Revenue Department

Minutes of Consultations
8th Dec 1857

Bundles 55 & 56

Gen no 12675/8 8th Dec 1857

செப்பனிடுபவர் பெயர்
செப்பனிடுவதற்காக எடுத்துக்
கொள்ளப்பட்ட நாள்
செப்பனிட்டு முடித்த நாள்
சரிபார்க்கும் அதிகாரி
மு. நி. பத. எ.
கையொப்பம்
அதிகாரி
கையொப்பம்

No. 55. Read the following Extract from the Proceedings of the Board of Revenue; dated 18th November 1857, No. 4023.

Read letters from the Collector of Trichinopoly dated 7th July and 14th October 1857.*

**In Consultation 18th November 1857.*

(Here enter Nos. 84 and 129.)

Resolved that the foregoing letters, be submitted for the consideration and orders of the Right Honorable the Governor in Council.

2. In the two cases reported on by the Collector in the letters recorded above, the Petitioners claim the whole or part of enams in the possession of others.

3. The enam referred to in the letter of the 7th July was originally granted for the maintenance of the family. Mr. Bird considers that as such it does not come within the scope of Regulation IV. of 1831, and that the Plaintiff should be left to sue in the Civil Courts.

4. In the 2d case the enam which consists of 60 cawnies of Nunjah land, was granted by the Carnatic Government to the Petitioners ancestor Pragnyacherry for maintenance. The share of the Petitioners, on a division among the family 30 years ago came to six cawnies which they still enjoy. The Collector is of opinion that Petitioners can sue in the Courts without the permission of Government.

5. On reference however to the circular orders of the Sudr Udalut dated the 12th July 1839, No. 136, the Government will perceive that it has been ruled by that Court that Regulation IV. of 1831 applies to enams conferred by Government as charitable allowances, and all such as do not fall within either Regulation VII. of 1817 or VI. of 1831. The two last mentioned Regulations certainly do not include enams for maintenance such as those under consideration. According to the opinion of the Sudr Udalut therefore they fall under Regulation IV. of 1831, and before the Courts will admit a suit in regard to them, authority is required from Government which the Boad recommend may be granted, as in the present instances no public inconvenience is likely to accrue therefrom.

(A true Extract.)

(Signed) L. FORBES,
Acting Sub-Secretary.

No. 56. ORDER THEREON, No. 1267; dated 8th December 1857.

1. The Government concur in the views expressed by the Board of Revenue as to the two enams referred to in the Petitions above reported on, falling within the provisions of Regulation IV. of 1831, and they request that the Board will communicate their opinion to the Collector of Trichinopoly.

2. Ordered that the following endorsement be made on Petition No. 812 of 1857.

1. "The Right Honorable the Governor in Council permits Mahomed Ali Sahib to sue "Syed Nihamoodoollah Sahib for the share in the Manium held by the latter, which he alleges "to have been wrongfully withheld from him by that individual.

2. "The permission thus granted will not bar any right that the Government may have "to resume any part of the land in question, and is not to be considered as in any way confirming "or admitting the title of the present holder."

3. Ordered also that the following endorsement be made on Petition No. 1715 of 1857.

1. "The Right Honorable the Governor in Council permits Ramachary and Gopalachary "to sue the co-sharers of their ancestral Enam for the share which they considered to be withheld "from them by those individuals.

2. "The permission thus granted will not bar any right that the Government may "have to resume any part of the land in question; and is not to be considered as in any way "confirming or admitting the title of the present holders."

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

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Revenue Department

N 4023

Extract from the Proceedings of the Board of Revenue dated 18th November 1857.

Read letters from the Collector of Trichinopoly dated 7th July and 14th October 1857.

(Collector's Nos 84 & 129.)

Resolved that the foregoing letters be submitted for the consideration and orders of the Right Honorable the Governor in Council.

2. In the two cases reported on by the Collector in the letters recorded above, the Petitioners claim the whole or part of Enams in the possession of others.

3. The Enam referred to in the letter of the 7th July was originally granted for the maintenance of the family. Mr. Bird considers that the subject does not come within the scope of Regulation II of 1831, and that

the

the Plaintiff should be left to sue in the Civil Courts.]

4. In the 2d case the Enams which consists of 60 Cawnies of Nunjah land, was granted by the Carnatic Government to the Petitioners Ancestor Pregunja Chary for maintenance. The share of the Petitioners, on a division among the family 30 years ago came to 6 Cawnies which they still enjoy. The Collector is of opinion that Petitioners can sue in the Courts without the permission of Government.

5. On reference however to the Circular Orders of the Sudr Adalut dated the 12th July 1855 No 136. the Government will perceive that it has been ruled by that Court that Regulation IV of 1831 applies to Enams conferred by Government as charitable allowances and all such as do not fall within either Regulation VII of 1817 or VI of 1831. The two last mentioned Regulations certainly do not include Enams for maintenance such

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such as those under consideration, according to the opinion of the Sudr Adalut therefore they fall under Regulation II of 1831 and before the Courts will admit a Suit in regard to them, authority is required from Government, which the Board recommend may be granted, as in the present instances no public inconvenience is likely to accrue therefrom.

I have &c

(Signed)
R. Forbes
Actg Sub Secretary

To
F.C. Forbes Esq:
Acting Secretary to
Government
Revenue Department.

5/1267

4?

1857

1267

Exchequer Chambers Dublin date the 8th Dec 1857

To the Rt Honble
Lord Lieut[enant] from the Proceedings
of the Board of Revenue ~~dated~~
~~8th Dec 1857~~

Submitting with their remarks
the reports of the Collector of
Dublin upon Petitions
2 and 1787 1857
of the [illegible] Brewers
Copies of the Board
of Revenue & of the
two Memorials referred to in
the Petitions above reported
on, stating within the pro-
visions of Act 1st of 1831,
and they request that the
Board will communicate
their ~~sentiments~~ opinion to the Exche-
quer in Dublin.

2 Ordered that the
following Endorsement be

Revenue 19th Dec 1857
No 4023

Commissioners of Excise
No 4023

Dublin Castle 19th Nov 1857
Sir
2 Enclosures
I am &c
[illegible]

To the Secretary of the Board
of Revenue

Submitting and
for the Board's opinion
thereon, Letter from
the Collector of Ex-
chequer Duties
relative to Petitions
and Memorials Nos 812
and 1787 of 1857.

Nov 1857.

Copy of Letter
No 4023
dated 19th Nov 1857
from the Collector
of Excise
to the Board
of Revenue.

Dublin Castle 19th Nov 1857
Sir
I am directed by the Commissioners of Excise to transmit herewith, for the consideration of the Board of Revenue, the Petitions of Dublin Brewers, Nos 812 and 1787 of 1857.

made on Petition 812 of 1857.

"It is R.D. the J. in C. permits
"Mahomed Ali Sahib & Sons
"Syed Ibram Saheb Saheb
"for the share in the premises
"held by the latter which he
"alleges to have been wrongfully
"withheld from him by that
"individual.

2 "The permission thus granted
"will not bar any right that
"the Government may have to
"resume any part of the
"land in question, and
"is not to be considered as in
"any way confirming or admit-
"ting the title of the present
"holder

3 Ordered also that the
following Endorsement be made
on Petition 1715 of 1857.
"It is R.D. the J. in C. permits
"Ramachary & Sopalachary
"& the Coheirs of their

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"ancestral Inam for the
"share which they consider
"to be withheld from them
"by those individuals

2 "The permission thus granted
"will not bar any right
"that the Govt may have to
"resume any part of the
"land in question, and is
"not to be considered as
"in any way confirming or
"admitting the title of
"the present holder."

Jul 1 Lov 26.

3 Copies to Mr Ostler Dispatch
with 3 Enclos
Mr Dep with 2 Pet Dd

No 55486

Copy of Letter from the Secretary
to Government of Bengal
Revenue Department
No 1726
dated Fort William the 27th December 1837

Transmitting for the orders of
Government proposed by the Board of Revenue
as to the disposal of certain
Petitions &c &c &c
falling within the provisions
of Regulation IX of 1831 and
directing its communication
to the Collector of Trichinopoly