

MADRAS RECORD OFFICE.

Government of Madras.

Revised
Judicial

DEPARTMENT.

G.O. No.	~~4882~~	Press
	<i>Judicial 1482</i>	~~Mis.~~
	<i>7-8</i>	
Dated	<i>20. 10. 1858</i>	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 29th October 1858.

No. 7. Read the following letter from Lieutenant Colonel H. COLBECK, Senior Magistrate of Police; to T. PYCROFT, Esq., Chief Secretary to Government, dated 9th October 1858, No. 23.

SIR,

I have the honor to request the permission of the Right Honorable the Governor in Council to obtain the opinion of the Government Law Officers upon the following case.

2. Complaint has been made before me that one Azeezoonissa neglects and refuses to maintain her three sons aged about 12, 10 and 8 years.

3. It appears that Azeezoonissa is the nickah grand-daughter of the late Wallajah and a Carnatic Stipendiary of the Government, she receiving forty Rupees monthly.

4. Azeezoonissa does not at present reside with any of her family, but is stated to be living disreputably.

5. The point I would ascertain is whether upon due proof before me that the children are the sons of Azeezoonissa and she having sufficient means neglects or refuses to maintain them. Section 43, Act XIII of 1856 would empower me to compel her to make them a suitable monthly allowance.

6. The Section commences "if any person, having sufficient means, neglects or refuses to maintain his wife or any legitimate or illegitimate child unable to maintain himself, &c." The words "person" and "his" may be applied to either sex, the former (of course) from its received meaning, the latter under the provisions of the Act as set forth under the interpretation of the word "gender;" but the doubt on my mind is as to whether the particular Section under reference does not apply to husbands and fathers only.

No. 8. ORDER THEREON, No. 1482; dated 20th October 1858.

Azeezoo Nissa being it is stated a Carnatic Stipendiary, her sons should be directed to apply to the Government Agent at Chepauk—and the like course should be pursued by all the Police Magistrates on the occasion of such complaints against a Carnatic Stipendiary being preferred to them.

2. It will not be necessary in the present instance to make a reference to the Company's Law Officers. Should a similar case hereafter arise, unconnected with a Carnatic Stipendiary, then it may be brought to the notice of Government for the purpose of a legal opinion being taken if necessary.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

As it may be brought to the notice of Government for the purpose of a legal opinion being taken if necessary.

provisions of the Act as set forth under
the interpretation of the word "gender"; but
the doubt on my mind is as to whether the
particular section under reference does not
apply to husbands and fathers only.

I have the honor to be

Sir

Your most Obedt Servt

J. H. L. R.

Senior Magistrate of Police

The question I should like to see decided

is whether the word "gender" includes

both males and females.

I am, Sir, very respectfully,

Your obedient servant,

J. H. L. R.

Senior Magistrate of Police

Calcutta

18th Decr 1870

Enclosed for Mr. ...