0/9. 3,000—17-12-96.

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 1528

DATED 24th April 97

[Despatch Abstract.]

Referring to the Advocate General's opinion as to the effect of awards requesting a reconsideration of the orders of Court directing that applications for survey of lots under Act IV of 1897 should be obtained from the legal guardians of the wards concerned

REVENUE DEPARTMENT.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue (1899) Department.

CURRENT No. 1925

Dy. sent for file withd 24-4-99

From

The Secretary to the Court of Wards, Madras.

Endorsement (Mis) No. 1528 dt 24th April 99

~~Order~~

Referred to the Hon'ble the Advocate-General for favour of opinion.

Ille 24/4/99

No. 18 Reference.

Dated 14th March 1899.

Received } 17 MAR

Registered }

Enclosures /

Spare copies

Dis. 258-4-99.

The Hon'ble the Advt. Genl with copy of C. no. & 2401 24.7.93 & copies of Mis proceedings referred to in Court Ref 1018 dt 14-3-99

(thro' the Govt solicitor)

CHM 27.4.99

SUBJECT.

Requesting a reconsideration of the orders of Government directing that certain applications under Act IV of 1897 in connection with the survey of estates under the Court of Wards should be obtained from the legal guardians of the wards concerned.

Rep 17/3

BACK PAPERS.

G.O.	No.	Department.	Date.
Fo	155	Rev	10.1.99.
Fo	451	Rev	31-1-99

There were put up with c.no 756. & were obtained subsequently

FURTHER PAPERS.

G.O.	No.	Department.	Date.

G.O. 155 / 10.1.99 L

G.O. 451 / 31-1-99 M.

Vide Notes under G.O. 155 / 10-1-99 Pt 2. p. 3.

Copy put up. Pt V. (c.no 2209 being dealt with in the 2 A's section).

Read Pro. of the Court of Wards Ref no 18 d/14. March 99 (c.no 1925 of 99)

To the Hon'ble Secy.

In the current read above, the Court of Wards requests a reconsideration of the orders directing that written applications from the legal guardians of the minors should be obtained for the survey of the estates of those minors. These orders were based on the suggestion of the Advocate-Genl. In his opinion d/ 28th March 99 the Advocate-Genl says that an application under sec 17(a) of the Survey Act in the name of the minor proprietor "by A.B., his guardian" may be acted on, without risk, practically speaking, of legal difficulties arising hereafter.

Ho

the, however, considers it more safe to amend the Act.

The Court of Wards contends that under sec. 2 of Regn V of 1804 it has full power to do any act which it may consider to be desirable or proper, on behalf of any minor who is its ward, and that it can, if it chooses, assume into its own hands, the power of representing minors, though ordinarily either the manager or the guardian may with propriety represent them. It observes:-

"To hold that the court "of wards cannot make "the applications in question "but can authorize the "guardians appointed by "it to do so would be "tantamount to holding "that an agent could "act for his principal "in

para 6 of the current.

"in matters in which the "principal could not "act for himself, which is "a contradiction in legal "terms. The guardian of "a minor in this Presy. "is not, like the guardian "of a minor in England "a person subject to no "control except that of "the Court of Chancery, but "is a mere subordinate "appointed and controlled "by the Court of Wards, "and cannot be conceived "as acting independently "of its authority."

It suggests a reference to the Law officers of Govt. for orders as to whether this should be done.

Para 2 of the current

13/4/99

Secy
15/4/99

Under Secretary

Please see draft endorsement on the docket.

Secy
23/4/99

*When given for copying*_____
*When copied*_____ } 189 .
*When examined*_____
*When signed*_____

READ AGAIN G.O., No. , DATED
189 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

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19-7-15
22-9-15
23.1.24 H ✓