

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	/ 383	Press ~~Mis.~~
<i>41-43</i> Dated	4 - 9 - 19 1866	

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
4th September 1866.*

Read the following papers:—

No. 41. From the Assistant Adjutant General, to the Secretary to Government,
Fort Saint George; dated Fort Saint George, 21st August 1866, No. 414.

With reference to the Proceedings of Government in the Judicial Department
and Order thereon, dated 26th August

* Stating that references on points of Hindoo and Mahomedan Law, may, in future, be made to Government in the Judicial Department. 1864, No. 1283,* I have the honor, by
order of the Commander-in-Chief, to forward

the enclosed statement of the ceremonies performed on the occasion of an
alleged Bhootoo marriage between Private Mootoocurpah, No. 2261 of the 20th
Regiment N. I., and Ungamah, and to request you will be good enough to favor
this Department with the opinion of the Law Officers as to whether the ceremonies
constitute a legal marriage.

2. Both the parties are of the Vellal caste.

20th Regiment Native Infantry.

STATEMENT of the ceremonies performed on the occasion of an alleged Bhootoo marriage between Private Mootoocurpah, No. 2261, of 20th Regiment N. I., and Ungamah, as given in evidence before a Committee to complete the Marriage Register, assembled at Bellary on 25th July 1866.

At Vellore, in 1860 (month not known), the friends of Private Mootoocurpah, No. 2261, assembled in his house in the Regimental Lines, to witness his marriage with Ungamah, who had been his concubine for about a year. Both parties declared their willingness to be married, and Mootoocurpah, assisted by the wife of Private Soobramoonie, tied the Bhootoo on Ungamah's neck, after which they all partook of dhol and rice. There was no Brahmin present, as Mootoocurpah states that it is not the custom in his village (Cullimaon, near Trichinopoly) to have one on like occasions.

2. Ungamah is of the Vellal caste, and the widow of the late Private Shaonputtay Pillay, of 51st Regiment N. I.

3. Mootoocurpah is also of the Vellal caste.

(Signed) G. M. CARTER, *President.*

(") R. NELSON, *Member.*

(Signed) M. CARTER,
Commandant, 20th Regiment N. I.

BELLARY,
25th July 1866.

Referred to the Government Solicitor, for the opinion of the Acting Advocate General.

FORT SAINT GEORGE,
28th August 1866.

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

No. 42. From the Acting Government Solicitor, Madras, to the Secretary to Government, Fort Saint George; dated Madras, 29th August 1866, No. 509.

I have the honor to acknowledge the Order of Government noted in the margin, with its enclosure, requesting the

Dated 28th August 1866, and made on letter from the Assistant Adjutant General to Government, of the 21st idem, No. 414.

Acting Advocate General's opinion as to the validity of a Bhootoo marriage between

Mootoocurpah, a Private of the 20th Regiment N. I., and Ungamah.

*Proceedings of the Madras Government, Judicial Department,
4th September 1866.*

2. I submitted the matter for the consideration of the Acting Advocate General; and

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

COPY—OPINION.

I think the marriage is valid. Sir Thomas Strange says (1 Stra. II. L., 44) "the essence of the rite consists in the consent of the parties." I find that my predecessor, in two opinions upon this subject, Nos. 109—110, 2nd November 1865, stated that "the tying of the thalee is regarded as the chief token of marriage among the inferior castes." *Bhootoo* and *thalee* are merely different names for the same thing.

29th August 1866.

(Signed) J. D. MAYNE,
Acting Advocate General.

(True Copy).

(Signed) H. J. BROCKMAN,
Acting Government Solicitor.

No. 43. ORDER THEREON, 4th September 1866, No. 1383.

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

(True Extract).

Secretary to Government.

To the Adjutant General.

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Read the following
papers

From Adjt. General 21 Sept 66 No. 44
From Acting Govt. Solicitor 29 " " 509

Order 4 September 1866: 1383

The foregoing
opinion of the Adv.
-ocate General is com-
-municated to the Ad-
-jutant General.

WJL

JH

50 Adjt. General despd 8/9