

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 84	Press Mis.
48-49	
Dated 18 — 1 — 19 1888	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 19th January 1858.

No. 48. Read the following letter from Lieutenant Colonel H. COLBECK, Senior Magistrate of Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 11th January 1858, No. 1.

SIR,

I have the honor to request you will be kind enough to obtain the sanction of the Right Honorable the Governor in Council, to the opinion of the Advocate General being taken as to how far the Mahomedan Law affects Section XLIII of Act XIII of 1856, as difficulties are constantly arising in cases before me tried under this Section.

The Mahomedan Law of Divorce gives such facility both to caprice and oppression that, unless Section XLIII (in certain cases) supercedes it, it is useless and void. Thus a Mahomedan marriage, but in course of time, becomes tired of his wife and expels her from his house, refusing to support her. She applies for maintenance under Section XLIII of the Police Code. The husband is summoned and attends, and if he has not previously gone through the easy form of divorce, (even in the presence of the Magistrate) by repeating three times the usual formula, he may by the Mahomedan Law, legally plead that, whatever may be the merits of the case, he cannot be compelled to support his wife for a longer period than three months.

In cases of Natives claiming alimony, the greatest hardships suffered by wives at the hands of their husbands, are often proved before me, and I could furnish numerous instances, but I am aware my doing so would not alter the law. I confess however, I am of opinion that Section XLIII of the recent Act was purposely introduced as a protection to wives from the conduct of unprincipled husbands availing themselves of the many subterfuges furnished by the Hindu and Mahomedan Law of Divorce.

In conclusion, I ask the permission of the Right Honorable the Governor in Council, to purchase for the use of this Court, a copy of "Strange's Hindu," and "McNaughten's Mahomedan Law," charging them in my Contingent Bill.

(Signed) H. COLBECK,
Magistrate of Police.

No. 49. ORDER THEREON, No. 84; dated 18th January 1858.

Resolved that the foregoing letter be referred to the Advocate General for his opinion, as to how far the Mahomedan Law affects Section XLIII of Act XIII of 1856.

2. Lieutenant Colonel Colbeck is authorized to purchase a copy of Strange's Hindu Law and of McNaughten's Mahomedan Law for the use of the Royapettah Police Court.

(Signed) T. PYCROFT,
Chief Secretary.

7/11

No. 84

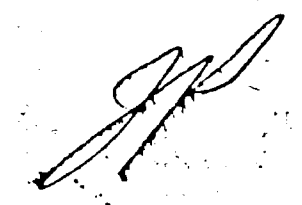
Resolved that the foregoing letter
be referred to the Advocate General for
his opinion as to how far the Maho-
medan Law affects Sec XLIII of Act XIII
of 1856.

MP

Wdh:

2. Lt. Col. Colbeck is authorized to
purchase a copy of Thomas's Hindu
Law and of McNaughten's Mahomedan
Law for the use of the Rajahmundry
Police Court.

Fort St George,
18 January 1858



Copy to Advocate General
Lt. Col. Colbeck Magistrate of Police
Civil Auditor
Sub Treasurer

Disptd 22nd