

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	556	Press ~~Mis.~~
Dated	17-4-1908	

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
17th April 1867.*

Read the following papers :—

No. 100. From the Adjutant General, to the Chief Secretary to Government,
Fort Saint George ; dated Fort Saint George, 22nd March 1867, No. 606.

With reference to the Proceedings of Government in the Judicial Department,

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

and Order thereon, dated 26th August 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 Nickah marriage between Private Mahomed Esoph, No. 474, of the 9th Regiment, N. I., and Muriam Bee, 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.

9TH REGIMENT, N. I.—CLAIM NO. 38.

STATEMENT of the ceremonies performed on the occasion of an alleged Nickah marriage between Private Mahomed Esoph, Regimental No. 474, 9th Regiment, N. I., and Muriam Bee, as given in evidence before a Committee on Claims of Heirs to Pension assembled at Trichinopoly on 15th February 1867.

In the year 1861, the friends of Mahomed Esoph and Shaik Sultan met together, to witness the Nickah marriage of Mahomed Esoph with Muriam Bee, sister of Shaik Sultan. Both Mahomed Esoph and Muriam Bee were present, and declared, before the assembly, their mutual consent to the union. Shaik Sultan gave his consent to his sister's marriage with Mahomed Esoph. A dowry of Rupees 385 was settled upon the bride by the bridegroom. Kazee Syed Modeen read the Nickah ceremony, and declared the parties to be man and wife. Privates Abdul Cawder and Shaik Cassim were witnesses to the marriage. Music was in attendance, and a feast was given to the parties present. Muriam Bee was unmarried at the time of her Nickah with Mahomed Esoph.

TRICHINOPOLY,
15th March 1867.

(Signed) T. C. ANSLEY, Lieut.-Col.

9th Regt., N. I., President.

(") R. WILSON, Lieut.,
Attached 9th Regt., N. I. } Members.
(") J. J. FLETCHER, Lieut.,
Attached 9th Regt., N. I. }

(Signed) A. CANNAN, Lieut.-Colonel,

Comd. 9th Regt., N. I.

Referred to the Advocate General for his opinion.

FORT SAINT GEORGE,
27th March 1867.

(Signed) A. J. ARBUTHNOT,

Chief Secretary.

No. 101. From the Acting Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George ; dated Madras, 29th March 1867, No. 182.

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

Dated 27th March 1867, and made on letter from Adjutant General, Fort Saint George, to Government, of the 22nd idem, No. 606.

Advocate General's opinion as to the validity of marriage between Private

Mahomed Esoph, No. 474, of the 9th N. I., and Muriam Bee.

*Proceedings of the Madras Government, Judicial Department,
17th April 1867.*

2. I have 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.

OPINION.

The marriage is valid. No ceremonies are essential in case of marriage between Mahomedans. It is sufficient if each of the contracting parties declares an intention to marry the other, and that intention is expressed in the presence of two or more witnesses, of whom one at least must be a man (Baillie's Digest, 5-7).

28th March 1867.

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

(True Copy.)

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

No. 101A.

ORDER THEREON, 17th April 1867, No. 596.

Ordered that the opinion of the Advocate General be communicated to the Adjutant General.

(True Extract).

Chief Secretary.

To the Adjutant General.

„ Acting Government Solicitor.

Exd. J. H. Burns.

17 April 1867 No. 596.
Ordered that the opinion
of the Advocate General
be communicated to the
Adjutant General.

To the Adjutant General } Dec 25/67
By the Advocate General