1

Revenue Department

Minutes of Consultations

10th Nov 1857

Packet 46

Order no 11397 9th Nov 1857

Total

Fort Saint George, Revenue Consultation of 10th November 1857.

No. 1139.

No. 46. Extract from the Minutes of Consultation under date the 9th November 1857.

Tabular report on two lapsed enams in the District of Masulipatam dated 13th December 1856, and submitted with the remarks of the Board of Revenue dated 16th October 1857, No. 3470.

The Government agree with the view the Board have taken of this case. The portion* of land acquired by purchase will be continued to the widow of Challah Cunniah for her life, and the ancestral portion,† which has lapsed for want of heirs, will be assessed to the Revenue: the produce in deposit will likewise be credited to the State.

* 4 *Veesums.*

† 8 *Veesums.*

(Signed) H. FORBES,
Acting Secretary to Government.

செப்பனிடுபவர் பெயர்
அ விமலா
செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 1/07
செப்பனிட்டு முடித்த நாள் 6-2007
சரிபார்க்கும் அதிகாரி
மு.நி.ப.த.எ. கையொப்பம்
ஆராய்ந்தவர் கையொப்பம்

Revs Defaults

3- 1139

№ 3470

Remarks of the Board of Revenue on a Statement of lapsed Enams dated 16th October, 1857.

№ 5298. From the Agt Collector of Masulipatam 13th Decr 1856

In Cons 27th April 1857 № 1835 From ——— Dt ——— 11th May 1857.
" 15th Octr "

№ 162 The entire Enam held by the last incumbent in these two cases consisted of 12 Veesums or 12¾ Acres of land. Of this extent, 4 Veesums were acquired by purchase in 1833 and 8 Veesums were conferred in perpetuity on the Grandfather of the last holder by a Renter as appears from a Sunnud, bearing date 9th June 1755. The Grant, tho' made by a person, who had no power to alienate lands in perpetuity, was however subsequently confirmed by Doombalas issued by the Collectors in 1796 and 1800, and the land has thus been in the uninterrupted enjoyment of the Grantees family for more than a century.

2. The deceased has left a widow and an adopted son of 12 years of age. The latter is the only surviving son of a deceased brother of the deceased, who is still living and in possession of a portion of the Enam acquired by their Grand father. In the opinion of the Board, the adopted son is not entitled to participate in the Enam held by his adoptive father, the adoption

Enam does not appear

Gadsden's case is alone in point

Revenue 1857 Dept.

No. 1235

~~No. 3470~~

Remarks of the
Board of Revenue to
Govt Revenue Dept.
dated 14th October 1857
Rec'd 17th Oct.
on a Statement of Disputed
Issues in the Taloo Vd
Goodeneadah in Inamdar
Putteen

3 Encls. Returned

S.E. No. 1139. 9th Nov.

4 Sec. No 3470

1139

R 3d Nov.

Reg 1235 S

1139

The acceptance of Grant
lands held without
fault claimed by an
adopted son is governed
by certain rule. [Co.
B.R. vol. ii. p 38. 39. Co.
B.R. 29 Sept 1857. on certa-
tum of Collectors Ellis C. No
[illegible] 39. 18 Sept 1857.]

The main principle is that
fort reserve of themselves &c

right in all cases to refuse to recognize the claim of an adopted son. And the Estate of the deceased Testator in that case is liable to the adoptee for such loss as he may sustain by the breach of the contract, or satisfactory proof of the adoption, as in other cases.

1189 65

very reserved for report.

The petitioner's case is indicated in the same para (6) of the same order.

It would be a decision manifestly unjust in many such cases to be communicated party by adoption, to a stranger in a family unconnected, a remotely connected

with that of the previous
holder, & the prejudice
of the right of [illegible]
which the adoption would
have a claim to succeed
by virtue of natural
relationship, in defeas-
ance of the adoption.

Now as the case in
point has a summons but
it is a summons given
by a person who had

no power to alienate
land in perpetuity. The
validity of the original sum-
mons being unimpeachable,
the claimants
the case must stand
or fall according as it is
affected by the rules for
limitation without regard
to the said summons which
of itself consequently is
governed by the same

1139 8

[illegible]

1139 RD

95

1139

Extract from the Minutes of Consultations

Under date the 9th ~~October~~ November 1857.

Fabulous report on two Cases of Insanes in the District of Nasik: Copies dated 13th December 1856 and submitted with the remarks of the Board of Revenue dated 16th October 1857 N. 3470.

The Government

Patent enams in Class

-10-
1139

1846

C24 Otter R3 Nov.