts, prove sufficient to enable the Government of India to arrive at a decision in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

Ootacamund,
August 1898.

Chief Secretary.

Ed. C. M. Thambusamy.

[Appendix.

APPENDIX.

ENCLOSURES.

1.

His Excellency the Governor of Madras in Council, under and by virtue of the authority contained in and conferred by section 6 of Act XV of 1872, passed by the Governor-General of India in Council and entitled "The Indian Christian Marriage Act, 1872," hereby licenses the Revd. Ludwig Trangott Paesler, Leipzig Evangelical Lutheran Mission, stationed at Pudukkottai, to solemnize marriages within the territories subject to the Government of Madras in accordance with the provisions of the said Act.

As witness the hand of His Grace the Duke of Buckingham and Chandos, Governor of Madras in Council, this eleventh day of August 1876.

(Signed) BUCKINGHAM AND CHANDOS.

2.

His Excellency the Governor of Madras in Council, under and by virtue of the authority contained in and conferred by section 9, Part I of Act No. XV of 1872, passed by the Governor-General of India in Council and entitled "The Indian Christian Marriage Act, 1872," hereby licenses the Revd. Ludwig Trangott Paesler, Leipzig Evangelical Lutheran Mission, stationed at Pudukkottai, to grant certificates of marriage between Native Christians in accordance with the provisions of the said Act within the territories subject to the Government of Madras.

As witness the hand of His Grace the Duke of Buckingham and Chandos, Governor of Madras in Council, this eleventh day of August 1876.

(Signed) BUCKINGHAM AND CHANDOS.

3.

His Excellency the Governor of Madras in Council, under and by virtue of the authority contained in and conferred by section 9, Part I of Act No. XV of 1872, passed by the Governor-General of India in Council and entitled "The Indian Christian Marriage Act, 1872," hereby licenses catechist Visuvasam Solomon of the London Missionary Society, Nagercoil, Travancore, to grant certificates of marriage between Native Christians, in accordance with the provisions of the said Act, within the territories subject to the Government of Madras.

As witness the hand of His Grace the Duke of Buckingham and Chandos, Governor of Madras in Council, this nineteenth day of June 1877.

(Signed) BUCKINGHAM AND CHANDOS.

4.

EXTRACT from the Fort St. George Gazette, Part I, dated 27th May 1879.

ECCLESIASTICAL DEPARTMENT.

Ootacamund, May 23, 1879.

MARRIAGE LICENSES.

Under section 9 of "The Indian Christian Marriage Act, 1872," the undermentioned persons have been licensed to grant certificates of marriage between Native Christians:—

The Revd. Friedrich Karl Alwin Gehring, of the Leipzig Evangelical Lutheran Mission, Kumbakonam, Tanjore District.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 9th November 1886.
Fort St. George, November 4, 1886.

No. 96.—Under section 9 of the Indian Christian Marriage Act (XV of 1872), the Revd. E. L. Dachsett, of the Lutheran Mission, Trichinopoly, is licensed to grant certificates of marriage between Native Christians.

(Signed) H. E. STOKES,
Ag. Chief Secretary.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 10th April 1888.
Fort St. George, March 31, 1888.

MARRIAGE LICENSES.

No. 49.—Under section 9 of the Indian Christian Marriage Act (XV of 1872), the Revd. Theodor Meyner, Missionary of the Leipzig Evangelical Lutheran Mission, Trichinopoly, is licensed to grant certificates of marriage between Native Christians.

(Signed) H. E. STOKES,
Chief Secretary.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 27th March 1888.

ECCLESIASTICAL DEPARTMENT.

Fort St. George, March 27, 1888.

No. 41.—Under section 9 of the Indian Christian Marriage Act (XV of 1872), the Revd. Karl Trangott Rueger, Missionary of the Leipzig Evangelical Lutheran Mission, Madras, is licensed to solemnize marriages and to grant certificates of marriage between Native Christians.

(Signed) H. E. STOKES,
Chief Secretary.

EXTRACT from the *Fort St. George Gazette*, dated 15th August 1876.

ECCLESIASTICAL DEPARTMENT.

Ootacamund, August 11, 1886.

Under section 9 of "The Indian Christian Marriage Act, 1872," the Revd. Ludwig Trangott Paesler, of the Leipzig Evangelical Lutheran Mission Society at Pudukkottai, has been licensed to grant certificates of marriage between Native Christians.

G.O., No. 65, Ecclesiastical, dated 12th April 1872.

Read—the following letter from the Revd. J. M. N. SCHWARZ, Senior of the Leipzig Evangelical Lutheran Mission, Tranquebar, dated 4th April 1872:—

I have the honour to request that you will please to lay before His Excellency the Governor in Council this my petition in behalf of several ordained Ministers of the Leipzig Evangelical Lutheran Mission for licenses under the Indian marriage Act No. V of 1865, authorizing them to solemnize marriages under section 8 (Part II) and section 47 (Part V) of the said Act, namely to—

The Revd. Friedrich Zucker at Tranquebar.
 „ Ernst Grahl at Poreiar.
 „ Heinrich Beisenherz at Negapatam.
 „ Carl Manthey-Zorn at Pudukkottai.
 „ Alfred Grubert at Madras.

At this occasion I beg leave to observe that the Revd. M. R. N. Janendram, a Minister of our Society, who had obtained license under section 47 of the Indian Marriage Act, 1865, has departed this life; and that the Revd. J. Döderlein, who had obtained license under sections 8 and 47 of the same Act, is no more in India, having left the mission and returned to his native country.

Order—No. 65, Ecclesiastical, dated 18th April 1872.

The licenses applied for will be granted.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Chief Secretary.

EXTRACT from the *Fort St. George Gazette*, Part I, dated 19th June 1877.

Fort St. George, June 19, 1877.

MARRIAGE LICENSE.

Under section 9 of "The Indian Christian Marriage Act, 1872," Catechist Visuvasam Solomon, of the London Missionary Society, Nagercoil, Travancore, has been licensed to grant certificates of marriages between Native Christians.

(Signed) D. F. CARMICHAEL,
Chief Secretary.

11.

His Excellency the Governor of Madras in Council, under and by virtue of the authority contained in and conferred by section 8 of the Act V of 1865, passed by the Governor-General of India in Council, and entitled "An Act to provide for the solemnization of marriages in India of persons professing the Christian religion," hereby licenses the Revd. William Bowden, senior, of the Narsapur Baptist Mission, to solemnize marriages within the territories subject to the Government of Madras in accordance with the provisions of the said Act.

As witness the hand of Sir William Thomas Denison, Governor of Madras, in Council, this twenty-seventh day of February 1866.

(Signed) W. T. DENISON.

12.

His Excellency the Governor of Madras in Council, under and by virtue of the authority contained in and conferred by section 47, Part V of Act No. V of 1865, passed by the Governor-General of India in Council and entitled "An Act to provide for the solemnization of marriages in India of persons professing the Christian religion," hereby licenses and authorises the Revd. W. Bowden of the Baptist Mission, Narsapur, to grant certificates of marriage between Native Christians, in accordance with the provisions of the said Act within the territories subject to the Government of Madras.

As witness the hand of the Right Honourable Francis Baron Napier, K.T., Governor of Madras in Council, this twenty-second day of October 1867.

(Signed) NAPIER.

SUPPLEMENTAL LIST A(1).

List of Marriages solemnized in Pudukkottai State (1872-76)—Marriages in which there is no information as to the nationality of the parties, except that they are not known to be other than British subjects.

No.	Name of the Minister who celebrated the marriage.	Nature of license under which marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Remarks.
1		3	4	5	6	7	8
1	Rev. C. M. Zorn...	Not known ...	3rd December 1874.	V. Packiam, Mangaluthupatti (Native).	Mariammal, Pudukkottai (Native).	1. Rethnasami. 2. Joseph.	The bridegroom who is reported to have located himself as a teacher at Madura is dead. The bride and children are reported to be living at Madura or Madras.
2			28th January 1875 ..	Joseph, Tanjore (Native) ..	Mariammal, Nedungudi (Native).	Names of children not known, though there are some.	The bride and the bridegroom are reported dead. Their children are reported to be at Tranquebar.

NOTE.—No 3 omitted as bride is dead (vide paragraph 5 of the letter).

**REVISED LIST B.
List of Marriages solemnized in Pudukkottai State (1876-95).**

No.	Name of the Minister who celebrated the marriage.	Nature of license under which marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Parentage and place of birth, i.e., the State to which contracting parties belong.
1		3	4	5	6	7	8
8	Rev. A. Gehring ..	Act XV of 1872, sections 6 & 9.	10th December 1884.	George Trevor Morton, Trinopoly (Eurasian).	Alice Rose James, Pudukkottai (Eurasian).	Not known ..	The bridegroom is the son of T. Morton of Madras. The bride is the daughter of J. James of Pudukkottai town.
23	Rev. T. Paesler. ..	Do. ..	25th November 1891.	George Edward James (not known).	Matilda Jeremiah Abernethy, Trinopoly (not known).	Do. ..	Both may be presumed to be British subjects. The bridegroom is the son of J. James of Pudukkottai Town. The bride is the daughter of Abernethy, Trinopoly. Both may be presumed to be British subjects.

**SUPPLEMENTAL LIST B (1).
List of Marriages solemnized in Pudukkottai State (1876-95)—Marriages in which there is no information as to the nationality of the parties, except that they are not known to be other than British subjects.**

No.	Name of the Minister who celebrated the marriage.	Nature of license under which marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Parentage and place of birth, i.e., the State to which contracting parties belong.
1		3	4	5	6	7	8
1	Rev. T. Paesler ..	Act XV of 1872, sections 6 & 9.	23rd June 1876 ..	T. Jeendasan, Vayalagam (Native).	Annammal, Vayalagam (Native).	Thomas, son ..	The whereabouts of the bridegroom not known. The name of the bride is ascertained to be Komadammal, native of Lalgudi, Trinopoly district. Nationality of bridegroom not known. The bride may be presumed to be a British subject.
4			13th " 1881 ..	Arulanandham, Kottagudi (Native).	Arokiam, Katchagudi (Native).	1. Periyasayagam, daughter. 2. Samathanam, daughter. Not known.	Not known.
9			13th February 1885.	P. Arulanandham, Pudukkottai (Native).	Saundiram, Tanjore (Native).	Do.	Do.
10		Do.	6th June 1885 ..	Savirumthun, Aruppapalayam (Native).	Savirammal, Kosepatti (Native).	Do.	Do.
11	Rev. A. Gehring.	Do.	8th " " ..	David, Kalkanimattam (Native).	Arulayee, Tirumanjeri (Native).	Do.	Do.
13			16th August 1886 ..	Jeendasan, Mattuchery (Native).	Santhammal (Native) ..	Do.	Do.
14			23rd December 1886.	Visvasam, Trinopoly (Native).	Elizabeth (Native) ..	Do.	Do.
16		Do.	28th May 1888 ..	Adakkalam, Kudalur (Native).	Leah (Native) ..	Do.	Do.
17	Rev. E. Dechalet.	Do.	20th June " ..	Christian, P., Trinopoly (Native).	Tiravayam, Trinopoly (Native).	Do.	Do.
20			9th September 1889.	Arulanandham, Muthunadu (Native).	Paripurnam (Native) ..	1. Ignasimuthu, son. 2. Anthony, son. Not known.	Do.
21		Do.	18th October 1889 ..	Savirumthun, Pudukkottai (Native).	Madalei (Native) ..	Do.	Do.
22	Rev. Th. Meynor.	Do.	9th August 1891 ..	Arulanandham, Nemeli (Native).	Arokiam, Katchagudi (Native).	1. Periyasayagam, daughter. 2. Samathanam, daughter.	Do.

SUPPLEMENTAL LIST B (2).
List of Marriages solemnized in Pudukkottai State (1876-95)—Marriages in which one of the parties appears from the evidence as to parentage or place of birth not to be a British subject

Number and name of the Minister who celebrated the marriage.	Nature of license under which marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of the bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Parentage and place of birth, i.e., the State to which contracting parties belong.	Nationality (known or presumed) of	
							Bridegroom.	Bride.
1	2	3	4	5	6	7	8	9
2. Revd. T. Passler	Act XV of 1872, sections 6 and 9.	7th Oct. 1876.	Savirumthi, P., Vayalagam (Native).	Mariammal, (Native). Kudalur	1. Mathusami, son. 2. Arulappan, son. 3. Adakkalam, daughter.	The bridegroom is the son of Nalla Pillai and Gnanapp of Pudukkottai State. The bride is the daughter of Antony Pillai and Manthamuttn of Sarukani, Madura district.	Pudukkottai.	British.
3. Do.	Do.	18th Oct. 1880.	Nyanamuttn, P., Vayalagam (Native).	Annammal, Trichinopoly (Native).	1. Selvam, daughter. 2. David, son. 3. Periyanyagam, daughter. 4. Anakkvacham, son.	The bridegroom is the son of Karutta Pillai and Mathalammal of Vayalagam, Pudukkottai State. The bride is the daughter of Maruvai Pillai and Susiammal of Trichinopoly.	Do.	Do.
4. Do.	Do.	16th June 1881.	L. Mathew, Manappatti (Native).	Muthabramam, Pudukkottai (Native).	Not known	Bridegroom appears to be native of Manappatti, Trichinopoly district. Parentage not known. The bride is the daughter of Daniel and Savathiammal, Pudukkottai town.	British	Pudukkottai.
5. Do.	Do.	4th May 1883.	Rajappan Thambasami, Coimbatore.	Elizabeth Nyamam, Pudukkottai (Native).	Do.	Bridegroom is the son of Kutaya Pillai and Saviri Aye of Vayalagam, but was born at Coimbatore. The bride is the daughter of Arulappa Pillai and Mangalam of Pudukkottai town.	Do.	Do.
12. Revd. A. Gehring.	Do.	20th June 1885.	Savirumthi, Kottai-karupatti (Native).	Muthayee, Anyakaram-patti (Native).	1. Ignasimuthu, son. 2. Petree, son. 3. Mariammal, daughter.	The bridegroom is the son of Payambalam and Savirumthi of the Pudukkottai State; the bride is the daughter of Devasagayam and Mariammal of Kottai, Dindigul taluk, Madura district.	Pudukkottai.	British.
15. Revd. E. Dachselt.	Do.	14th May 1888.	Do.	Mariaselvam, Anyakaram-patti (Native).	Peripurnam, daughter.	The bridegroom is the son of Muttam-balam and Annammal of the Pudukkottai State; but the bride is the daughter of Sinnappan and Annammal of British territory. Exact whereabouts not known.	Do.	Do.

SUPPLEMENTAL LIST B (2).
List of Marriages solemnized in Pudukkottai State (1876-95)—Marriages in which one of the parties appears from the evidence as to parentage or place of birth not to be a British subject—cont.

Number and name of the Minister who celebrated the marriage.	Nature of license under which marriage was celebrated (i.e., whether under section 6 or section 8 of Act XV of 1872, or if not under what law).	Date of marriage.	Name and residence of bridegroom and race—European, Eurasian or Native.	Name and residence of the bride and race—European, Eurasian or Native.	Name of the issue, if any, living.	Parentage and place of birth, i.e., the State to which contracting parties belong.	Nationality (known or presumed) of	
							Bridegroom.	Bride.
1	2	3	4	5	6	7	8	9
18. Revd. Th. Meyer.	Act XV of 1872, sections 6 and 9.	27th May 1889.	Arulandham, Kottai-karupatti (Native).	Nyanammal, Karupatti (Native).	Not known	The bridegroom is the son of Gangapillai and Ignasiammal of the Pudukkottai State, and the bride is the daughter of Kanapillai and Annammal of Trichinopoly.	Pudukkottai.	British.
19. Do.	Do.	14th August 1889.	Obed, (Native).	Santhanam (Native).	Do.	The bridegroom is a native of Tranquebar, but his parentage is not known. The bride is the daughter of M. Anthony and Savathiammal of Pudukkottai town.	British.	Pudukkottai.
24. Do.	Do.	3rd October 1895.	Muthusami Cannusami, Amburpatti (Native).	Sampurnam, Pudukkottai (Native).	Do.	The bridegroom is a British subject. The bride is the daughter of Chinna Pillai and Muktambaram, Pudukkottai town.	Do.	Do.

parents to whom married

List of Certificates granted by the Revd. Visvasam Solomon of Agasteeswarem London Missionary Society.

When married.				Name of parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's name and surname.	Where solemnized.	British or Travancore.
No.	Day.	Month.	Year.	Christian name.	Surname.							
1	5	December.	1877.	Nathanavel ..	Ulakanthan ..	23	Bachelor	Cultivation ..	Kannankulam.	Retinaden Ulakantha Perumal.	Kannankulam Church.	British.
2	3	July ..	1878.	Annammal ..	Swaminathan ..	19	Spinster	Do.	Do.	Jepunthurinadan Swaminathan.	Do.	Do.
3	11	February ..	1879.	Yeevradian ..	Peruppanayakam ..	20	Bachelor	Do.	Yakobapuram.	Swaminathan Perinpanayagam.	Do.	Do.
4	23	May ..	1879.	Yeevradial ..	Swami Adiyen ..	18	Spinster	Do.	Kannankulam.	Swaminathan Swami Adiyen.	Do.	Do.
5	12	November.	1879.	Samuel ..	Paramanantham ..	26	Bachelor	Do.	Do.	Kileasan Paramanantham.	Do.	Do.
6	11	December.	1879.	Paramargi ..	Vaikundam ..	19	Spinster	Do.	Do.	Swami Adiyen Vaikundam.	Do.	Do.
7	26	May ..	1880.	Yeevradian ..	Suviseshamunthu ..	21	Bachelor	Do.	Levingipuram.	Swaminathanadan Suviseshamunthu.	Do.	Do.
8	11	November.	1880.	Nadachi ..	Arukulamadani ..	19	Spinster	Do.	Kannankulam.	Karilthalai Nandan Arukulamadani.	Do.	Do.
9	7	December.	1881.	Vedamanikkam ..	Pandaram ..	25	Bachelor	Do.	Do.	Nampinadan Pandaram.	Do.	Do.
10	20	June ..	1882.	Yeevradial ..	Vedanyagam ..	20	Spinster	Do.	Do.	Sathianathan Vedanyagam.	Do.	Do.
11	1	November.	1882.	Pakkiam ..	Eakku ..	23	Bachelor	Do.	Kudankulam ..	Valumuthi Eakku.	Do.	Do.
12	15	Do.	1882.	Swaminathan ..	Kurukunathan ..	22	Spinster	Do.	Kannankulam.	Swaminathan Kurukunathan.	Do.	Do.
13	27	October ..	1882.	Annammal ..	Arumainayakam ..	17	Spinster	Do.	Yakobapuram.	mainayaganadan Arumainayaganadan.	Do.	Do.
14	23	Do.	1882.	Yeevradian ..	Daniel ..	23	Bachelor	Do.	Alakappapuram.	Naryanan Daniel.	Do.	Do.
15	7	December.	1881.	Kunimari ..	Swamiadiyan ..	20	Spinster	House management.	Kannankulam.	Mudanthiswamiadiyan ..	Do.	Do.
16	20	June ..	1882.	Samuel ..	Christoppa ..	23	Bachelor	Cultivation ..	Thamarakulam.	Christoppa Christoppa.	Do.	Do.
17	1	November.	1882.	Gnanammal ..	Yovan ..	23	Spinster	House management.	Kannankulam.	Christian Yovan ..	Do.	Do.
18	15	Do.	1882.	Sathianathan ..	Vedanyagam ..	19	Bachelor	Cultivation ..	Do.	Sathianathan Vedanyagam.	Do.	Do.
19	1	November.	1882.	Nellamunthu ..	Arukulamadani ..	21	Spinster	House management.	Puthalan ..	Sivaraman Arukulamadani.	Do.	Do.
20	1	November.	1882.	Chempakaram ..	Arumainayakam ..	21	Bachelor	Cultivation ..	Kannankulam.	Siva, Supramanyan Chempakaram.	Do.	Do.
21	15	Do.	1882.	Pakkiam ..	Pandaram ..	21	Spinster	House management.	Do.	Karutha Kan Pandaram.	Do.	Do.
22	15	Do.	1882.	Yovan ..	Arumainayagam ..	24	Bachelor	Cultivation ..	Do.	Suviseshamunthu Arumainayagam.	Do.	Do.
23	27	October ..	1886.	Thankaratnam ..	Pithavadiyan ..	20	Spinster	House management.	Mukilangudi ..	Arulappan Pithavadiyan.	Do.	Do.
24	23	Do.	1886.	Yovan ..	Vedanyagam ..	25	Bachelor	Cultivation ..	Kannankulam.	Sathianathan Vedanyagam.	Do.	Do.
25	23	Do.	1886.	Thankaratnam ..	Swaminathan ..	23	Spinster	House management.	Do.	Swaminathanadan Swaminathan.	Do.	Do.
26	23	Do.	1886.	Gnanakthan ..	Kunamudayan ..	26	Bachelor	Cultivation ..	James Town ..	Ponkatha Perumal Kunamudayan.	Do.	Do.
27	23	Do.	1886.	Japathial ..	Kurukunathan ..	23	Spinster	House management.	Kannankulam.	Sivaramanadan Kurukunathan.	Do.	Do.

parents to whom married

List of Certificates granted by the Revd. Visvasam Solomon of Agasteeswarem London Missionary Society—contd.

When married.				Name of parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's name and surname.	Where solemnized.	British or Travancore.
No.	Day.	Month.	Year.	Christian name.	Surname.							
15	23	October ..	1889.	Paramanantham ..	Santhoshanadan ..	23	Bachelor	Cultivation ..	Kannankulam ..	Arukulamadani Santhoshanadan.	Kanakappapuram Church.	British.
16	23	September.	1890.	Yeevradial ..	Kayilason ..	17	Spinster	House management.	Kanakappapuram.	Eesakku Kayilason ..	Do.	Do.
17	27	October ..	1890.	David Thiruvadi Pillai.	Pichai Pillai ..	20	Bachelor	Schoolmaster ..	Palamcottah ..	Chokalingon Pillai Pichai Pillai.	Trivandrum Church.	British.
18	30	April ..	1892.	Salomy ..	Yovan ..	16	Spinster	House management.	Trivandrum ..	Chinnamadan Yovan ..	Do.	Do.
19	1	September.	1892.	Chinnamadan ..	Chinnampandaram ..	22	Bachelor	Cultivation.	Rakshanyapuram.	Chinnampandaram Chinnampandaram.	Do.	Do.
20	3	October ..	1892.	Chinnamunthu ..	Sivasechanunthu ..	24	Spinster	House management.	Levingipuram.	Swaminathan Sivasechanunthu.	Do.	Do.
21	1	September.	1892.	Nallathampi ..	Arukulamadani ..	27	Bachelor	Cultivation ..	Kannankulam.	Naryanan Arukulamadani.	Kanakappapuram Church.	Do.
22	3	Do.	1892.	Annammal ..	Mokshakkan ..	16	Spinster	House management.	Kanakappapuram.	Periyasami Mokshakkan.	Do.	Do.
23	3	Do.	1892.	Vedamanikkam ..	Arumainayagam ..	26	Bachelor	Cultivation ..	Kannankulam.	Yeevadiyan Arumainayagam.	Do.	Do.
24	3	Do.	1892.	Pakkiam ..	Yeevadiyan ..	21	Spinster	House management.	Nagercoil ..	Chellanyagam Nadan Yeevadiyan.	Do.	Do.
25	3	Do.	1892.	Gnanamuthu ..	Gnanavoli ..	26	Bachelor	Adjutant, Salvation Army.	Do.	Sargunom Gnanavoli ..	Do.	Do.
26	3	Do.	1892.	Muthaparanam ..	Martyn ..	34	Spinster	Captain, Salvation Army.	Do.	Martyn Martyn ..	Do.	Do.
27	9	December.	1892.	Horthula Jeevi ..	Arumam Panchiralaonna ..	25	Bachelor	Lieutenant, Salvation Army.	Do.	Arumam Panchiralaonna.	Do.	Do.
28	9	August ..	1893.	Yeevradian ..	Yakkoppa ..	21	Spinster	Cultivation ..	Levingipuram.	Isakkimunthu Yakkoppa.	Do.	Do.
29	9	August ..	1893.	Yeevradian ..	Pakkianathan ..	20	Spinster	House management.	Kudankulam ..	Malendunadan Pakkianathan.	Do.	Do.
30	9	August ..	1893.	Yeevradian ..	Muthia Pillai ..	22	Bachelor	Captain, Salvation Army.	Nagercoil ..	Nallathampi Muthia Pillai.	Do.	Do.
31	9	August ..	1893.	Yeevradian ..	Maillamoni Pillai ..	19	Spinster	Lieutenant, Salvation Army.	Do.	David Pillai Maillamoni Pillai.	Do.	Do.
32	9	August ..	1893.	Yeevradian ..	Gnanapora Isom ..	25	Bachelor	Cadet, Salvation Army.	Do.	Mahimai Das ..	Do.	Do.
33	9	August ..	1893.	Yeevradian ..	Aron ..	24	Widow	Ensign, Salvation Army.	Do.	Christian ..	Do.	Do.
34	9	August ..	1893.	Yeevradian ..	Arokan ..	26	Bachelor	Captain, Salvation Army.	Do.	Kalagavaratha Raman Pillai Arokan.	Do.	Do.
35	9	August ..	1893.	Yeevradian ..	Gnanamunthu ..	19	Spinster	Captain, Salvation Army.	Do.	Theesigar Raja Pillai Gnanamunthu.	Do.	Do.
36	9	August ..	1893.	Yeevradian ..	Gnanamunthu ..	25	Bachelor	Do.	Do.	Gnanamunthu ..	Do.	Do.
37	9	August ..	1893.	Yeevradian ..	Gnanamunthu ..	19	Spinster	Do.	Do.	Vedanyagam ..	Do.	Do.
38	9	August ..	1893.	Yeevradian ..	Gnanamunthu ..	27	Bachelor	Do.	Do.	Gnanamunthu ..	Do.	Do.
39	9	August ..	1893.	Yeevradian ..	Gnanamunthu ..	20	Spinster	Do.	Do.	Rejandrum Pillai Burgunam.	Do.	Do.
40	9	August ..	1893.	Yeevradian ..	Gnanamunthu ..	25	Bachelor	Do.	Do.	Lekshmanan Leeshmana Naidoo.	Do.	Do.
41	9	August ..	1893.	Yeevradian ..	Gnanamunthu ..	18	Spinster	Do.	Do.	Eakkinadan Masillamoni.	Do.	Do.

SUPPLEMENTARY LIST C (1).
List of Certificates granted by the Revd. Visvasam Solomon of Agasteeswarem London Missionary Society—Marriages in which one of the parties is not a British subject.

When married.			Name of parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's name and Surname.	Where married.	British or Travancore.
No.	Day.	Month.	Year.	Christian Name.							
16	28	9	1890	David Thiruvadi Pillai	...	Bachelor	Schoolmaster	Palamcottah	Chokalingom Pillai Pichai	Trivandrum	British.
24	9	5	1894	Salomy.	...	Spinster	House management.	Trivandrum	Kunchumadan Yovan	Church	Travancore.
28	23	1	1895	Arokiyasami	...	Bachelor	Cadet Salvation Army	Nagerecoil	Mahimai Das	Agasteeswarem	Travancore.
				Amirtham	...	Widow	Do.	Do.	Christian	Church	British.
				Arulprakasom	...	Bachelor	Ensign Salvation Army.	Do.	Lekshmanan	Do.	British
				Gnanamani	...	Spinster	Lieutenant, Salvation Army.	Do.	Naidoo.	Do.	Travancore.
					...				Eskimadan Masillamoni.		

Public (1897) Department.

CURRENT No. 2689

From

The Govt.

Home

ecclesiastical

No. 262

Dated

13

Received

19

Registered

20

Enclosures

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7

SUBJECT.

acknowledging receipt of letter No. 381 Public Re the illegality of certain marriages, the solemnization of certain marriages, and requesting to be furnished with certain information relating thereto.

BACK PAPERS.

G.O.,	No.	Department.	Date.
	361	Pub	1-6-97
	388	"	5-6-97
	922	"	21-8-97
	604	"	23-6-97
	644	"	30-7-97
	485	"	18-8-97
	425-7	"	28-8-97
	242-2	"	2-4-98
	182	"	10-2-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.
	625	Pub	19-2-93
	640	"	16-9-93
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	300	"	6-8-92
	85	"	27-3-92
	72	"	27-3-92
	244	"	4-8-92

20 End 20-1-97
 49 " 17-5-97
 149 " 2-7-97
 142 " 2-7-97
 207 " 11-8-97
 88 " 22-12-97
 203 " 13-7-97
 Act 107 72

Dec 5 - again 40 361 Pub 9

10

No. 262.

FROM

J. P. HEWETT, Esq., C.I.E.,
 Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF
 MADRAS.



Home Department.
 Ecclesiastical.

Simla, the 13 July 1897.

SIR,

I AM directed to acknowledge the receipt of your letter No. 361, Public Department, dated the 1st April 1897, bringing to notice the illegality of certain marriages solemnized in the Native States of Pudukkottai and Travancore by Ministers of religion, and requesting that they may be validated by special legislation.

2. In reply I am to say that the Governor General in Council concurs in the opinion of the Honourable the Advocate General of Madras, to which reference is made in paragraph 4 of your letter, that the marriages in question are illegal and that legislation is necessary for their validation. The law on the subject is contained in sections 6 and 86 of Act XV of 1872, as amended by Act II of 1891, and though, under the second clause of section 86, the Governor in Council of Fort St. George may exercise the powers and functions given by the Act as regards the Native States "situate within, or bordering on" the Presidency of Fort St. George, yet, since the persons here interested are resident outside British India, and since legislation in a local Council is limited territorially to the Province concerned, it seems essential that the legislation now necessary should be undertaken in the Council of the Governor General.

3. Before taking any action in this direction there are certain points regarding which it is necessary to ask for more precise information in connection with the cases cited in the lists submitted with your letter than is at present available.

- With reference to the List A of marriages solemnized by the Revd. C. M. Zorn, it is stated in paragraph 7 of your letter that "no record has been found of the issue of any license." Since section 6 and section 9 of the Act both require that the issue of a license to solemnize marriages shall be published in the official Gazette, it seems that the question whether a license was granted or not can easily be verified, and I am to ask that, with the permission of the Governor in Council, a search may be instituted and that a copy of the license, in virtue of which each of the Ministers of religion and others mentioned in the lists accompanying your letter acted, together with a copy of the Gazette Notification on the subject, may be forwarded to the Government of India. If, in Mr. Zorn's case, it should be found that no license was issued, I am to ask that it may be ascertained whether the marriages solemnized by him were solemnized under clause (1) or clause (2) of section 5 of the Act.

- In column 6 of List A the nationality of each of the persons mentioned as having been married is given as Native. If this means

that the parties are subjects of the Native State of Pudukkottai, I am to point out that the Indian Christian Marriage Act, 1872, which extends to the territories of Native Princes and States in alliance with Her Majesty, in so far only as regards Christian subjects of Her Majesty, has nothing whatever to do with their marriages, and that the Government of India therefore have no power to move in the matter.

(c) It is not understood what is intended to be conveyed by the term "Native" as used in columns 5 and 6 of List B. The remarks in the last column of the list do not help to make the point clear, except in the case of the first entry opposite the name of the Revd. A. Gehring. The remarks against the second entry in that column probably mean that the bridegroom is a subject of the Pudukkottai State, and that the parents of the bride are subjects of the Queen. I am to ask that it may be distinctly stated whether the persons concerned are British subjects or subjects of the Pudukkottai State.

(d) I am next to point out that the meaning of the expression "not known" in the same column opposite the fourth entry is not clear. The parentage of the parties apparently is meant, but either the heading of the column or the entry seems to require amendment to make the matter clear.

(e) The Act does not seem to apply at all in the cases of the persons mentioned in entries Nos. 16, 24 and 28, in List C if, as is surmised from the remarks in the last column of that list, the persons married are subjects of the Travancore State.

I am to request that, with the permission of the Governor in Council, it may be ascertained, in the case of each of the persons mentioned in the lists submitted whose marriage is considered to be invalid, whether they are or are not subjects of Her Majesty. Remarks similar to that entered in column 8 of List B would answer the purpose the Government of India have in view.

(f) The first entry in column 3 of List B against the name of the Revd. T. Paesler seems to be misleading. The licenses in the revised forms prescribed in the Proceedings* of the Madras Government for June 1892, which appear to have been given to the Revd. T. Paesler in that year, authorized him to solemnize marriages and grant certificates in the Native State of Pudukkottai. But all the marriages shown in the list as having been solemnized by Mr. Paesler appear to have been solemnized prior to that year under the original licenses which he held and which it is understood authorized him to act only in the territories subject to the Government of Madras. If this is correct, it seems necessary to amend the entry.

(g) In List C it is stated that the marriages therein mentioned were solemnized by a Native Catechist of the Church Missionary Society within Travancore territory. Apparently a license was granted to him under section 6 of the Act; and the question arises whether a Native Catechist can be held to be a Minister of religion. I am to ask that a copy of the Notification publishing the license may be forwarded for the information of the Government of India. The license in this case should apparently have been granted under section 9; but, whichever section it was granted under, the license is said to have been expressly "restricted to the territories subject to the Government of Madras" and the action taken under it in Travancore, therefore, clearly requires to be validated by legislation.

4. I am to request that in place of the present lists new and complete lists, prepared in accordance with the remarks and suggestions conveyed in this letter, may, with the permission of His Excellency in Council, be submitted to the Government of India.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. Hewett.

Secretary to the Government of India.

C. No. 2689

(3) H. E. THE GOVERNOR.

(1) THE HON'BLE ^{Sir Henry} MR. BLISS, K.C.I.E.

(2) THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

ILLEGAL MARRIAGES in Native States.

FOR ORDERS.

It is no use bothering H.E. now with this paper. The first thing to do is to get from the Resident the & the Dist. Commr. Pudukkottai. A the information required to be sent to India: call for this. 2/9/97

was on record in the office all the time.

19/8

G.O. no 65.
d. 18 April 1872

xx. Act V of 1865: all applicants to British India, the natives for provision for licensing persons to solemnize marriages in native states. In 1865, the Govt. did not therefore allow to Pudukkottai. At the

Letter No. 361 Pub., d/ 1st April 1897, reported to the Govt. of India the circumstances relating to certain marriages in Pudukkottai and Travancore which appeared to ~~have been~~ ^{be} illegal. India now in the current agrees that the marriages appear to be invalid and asks for certain additional and more precise information. It remarks that Madras cannot legislate for states outside its borders.

With reference to para. 3 (a) of the current, it was true at the time when the letter ^{was written} that no trace of the issue of a licence to the Revd. C.M. Zorn was forthcoming. It now appears that a license under Act. V of 1865, secs. 8 & 47, was issued to him in 1872. Owing to defective "tabling" in the office at the time, the abstract of the G.O. which authorized the grant of the license bore no sign that it referred to Mr. Zorn. Licenses were asked for in the names of several missionaries

Same line it is
observed that in the
letter of J. C. Lincum was applied
for ^{in his name} for ^{to} W. Lorn. at Padokstai.
The order was "the license ---
will be granted". so that the
mistake in this case appears to
have been with J. C. and not with
W. Lorn.

just before A at O.

just before A at O.

just before A at O.

just before A at O.

In its remarks in para 3 (f) of the ~~letter~~ ^{current} the Govt. of India is correct, and the entry against Mr. Paesler's name needs emendation.

With regard to (g), ^{the} license granted to catechist Solomon was under sed. 9, to grant certificates of marriage and not under sec. 5. The expression "solemnization of marriages" was loosely used in the letter to India and in the enclosed list to cover the case of native Christians: hence India's mistake. This catechist belongs not to the Church Missionary Society, but to the London Missionary Society. A copy of ^{his} ~~the~~ license can be furnished to India. India's assumption that the license to this catechist must have been issued under section 5 - whereas it apparently should have been under section 9 - is, it is submitted, groundless. Section 5 of Act IV of 1872 provides that "marriages may be solemnized" by various persons, among whom are "persons licensed to grant certificates of marriages between

between natives and Christians." It is therefore quite correct to speak of the ceremony of granting a certificate as the "solemnization of a marriage"

The first step is, it is submitted, that the Resident in Travancore and the Pol. Agent, Pudukkottai, should be asked for the information required.

Orders are solicited whether the Advocate General should be asked his opinion as to the "mixed" marriages referred to above (e), or whether that question should be left for India to settle.

AK.
31/8/97

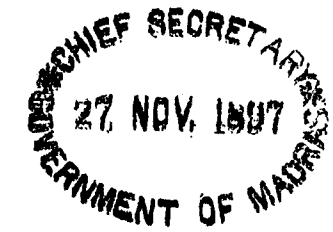
N

has refused
to submit the
info.

Ref No 1048
4-9-97.
In his letter of 11 Jan 97,
Ref No 40-0 of 1896
the Political Agent, Pudukkottai
submitted two lists of marriages
between natives and Christians
in the District. In the columns 5 & 6
of these lists the nationality
of the persons married is
entered as "Native", and
it has been explained that
no persons who were known
not to be British subjects have
been included in the lists.
Some persons whose nationality is
however required, and the
Pol Agent is reported to
report at an early date the
nationality of each of the
persons mentioned, stating
them as "British subjects"
or "Pudukkottai subjects" as
the case may be.
(2) In Column 8 of the list marked
B the entry "Not known"
appears. It is not
clear. Apparently it refers
to the parents of the parties

Public
Political (1897) Department.

CURRENT No. 4500



From

R. N. Shipley Esq. I.C.S.
Political Agent for Pudukkottai
Trichinopoly

Ref on cur. No. 383-0 of 1897.
Bel

Dated 23rd November 1897.

Received
Registered } 29. 11. 97.

Enclosures 2.

Spare copies

SUBJECT.

Marriages solemnized in Pudukkottai

Resubmitting the two lists
of — with the information
supplies.

Let a list be taken
in. at the heading
of the column requires
insertion.

(from CS' order)

AK.
3/9/97

To
The Political Agent for Pudukkottai Joseph
with two lists

A/9/97

Order

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

List of Marriages performed in Rudukhai State (1872-1895)

No.	Name of the Minister who conducted the marriage	Age of bride & groom	Name of residence of bride & groom	Name of residence of bride & groom	Name of the bride & groom	Remarks.
1	Rad. G. D. D. D.	1874	V. P. P. P.	M. P. P. P.	1. P. P. P. P.	The bridegroom, who is reported to be a Hindu, is a Hindu.
2		1875	J. P. P. P.	M. P. P. P.	2. P. P. P. P.	The bride & the bridegroom are reported to be a Hindu.
3		1876	A. P. P. P.	M. P. P. P.	3. P. P. P. P.	The bride is reported to be a Hindu.

Dewan's Office.

Rudukhai State, 3rd Decr. 1896

Medanta Chandra

Dewan

383-0
1897

1897	
Pub.	Dept.
Encls. No. 1	
To 4500	
G. No.	

1897	
Dept.	
Encls. No.	
To	
G. No.	

No.	Rev.	Date	Groom's Name & Residence	Bride's Name & Residence	Parents of Groom	Parents of Bride
1	Rev. J. Rasher.	Oct 27 1872 See 8 & 9. under Resident for A.B.C.D. and also for Pudukkottai	1876 June 28 J. Sadasivam Kayalagam (Native)	Mariamammal Kayalagam (Native)	Thomas, son.	The bridegroom is the son of the late J. Sadasivam, Kayalagam, native of Palayam, Trichinopoly District.
2		1876 Oct 7	Saravimuttu Kayalagam (Native)	Kadambur Kayalagam (Native)	1. Vithudani, son. 2. Kadappan, son. 3. Thirukalam, Dr.	The bridegroom is the son of Kallabellai, and Gnanappon of Pudukkottai State. The bride is the daughter of Antony Pillai & Maruthamuttu of Sarukani, Madura District.
3		1880 Oct 18	Kyana muttu Kalyuga Kayalagam (Native)	Mariamammal Trichingopoly (Native)	1. Selvam Dr. 2. David, son. 3. Periyaswami, Dr. 4. Muthuswami, Dr.	The bridegroom is the son of Karutla Pillai and Nathaliaammal of Kayalagam, Pudukkottai State. The bride is the daughter of Naraval Pillai and Subbiaammal of Trichingopoly.
4		1881 June 13	Anulamautham Kattayapillai (Native)	Anthoniam Kattayapillai (Native)	1. Periyaswami, Dr. 2. Muthuswami, Dr.	Not known -
5		1881 June 13	L. Manappa Manappa	Muthuswami Kattayapillai (Native)	Not known -	Bridegroom appears to be native of Manappa, Trichingopoly District. Parentage not known. The bride is the daughter of Daniel & Savathiammal Pudukkottai Town.
6		1883 May 4	Rajappan Cumbalur	Elizabeth Pudukkottai (Native)	Not known -	Bridegroom is the son of Kattaya Pillai and Swirihye of Kayalagam but was born at Cumbalur. The bride is the daughter of Anubappallai & Mangalam of Pudukkottai Town.
7	Rev. A. Gehring.	Oct XV of 1872 See 8 & 9.	1884 Nov 26 Muthuswami Pudukkottai (Native)	Mariamammal Pudukkottai (Native)	no record	Both are British Indian Subjects of Her Majesty.
8		1884 Dec 10	George Frederick Pudukkottai (European)	Pada James Pudukkottai (European)	Not known -	The bridegroom is the son of J. Madan of Madras. The bride is the daughter of J. James of Pudukkottai Town.
9		1885 July 13	P. Anulamautham Pudukkottai (Native)	Samundiram Sangre (Native)	Not known	Parentage not known

10.	Rev. H. G. Loring	Act XV of 1872 Sec. 6 & 9.	1885 June 6 th	Savirinimuttu Krippapalayam (Native)	Marriamunal Korappatti (Native)	Not known	Not known
11			1885 June 8 th	David Kalkanimattam (Native)	Arulagee. Tirumangur (Native)	Not known	Not known
12.			1885 June 29 th	Savirinimuttu Kottaikarapatti (Native)	Muthu, ee Kuyikarapatti. (Native)	Ignasimuttu, son of Petrus. son of Marriamunal, Dr.	The bridegroom is the son of Poyambalagan & Savirayee of the Pudukkottai State; The bride is the daughter of Desasagayam & Marriamunal of Kottai, Dindigul Taluk, Madras District.
13.	Rev. E. Dachselt.	Act XV of 1872 Sec. 6 & 9	1886 Aug 16 th	Jesudasan Mottachery (Native).	Santhammal (Native)	Not known	Not known
14.			1886 Decr 23 rd	Karasam. Trichinopoly (Native)	Elizabeth (Native)	Not known	Not known
15			1888 May 14 th	Savirinimuttu Kottaikarapatti (Native)	Salvam Korappatti (Native).	Paripumam, Dr.	The bridegroom is the son of Mattambalagan & Annammal of the Pudukkottai State; but the bride is the daughter of Sumappan & Annaammal of British Territory, exact whereabouts Not known.
16			1888 May 28 th	Adaikkalam Kudalur (Native)	Leah (Native)	Not known	Not known
17			1888 June 20 th	Christian. P. Trichinopoly (Native)	Tiravayam Trichinopoly (Native)	Not known	Not known.
18	Rev. Th. Meynor	Act XV of 1872 Sec. 6 & 9.	1889 May 27 th	Arulanandham Kottaikarapatti (Native)	Annaammal Karupatti (Native)	Not known	The bridegroom is the son of Gangapillai & Ignasiammal of the Pudukkottai State and the bride is the daughter of Ramapillai & Annammal of Trichinopoly

20	Rev. H. Maynor	Act XV of 1872 Sec 6 & 9.	1889 Aug 14 th	Obad Pudukkottai (Native).	Lanthanam (Native)	Not known -	The bridegroom is a son of Sauguebar, but parentage is not known. The Bride is the daughter of Mr. Anthony & Sarathiammal of Pudukkottai Town.
21			1889 Sep. 9 th	Arulanandham Muthunadu (Native)	Paripurnam (Native)	Synasimuthu, son of Anthony, son	Not known -
22			1889 Oct 18 th	Sivirimuthu Pudukkottai (Native)	Madalei (Native)	Not known -	Not known -
23	Rev. J. Preder	As in page 1.	1891 Aug. 9 th	Arulanandham Kemeli (Native)	Arokia Katchagudi (Native)	1. Prizanayagam 2. Samathanam	Not known -
24	Rev. J. Rieger	Act XV of 1872 Sec 6 & 9.	1891 Nov 25 th	George Edward James (Not known) residence & parentage not known	Makilda pre- mish Abernethy Trichinopoly (Not known) residence & parentage	Not known -	The bridegroom is the son of J. James of Pudukkottai Town; the bride is the daughter of Abernethy Trichinopoly.
			1895 Oct 3 rd	Muthusami Cannabany Amburpatti (Native)	Lanthanam (Native)	"	The bridegroom is the same Muthusami mentioned in No. 7. The bride is the daughter of Chinna Pillai & Muktambaram, Pudukkottai Town.

Dewan's Office,
Pudukkottai, 16 November 1896

M. Medanta Chacko
Dewan

CURRENT No. 4500.

OFFICE OF THE

POLITICAL AGENT FOR PUDUKOTA

Trichinopoly 23 November 1897.

D. 26.11.97.

Confidential
Refor cur. No. 383-0 of 11/11/97.
FROM Pol

R. A. Shipley Esquire,
POLITICAL AGENT FOR PUDUKOTA,
TRICHINOPOLY.

TO
THE CHIEF SECRETARY TO GOVERNMENT,
Public POLITICAL DEPARTMENT,
MADRAS

SIR,

With reference to

2 Memorandum No. 1848 Public dated 4th
September 1897, on the subject of
Lists of marriages solemnised in
Pudukkottai State, I have the honour
to resubmit the lists of marriages
received this day from the Diwan.

2. As already explained in

0 my letter No. 40-0 dated 11th January
1897 the lists refer to those persons
whose nationality is doubtful, except
in the case of Europeans and Eurasians
regarding whose nationality there is
no doubt.

3 The Diwan reports, that he

189.....

Dept.

Encls. No.

To

C. No.

is unable to give the precise nationality of the persons classed as "native" in the list and explains the entry "not known" as referring to the residence and parentage of the parties.

4. It would be almost impossible, considering the distance of time at which many of these marriages have been solemnised, to get precise information as regards the nationality of the persons concerned. I would therefore propose for the purposes of validating by legislation the marriages solemnised by unlicensed ministers in Pudukkottai State, ^{either} that the doubtful cases of nationality should ~~either~~ be omitted from the list, or that all the marriages in the list should be legalised under the presumption that the parties were at the time of marriage Christian subjects of Her Majesty. The lists refer to marriages solemnised from 3rd December 1874 to 3rd October 1895. This I think would

simplify matters, as more correspondence on the subject with the Pudukkottai authorities would be a mere waste of time.

I have the honour to be,
Sir,

Your most obedient servant,
R. H. Shipley
Political Agent

sent
24/11/97

NOTE FOR THE CHIEF SECRETARY.

The note has been examined and checked. The following remarks are submitted.

Page. 2 of note

"The Registrars can only grant certificates to Native Christians". This does not appear to be correct: ~~vide~~ section 5 of modified Act XV of 1872 "Marriages may be solemnized in India . . . by, or in the presence of, a Marriage Registrar appointed under the Act"

Page 4 of note

(i) The proposed reply to question (1) is:-copies of licenses cannot be given except in catechist Solomon's case. This is based on G.O. 65 of 1872 at J and the Political Agent's letter at O. But we already have copies of the licenses granted to the Revd. Päsler, and it will be observed that the wording of the licenses in these cases is (excepting of course the name &c.) identical with the wording to be found in the corresponding cancelled licenses with Public G.O's. 470, d/17-6-93; 648, dated 16-8-93; 312, dated 7-5-94 and R No.182, dated 15-2-95 and it may therefore be presumed that the rest of the licenses were similarly worded.

Again

Q in G.O 361 of 97

* Z in G.O. 308 of 92

(A)

*P⁺

B° C°

*W° V°

This may be
noted in the reply.
MA

Again in the cancelled licenses with G.O.No.354 Public, dated 2nd May 1893 we have the form in which licenses were issued under sections 8 and 47 of Act V of 1865. These would therefore apparently be the forms of licenses granted to Mr. Zorn.

(ii) Question (2)

Mr. Zorn was licensed under secs. 8 and 47 of Act V of 1865. The reference to sections 48 et seq is not understood. As stated section 47 requires a notification in the official gazette. None was made in this case.

Page 8 of note

Question (10)

Mr. Päsler was by G.O.No.382 Public, dated 4th June 1892 given revised licenses in supersession of those granted him in accordance with G.O.No.209, dated 11th August 1876. The first marriage entered opposite his name is dated 23rd June 1876.

Question (11)

As stated in the note India was no doubt misled by the expression "Marriages solemnized", but, with reference to the statement that "The . . expression can of course only be used of a Minister of religion" it is submitted that section 5 of Act ³⁷ of 1872 distinctly states that "Marriages may be solem-
nized in India". . . "by any person licensed". . . "to grant certificates of marriage between Native

Christians"

U°

*Note this in reply
MA*

*must be mentioned
MA*

(F)
D

(G)

*Enter correctly in reply
MA*

** vide foot note [a] on page
10 of modified Act XV of 1872*

Note re typed as per up

Christians" as also "by". . . "a Marriage Registrar"

Pages 9 to 11 of note

~~No remarks~~ With reference to the notes on page 9 in re list A it is observed that Mangalattupatti is in the Alangudi taluk of the Trichinopoly district.

Page 12 of note

With reference to the remarks on page 12 of the note it is submitted that Act II of 1891 section 1(3) keeps alive licenses then in force granted under the prior Acts but does not give force to any license the grant of which was ultra vires : and, Act V of 1865 was strictly limited to British India (sec.2).

*Fix end of two
note MA. 13.98
CWS
25/7/98*

H.E. the Governor.
The Hon. Sir Henry Osborn.
The Hon. Mr. Grosby.

C. 4500.

C.S.

C. 2689.

ILLEGAL MARRIAGES IN NATIVE STATES.

.....
IN G.O. No. 361 of 1st April 1897 the
Madras Government forwarded ^{to the Govt. of India} three lists
of marriages which had been contracted
in the native states of Pudukota and
Travancore. The circumstances under
which this letter was addressed to
India will be seen from the note for
orders at K. II. The Government of India
in replying asked for certain informa-
-tion to supplement that given in
the lists and at the same ^{time} made
some ~~positive~~ criticisms on the
proposal of this Government contained
in its letter that these marriages
should be legalised by special legis-
-lation.

The information was applied
for in Ref. No. 1848 of 4.9.97. Please
see note for orders at S.

The ~~Man~~ Politi-
-cal Agent Pudukota now replies to the
effect that the information asked for
is not available and suggests that
either all the cases in which the
nationality of the parties is doubtful
should be cut out, or that all the
marriages should be legalised ~~not~~ on
the presumption th-at the parties were
at the time Xtian subjects of Her Majes-
-ty. The latter course it will be seen,
is impracticable for the reason stated
in para. 3. (b) of the letter from

the Government of India, namely that that Government has no power to legalise the marriage of anyone who is a subject of Her Majesty; ~~and~~ there is no proof whatever in support of the presumption that these persons are such. There are two points which have to be kept in mind in dealing with this somewhat complicated subject

(1) The Act in question, Act ^{XV} of ¹⁸ refers only to Xtian subjects of Her Majesty (~~para~~ sec. 1.)

(2) Ministers of religion (sec. 6) and "any Christian" ^(rev. q.) may be authorised to solemnize or to grant certificates of marriage to subjects of Her Majesty who are Christians (the Registrars can only grant certificates to Native Xtians) either in the territories under the administration of the Local Government (section 6.) or as regards native states situate within or bordering on the Presidency (section 86, 2nd para.)

But up to 1892 the form in which the licenses were issued by this Government did not cover the case of Native states. This error was set right in C.O. 382 of 1892 and four ~~forms~~ issued

A. For Ministers

India.

B. For Minist

States

12
See Solomon's at P^x

Copies of others put up, tied in red tape.
G.O.65/1872, at J

Sec.47 requires gazette notification but none was made in this case. This has been ascertained in the office.

Note Act V of 65 does not specifically limit the operation of the Act to British subjects, but leaves this to be presumed. The Act is limited to "the Territories x x x subject to such Governor" Sec VIII.

Question. What is the meaning of the word "native" in Col.6 List A? D.I.

Note. No.2 in list A, both parties are entered as "native" though the bridegroom lived in Tanjore.

The Government of India make 11 requests. The answers to these (marked in margin of letter at H², dated 13th July 1897,) may be as follows; Sec. 3 A

(1) Copy of licenses cannot be given; See G.O.No.65/1872 and Pol. Agent's letter at O, last para.

(2) Mr. Xorn was licensed under Act V of 1865, Sections 8 & 48 seq of which, say nothing about a gazette notification. Hence there was no notification in Gazette.

(3) India supposes that Mr. Xorn was licensed under Act XV of 1872. Hence these questions must be answered by saying that he was not licensed under that Act, but under the old Act V of 1865.

(B)

(4) The Political Agent Pudukottai now reports that the lists refer to persons whose "nationality" is doubtful. By this he means, that it cannot be ascertained to what state they belong as the Dewan of the State is unable to give him the information.

The entries in Col.6 of List A evidently used the word "nationality" as "race"; i.e. native, as ^{approved} ~~approved~~ to European or Eurasian.

The 4th question of the Govt. of India must therefore be answered by saying that the word was used improperly as indicating the race of

the persons named; and it cannot be ascertained to what state they belonged;

(C)

The criticisms of the Govt. of India here appear somewhat captious. It asks a question

(5) What is the meaning of the word "native" in Col.5 & 6 of List B? Clearly means of native race, as the heading runs "Nationality, European, Eurasian or Native. There is no Eurasian State; therefore the meaning of the word could not possibly have ~~been~~ anything to do with the question "of what state are they subjects". Again, in Col.8 of the same list such information as could be obtained towards answering the latter question is clearly given. The Govt. of India while stating here that these remarks "do not help to make the point clear" goes on, in para (E) to ask for "similar remarks" in regard to List C. Question (5) therefore may be answered by saying that by "native" was meant a person of pure Indian descent, ~~and~~ and question (6) by stating that the remarks in Col.8 of list B. show, so far as it is possible at this lapse of time to ascertain it, the citizenship of the parties. In cases nos. 2, 3, 5, 6, 7, 8, 12, 15, 18, 19, 23, 24, the information required is given. In the remaining cases the reply may say, the information required is given. In the remaining the reply may say, the information cannot be ascertained now. The Pol. Agent suggests

2

that the doubtful cases should be omitted. But there are also several cases in which the information is complete, but the bridegroom and the bride were subjects of different states, e.g. Nos.

2. (Pudukkottai & Madras)
3. (Pudukkottai & Trichinopoly)
5. do do
6. (Coimbatore & Pudukkottai)
8. (Madras & Pudukkottai)
12. (Pudukkottai & Madura)
15. (--- & British territory)
18. (Pudukkottai & Trichinopoly)
19. (Tranquebar & Pudukkottai)
23. (Pudukkottai & Trichinopoly)
24. (British India & Pudukkottai)

In only one case, No. 7 are the two parties subjects of the same state and in that case the wife is dead, (for the husband has married again, vide No. 24) and there is no issue. These cases are discussed below at A.

(D)

7. Evidently instead of putting the heading "remarks" in Col.8 of List B the heading "Parentage and Residence" (i.e. state of which they are subjects) should have been put.

(E)

Question (8), as pointed out in the note for orders, is based on a misunderstanding of the List C. The last Col. in that List states whether the

resided in

3) These are Eurasians & so presumably subjects of Her Majesty vide below

3) Eurasians. Subjects of Her Majesty.

para 3 of Ct. 4500

Domicile? D.I.

S

he man & woman in each case is a subject of the British or Travancore State. In cases 16, 24 & 28 the bride & bridegroom belong to different states. The Government of India read the words as "British Travancore" not observing that the words are both used as adjectives and refer to the husband & wife. The list was certainly badly drawn up and in the case of No. 24 the wife's nationality "British" was ^{undoubtedly} omitted by the copyist.

Question (9) must be answered by the preparation of a new list. It seems clear that only those marriages are valid in which both parties ~~are valid in which~~ ^{both parties} are subjects of Her Majesty (Sec. I of Act XV of 1872, "it extends to the whole of British India, and, so far only as regards Christian subjects of Her Majesty, to the territories of Native Princes & States in alliance with Her Majesty")

Tested by this criterion, ^{Marriages} apparently all the ~~members~~ in List C except Nos. 16, 24 and 28 are valid. This is assuming that where nothing is said in the list against the wife's name, she is of the same nationality as the husband. This may be assumed, as where the nationalities of the couple differ this has been stated viz in the above three cases, 16, 24, and 28.

In other words, in all but the above three cases the marriages would have been valid had they been solemnized or licensed by a person licensed in Forms

ie X On this count only. They are invalid as having been performed in a Native State without a license in the proper form. Vide below

D
See letter Pol. Agent for Pudukkottai at O. There seems to be only one German Minister stationed in Pudukkottai. The license of the man there in the beginning of 1897 was in the wrong form, and all the other marriages were solemnized prior to G.O. 382/1892 under which the proper form for Native States, B & D, were issued.

X Not Sec. 6 as surmised by India which was, however, led into making this supposition by the careless use of the expression marriages solemnized, instead of "certificates granted" The former expression can of course, only be used of a Minister of religion. But vide Sec. V Act XV 1872

B or D issued with G.O. 382, 4th June 1892 instead of in the old form which was abolished in that G.O.

Question (10) The Government of India is right when it points out, in reference to List B, that the marriages solemnized by Mr. T. ^{Pascher} ~~Pascher~~ were prior to the issue of the new forms referred to above. That gentleman therefore, had no authority to solemnize marriages in the state of Pudukkottai and in the revised list the entry in Column 3 of List B must be changed. All the marriages in List B are therefore invalid on this score alone ^{and} as all ~~except~~ No. 24 ~~were~~ prior to 1892, ^{and} No. 24 was also solemnized under the wrong form

(G)

Question (11) The Government of India is also right here. The ^X ~~license~~ ^X though issued under Sec. 9 of the Act (XV. 1872) was restricted to the territories subject to the Government of Madras a copy of the license can be sent to India.

Finally the Government of India asks for new and complete lists prepared in accordance with its remarks.

But apparently it has not been considered, whether in the cases in which one of the contracting parties ^{and one or native subject} was a British Subject, supposing the Minister solemnizing the marriage or

the Registrar granting a certificate was in all other respects duly qualified to perform the ceremony or to grant the certificate in the case of the British Subject, is the marriage binding on the British subject. The Act does not apply to subjects of other states & so it goes without saying that the non-British contracting party is as free as he or she was before the ceremony so far as this Act is concerned.

In Sec. III ⁽⁶⁾ of its letter the Government of India points out that in regard to persons who are not British Subjects it has "no power to move". It may therefore, be concluded that in the case of mixed marriages also ~~that~~ that Government cannot legalize them. If this is so, the lists will need to be very largely revised before they are sent up again. Two cases in List A eleven ^{cases} in List B and three cases in List C are of this description.

In preparing the fresh list the following points may therefore be observed.

List A

Two of the three cases are mixed. These may be omitted. The third has no known issue, and one of the parties is dead. This list would then disappear completely.

List B

Most of these marriages will be cut out by the above proviso, that it is no use sending up mixed marriages for validation if the Government of India has

This seems clearly the case. But if the Native State legislated on the matter and the British Courts outside recognize the altered status of the wals. A difficult question of law might arise. It may however be left until it does arise. MB

There is however, a doubt about No. 1. I presume that the residence of the bridegroom (Mangalathupattai) is not in the ~~Private State~~ or else this would have been stated.

Puduchottai

MB

Handwritten: I have done this.

** But this note refers to the Native State. I have not seen it. I have not seen it. I have not seen it.*

Handwritten: no power to do this.

no power to do this.

No. 1 Nationality of bridegroom not known. This case may, therefore, be omitted.

No. 4 Same remarks. May be omitted.

No. 7 The bride is dead, vide No. 24 no use to legalise this as there is no issue.

No. 8 May be legalized, as the parties are Eurasians, and presumably the bride is, as such, a British Subject though resident in a native state.

Please see note by H.E. the Governor at K. 1. (back).

No. 9. May be omitted. No information No. 10 may be omitted, as nothing is known about the issue or the nationality of this couple.

No. 11 Same remarks.

Nos. 13, 14, 16, 17, 20, 21, 22.

In all these cases there is no information procurable as to their nationality, and in only one case (No. 20) is there any issue.

Submitted that it is useless to send all these up to India, as they cannot be legalized if it is not known that the parties are British Subjects.

No. 23 Eurasians (or Europeans) may be legalised.

This makes 15 of the 24 cases in List B. The remaining 9 are 'mixed' marriages. These may either be omitted as suggested above or shown in a supplementary list (B.1) for the orders of the Government of India.

Supplementary list MB

th List C

wa There are only three mixed cases viz.
to 16,24,28. These can be dealt with as
ce above. All the other cases in this list
S may be sent up for validation, as the
B Catechist says (see his explanation at
M.I.) that he ^{granted} certificates of
marriage under a bona fide belief
that he had been empowered to do so.

Orders are solicited on these
points for drafting a reply to India
and also as to whether anything in the
way of an explanation should accompany
the lists; the fact that the Act
applies only to subjects of Her Majesty
appears to have been lost sight of in
the former letter to India.

*The matters dealt with are
intricate and to put the
matter clearly before H.M.
the draft reply should be
drawn up - quoting each
question and then giving
the reply in full. Orders
can then be passed by H.M.
on the draft.*

MA 7.3.98

[3.]
75
1.00 31 7-47.

NOTE FOR THE CHIEF SECRETARY.

I prepared the above note on
the assumption that the separate
Vol. Act XV of 1872 as modified up
to 1st April 1891" was conclusive.

Subsequently I had occasion,
with reference to another case, to
refer to the Amending Act II of 189
and then found in Sec.I (3) that
licenses to solemnize marriages
granted under the Act of 1865 are
deemed to have been granted under
the Indian Marriage Act 1872, as
amended by Act II of 1891, if they
were in force immediately before the
commencement of Act II, 1891.

Under this count therefore,
Zorn's marriages were not illegal.
But if the note is correct, they are
all illegal as having been perform-
ed in a native state, and Nos. 1 & 2
as being mixed marriages.

hse

C. ~~...~~ ...

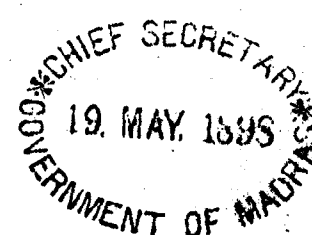
A draft to ...
put up with ...
C. S. notes of 11.8.90
But it is ...
that the following
points in any ...
settled ...

D M. Paster was by
fo. N. 382 Public of
4.6.92 given ...
license ...
of those granted him
in accordance with
fo. N. 209 of 11th
August 1876. The
first marriage
registered ...
his name ...
dated 23d June
1876. This appears
to be a mistake.

F No grant of a
license to M. Paster
earlier than that
granted in fo. 211
Ecol of 11.8.76 can
be traced in the

Public (1898) Department.

CURRENT No. 1706



From

W. M. Chapley, Esq. J. A.
Ordinary Agent
for the Office of
Friedrichs & Co.

Report No. 220-0
AC

Dated 13 May 1958

Received }
Registered } 19. a

Enclosures one (Incls: 7^o & 6^o Sub: 1^o & 2^o)
Spare copies - 4000 of 1/2 ref. 2)

Spare copies. -

SUBJECT.

List B of Marriages

Colonised in Puducherry

Rehearing —

with necessary information

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Current No. 1406

OFFICE OF THE
POLITICAL AGENT FOR PUDUKOTA
Trichinopoly 13 May 1898.
D 17.5.98

2 of on cur No. 220-0 of 1898
Pl
FROM

R. H. Shipley
Esquire,
POLITICAL AGENT FOR PUDUKOTA,
TRICHINOPOLY.

TO
THE CHIEF SECRETARY TO GOVERNMENT,
Public POLITICAL DEPARTMENT,
MADRAS

SIR,

With reference to
I your memorandum No. 682 Public dated
15 March 98, I have the honour to
report that the Diwan of Pudukkottai
on a reference from this office informs
me that the present Lutheran missionary
at Pudukkottai Rev. Q. Heimer states
as follows:—

"According to the marriage
"Register to be seen in the church
"Archives of the Lutheran Mission
"Pudukkottai the marriage between
"T. Jesudasan Vailogam and Annammal
"Vailogam was performed on the

23 June 1876 as Revd Paesler has gone
off with death I am unable to give
clearer information. * (or, is dead)

2. The B list is herewith forwarded.

I have the honour to be,

Sir,
your most obedient servant,
R. H. Shipley
Political Agent

14.5.78

[G. 25 A]
500 8-12-97.

Ship. 30.6.98 C. 9. 7.98
R. 8.7.98 R. 16.7.98

Public Department.

U. No. 4, 20, 2689

H. M. + Circ.

SUBJECT.

Illegal Marriages in Pudukkottai.

FOR ORDERS.

Please see the notes below,
more especially those at page 7 of the
note at H². All the information re-
quisite for addressing India has now
been obtained, and a draft has been
prepared in the office. This will how-
ever require ~~such~~ amendment, and before
this is done further orders are res-
pectfully requested on the subject of
the "mixed marriages", i.e. marriages
performed in Pudukkottai between a
British subject and a person who is
not known to be a British subject.

Mr. Couchman was clearly of
opinion that these marriages could
under no circumstances be valid, and it
was decided that all the marriages
which came under this description
should be taken out of the list of
marriages to be validated by legisla-
tion and entered in supplementary
lists. Nothing was however decided as

to

noted.
H. M. + Circ.
14.5.78

23
2
to the remarks which were to be made upon this supplementary list, and it is on this point that orders are now solicited. The exclusion of these marriages from the list of those to be validated will be open to serious objection, legally, morally and politically, legally, because it will amount to a statement that no legal marriage can be concluded between a British and Pudukkottai Christians, morally, because it permits persons who bona fide considered themselves properly married to dissolve their connection, and politically, because these persons undoubtedly consider that they were properly married under the authority of the British Church, and by ministers appointed by the Govt. It seems therefore necessary either that some effort should be made to see if these marriages cannot be legalised or else that new legislation should be undertaken by India to make such marriages possible in future.

That the present marriages cannot be validated is not, it is submitted, altogether certain. When the draft to India on this subject was drawn up (flag) it was proposed that this legislation should be general (vide last para. of the letter). This was subsequently altered. It is however submitted for consideration whether the difficulty could not be solved by an act ^{declaring} ~~declaring~~ that all the marriages ^{mentioned} ~~mentioned~~ in

3 in the schedule to the act should be considered to have been performed by minister duly licensed. This would not only avoid the chance of legalizing marriages which might for some other reason be invalid, but would leave the question whether mixed marriages are possible to be argued out when necessity arose.

If this general legislation is not possible, then it remains a question of law whether in these mixed marriages the contract is void as regards both parties. There being no marriage law for Christians in Pudukkottai, the question whether a Christian was legally married would have to be settled by the Courts. Just as in the case of Hindus, the Court would decide the matter according to local religious practice, and there can, it is submitted, be no doubt that the Pudukkottai Courts would decide that a ceremony gone through before a Christian minister with all the rites which accompany such marriages in Christian countries, ^{is a} ~~is a~~ ^{proof} of marriage. As for the British subject, the question remains whether the marriage is binding on him or her. This is a matter of legal interpretation. There must be ~~many~~ cases occurring every day in which contracts are made under a law binding on one person but not on the other. It is submitted that the Advocate-General may be consulted as to whether, seeing that

should be
considered a

that the Christian marriage Act applies only to British subjects, a marriage between a British subject and the subject of a Native State is void ab initio, or whether it can be binding on the British subject. When this opinion is obtained it will be easier to decide what recommendation should be made to India with regard to these marriages.

Mk
2/6/95

Please see intro.

1/7/95

5
Illegal marriages in Pudukkottai

It came to notice that certain marriages solemnized in the native states of Pudukkottai and Travancore by persons not duly licensed under the Marriage Act were invalid and three lists-A, B and C-of such marriages were sent to India which was asked to validate these marriages by legislation. In the current it replies agreeing that the marriages are invalid but asking for certain information in several of the cases.

In order that a marriage may be valid

- (1) it must be solemnized by a duly licensed person and
 - (2) it must be between Christian subjects of Her Majesty.
- The power to license vests (and has always vested) in the local Govt. for its own territories and in the Govt. of India for Native States. If therefore a licensee of the local Govt. marries a Christian subject of Her Majesty within the limits of the Pudukkottai state, the marriage is invalid, or if one or both of the contracting parties are not Christian subjects of Her Majesty but subjects of Pudukkottai, the marriage is invalid.

Most of India's questions can

Marriage, valid under the particular Act

can be answered with certainty e.g. that in paragraph 3 (a) of the current, for it is now found that Mr. *Zou* was licensed and the question in regard to marriages solemnized by him reduces itself to one of the nationality of the contracting parties. ~~With regard to such questions then there is no room for I.M.'s to pass detailed orders.~~ The nationality of the contracting parties however cannot unfortunately now be ascertained in these and in other cases. All that can be said is that when they are Europeans or Eurasians they are subjects of Her Majesty, but when natives that they are not certainly known to have been subjects of Pudukkottai. The Political Agent proposes either to validate the marriages or that all the doubtful cases be ~~omitted~~ *from the statements*. India says of course rightly that it cannot move in the case of persons who were subjects of Pudukkottai but since it is not known that these persons were subjects of Pudukkottai and it can do no harm to validate the marriages, it may be thought best to do so.

It must be remembered however that the validity of the marriages is of importance mainly in regard to (1) the dependence of the wife and children on the husband for maintenance, (2) in regard to the succession to the parents property and (3) in

regard

Is it certain that an Indian must be subject of Her Majesty? I should say not, though undoubtedly it is probable.
KS

Am India Act not make the marriage valid in India, though not in Pudukkottai. The position might be given me.
WV 24. 9. 11.

regard to the consequences to the parties of remarriage. If there was any difference between the law of Pudukkottai and that of British India, the first two matters might be of great importance, but there is not and it seems only in regard to escaping the consequences of bigamy that the validation of the marriage is of importance except to the feelings of the parties. In view of India's pronouncement therefore it may be thought inadvisable to press for the validation of the marriages when there is doubt of the full power of India to do so.

The question which is discussed in the last note (the Under Secy.'s note) is whether a marriage to which only one of the contracting parties is a subject of Her Majesty is invalid. The opinion in the note is that it is so and in this I quite agree. The Act requires both parties to be Christian subjects of Her Majesty. It must be remembered that in the eye of the legislature marriage is a contract and it is at once obvious that India cannot legislate to regulate this contract between persons not entirely its subjects within Pudukkottai or Travancore any more than it can to regulate any other contract under the Contract Act. The

note

note objects that not to do this is to rule that no marriage can be performed between British and Pudukkottai Christians. But the case can be met by the expedient of having the marriage ceremony performed as required ~~required~~ both by the British law and by that of Pudukkottai or Travancore. The expedient suggested in the note viz. to declare that all the marriages in the schedule to the Act should be considered to have been performed by ministers duly licensed will not touch the point for the ground of invalidation is that the contracting parties are not subjects of Her Majesty.

In regard to the last paragraph of the note ~~the whole difficulty~~ arises because there can be no doubt that the Courts when acquainted with the facts must rule that the marriages are invalid. If there was any reason to hope that the Courts would uphold the marriages, it would of course be improper to undertake the proposed legislation. I do not see any use in consulting the Advocate Genl. because quite apart from my own view, India clearly holds that such marriages are quite invalid.

The letter to India is in accordance with the above view and may be forwarded. *13/7/98*

The letter to India is in accordance with the above view. The letter is, however, marked for H.E. first & then for the Advocate Genl. first.

Yes however I have been through the letter - with one trifling correction, - but have not yet done so.

[G]
24
1,000-22-11-97.

Public DEPARTMENT.

Papers to be read in Proceedings:-

Again GO., No.	, dated	189 .
Again G.O., No.	, dated	189 .
Current No. 2689	of 1897, dated	13-7-98 from the Govt. of India
" "	" 189 , "	" "
" "	" 189 , "	" "

1. H.E. The Advocate Genl.
2. The Honble Secy. to Govt. H.E. C.I.E.
3. The Honble Mr. Justice C.I.E.

O R I E R.
his.

The Government of India will be addressed.

LETTER:-

To
The Secretary to the Govt. of India,
Home Department (Eccl.)

SIR,

I am directed to reply to the points raised in para. 3 of your letter No. 262, dated 13th July 1897, on the subject of the illegality of certain marriage solemnized in the Native States of Pudukkottai and Travancore. They will be taken seriatim.

2. (a) It is requested that (1) copies of the licenses in virtue of which each of the ministers of religion and others mentioned in the lists acted, together with (2) copies of

of the gazette notifications on the subject may be forwarded; and that (3) if in Mr. Zorn's case it should be found that no license was issued, it may be ascertained whether the marriages solemnized by him were solemnized under clause (1) or clause (2) of Act XV of 1872.

Copies of the licenses are available in the cases of the Revd. Päsler and catechist Solomon. These are herewith forwarded. But a comparison of these with several other licenses granted about the same time to persons not mentioned in the lists, shows that in every case compared the wording of the corresponding licenses, ^{compared to} was identical, and the presumption is therefore that the rest of the licenses ~~now in~~ question were similarly worded.

(2) Copies of the gazette notifications are furnished as requested in all cases except that of Mr. Zorn.

(3) Mr. Zorn was not licensed under Act XV of 1872 but under sections 8 and 47 of Act V of 1865, on the 18th April 1872. This was ascertained only after a very prolonged search in the records of this office, owing to defective tabling at the time the licenses ^{were} granted. Licenses were asked for on behalf of several missionaries and the abstract of ^{the} G.O. granting them merely mentioned the first name without even an "to". Section 47 of Act V of 1865 requires a gazette notification but none was made in the

(Reply)

Copy at Z³ + P^{*}

10/10/55; Put off 2-5-73

Native was rightly used to indicate race. It is the heading which has been wrong

(Reply)

(Question)

(Reply)

(Question)

(Reply)

Effect

case in question. No copy of the license granted to Mr. Zorn can be obtained but apparently the wording was the same as the licenses granted in 1866 under the same Act to the Revd. William Bowden copies of which accompany this letter.

3. (b) What is the meaning of the word "Native" in column 6 of List A?

^{retinably}
The word was used improperly to indicate the race of the persons named; it cannot now be ascertained to what state they belonged.

4. (c) (1) What is the meaning of the word "Native" as used in columns 5 and 6 of List B?

(2) Are the persons concerned British subjects or subjects of the Pudukkottai State?

(1) By "Native" was meant a person of pure Indian descent.

(2) The remarks in column 6 of List B show the ^{retinably} citizenship of the parties as far as it is now possible to ascertain it. The information required is given in cases Nos 2, 3, 5, 6, 7, 8, 12, 15, 18, 19, 23 and 24. In the remaining cases it cannot now be obtained.

5. (d) What is meant by the expression "not known" in column 8 opposite the 4th entry in List B?

The expression was evidently intended to mean parentage and ^{place of birth} residence not known. Instead of the heading "Remarks" in column 8 "Parentage and ^{place of birth} Residence" (i.e. the State to which they are subjects) should have been entered. This has now been remedied.

1. (e) 1() The Act does not seem to apply at all in the cases of the persons mentioned in entries Nos. 16, 24, and 28 in list C, if, as is surmised from the remarks in the last column of that list, the persons married are subjects of the Travancore State.

(2) It is requested that in the case of each of the persons mentioned in the lists whose marriage is considered to be invalid, it may be ascertained whether they are or are not subjects of Her Majesty. Remarks similar to those entered in column 8 of List B would answer the purpose in view.

(Reply)

(1) This remark is apparently based on a misreading of list C. The last column of that list states whether the bride and bridegroom in each case ~~are~~ subject of the British or Travancore ~~State~~. In every case one of the parties of the marriage is a British subject. In cases 16, 24 and 28 the parties belong to different States, the words "British" and "Travancore" being both used as adjectives referring to the husband and wife respectively or vice versa. In the case of ~~the~~ 24 the wife's nationality "British" was inadvertently omitted by the copyist:

(2) It seems clear from section 1 of Act XV of 1872 that only those marriages are valid in which both parties are subjects of Her Majesty. Tested by this criterion all the marriages in List C except Nos. 16, 24 and 28 would

have

have been valid had they been solemnized or licensed by a person licensed in form B or D issued with G.O. 382, Public, dated 4th June 1892 instead of in the old form abolished under that G.O. Where the nationalities of the couple differ this has been stated, viz. in cases of Nos. 16, 24 and 28. These are now given in a separate list (C 1). In the cases of Lists A & B all the information available has already been given.

7. (f) It is pointed out that the first entry in column 3 of List B against the name of the Revd. T. Päsler seems to be misleading, as all the marriages shown as having been solemnized by him appear to have been solemnized prior to 1892 when revised licenses were granted him, and that this so, the entry needs emendation.

This is so and the entry has been amended. Mr. Päsler was by G.O. 382, Public, dated 4th June 1892 given revised licenses in supersession of those granted him in accordance with G.O. No. 209, Public, dated 11th August 1876. The first marriage entered opposite his name is dated 23rd June 1876.

The Rev. Päsler is now dead and it is not known whether a license was granted to him prior to the 23rd June 1876.

(g) "In list C it is stated that the marriages therein mentioned are solemnized by a Native catechist of the Church Missionary Society within Travancore territory. Apparently a license was granted to him under section 6 of the Act; and the question arises whether a Native catechist can be held to be a minister of religion. The license in this case should apparently have been granted under sec. 9 but whatever section it was granted under, the license is said to have been expressly restricted to the territories subject to the Govt. of Madras and the action taken under it in Travancore therefore clearly requires to be validated by legislation". A copy of the notification publishing the license is asked for.

The license granted to catechist Solomon in 1877 was under section 9 to grant certificates of marriage and not under section 6, as surmised by the Government of India, which however would seem to have been misled by the expression "Marriages solemnized by" which occurs in para. 7 of letter No. 361, Public, dated 1st April 1897 and in List C. But it will be observed that section 5 of Act XV of 1872 states that "Marriages may be solemnized in India" - - - "by any person licensed" - - - "to grant certificates of marriage between native christians". Catechist Solomon belongs not to the Church Missionary

Society

(Reply)

The necessary alterations have been made in List C

Society, but to the London Missionary Society, as stated in para. 7 of the letter above quoted. Copies of the license granted him and of the gazette notification on the subject accompany this letter.

9. Finally it is requested that new and complete lists prepared in accordance with the remarks and suggestions in the letter under reply should be submitted.

In para. 3 (b) of the letter it is stated that with regard to persons who are not ^{His subjects of Her Majesty} British subjects the Govt. of India has no power to move, as Act XV of 1872 does not apply to them. His Excellency the Governor in Council regrets that this fact was overlooked in letter No. 361, Public, dated 1st April 1897. It may further be concluded that the Govt. cannot legalize cases of mixed marriages also, i.e. cases in which one of the contracting parties was a British subject and the other a Native subject. Two cases in List A, eleven in List B and three in List C are of this description. The lists now submitted have been drawn up with reference to the above remarks.

(1) In list A two of the three cases are mixed. In the third case there is no known issue and one of the parties is dead. The list may therefore be omitted altogether.

(2) Of the 24 cases in List B Nos. 1, 4, 7, 9, 10, 11, 13, 14, 16, 17, 20, 21 & 22

Submitted that it was not overlooked - vide order of R.I.

17 - native state ?
Ml

Submitted that this is only a presumption from the residence at the time of marriage - which cannot give any basis for an inference as to church. If one of the parties had not been at Pondicherry at the time the marriage would not have taken place in Pondicherry or all

are omitted for the reasons appended, it not being known whether the parties concerned are British subjects *or not*

No.1 - nationality of bridegroom not known

No.4 - do

No.7 - The bride is dead (vide No.24) and there is no issue.

No.9 - No information as to issue (parentage).

No.10 - Nothing known as to issue or nationality.

No.11 do

Nos. 13,14,16,17,20,21 & 22 - In all these cases there is no information *procureable* as to nationality and in two cases only (viz. Nos. 20 and 22) is there any issue.

Nos. 2,3,5,6,12,15,18,19 & 24 are mixed marriages and are therefore shown in a supplementary List B 1. There are thus left in the original List B only two cases Nos. 8 and 23 where the parties are Eurasians or Europeans and these ~~in~~ may in the opinion of His Excellency the Governor in Council be legalized.

(3) The three mixed cases in List C, viz. Nos. 16,24 & 28 are similarly given in a separate List C 1.

All the other cases in this list may His Excellency the Governor in Council consider be validated, as the catechist who granted the licenses of *in the cases in question* marriage affirms he did so *with* bona fide belief that he was empowered so to do.

But his Ex^{cy} knew that they were believed not to be British subjects

Cur 2689 (a) order No 1043. d/16th August 1897

PS The Gov. of India will be addressed
LETTER No 1044.
d/16/8/98

To

The Secy. to the Govt. of India,

Home Dept:

Sir,

I am directed to reply to your letter No.262, d/13th July 1897, on the subject of the illegality of certain marriages solemnized in the Native States of Pudukkottai and Travancore.

2. In paragraph 3 (a) the Govt. of India asks that copies of the licenses in virtue of which each of the persons who performed the marriages in question acted, should be submitted, together with a copy of the gazette notification in each case. No copies of the licenses in question were kept at the time of issue in the records of this office, but copies of those granted to the Reverend T. Paesler and catechist Solomon have been obtained and are herewith forwarded. These licenses have, on comparison, been found to be identical with several others issued under the same Act to other persons *not* concerned in the present discussion, and it may therefore be presumed that the missing licenses were also in the same form. Copies of the Gazette notifications are furnished as requested in all cases except that of Mr. Zorn.

3. With regard to Mr. Paesler, it

Enclosures 1, 2 & 3

Enclosures 1, 2 & 3

Ind. Gov. 65 Recd
18 4 72

Enclosure Q

Enclosures Q

has now been ascertained, after a prolonged search ^{among} of the records in this office that he was licensed on the 18th of April 1872 under sections 8 and 47 of Act V of 1865, and not under Act XV of 1872, which had not then come into force. Section 47 of Act V of 1865 requires that the issue of a license shall be notified in the Gazette, but no such notification was made. No copies ^{of} of the licenses granted to Mr. Zorn ^{are} forthcoming, but ^{probably} ~~apparently~~ the wording was the same as that ^{of} the licenses granted in 1866 under the same Act to the Rev: W. Boden, copies of which accompany this letter.

4. Clauses (b), (c), (d) and (e) of paragraph 3 of the letter under reply relate to certain matters connected with the nationality of the parties to the marriages in question. In regard to columns 5 & 6 of lists A & B, I am to explain that the word 'nationality' in the heading of the column was improperly used instead of 'race'. The wording has now been amended.

In the heading of column 8 of list B the word "remarks" was inadvertently entered instead of "parentage and place of birth." This has now been remedied, and the expression "not known" referred to by the Govt. of India in clause (d) thus becomes intelligible. With regard to clause (e), the entry in the last column of list C shows the nationality of the parties concerned. In the case of Nos. 16, 24 & 28, while one of the parties was a British

subject, the other was a subject of Travancore. I am to express regret that in the entry opposite to No. 24 the word "British" which should have appeared against the name of the bride, was through the mistake of a copyist omitted. In all the remaining cases included in this list, ^(c) both parties to the marriage are reported to be British subjects.

5. The Govt. of India observes that the Indian Christian Marriage Act has nothing whatever to do with the marriages of subjects of Native States, and it asks that it may be distinctly stated in each case whether or not the parties are subjects of Her Majesty. With reference to this request F.E. the Governor in Council desires me to refer more fully than has hitherto been done, to two questions which arise in connection with the marriages now under consideration. When the lists A & B were originally prepared, care was taken to omit from them persons who were known not to be Christian subjects of Her Majesty at the time of marriage. Persons whose status was doubtful were however included. The entries in columns 5 & 6 of those lists relate only to residence at the time of the marriage, ~~from which~~ ^{no} clue to nationality ^{can be obtained.} With regard therefore to all the marriages mentioned in list A, and the 12 cases in list B in which information as to the parentage and place of birth is not available or is incomplete, it can only be said that one or ^{are} both of the parties were not known to be

other

Nos. 1, 4, 9, 10, 11, 13, 14, 16
17, 20, 21 & 22

other than British subjects. I.E. the Governor in Council was doubtful whether the presumption thus raised that the parties were British subjects would be sufficient to justify legislation with regard to their marriages. But this matter being ^{decision by} one for the Govt. of India, the names were included in the lists. All the cases of this nature have now been included in supplemental ^{A1} lists ~~2~~ and ^{B1} ~~2~~ No. 3 in list A however, in which the bride is dead and it is not known whether there is any issue has been omitted, as in that case it seems unnecessary to undertake legislation.

6. The second question alluded to above relates to marriages in which one of the parties was a British subject and the other a subject of ^a ~~the~~ Native State. Assuming that, in cases where the place of birth is not given, the residence of parents given in the last column of list B is a sufficient indication of the nationality of the parties, there are in that list [↑] 9 cases of this nature, while list C, as already mentioned, contains 3 instances of marriages under similar conditions. The Indian Christian Marriage Act 1872 applies as the Govt. of India remarks, only to ~~the~~ Christian subjects of Her Majesty and on this ground it would appear that no legislation can validate marriages ~~of~~ in which one of the parties is not a British subject ^{which} and ~~it~~ would therefore not have been valid even if the ministers performing them had been properly licensed. ^{at} ~~at~~ the time

Nos. 2, 3, 5, 6, 12, 15, 18, 19 & 24.

time when the lists were prepared, however, F.E. the Governor in Council had some doubt as to the legal effect of such mixed marriages. They were therefore included in the list with a view to a decision by the Govt. of India upon the question. They have now been removed and entered

B(2) ~~the~~ entered in supplemental lists B(2) & C(1) ^{live, for}
C(1) ~~the~~ 7. Of the ~~24~~ entries in list B, ^{there are} 21

have already been referred to. The remaining ^{three} consist of Nos. 7, 8 and 23. In the

two latter cases the parties are Europeans

or Eurasians and may be presumed to be These marriages may therefore be validated British subjects. With regard to No. 7 it

is now observed that the bride ^{has} ~~is~~ apparently ^{dead} ~~dead~~ without issue and the bride

groom has ^{re-} married - (vide entry No. 24 in

the original list B.) In this case ^{therefore} ~~however~~ no legislation is necessary.

8. In clause (f) of paragraph 3 of the letter under reply, the Govt. of India points out that the entry in column ^{of list B} against the name of Rev. T. Paesler is misleading, as all the marriages which have been solemnized by him appear to have taken place prior to 1872, when the revised licenses referred to were granted.

The Govt. of India's view is correct, and the entry has been amended. Mr. Paesler was in 1892 granted revised licenses in supersession of those given to him in G.O. No. 209 Pub., d/11th August 1876. The first marriage entered opposite to his name, however, is dated 23rd June 1876. No trace has been found of the issue to Mr. Paesler previously to August of ^{any} marriage license and

original
No. 1 on list B.

and it is not known therefore under what powers the marriage in June was solemnized. Mr. Paesler is now dead, and no further information on this point is obtainable.

9. In clause (g) the Govt. of India assumes that the marriages solemnized by catechist Solomon were solemnized under licences granted to him under sec: 6 of the Act, and it raises the question whether a native catechist can be held to be a minister of religion. The license granted to catechist Solomon (who belongs to the London Missionary Society and not to the Church Missionary Society as stated by the Govt. of India) was under section 9 of the Act, a license to grant certificates of marriage between native Christians. The Govt. of India appears to have been misled by the expression "marriages solemnized by" which occurs in para 7 of ^{this} ~~the~~ ^{Govt's} ~~Princes~~ letter No. 361 Public, d/1st of April 1897, and in the heading of list C. But it will be observed that section 5 of Act XV of 1872 includes among marriages ["] which may be solemnized in India marriages performed by any person licensed ["] to grant certificates of marriages between native Christians. The use of the word "solemnized" in this connection appears therefore to have been correct. Copies of the licenses granted and of the Gazette notification on the subject accompany this letter.

10. The new and complete lists which have been prepared in accordance with the request contained in your letter are herewith submitted. The information

which

7. 98
which they^{now} contain will, I.E. the Governor
in Council trusts, prove sufficient to en-
able the Govt. of India to arrive at a
decision in the matter.

Mr
22/7/25

13/7/25

NOTE FOR THE CS

Since the Pindar...

the original file retained

from Circ: & have been

engaged in getting the

documents, and all letters

will be prepared: this had

not been done by the office

when the draft letter was

put up

On going through the

draft letter prepared

by the office I have noted

in pencil certain points

in which it appears to

put the work of the

Govt. in a very unfavorable

light. Mr. Martin is respectfully

referred to the pencil notes

on the Draft. In some cases

the wording is so loose that

it is sure to be observed

by the Govt. of India, & as

the first letter from the

Govt. had to be returned

for revision it is submitted

that it is desirable now to

Reg II

have India no further
ground for finding fault.
I have therefore ventured
to submit a revised
draft which (except in
para 5 & 6) hardly
reproduces the contents
of the previous draft.

Para 5 & 6 are founded
upon the C.S.'s note at
page 11, and they are
intended to show India
that the matter has
received more consideration
than the mere removal
of all these cases from
the list would indicate.

The draft is a further
improvement and I have done
my best.

23/7/18

PS. H.E. has approved the
previous draft, & if
the revised one the
substance of which is the
same, is approved by
C.S., it is submitted that you will
it is unnecessary to
resubmit the paper to H.E.

23/7/18

Note for the Under Secretary

Proof submitted for
approval.

Order and requested as
to whether whether a slip may
be attached (—"To be substituted
for ~~para 5 & 6~~ of letter No.
1044, Public, of 16th August 1898"—)
to the clean copies that will be
sent to the Secy of D.

94

198
10/9/98

W. which in &
issue complete
new copy.

Had a wire to
"Home"

586x my letter 1044
16 August - Owing
printer's error in
original revised copy

Forward copies
despatch to Secy of D. Home Dept.
10/9/98

being despatched

sent to Press.

signature.

in print.

NUMBER OF COPIES REQUIRED. { Order complete. Letter only. 55 Order complete with Letter. 20

Dr. No.

DATED

See note on proceedings 1042.

Dr. No.

GOVERNMENT

GOVERNMENT.

WITH DITTO.

FILED UP. BE IS MEANT FOR DESPATCH ORIGINAL.

- Print in full.
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- Print heading only.