

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1742

Press
Mis.

50-52.

Dated 6.12.1865 19.

9/3

Not to be folded or roughly handled

13/9/20

*Proceedings of the Madras Government, Judicial Department,
6th December 1865.*

Read the following papers:—

No. 50. From the Officer Commanding 39th Regiment Native Infantry, to the Adjutant General, Head Quarters, Ootacamund; dated Palamecottah, 31st October 1865, No. 301.

I have the honor to request that the following case may be submitted for the decision of the Law Officers of Government.

2. Private, No. 1616, Narrainsawmy, of the Regiment under my command, states that he married two sisters on the same day at Streevellypootoor, in 1860, that the marriage was a proper Kulleeyanum marriage, and was performed by Brahmin Allagherry Iyungar. Are both of these women his legal wives? or, if only one, which should be registered as heir for pension?

No. 406.

With reference to the Proceedings of Government in the Judicial Department, and Order thereon, dated 26th August 1864, No. 1283, the Commander-in-Chief has the honor, in submitting the within letter from the Officer Commanding 39th Regiment N. I., No. 331, dated 31st ultimo, to request that the opinion of the Government Law Officers on the subject therein referred to may be obtained.

(By order)

FORT SAINT GEORGE,
16th November 1865.

(Signed) E. A. B. TRAVERS, Major,
Assistant Adjutant General.

To the Secretary to Government, Judicial Department.

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

FORT SAINT GEORGE,
21st November 1865.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

No. 51. From the Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 23rd November 1865, No. 695.

I have the honor to acknowledge the Order of Government noted in the margin, relative to the legality of the marriage of Private Narrainsawmy, of the 39th Regiment N. I., with two sisters on the same day, and eligibility of the two for pension.

Dated 21st November 1865, and made on the Assistant Adjutant General's Endorsement to Government, of 16th November 1865.

2. I submitted the matter for the consideration of the Advocate General, with whom I have also conferred; and,

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

COPY—OPINION.

I think that both marriages are legal. The late Rajah of Tanjore married 17 wives in one day, and their legal status, as the widows of the Rajah, has been authoritatively decreed by the late Supreme Court.

2. At the same time, the Government is not bound to deal with more than one of the widows in the matter of pension. That which is sufficient for both may be paid into the hands of the senior as trustee for herself and the other widow. The wife first married in point of time is the elder in law. I think, however, that such arrangement would only complicate matters, and probably deprive the junior widow of her share, or subject her to litigation to enforce her rights.

Proceedings of the Madras Government, Judicial Department,
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3. If, therefore, the pension rules recognize the claim of more than one wife to a pension, think the safer way would be to give each widow her own maintenance into her own hands.

(Signed) J. B. NORTON,
Advocate General.
23rd November 1865.

(True Copy).

(Signed) J. R. BOYSON,
Government Solicitor.

No. 52. ORDER THEREON, 6th December 1865, No. 1742.

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

(True Extract).

Chief Secretary.

To the Adjutant General.

Exd. J. H. Burns.

Read letter from the Adjutant General - 16 Nov 1865 - 406
" " " Government Solicitor - 23 " " - 696.

Order thereon - 6th December 1865 No. 1742.

The foregoing opinion
of the Advocate General is commu-
nicated to the Adjutant General.

Does not the doubt of a
solution was requested of the
British authorities, arise from
the fact of the Rajah having
married two sisters? The Rajah of Saugor
had only married the 17th son on one day, as
mentioned by the Advt. Genl., but in this case, he
(the Rajah) had married two
pairs of sisters.
The Adjutant General desps 9/12.