

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	866	Press
		~~Mis.~~
2, 3		
Dated	22-7-1947	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 28th July 1857.

No. 2. Read the following letter from GEORGE ELLIS, Esq., Register to the Court of Sudder Udalut; to E. MALTBY, Esq., Acting Chief Secretary to Government, dated 10th July 1856, No. 68.

SIR,

1. I am directed by the Judges of the Court of Sudder Udalut to request the consideration of the Right Honorable the Governor in Council on the advisability of vesting in the Court of Sudder Udalut the powers conferred on the Board of Revenue by Act XXI of 1855.

2. Under the provisions of Section XX, Regulation V of 1804, the Zemindar of Thanairry, (a minor) is a Ward of the Zillah Court of Tinnevely, the Judge presiding in which has hitherto exercised the superintendence over his affairs authorized by the above Regulation.

3. As the funds set apart for the education of the minor were not sufficient to admit of the engagement of a private tutor, he was placed at a School at Palamcottah, superintended by Mr. Cruikshank, but the family having objected to his remaining at this School, and the Master having reported unfavorably of the boy, the Court think it very desirable that he should be removed to one of the Government Schools at a distance from Tinnevely. Under Clause II, Act XXI of 1855, the Board of Revenue have the power of directing the residence of a minor at such School or College as they may think fit. It is obviously for the interest of the minor that he should be removed from Tinnevely, but the Regulation under which he is made a Ward of the Court of Sudder Udalut does not vest them with the power of directing his removal, and it is therefore in order to meet this, and any subsequent cases that may arise, that the Judges request that if the Government should think fit, steps may be taken to render Act XXI of 1855, applicable to the Court of Sudder Udalut, as well as to the Board of Revenue.

(Signed) GEORGE ELLIS,
Register.

Ordered that the following letter be despatched.

No. 3. From E. MALTBY, Esq., Acting Chief Secretary to the Government of Fort Saint George; to the Clerk of the Legislative Council of India, dated 22nd July 1857, No. 866.

SIR,

1. I am directed by the Right Honorable the Governor in Council to forward the accompanying copy of a letter from the Register to the Court of Sudder Udalut, dated 10th July 1857, about conferring on the Judges of that Court the powers vested in the Court of Wards by Act XXI of 1855.

2. Regulation V of 1804, Section XX, extended by Regulation X of 1831, Section III, requires Zillah Judges to nominate guardians, subject to the confirmation or rejection of the Court of Sudder Udalut, for the management of certain estates real and personal belonging to heirs incapacitated from regulating their affairs by minority, sex or natural infirmity; and Section XXI, Clause 9 of the former of these enactments enjoins on such guardians the appointment, subject to the approval of the Sudder Udalut, of a teacher for the education of his Ward in a manner suitable to his rank and condition in life. But in circumstances similar to those referred to by the Sudder Udalut in the letter herewith transmitted, where it is desirable to remove a minor to a School or College at some distance from his place of residence, the Sudder Udalut has not the power by law to direct his being sent thither for instruction.

3. The Court of Wards have this power conferred on them by Act XXI of 1855, and the Right Honorable the Governor in Council agrees with the Court of Sudder Udalut that they should be in like manner vested with it.

4. I am therefore directed to request that you will be so good as to adopt measures for bringing before the Legislative Council of India, the propriety of making the provisions of Act XXI of 1855, applicable to the Court of Sudder Udalut in respect of the minors placed under their control by Regulation V of 1804.

(Signed) E. MALTBY,
Acting Chief Secretary.

*Estates real and personal
belonging*

Judicial Reports

No 1069

From the Register of the
Sudder Adalat.

Dated 10th July 1857

For Orders.

It appears very prominent
to have two sets of grandees for
Munim. viz that must be the
case. They shd clearly have the
same power of this management

The D. R. is only at one place. H
State has no power
to have the power that is for the

belonging

belonging to heirs incapacitated
from regulating their affairs
by minority, sex or natural
infirmity; and Sec: XXI Cl: 9 of
the former of these enactments
enjoins on such Guardians
the appointment, subject to the
approval of the Sudder Dewani,
of a teacher for the education
of his ward in a manner
suitable to his rank and
condition in life. But in
circumstances similar to those
referred to by the Sudder Dewani
in the letter herewith transmitted
where it is desirable to remove
a minor to a school or college
at some distance from his
place of residence, ^{the Sudder} ~~that under~~
Khaslat ~~is not~~ has not the power by
law to direct his being sent
thither for instruction.

3. The Court of Wards
have this power conferred on
them by Act XXI of 1855, and the
right should the Governor in
Council agree with the Court
of Sudder Dewani that they
should be in like manner
vested with it.

4. I am therefore directed
to request that you will be so
good as to adopt measures for
bringing before the Legislative
Council of India, the propriety
of making ^{the provisions of} Act XXI of 1855
applicable ~~to~~ to the Court
of Sudder Dewani in respect
of the minors placed under
their control by Reg. V of 1802.

For G. St. George, Esq.
22^d July, 1857.

Me

On 24th & m: 24th ~~Sept~~ ^{July}
Daniel. 1837. Sept. 11, 1837

C. 86866

C. 86866
The Clerk of the City Council
of New York
1837