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(1) Number of pages 14
 (2) Date of repair 30.5.86
 (3) Initials of the Referencer long ✓

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

JUDICIAL DEPARTMENT

G.O. No.	134	Press.
B.P. No.		Mis.
Dated	28.1.1868	197.

Not to be folded or roughly handled

Alban

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*Proceedings of the Madras Government, Judicial Department,
28th January 1868.*

Read the following papers:—

No. 238. From the Adjutant General, to the Chief Secretary to Government, Fort Saint George; dated Fort Saint George, 15th January 1868, No. 90.

With reference to the Proceedings of 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 letter from the President of the Committee on Regimental Register of Marriages to the address of the Adjutant of the 3rd Regiment L. I., dated the 6th instant, submitted to this Department by the Officer Commanding that Corps, accompanied by a Certificate of Marriage, and to request you will be good enough to favor this Department with the opinion of the Government Law Officers on the subject therein referred to.

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

From the President of the Committee on Regimental Register of Marriages, to the Adjutant, 3rd Regiment, P. L. I.; dated Madras, 6th January 1868.

I beg you will lay this letter before the Commandant, and I request the opinion of the Law Officers may be obtained regarding the following subject.

In the Regimental Register of Marriages it is recorded that Private, No. 2273, Ramasawmy marries (according to his then caste, Tamil) his wife Palayaic in 1846, and has a daughter, who died three days after birth. This Private accompanies his Regiment to foreign service in Barmah in 1863; returns with his corps from foreign service in May 1866; searches for, but cannot find, his wife, and can get no information regarding her. About four or five months ago this Private becomes a Roman Catholic; is baptized, changing his name to Arokium; and marries (as per Marriage Certificate herewith forwarded and requested to be returned when no longer required) Annamal. Can this Private nominate for Government pension and as his heir for property (as he wishes to do so) his present wife Annamal, and would this nomination be considered valid by Law?

No. 44.

Referred to the Advocate General, for his opinion.

FORT SAINT GEORGE,
20th January 1868.

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

No. 239. From the Government Solicitor, to the Chief Secretary to Government, Fort Saint George; dated Madras, 24th January 1868, No. 45.

I have the honor to acknowledge the Order of Government noted in the margin, with its enclosures, requesting the Advocate General's opinion as to the legality of the remarriage of Private Ramasawmy,

Dated 20th January 1868, and made on letter from the Adjutant General to Government, of the 15th idem, No. 90.

of the 3rd Regiment P. L. I., in the absence of information as to the existence or otherwise of his first wife, whom he had married before his conversion into Christianity, and as to the nomination of his second wife as his heir and entitled to pension.

2. I have submitted the matter for the consideration of the Advocate General, and I now forward a copy of his Opinion.

3. I likewise return the Order and enclosures above noted.

Adjutant General

Salem Magistrate's Office
On Circuit Komaloor
Salem taluk
21st January 1868.

From

C. R. Tochem Esq.
Magistrate of Salem

Honorable P. S. Ellis C.B.
Chief Secretary to
Government.
Fort Saint George,
Madras.

Sir,

I have the honor to
report for the information
of Government an accident which
occurred at the Solapet Rail-
way Station.

2 From the report of the
Inspector Submagistrate it appears
that at the arrival of the night
train from Madras on the 15th
Instant the pointsman who
was at his post in the

N^o 45.

Madras 24th January 1868.

From.

H. J. Brockman.

Government Solicitor, Madras.

To.

The Honble. R. S. Ellis. Esq.

Chief Secretary to Government, Madras.

Sir,

1. I have the honor to acknowledge the order of Government noted in the margin, with its enclosures, requesting the Advocate General's opinion as to the legality of the marriage of Private Ramadawny, of the 3rd Regiment. P. L. I., in the absence of information as to the existence or otherwise of his first wife, whom he had married before his conversion into Christianity, and as to the nomination of his second wife, as his heir and entitled to pension.

2. I have submitted the matter for the consideration of the Advocate General, and I now forward a copy of his opinion.

3. I likewise return the order and enclosures above noted.

Dated 20th Jan'y 1868.
 & Enclosed Letter from
 Assistant General to
 Govt of the 15th
 Madras No 90-

President of Council
 of Regt. Madras

Madras 24th Jan'y 1868

Chief Secretary to Govt
 Madras

Madras 24th Jan'y 1868

Madras 24th Jan'y 1868

Madras 24th Jan'y 1868

I have the honor to be.

Sir.

Your most Obedt. Servant.

J. H. Bellum

Government Solicitor

Opinion.

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1. I think this marriage is illegal. It does not fall within the Native Converts marriage dissolution Act 1866, for the disappearance of the first wife took place prior to the conversion, and is not to be attributed to any desertion or repudiation in consequence of her husband's change of religion.
2. The case must, therefore, be judged of on general principles of Law.
3. By the Hindu Law, conversion does not operate as a dissolution of the marriage tie. Herein it differs from the Law of the Mahomedans.
4. The former wife has not disappeared without being heard of for a period of seven years; so that no presumption arises as to her death. Even if any such presumption could be drawn, it would only operate to save the husband from the penal consequences of Bigamy. It would not cover or render valid the second marriage, in event of the first wife being again heard of.
5. I think the second wife cannot be recognized, as heir, on her husband's nomination.

1st Jan'y 1868 }
 J. Bruce Norton.
 Adv. Genl

(True Copy)

H. Protheroe

Government Solicitor

Oct 11/81

Recd 11/81

Recd 18/85

John J. Protheroe

John J. Protheroe

John J. Protheroe

John J. Protheroe

John J. Protheroe

John J. Protheroe

John J. Protheroe

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Recd 11/81

John J. Protheroe

John J. Protheroe

John J. Protheroe

John J. Protheroe

John J. Protheroe

of
illegality of the marriage
of Elizabeth Rumsom
with the 3rd Regt. of 2d J.
under critical circumstances,
see

(copy)
H. Geo. Banci Spunon

Nov. 28 January 1881

Enclosure

(The Govt. of the letter to
Govt. of 24th Aug. 1881)

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