

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	2139	Press
		~~Mis~~
Dated	31-12-	1867

333-335

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
31st December 1867.*

Read the following papers:—

No. 333. From the Officer Commanding 4th Regiment, M. N. I., to the Adjutant General, Fort Saint George; dated Secunderabad, 23rd November 1867, No. 457.

I have the honor, in accordance with paragraph 12, Circular No. 2038 of 15th May 1865, to request decision upon the following case:—A private of the "Mootrass" caste was married to a woman of his own caste. This woman is lawfully married wife—died. He then took a woman into keeping. She was of the "Kullen" caste. The "Kullen" caste is somewhat superior to the Mootrass. After keeping this woman some time, the private has the ceremony, known in the Telugu language among the "Mootrass" caste as Sunneetabootoo, performed, and claims to have his wife by Sunneetabootoo, formerly his concubine, registered as his heir for pension. As far as my information goes this is, in higher Hindoo caste, a doubly illegal marriage, first, as being between two different castes; secondly, as being of a man with his concubine; but the private represents that, in the "Mootrass" caste, it is legal enough.

2. I, therefore, request a decision, and instructions, whether this second wife is to be considered eligible for entry in the Register as heir to pension of the private.

No. 4936.

MEMORANDUM.

With reference to the Proceedings of Government in the Judicial Department, and Order thereon, dated 26th August 1864, No. 1233, the Commander-in-Chief has the honor to submit the within letter from the Officer Commanding 4th Regiment, M. N. I., dated 23rd November 1867, No. 457, in view to the opinion of the Government Law Officers on the subject therein referred to being obtained.

(By Order).

ADJUTANT GENERAL'S OFFICE,
FORT SAINT GEORGE,
3rd December 1867.

(Signed) J. M. PRIMROSE, Colonel,
Adjutant General.

To the Chief Secretary to Government, Fort Saint George.

Referred to the Advocate General for his opinion.

FORT SAINT GEORGE,
10th December 1867.

(Signed) R. S. ELLIS,
Chief Secretary.

No. 334. From the Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 14th December 1867, No. 809.

I have the honor to acknowledge the Order of Government noted in the margin, requesting the Advocate General's

Dated 19th December 1867, and made on docket from Adjutant General to Government of 3rd idem, No. 4936.

opinion as to the legality of the marriage of a certain widower (a private in the 4th M. N. I.) of the "Mootrass" caste with his concubine of the "Kullen" caste, and eligibility of such wife as his heir for pension.

*Proceedings of the Madras Government, Judicial Department,
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2. I submitted the matter for the consideration of the Advocate General; and,
3. I now forward a copy of his opinion, and return the order above noted.

OPINION.

I think the marriage good enough. There is nothing that I am aware of in the Hindoo law to prevent a man marrying his concubine if he be of the Soodra class, and of the lower tribes of that class.

2. I do not know of other "Mootrass" or "Kullen" castes. I think that the prohibition against a man marrying a woman of a higher caste applies only to the four well known and well distinguished classes. To carry the doctrine further among the many so-called sub-divisions of these castes, which have sprung up in the course of time, would, in my opinion, be a dangerous precedent.

12th December 1867.

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

(True Copy).

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

No. 335. ORDER THEREON, 31st December 1867, No. 2139.

Ordered that the opinion of the Advocate General be communicated to the Adjutant General of the Army, and to the Military Department.
(True Extract).

Chief Secretary.

To the Adjutant General of the Army.
,, Military Department.
,, Government Solicitor.

Ed. J. Tulloch.

Read Nos 2699 and 2801.

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31st Decr. 1867 No. 2139.

*Ordered that the opinion
of the Advocate General
be communicated to the
Adjutant General of the
Army and to the Military
Department.*

W.D.H.

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*To the Adjutant General
of the Army
- - Military Department
- - Government Solicitor.*