

ACT No. XXI OF 1855.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor General on the 9th August 1855.)*

AN ACT for making better provision for the education of Male Minors and the marriage of Male and Female Minors, subject to the superintendence of the Court of Wards in the Presidency of Fort St. George.

WHEREAS the existing laws are found insufficient to insure the proper education of Male Minors subject to the superintendence of the Court of Wards, and it is expedient to make further and better provision for the education of such persons and their younger brothers, and for the exercise of a control over the marriages of all Minors under the superintendence of the Court of Wards: It is enacted as follows :—

Preamble.

I. The general superintendence and control of the education of every Male Minor, whose property has been, or shall be brought under the management of the Court of Wards, in, and for any part of the Presidency of Fort St. George, by virtue of any Act or Regulation which now is, or hereafter shall be, in force, is hereby vested in the Collector of Revenue, acting under the said Court of Wards, in the Zillah or District wherein such Minor's estate is situate ; or, if such Minor is possessed of immovable property in different districts, in such one of the Collectors of Revenue of such districts as the said Court of Wards shall select.

General control and superintendence of the education of Male Minor Wards vested in Collectors of Revenue.

II. It

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II. It shall be lawful for every Collector of Revenue, in whom the superintendence of the education of any Minor is vested by this Act, to direct that such Minor shall reside, either with or without his guardian, at the Sudder Station of the district, or at any other place within the said Presidency, and shall attend for the purposes of education, such School or College as to the said Collector may seem expedient; and to make such provision as may be necessary for the proper care and suitable maintenance of the said Minor whilst attending such School or College.

Collectors to have power to cause Male Minor Wards to be educated at any School or College.

III. If it shall appear to the Collector inexpedient to place any such Minor at a School or College, he shall cause such Minor to be educated by a private tutor, properly qualified, either at the family residence of such Minor, or at the Sudder Station, or elsewhere within the said Presidency, and in that case also the Collector shall have power to determine from time to time the place of residence of such Minor, and to make such provision as may be necessary for his proper tuition and maintenance during the period of his education.

Or in certain cases to cause such Wards to be educated by a private tutor.

IV. All charges and expenses which may be incurred on account of any Male Minor Ward under the provisions of this Act, for College or School fees, or for other charges of tuition or education, or by reason of his residence in any place other than his own home, or otherwise, shall be defrayed from the profits of his estate, in the same manner as other expenses incurred under the authority, or with the sanction of the Court of Wards.

Charges and expenses incurred under this Act to be paid out of the profits of the Ward's estate.

V. It shall be lawful for the Court of Wards, on the application of a Collector, to remove from office any guardian who shall neglect or refuse to obey, or shall evade compliance with any orders passed, or directions given by such Collector under the provisions of this Act, and to cause a new guardian to be appointed in his place, whether the person

Court of Wards to have power to remove guardians for disobedience to orders passed by a Collector under this Act.

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so removed shall have been first invested with the guardianship of the Minor upon the nomination of a Collector acting under the Court of Wards, or by a testamentary appointment confirmed by the Court of Wards.

VI. The guardian so removed shall, notwithstanding his removal, continue liable to account to the Collector for his receipts and disbursements during the period of his guardianship, and every guardian, appointed in the place of a guardian so removed, shall be chosen in the same way, and shall have the same rights and powers, and be subject to the same responsibilities, as persons originally appointed to be guardians of Minors by a Collector of Revenue acting under the Court of Wards.

Continued liability of guardian removed: powers and responsibilities of new guardian.

VII. The right to the custody of the person of any Male Minor, whose property is under the management of the Court of Wards, is hereby vested in the person appointed with the sanction of the Court of Wards, either originally or upon the removal of a former guardian, to be the guardian of such Minor, or, in the absence of any such person, the Collector of Revenue having the superintendence of the education of such Minor under the provisions of this Act.

The right to the custody of the person of a Male Minor to be vested in guardian appointed by the Court of Wards, or, failing him, in the Collector.

VIII. Whenever a Minor whose property is under the management of the Court of Wards has a younger brother or brothers entitled to maintenance at the charge of the estate, all the powers and provisions hereinbefore contained for promoting the education of such Minor, are hereby declared and made applicable to such younger brother or brothers.

The foregoing Sections applicable also to the younger brothers of Wards.

IX. Whoever knowingly aids or abets the marriage of any Minor, whose property is under the superintendence of the Court of Wards, or the marriage of a younger brother or sister of such Minor, without the leave of the Collector of Revenue acting under the Court of Wards to such marriage first had and obtained, shall, on conviction before a Court of Session, upon the prosecution of

Penalty for abetting marriage of Ward without leave of Collector.

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of such Collector, be liable to a fine not exceeding two thousand Rupees, or to imprisonment not exceeding the term of six months, with or without hard labour.

X. All orders and proceedings of a Collector under the provisions of this Act shall be subject to the revision of the Court of Wards, and every person aggrieved by any such order or proceeding may prefer an appeal therefrom to the Court of Wards.

Appeal from the orders of a Collector to lie to the Court of Wards.

