

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	42	Press ~~Mis~~
Dated	25. 1.	1858.

B. No. 4-5

Not to be folded or roughly handled

Fort Saint George, Financial Consultation, 26th Jany. 1858.

No. 4. From the Honorable Company's Solicitor; to the Chief Secretary to Government, dated 22nd January 1858, No. 42.

SIR,

Min. Con. dated 11th January 1858, No. 16, Financial Department. I have the honor to acknowledge the Extract from Minutes of Consultation noted in the margin. I submitted the same for the consideration of the Advocate General and have since communicated with him thereon, and I now forward, for the information of Government, a copy of his opinion.

(Signed) J. R. BOYSON,
Honorable Company's Solicitor.

COPY OPINION.

I could not reply to this Reference until the Honorable Company's Solicitor obtained for me a copy of the Certificate granted by the Zillah Court of Combaconum, under Act XX of 1841, to the Widow of the late Pretab Sing.

From the tenor of that Certificate and from the fact that Ekojee or Yaikajee was a minor when it was granted I infer that it was meant to be in the nature of Letters of Administration *durante minori etate*, though not so expressed, which is to be regretted.

However it recognizes the rights of the adopted son Ekojee by expressing that it is granted to the holder "on behalf of the adopted son and by limiting her right in respect of these Notes to the receipt of Interest on them and specially negating any right on her part to negotiate the Securities or draw out the Principal, and therefore though the Zillah Court of Combaconum cannot grant another Certificate in supercession of that dated 30th December 1850, (such power belonging only to the Sudr Udalut under Section V, Act XX of 1841,) yet I conceive that Court is not debarred from regarding the former Certificate as *functus officio*, or extinguished by efflux of time in consequence of Ekojee's minority being at an end, and thereupon, granting to Yakojee, as now of full age, a Certificate under Act XX of 1841, empowering him to deal plenarily with every thing belonging to R. Pretaubsing's Estate.

Should the Zillah Court of Combaconum refuse to do so, or decline on the ground of doubting its powers to do so, Ekojee should apply to the Court of Sudr Udalut.

I think the Government Agents should call on Yakojee to furnish them with such a Certificate whether obtained from the Combaconum Court, or the Sudr Udalut, as indispensable to hold them harmless in complying with his instructions.

When Ekojee once obtains such a certificate the Government Agents may safely act upon his instructions no particular form of acquittance or release is requisite.

(Signed) THOS. SYDNEY SMYTH,

Advocate General.

January 22nd 1858.

(True Copy.)

(") J. R. BOYSON,

Honorable Company's Solicitor.

No. 5. ORDER THEREON, No. 42; dated 25th January 1858.

Ordered to be communicated to the Government Agents in reference to their letter under date the 2nd Ultimo, No. 254.

Lidov

N^o 42

Ordered to be communicated
to the Government Agents in reple.
- since to their letter under date

Fort St George N-2^o Utterino N 254-
25 January 1858

St Pandrugat Gate East Agent J.P.
L.D. Brichy Joseph 25 Jan'y.

4 copies L.C. 40

Mr. Stevenson of the Colorado General and have
me communicated with him thereon and
now forward for the information
of Government a copy of his opinion -

I have the honor to be,

Sir,

Your most obedient servant.

W. H. Clayton

Stenson's John