M.R.O. 1—50,000—16-10-28.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1687 Press Mis.

213-25

Dated 27—11—19 1865

3/3

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 27th November 1865.

Read the following papers :—

No. 213. From the Deputy Adjutant General, to the Secretary to Government, Fort Saint George; dated 25th October 1865, No. 471.

Stating that references on points of Hindoo and Mahomedan Law may in future be made to Government in the Judicial Department.

With reference to the Proceedings of Government in the Judicial Department, and Order thereon, dated the 26th August 1864, No. 1283, I have the honor, by order of the Commander-in-Chief, to forward the enclosed summary of evidence regarding the marriage of Private Sheikh Kurreem, No. 100, of the 28th Regiment N. I., and to request you will be good enough to favor this Department with the opinion of the Law Officers as to the legality of the "Shoraiki Shadee" marriage.

28th Regiment N. I.

CLAIM No. *2.*

1ST WITNESS.—Subadar Ghoolam Dustagheer, Regimental No. 40, No. 6 Company, 28th Regiment, M. N. I.

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

Answer.—I know the claimant Banoo Bee, the widow of the late Private Sheikh Kurreem, No. 4 Company, 28th Regiment, M. N. I. The marriage took place at Hoshungabad in 1859. It was not a Shadee marriage, nor a Nicka one, but a Shoraiki Shadee. Usual ceremonies, which are performed at a regular marriage, did not take place; namely, there was no music in attendance, no Turmeric or oil rubbed upon the bodies of the bride or bridegroom. The Nicka was read by Pensioned Subadar Syed Nubbee, late of the 28th Regiment M. N. I. The marriage ceremony only occupied one day, and not ten days, as is usual in a regular marriage; but all concluded with a dinner in the evening. Banoo Bee is rather slightly formed, and was never married before. The marriage dowry was one hundred and twenty-five Rupees, and was settled by the bridegroom on the bride. Both Fatmah Bee, her mother, and Syed Bram, the bride's brother, were present, and declared, in the presence of the assembly, their consent to the marriage. The father was not alive at the time of the marriage. I and Havildar Shaik Homed, No. 4 Company, 28th Regiment N. I., were present at the marriage. Banoo Bee has one child (a son) by this marriage.

2ND WITNESS.—Havildar Shaik Homed, Regimental No. 126, No. 4 Company, 28th Regiment N. I.

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

Answer.—I know the claimant, Banoo Bee; she is the daughter of Fatmah Bee. Her father was not living at the time of her marriage with deceased Private Shaik Kurreem, Regimental No. 100, No. 4 Company, 28th Regiment N. I., which took place at Hoshungabad in 1859. It was a Shoraiki Shadee. The Cauzee was pensioned Subadar Syed Nubbee, late of the 28th Regiment N. I., who read the Nickah. The Dowry was one hundred and twenty-five Rupees, and was settled by the bridegroom on the bride. The mother, Fatmah Bee, and the bride's brother, Syed Bram, were both present, and declared their consent to the marriage. There was no music nor ceremonies. The Nicka was read according to the prescribed form. The bride had never been married before. Two children were born, one (a girl) died, and the boy is living. I and Subadar Ghoolam Dustagheer (who was a Havildar at the time) were present at the dinner, and also at the reading of the Nickah. There were, in all, about 30 or 40 people present.

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

Forwarded to the Government Agent, Chepauk, for his remarks, as a necessary preliminary.

(Signed) W. HUDLESTON,
Ag. Secretary to Government.

27th October 1865.

Proceedings of the Madras Government, Judicial Department,
27th November 1865.

No. 214. No. 341 of 1865.

REPORT called for by Government Endorsement, dated 27th October 1865, on Proceedings of Committee held in the 28th Regiment N. I., as to the marriage of one Banoo Bee.

The marriage mentioned in the above Proceedings was celebrated with the three observances which constitute a legal contract, viz., the consent of the bride and bridegroom, the presence of two witnesses, and the settlement of a sum of money by the bridegroom on the bride. It is agreed on by all Mahomedans that these three points form a true Nickah marriage, which is the only legal marriage. The ceremonies called Shaudee not being essential to legality.

2. The Proceedings state the marriage to have been neither a Shaudee nor a Nickah marriage; but a "Shirae-ke-Shaudee." This statement can only be accounted for by some confusion of terms. There is no form of marriage called "Shirae-ke-Shaudee. The term "Shirae" means merely "legal," and as the marriage in question fulfilled all legal obligations, it was a legal, that is, a Nickah marriage, the terms being synonymous.

GOVT. AGENT'S OFFICE, CHEPAUK,
15th *November* 1865.

(Signed) R. S. WILSON;
Government Agent, Chepauk.

To the Chief Secretary to Government, Fort Saint George.

No. 215. ORDER THEREON, 27th November 1865, No. 1687.

The report of the Government Agent at Chepauk will be communicated to the Adjutant General.

2. It does not seem necessary to refer to the Advocate General in this case.

(True Extract).

To the Adjutant General.

Exd. J. M. Burns.

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Read the following letters
from Depy Adjt General / Recd on 25 Oct 65 Encl 1
& - Govt Agent at Chepauk (— " — 15 Nov 65 Encl 3
Order thereon 27th November 1865 No 1687

The report of the Govt
Agent at Chepauk will be communi-
cated to the Adjutant General
2 - It does not seem necessary
to refer to the Advocate General
in this case

The Adjutant Genl of the Army