M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1773 — Press ~~Mis.~~

55 56

Dated 6. 9. 1861.

Not to be folded or roughly handled

No. 55. Read the following Proceedings of the Board of Revenue, dated 25th July 1861, No. 3,989:—

Read the following letter from J. D. ROBINSON, Esq., Collector of North Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Palmanair, 9th July 1861, No. 148.

SIR,

1. In reply to the Proceedings of the Board, dated 9th April last, No. 1,841, I have the honor to observe that, as stated in paragraph 6 of my former letter, Nullama Náyudu No. 9 did during the first local inquiry express his unqualified assent in common with his elder brother Basavappa Náyudu No. 8 to the election of Chinnama Náyudu as successor to the late Poligár of Tumba.

2. On the receipt, however, of the Proceedings under reply, I held a personal inquiry, the results of which are clearly shown in the accompanying translations of depositions given in my presence by the three persons marked Nos. 4, 8, and 9, and by the late Poligár's widow whose existence and identity have been established by the Bungari Poligár's statement which accompanies the other papers.

3. The deposition of the two brothers Nos. 8 and 9 being identical in every respect, that given by the former has alone been rendered into English.

4. Mullapa Náyudu No. 4 who is very aged and infirm takes no exception on his own part to Chinnama Náyudu's election, and represents that as his two sons Nos. 8 and 9 have resigned their claims in his (Chinnama Náyudu's) favor, and the widow of the late Poligár is solicitous that he may be recognized as Poligár, he is content to abide by any decision that may be made in the matter.

5. To ascertain the local usage in such cases of succession, I made a reference to the Poligárs of Bangari and Pulíchirla who are of the same caste as the Tumba Poligár and occupy the foremost position among the Poligárs of this District. In their letters in reply, both Poligárs favor the election of Chinnama Náyudu.

6. The Bangari Poligár brings to notice a case in point in which after the demise of Timmappa Náyudu, Poligár of Gudipate, his two sons respectively inherited the Estate, and on their demise without issue, the widow of the first named Timmappa Náyudu had the succession secured to her brother-in-law's son (her husband's nephew).

7. According to the Hindu Law and the practice obtaining in those Polliems, the widow is heir in the absence of direct issue. In the present case, therefore, the widow of the late Poligár would be entitled to succeed, and on her demise the three persons numbered 4, 8, and 9 would inherit in their turn. These members of the family have now freely and deliberately resigned their claims in favor of Chinnama Náyudu, who they pray may hereafter be recognized as Poligár of Tumba. Although the adoption of his (Chinnama Náyudu's) father by Muddu Mullappa Náyudu, the late Poligár's predecessor, has not been fully established, the allegation that he was so adopted has not, though openly made, been challenged by any of the parties above referred to, and it may, therefore, be inferred rests on good foundation. The point, however, is not material; and I beg, therefore, in consideration of Chinnama Náyudu's position in the late Poligár's household, his performance as son of the funeral rites, his nomination as heir by the surviving widow, and election by the representatives of the other branches of the family, as well as because the course is not opposed to usage and precedent, to renew my former recommendation that he be recognized by Government as the successor to the late Poligár of Tumba.

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1. Resolved that the above letter be submitted for the consideration of Government, together with a copy of the Collector's former letter on the subject and the Board's Proceedings thereon, dated April 9th 1861, No. 1,841.

* Dated 25th, in Cons., 28th January 1861, No. 558.

2. In his first letter the Collector recommended that Chinnama Náyudu should be recognized as Poligár of Tumba because he was the elect of the family, and the representative of the elder branch, and as his father was alleged to have been adopted by the late Poligár's predecessor.

3. A reference, however, to the statement which accompanied his letter showed that another individual, who had two sons, was the representative of the elder branch, and that one of these sons had not been asked whether he was willing to accept Chinnama Náyudu as Poligár. The Board, therefore, requested that a distinct expression of opinion might be obtained from each of these three persons, as well as from the widow of the late Poligár, and that the Collector would inform them whether the appointment of Chinnama Náyudu would be in accordance with the law guiding the succession of this Polliem and consistent with local usage.

4. Mr. Robinson now reports that each member of the family has given an unqualified assent to his proposal, and forwards their depositions to this effect. He adds that the Poligárs of the neighbouring Estates are in favor of it, and cites a somewhat similar case in which the rights of the widow were passed over in favor of a nephew.

5. It further appears that the adoption though not supported by evidence has never been opposed by any member of the family, and that Chinnama Náyudu performed the funeral rites of the late Poligár, and has been long recognized as his heir.

6. Under these circumstances, the Board support the Collector's recommendation that Chinnama Náyudu be recognized as Poligár of Tumba.

(A true Copy and Extract.)

(Signed) R. A. DALYELL, *Sub-Secretary,*

No. 56. ORDER THEREON, 6th September 1861, No. 1,773.

Under the circumstances as fully detailed in the letters and their enclosures, referred to in the foregoing Proceedings, the Government are pleased to recognize Chinnama Náyudu as a Poligár of Tumba.

(Signed) C. G. MASTER,

Deputy Secretary to Government.

IN CONS. 28TH JANUARY 1861, No. 558.

From J. D. ROBINSON, Esq., Acting Collector of NORTH ARCOT, dated Kaveripakam, 25th January 1861, No. 14.

I have the honor to report the demise on the 8th November last of Kumara Mallappa Naidu Poligar of Tumba.

2. The deceased has left no issue, male or female, but his first wife* survives; the second having died two years ago.

* Nagamma No. 12.

3. Pothi Naidu No. 1, with whom the family first divides into two branches, left two sons, the elder named Papa Naidu No. 2, and the younger Muddu Mallappa Naidu No. 3. On Pothi Naidu's death, the second son succeeded, his elder brother being imbecile and unequal to the management of the affairs of the palliem. No other reasons are recorded to account for the estate having thus passed into the hands of the younger son.

4. From the Proceedings held in the matter of the present succession, I gather that the above named Muddu Mallappa Naidu No. 3, having been long heirless, adopted his nephew Pothi Naidu Nos. 5 and 6, the second son of Papa Naidu No. 2. Eventually, however, a son was born, who succeeded in due course, and is the Poligar whose decease I am now reporting. The alleged adoption of Pothi Naidu is not noticed in the records of my office.

5. This same Pothi Naidu Nos. 5 and 6 died eight years ago, and left a son named Chinnama Naidu No. 11, who now lays claim to the palliem.

6. Mallappa Naidu No. 4, who is in receipt of an allowance of 6 Rupees from the estate, is 80 years of age and is too infirm to answer for himself, but his two sons* have been examined and take no exception to Chinnama Naidu's claim to succeed to the palliem. In waiving any claims they may have of their own in favor of Chinnama Naidu, they had that they have heard it said that his (Chinnama Naidu's) father was adopted by Muddu Mallappa Naidu, the father of the late Poligar. Basavapa Naidu No. 8, Nallama Naidu No. 9, are aged 40 and 30 respectively, and are of sound mind and discretion.

* Nos. 8 and 9.

7. The widow of the late Poligar admits also having heard Pothi Naidu's adoption mentioned by her husband and mother-in-law, and has requested me by letter dated 22nd November 1860, to acknowledge Chinnama Naidu, Poligar, as he has undertaken to provide for her future comfort and protection.

8. I may mention here as a circumstance which throws some doubt on the matter of the alleged adoption, that when Muddu Mallappa Naidu No. 3 died, leaving his son the late Poligar a minor, Pothi Naidu wrote an arzi dated 20th July 1824 to the then Collector, in which his relationship to the family is minutely described, but no mention is made of the tie of adoption.

9. It is, however, well known that Pothi Naidu Nos. 5 and 6, lived in the family of the late Poligar, and that his (Pothi Naidu's) son, Chinnama Naidu, was brought up by the widow as her own son.

10. Be the question of Pothi Naidu's adoption as it may, all the members of the family are unanimous in recognising his son's, Chinna Naidu's, claim and desiring his recognition as the head of the house and the future Poligar.

11. Setting aside therefore the fact of his father's alleged adoption as not material, I beg to recommend that Chinnama Naidu be named Poligar of Tumba, as being as well the elect of the family, as he is the representative of its elder branch.

12. The Tumba estate is one of the six Chittoor palliems, and was in common with the others restored to the late Poligar in 1827, under the authority conveyed in Extract Minutes of Consultation, 4th September 1827, when the Peishcush was fixed at 40 per cent. of the beriz. It

was (as were the other Chittoor palliems) on their respective chiefs conferred by the Mahomedan Government on the ancestor of the present family. The tenure is therefore hereditary, and is free of all condition or obligation beyond the payment of the Peishcush.

13. The Peishcush of the palliem which comprises 10 villages, is Rupees 1,776-7-1. This demand has been regularly paid, and up to Fasli 1269 there were no arrears outstanding against the estate. The palliem lies for the most part in a wild and mountainous tract of country, and is not capable of high agricultural development. Owing partly to the general unproductiveness of its soil and in some measure doubtless to bad management and improvidence, the late Poligar has left a debt of some Rupees 14,000, inclusive of interest on the estate. Before his death, however, he appears to have taken some steps for meeting his liabilities by farming out the cultivable area to his Ryots on a quinquennial lease, with the understanding that the rent was to be paid whether the land was cultivated or not and that a certain proportion of the income was to go to the creditors. The Tahsildar of the Chittoor Taluq to which the Tumba palliem is attached was deputed by me to hold a personal enquiry on the spot into the matter of the present succession, but owing to some delay on his part and a pressure of business in my own office, I have been unable to submit this report so soon as I could have wished. Meanwhile I have, as a temporary measure pending final orders, placed the palliem under the management of Chinnama Naidu. To facilitate decision, I beg to submit with this report a genealogical tree of the Tumba family.

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Enc. 1.

Abstract.—Genealogical tree of Tumba Palliem.

Exd J. Tulloch.

No. 1,841.

Proceedings of the Board of Revenue, dated 9th April 1861.

Read letter from the Acting Collector of North Arcot, dated 25th January 1861, No. 14.

(In Cons. 28th January 1861, No. 558.)

1. The Collector recommends in paragraph 11 of this letter that Chinama Naidoo be recognized as Poligar of Tumba, as he is the elect of the family, and the representative of the elder branch, though the alleged adoption of his father by the late Poligar's father is not established.

2. If this had been the actual state of the case, the Board would have concurred in the opinion of the Collector, but it appears from *the Genealogical statement* which accompanied the Collector's letter, that this individual is not the representative of the elder branch, Mullapa Naidoo (No. 4) apparently holding that position, and he can hardly be said to be the elect of the family while Nallama Naidoo (No. 9) has not given his vote: the widow also of the late Poligar appears only to have mentioned in a letter she wrote to the Collector that she wished him to be recognized as Poligar.

3. There appears to have been no Sunnud issued to the late Poligar, and it would, therefore, rest with Government to name the successor; but in doing so, it is usual to follow the Hindu Law unless the local usage is opposed to it, in which case the widow would have a prior claim to any other heir, and after her the three persons numbered 4, 8 and 9 in the statement.

4. The Collector will, therefore, be good enough to afford more complete information as to whether females are allowed to succeed to this Polliem, and what law guides the succession. In case of its being Hindu Law he will obtain from the widow, as well as from those persons numbered 4, 8 and 9 in the Statement, a distinct document to the effect that it is their desire that Chinama Naidoo be recognized as Poligar.

(A true Extract.)

(Signed) R. A. DALYELL,
Acting Sub-Secretary.

To W. T. Blair, Esq., Sub-Collector in charge of North Arcot.

Exd. J. Wright.

1861. Despatch No

Enclosures in Proceedings of the Board of Revenue to the Secretary to Govt. C. D. dated 25th July 1861, No 3989.

Rec'd 18th

Proceedings of the Collector of Customs dated 9th April 1861. No 1841, regarding the Port of Tumbez.

No 1773

Under the circumstances as fully detailed in the letters and their enclosures referred to in the foregoing Proceedings, the Government are pleased to recognize & Commend Naidoo as a Peon of Tumbez.

C. J. M.

Fort St George
6th Sept 1861

14 Copies to the Board of Revenue with 6 Refd
Dispd