

Madras Record office.

Government of Madras.

Revenue Department

G. O. No. 573

Dated 29.4.1859

Not to be folded or roughly handled.

Fort Saint George, Revenue Consultation of 29th April 1859.

No. 41. Read the following letter from J. D. SIM, Esq., to the Secretary Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, R. D.; dated 21st April 1859, No. 1440.

SIR,

I am directed by the Board of Revenue to submit for the consideration and orders of Government the accompanying letter* from the Collector of Madura, forwarding copy of a Decree in O. S. No. 1 of 1856 on the file of the Civil Court of Madura against Government.

2. The subject of the suit was the Pollum of Erachanaiknoor in the District of Madura, which having been held by a family of the Cumbalaters Totier caste, was, under the orders of Government of the 19th April 1854 assumed as an escheat, in consequence of the failure of heirs male. In 1836, the Board of Revenue had put the Board's Pro. 28th January 1836. widows of the last male Poligar in possession, in ignorance of the custom of this caste of Poligars which does not allow the succession of females to Pollums, and one of them, Chinnamal, held it till her death on the 12th July 1853. It was then claimed by a distant male cousin of the husband of Chinnamal, and by Veerakamoo Ammaul the daughter of the said husband (Poligar Chienna Obala Naik) by his second wife Papamal.

3. In the suit now decided against Government, this Veerakamoo Ammal was the plaintiff, her claim resting on two foundations.—First, that she is the heiress of her father who held the Pollum. Secondly, that her claim to succeed was recognised in a Decree of the late Zillah Court of Madura in A. S. No. 20 of 1838 and a decree of the late Zillah Court of Madura in A. S. No. 18 of 1847. The answer to the first plea was, that although she might be heiress of her father, the custom of the Cumbalater Totier Pollums forbade female succession—and to the second, that the Government were no parties to the suits decided by the decrees in question, and its rights, therefore, could not be affected by them. An additional plea was proposed by the then Collector in the original suit, which was struck out by the Board, viz. that according to the Hindoo Law as declared by the Pundits of the Sudder Udalut, a step-daughter could not succeed her step-mother. This, however, with another plea, that the Pollum not being held on a Sunnud Istimrar, was at the disposal of the ruling power, having been put forward by the present Collector in a miscellaneous petition, has been noticed in the Decree.

4. The chief arguments used by the Civil Court in deciding for the plaintiff are, first, that the Hindoo Law allows the succession of females, and caste custom can only be pleaded when the Law is silent; and secondly, that the Board of Revenue had admitted the right of a female to hold the Pollum by placing it in the possession of the widows of the last male Poligar. The Court also takes exception to the evidence adduced to prove the custom of the caste.

5. The Board concur with the Collector in opinion that the case should be appealed to the Sudder Udalut, and in his proposition that the appeal petition should be prepared by the Government Pleader. They consider that there can be no doubt of the custom of the caste excluding female succession, a doctrine which has been acted upon in the case of the Pollums of Nuttom and Ramgherry in the same District which were assumed by Government on the death of the last Poligars without male heirs. The Poligars of the caste in question are supposed to have come into the Province with the rulers, who were originally deputies of the Vijayanuggur kings, and to have been entrusted by them with the duty of guarding the passes, a duty which could not be efficiently discharged by females,—hence the custom.

6. It only remains to state that the correspondence noted in the margin was recently passed on the subject of the propriety of moving the Sudder Udalut to over-rule an order by the Civil Court of Madura refusing to admit certain further evidence which the Collector tendered.

7. Should Government authorize the appeal, the Board will furnish the Government Pleader with the necessary information to enable him to prepare the appeal petition.

Pro. of Bd. 25th Feb. 1859.

E. M. C. of Govt. 11th in Con. 12th March 1859.

Pro. of Board 15th do.

Ex. M. C. 18th in Con. 19th March 1859.

Fort Saint George, Revenue Consultation of 29th April 1859.

No. 42.

ORDER THEREON, No. 573; dated 27th April 1859.

The Governor in Council approves the Board's recommendation that an appeal shall be preferred before the Court of Sudder Adawlut against the decree of the Acting Judge of Madura in O. S. No. 1 of 1856 brought by Veerakamoo Ammaul for the recovery of the Pollium of Erachanaiknoor; and he authorizes the Board to instruct the Government Pleader to prepare and file the appeal plaint, and to do the other acts necessary.

(Signed) J. D. BOURDILLON,
Secretary to Government.

Revenue Dept.

No 573

Extract from the Minutes of Consultation

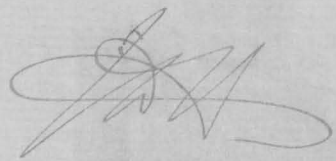
Under date the 27th April 1859.

Read the following
letter from the Secretary to
the Board of Revenue.

(Here enter 21st April 1859
No 440)

The Governor in
Council approves the Board's
recommendation that an
appeal shall be preferred
before the Court of Sudder
Adawlut against the
decree of the Acting
Judge of Madura in
O. S. No. 1 of 1856 brought by
Veerakamoo Ammaul
for the recovery of the

William of Eschakanian; and he authorizes the Board to instruct the Government Pleader to prepare and file the appeal plaint, and to do the other acts necessary.



3 Copies to Board of Gov.
with 5 Encls.
Disp-27

Copy in a letter to
H. B. August 1859 No. 34

21-2
21-4-54
7-8-
1-3-59
45-6
22-3-59

Received 1859 Sept 1st
20 to 29 April.

1859.

Contract with
27 April 1859.

1859 - 1859

See later to day

Special

Ms. A. 1. 442.

Referring an appeal to
the State Court against the
the Court Court of the
3-4-101 of 1856 approved.
The Gov. Pleader to file the
appeal & limit and to do the
other acts necessary.