M.R.O. 1—39,000—16-10-29.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Judicial DEPARTMENT.

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| G.O. No. | 1518 | Press ~~Mis.~~ |
| 146-148 Dated | 20-10- ~~19~~ 1864 | |

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***Not to be folded or roughly handled***

## *Proceedings of the Madras Government, Judicial Department, 20th October* 1864.

Read the following papers :—

No. 507.

No. 146. MEMORANDUM.

The Assistant Adjutant General has the honor to submit the within letter from the Officer Commanding the 2nd Regiment N. I., dated the 27th ultimo, No. 495, and to request, with reference to the Proceedings of Government and Order thereon, dated 26th August 1864, No. 1283, that the Secretary to Government, Judicial Department, will be good enough to obtain the opinion of the Advocate General, regarding the validity of the marriage therein referred to.

ADJUTANT GENERAL'S OFFICE, (By Order.)
FORT SAINT GEORGE, (Signed) E. A. B. TRAVERS, Major,
1*st October* 1864. *Asst. Adjutant General.*

*To the Secretary to Government, Judicial Department.*

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From Colonel R. W. O'GRADY, Commanding 2nd Regiment N. I ; to the Assistant Adjutant General, Fort Saint George, dated Madras, 27th September 1864, No. 495.

I have the honor to request you will be so good as to inform me whether the following marriage of a Malayalum Private* of the Regiment under my command is a legal one.

* Private No. 2461, Collum Bee.

2. The customs of this caste differ from all others with which I am acquainted. It appears that one person goes through the ceremony, and another, on presenting a cloth upon her attaining puberty, years afterwards obtains all the privileges of a husband, the former quasi husband never cohabiting with the woman.

3. In this case the "Thalee," or symbol of marriage was tied by Ramen, a brother-in-law of the girl, when the latter was seven years old. When she attained the age of maturity, Private Collum Bee presented her with a cloth according to the custom of his caste and took her to wife. There was no Brahmin or officiating Priest present on this or either occasion, nor is it customary I am informed, that there should be.

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Referred for the opinion of the Advocate General.

(Signed) J. D. SIM,
*Secretary to Government.*

*5th October* 1864.

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No. 147. From J. R. BOYSON, Esq., Government Solicitor, Madras ; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 14th October 1864, No. 548.

I have the honor to acknowledge the Order of Government noted in the margin (with its enclosures), requesting the Advocate General's opinion as to the validity or otherwise of the marriage of a Malayalum Private, of the 2nd Regiment N. I., therein referred to.

Dated 5th October 1864, and endorsed on letter from Assistant Adjutant General to Government of the 1st idem, No. 507.

2. I have submitted them for the consideration of the Advocate General ; and,

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

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COPY—OPINION.

Although the custom is certainly singular, and one of which I have never before heard, I think a marriage is valid if it be *in fact* in accordance with the custom of the caste. I assume

though it is not so stated, that all the parties belong to the same caste; and that the alleged custom is proved, not by the mere assertions of the parties interested, but by satisfactory evidence.

MADRAS, 10*th October* 1861.

(Signed) J. B. NORTON,
*Advocate General.*

(True Copy.)

(Signed) J. R. BOYSON,
*Government Solicitor.*

No. 148. ORDER THEREON, 20th October 1861, No. 1518.

Ordered that a copy of the Advocate General's Opinion be furnished to the Adjutant General.

(True Extract.)

*Chief Secretary.*

To the Adjutant General.

Exd. J. Tulloch.

Proceedings of the Madras Govt.

Read the following papers—

Memo. from the Adjutant General — Enter 1st Oct. 64 No. 507.

Letter from the Govt. Solicitor — 14th do. — 548.

Order — 20 October 1864 No. 1518.

Ordered that a copy of the Advocate General's Opinion be furnished to the Adjutant General.

Pro. No. 177-178
20/8/64

The Adjutant Genl. dispd 26/10