1st Members Minute

I dissent from this draft. Nothing is clearer in Indian Law that a Son Succeeds his father in an hereditary Estate in preference to a grand Son, and no thing Can be a side this known and established Principle of Law, but some special and well established family Custom. In this Case there is no such established Custom proved. The High Court have ruled that a party setting up this Custom must shew that the Custom has the force of Law and must Consist of a plurality of Acts uniform in their Character and submitted to by Common Consent by all parties Concerned High Court Reports. Volume III Page 58 D° part 2 page 77 such proof is not given or attempted to be given in this Case. We have only the assertion of interested parties who Cannot cite a single instance of such succession in proof of their assertion. That the eldest Son would have succeeded his father had he survived

him

heir is not to be disabled it was natural.
it was the Law, but because he would
have possessed and enjoyed the Inheritance
had he survived gives no claim to his Son
in preference to the Inandass own Son according
to Hindoo Law.

The Government have
nomination in this Case and they have
always upheld Legal Succession. In this
Case there is no reason shewn for Contravening
the Law, on the Contrary, there is strong
political Reason why it should be upheld.
The Son of full age and would take Charge
of and manage the Estate, the grand Son
is a minor, the Estate would come under the
Court of Wards, a contingency to be avoided if
possible. On these grounds I object to the draft
and Request that my dissent to it may be
Communicated to Government

(Signed) J. Clarke.
1st Member.

(True Copy)

Acting Secretary

P. 457

Official Memorandum.

With reference to this Memo, dated 20th April 1808 P. 41, the undersigned has the honor to forward to the Secretary to Government Revenue Department a copy of the Minute of the 1st Member of the Board of Revenue therein called for.

Revenue Bd Office,
Madras,
22d April 1808.

By Order.
Alexander
Ag Secretary.

To
The Secretary to Government
Revenue Department.
With copy of 1st Member's Minute.

Encloſure in Official Memo. from the Secy. to the Board of Revenue to the Secretary to Govt. R.D. dated 22d April 1808 P. No. 457.

Rev: 1358/68

1st Member's Min:
= minute referring Quere =
= regarding to Pondicherry
Pollam in N. Arcot
District.

Rec'd 4th June 1808 in Sec. R.D.

Rev = 1868 Depart.

No. 1358.

Official Memo

From

The Actg Secretary to the
Board of Revenue

To The Secretary to Government
Revenue Department

Dated 22nd
Recd 23rd } April 1868
Rec'd 23rd

Encl 1.

Requesting Minute of 1st
Member of Board dissenting
from opinions expressed in Bd
Pros dated 2nd April 1868 No 2119
regarding succession to Poliatcherla
Pollium in North Arcot District.

No. 9.

11th June /68

2 Mem/08 RB June/68