

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 856

Press
Mis.

272-273

Dated 16-4-1861.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
16th April 1861.*

No. 272. Read the following telegram from Dr. BIRDWOOD, Bombay, to the Secretary to Government, Madras, dated Bombay, 31st March 1861 :—

“ Cross left to-day by Steamship “ Dalhousie ” for Calicut with fifteen cases of Canoonasah in sound condition, he is in great want of funds and had no time to get money here. Have telegraphed to McIvor and Calicut.”

No. 273. ORDER THEREON, 16th April 1861, No. 856.

Ordered to be recorded.

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

1395

MONTHLY OFFICE No.
H. M.'S TELEGRAPHS IN INDIA.
SOUTHERN DIVISION.

PREPAID MESSAGES ARE TRANSMITTED ON THE TELEGRAPH LINES IN INDIA AT THE FOLLOWING RATES:—
For distances of 400 miles and less, Messages of 16 words and under are charged one Rupee.
Over 16 words the charge increases at the rate of one anna for every additional word.
Beyond 2 miles Peon-hire is charged at the rate of 2 annas per mile, from each Telegraph Office.
Cipher Messages are sent at the ordinary price, but can only be received in numbers written in full, or in common English words.
The Rates are Doubled for distances over 400 miles and under 800 miles.
" " Tripled for distances over 800 and less than 1,200.
" " Quadrupled for distances over 1,200 and less than 1,600; and so on, an additional rate is charged for each distance of 400 miles, or part of 400 miles.
When the Messages are to be repeated, one-half extra is charged, and it is only for "repeated" messages that refunds of charges are granted on account of inaccuracies or delays.

FROM Bombay To Madras
FROM Dr Birdwood To Secy to Govt

WORDS
37 Paid

Crup left today by steamship
"Dallouie" for Calicut with fifteen
passengers and eight tons
of cargo. Arrived here. Hunt telegraphed
to Meador single agent.
The following telegrams were
received from Meador
at Calicut on 13th inst.
1. Meador to Govt.
2. Meador to Secy to Govt.
3. Meador to Birdwood.
4. Meador to Birdwood.
5. Meador to Birdwood.
6. Meador to Birdwood.
7. Meador to Birdwood.
8. Meador to Birdwood.
9. Meador to Birdwood.
10. Meador to Birdwood.

Madras
H. M.'S TELEGRAPH OFFICE.
Sent on 13th inst 1867

R R Bobbett
per Mr B — Assistant in Charge.

Rev. 19th Dec
Dr. Birdwood

From
Dr. Birdwood

21st March
21st April

Report
parture of the
Calicut with
cases of Calico
inland and
the great
grind by him

No. 88

Dr. Birdwood

21st

21st

Dr. Birdwood
21st

18th

IN CON. 6TH NOVEMBER 1860, No. 5,713.

From H. A. BRETT, Esq., Collec^r of SALEM;

dated Tripatur, 3rd November 1860, No. 233.

1. With reference to the Board's Proceedings, dated the 22nd September last, No. 4,331, observing that the existence or otherwise of any sisters or descendants from sisters, or the existence of any diadies of any of the former Poligars should be carefully ascertained, and requesting me to forward a copy of the Decree referred to in paragraph 10 of my letter, I have the honor to submit herewith a copy of the Decree passed by the late Provincial Court of the Southern Division.

2. The Board will observe a slight discrepancy between the relationship described in the plaint part of the Decree, and the relationship exhibited in the genealogical table which was forwarded with my letter of the 30th August last, No. 234. I have reason to believe that the genealogical table is correct in all its details.

3. With regard to the existence or otherwise of any sisters or descendants from sisters, or the existence of any diadies of previous Poligars, it appears that the deceased Chokagowda (G.)

* Dalavoye Appoo Row...	33 years old.	also, several years ago, leaving six sons and three daughters.
Poottannah.....	27 do.	Of these six sons, four sons are now surviving. The names
Virachikkarow.....	24 do.	of these four sons, with their respective ages, are given in the
Nunjah Row.....	20 do.	margin.*

4. Of the three daughters left by the late Poligar's sister one is dead, and two are still living. The deceased daughter has left female issue.

† (I) has one daughter named Lutchamanmannee, (1)	5. I. K. and P. in the genealogical table have
(K) has one daughter Chinnakempannee. (2)	also daughters, as shown in the margin.† Of these,
(P) has two daughters Parvatamma. (1)	two are widows, and the other two are now living
Soondaramma (2)	with their husbands.

6. It further appears that the late Kempagowda (C. in the genealogical table) had, besides D. E. and F., two other wives; one of whom died without any issue, and the other died leaving two daughters. One of these daughters is a widow, and the other is living with her husband.

7. I am assured that the late Poligars have left no descendants or diadies other than those now named, and those already shown in the genealogical tree. These particulars have been obtained from the Vakeels representing the three widows, and from D. Appoo Row, the person referred to in paragraph 3.

8. The female descendants now referred to have not preferred any claim to the poliput. I should, however, admit that at the time of my first letter on the subject, I too readily assumed from the Tahsildar's report that there were no descendants, whether females or males, other than those entered in the tree.

9. In reply to the Board's remark in the last paragraph of their Proceedings, I beg to explain that Kempagowda (C.) in paragraph 6 of my letter, dated the 30th August last, was by a clerical error written for Chokagowda (G.).

ENC. 1.

ABSTRACT.—Copy of the Decree on No. 2 in the Register of Original Suits transferred from the Zillah Court of Salem, No. 3,947.

2-2-94
1-5-94
17-1-94

Enclosure in Proceedings
of the Board of Revenue
to the Secretary to Government;
= under R. D. dated 20th
February 1861. No. 955.
E. J. Wright

R 542/61

Letter from the
Collector of Malabar to the
Board of Revenue dated
3rd November 1860. No. 283.
Regarding the foregoing
Enclosure.

10 142 0 144

No. 5,377.

From W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue,
To C. F. CHAMIER, Esq., Registrar to the Court of Sudder Udalt.

SIR,

I am directed by the Board of Revenue to forward the following case, and to request that with the sanction of the Judges of the Sudder Udalt, you will obtain the opinion of the Pundits on the questions of law therein contained, and favor the Board with their answers.

I have the honor to be,
Sir,

Your most obedient servant,

(Signed) W. HUDLESTON,
Acting Secretary.

REVENUE BOARD OFFICE,
Fort St. George,
19th November 1860.

QUESTION.

A was the proprietor of a Poliput at the time the country was assumed by the British Government. At his death, the estate descended to his eldest son B, from whom it passed to his only son C, who married five wives D, E, F, V, W. By the first of these wives, C had one son, G; by the second wife, two sons J and L; by the third wife, one son, O; by the fourth, no issue; and by the fifth, two daughters who are still alive.

At the death of C, the estate was registered in the name of his eldest son, G. During the life time of G, his second brother J died, in consequence of which the estate descended at the death of G to his third brother L. During the life time of L, his youngest and sole surviving brother, O, died without male issue. Therefore on the death of L, the estate was registered in the name of his eldest widow M under the sanction of the Board; and on her death; the estate passed under similar sanction, to N, the junior widow, on the understanding that she should support the other members of the family.

N has now died, and the four surviving widows H, I, K, Q, have severally preferred a claim to have the estate registered in their names. There are also the other parties living indicated in the genealogical table. It is required to know *first*, whether any of the four surviving widows is entitled to more than maintenance from the property; and *secondly*, if that question be answered in the affirmative, what rights in the estate belong to each. Also what rights, if any, belong to the other members of the family.

Exd. J. Wright.

IN CONS. 15TH JANUARY 1861, No. 274.
From C. F. CHAMIER, Esq., Registrar of the SUDDER COURT,
dated Madras, 15th January 1861.

I am directed by the Judges of the Sudder Court to forward to you the accompanying opinions of the Pundits on the questions of Hindu law, transmitted with your letter of the 19th November last.

Answer of the Pundits of Sudder Court.

It appears from the question that L who succeeded to the Poliput, having demised, the estate was, in consequence of the total extinction of the male line of the family, registered, in the first instance, in the name of his senior widow M by reason of her seniority and, after her death, in the name of his junior widow N, although both of the widows were equally entitled to the said estate under the text declaratory of the widow's right of inheritance. Hence the right of succession to N, depends solely upon the propinquity of relationship to her.

As regards the females H, I, K and Q, who are the widows of the brothers of N's husband, they cannot inherit the estate of N, nor are they entitled to anything more than maintenance, inasmuch as the Hindu law authorises them neither to perform the funeral rites, nor to inherit property, and more especially as the law book "Smriti Chandrika" excludes from inheritance all females other than those who are expressly declared heiresses by law.

Among the other parties indicated in the genealogical table annexed to the question, there exist four sons of G's sister, the daughter of C. They being sons of the step-sister of the husband of N, offer funeral cake to N's husband, to N, to her father-in-law C, and to his father and grand-father. The law on "Woman's Property" declares that the estate of a childless widow shall go to her husband's sister's sons.

Under these circumstances, the aforesaid sister's sons (of N's husband) are entitled to succeed to the estate of N, subject to the obligation of maintaining H and others.

AUTHORITY.

Vythenatha Deetchetyum on Sradha Rites.

"Let a man having made funeral offerings to his father and two others present similar offerings to his maternal grand-father, &c., in order to redeem himself from debt."

"Where a man offers funeral oblations to his father, &c., he must invariably offer them also to his maternal grand-father, &c., else, he would fall into the infernal regions."

Gopaula Bhashyum on Performance of the funeral Rites of deceased Woman.

After enumerating the several persons down to daughter-in-law, who are entitled to perform the funeral ceremonies, the author says, "On their failure, the funerals of a deceased woman shall be performed by her husband's sister's son, and on his failure, by the son of her own sister, or brother, or by her son-in-law."

A text* says, "The mother's sister, the maternal uncle's wife and the like."

Law of Inheritance on "Woman's Property."

"The mother's sister, the wives of maternal and paternal uncles, the father's sister, the mother-in-law and the wife of an elder brother, are pronounced similar to mothers. If they leave no son of their bodies, nor daughter's son, nor son of those persons, the sister's son and the rest shall take their property."

5th December 1860.

(Signed) APPANASASTRY,
Senior Pundit, Sudder Court.

It appears that the Poliput referred to in the question, is indivisible, and descendible to the elder line in the family. It is for these reasons that the estate seems to have been registered

1861 Dec 5th

Enclosure 4 in Proceedings
of the Board of Revenue
to the Secretary to Government
No. 20. dated 20th February
1861 No 955-

with One: 1

RS42/61

Letter from the Secy.
Secretary to the Board of
Revenue to the Registrar to the
Court of Sudder Adalat
dated 19th November 1860.
No 5377. Regarding in
Andoovaykory Poliput.

in the name of the senior widow of L (the last male incumbent, who died without male issue) and after her death, in the name of his junior widow, on the understanding that they should support the widows of the persons who had previously held and enjoyed the estate.

None of the present claimants, viz., the four surviving widows of the brothers of N's husband, are entitled to succeed to the property in question, under the provisions of the Hindu law prevalent in Southern India. They are all, however, equally entitled to maintenance from the property, but as Q, the surviving widow of the brother of the husband of N, who died last, never enjoyed the estate in question, the proper course is, to put her in possession of the estate for life, on condition of her maintaining the other parties, and after her death, to annex the estate to the State.

The step-nephews of N's husband, referred to in the question, have no right whatever in the estate under the Hindu law.

8th December 1860.

(Signed) C. GOPALASASTRY,
Junior Pundit, Sudder Court.

From the senior Pundit of the Sudder Court.

In Smrutichandrika, Sarasevateevalasam, Mayookum, Madhaveyum, Veeramitrodayum, and other famous Hindu law books recognised by Courts in this part of India, and also in Jimutavahanum and other works prevalent in the territories subject to the Presidency of Bengal,

• This text is quoted in *extenso* in the former answer. "Cha. on succession to Woman's Property," the text* of Brihaspati is cited, which refers to "the mother's sister, the maternal uncle's wife, and the like." This text which is acknowledged by all, distinctly mentions "husband's sister's sons," and unequivocally declares them entitled to inherit the property of "the widows of their maternal uncles." It is upon this text that my former answer was based. But the head Translator has informed me that the Judges wished that I should declare the law according to Mitacshara. I therefore beg hereunder to recite passages from the said work.

Cha. II, Sec. XI, page 367, Clause 10. In Mitacshara "On succession to the Property of a childless wife," is cited the text of Yajñawalkya, which says, "The property of a childless woman, married in the form denominated 'Brahma,' or in any of the four (unblamed modes of marriage,) goes to her husband, but if she leave progeny, it will go to her (daughter's) daughters: and, in other forms of marriage (as the A'sura, &c.,) it goes to her father (and mother, on failure of her own issue)".

Page 368, Clause 11. The commentary on the above runs thus:—"Of a woman dying without issue as before stated, and who had become a wife by any of the four modes of marriage denominated Brahma, Daiva, Arsha and Prajapatya, the (whole) property, as before described, belongs in the first place to her husband. On failure of him, it goes to his nearest kinsmen (Sapindas) allied by funeral oblations." Hence, the property of a childless woman goes, on failure of her husband, to his "nearest Sapindas;" that is, the "nearest Sapindas," take where a multitude of Sapindas exists.

All those kinsmen who offer "pindas," or funeral oblations to the same ancestor, stand in the relation of "Sapindas" to each other. Of these persons, those sprung from the same (Gotra) family with the deceased, are called "Sagotra Sapindas" or kinsmen sprung from the same family, and connected by funeral oblations, as brethren, paternal uncle, &c.; while the others sprung from a different (Gotra) family are denominated "Asagotra Sapindas," or kinsmen sprung from a different family, but connected by funeral oblations, as the sister's sons, the sons of the mother's and father's sisters and the like. The connection, by funeral oblations, of kinsmen sprung from a different family, is recognised also by the Mitacshara, as will appear from a passage which occurs in the treatise "On succession of kindred of the same family name," and which runs thus:—"For kinsmen, sprung from a different family,

Cha. II, Sec. V, Page 350, Clause 3.

"but connected by funeral oblations, are indicated by the term cognate (Bandhu)".

The father, grand-father, and great-grand-father of L (the husband of N,) to whom L

offers funeral oblations, being the maternal grand-father, maternal great-grand-father, and maternal great great-grand-father of the sons of L's sister, the latter (that is, L's sister's sons) of course offer funeral oblations to them in performing the Sradha rites on new moon, &c., and as L and his sister's sons thus present funeral oblations to the same ancestors, they stand in relation of "Sapindas" to each other; and, as such, they are entitled to inherit the property of L's widow N, more especially as the question does not show the existence of any other Sapinda kinsmen. Hence, it would appear that Mitacshara also acquiesces in the interpretation of the text of Brihaspati, which vests the right of succession to a woman's property in the sons of her husband's sister.

L having been the holder of a Poliem, must of course have been a man of wealth, rank and dignity and, as such, he might have married N, in the most approved form of "Brahma." It is upon this consideration that I have dealt with the subject according to the above passages of Mitacshara.

If, on the contrary, L had married N, in the form of A'sura, which, as a sordid act, is disapproved, the case must be dealt with according to the last part of Mitacshara Chapter II, Section XI, Yajñawalkya's text, and its commentary, contained in Mitacshara, Page 368, clause 11. which runs thus:—"But in the other forms of marriage called A'sura,

"Gandharwa, Racshasa and Paisachee, the property of a childless woman goes to her parents."

21st December 1860.

(Signed) APPANASASTRY,
Senior Pundit, Sudder Court.

Being required to support my answer by authorities according to Mitacshara, I beg to submit that there exists no law under which the surviving widows of the brothers of N's husband can succeed; but the reason why I suggested that Q, one of the said widows, might be put in possession, is because the estate in question having, at the death of G, devolved upon her (Q's) husband O, equally as upon L, according to the Hindu law (although L alone held it by reason of his seniority). I considered it but fair that Q, the widow of O, should also be allowed to enjoy the estate for life, after the demise of the last incumbent N, the widow of L.

4th January 1861. (Signed) C. GOPALASASTRY,
Junior Pundit, Sudder Court.

(True Copies.)

(Signed) C. F. CHAMIER,
Registrar.

Exd. J. Tulloch.

No. 955.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th February 1861.

Read again letter, dated 30th August 1860, No. 234, from the Collector of Salem, reporting on the succession to the Ankoosagherry Polipet.

(In Cons. 1st September 1860, No. 4,356.)

Read also letter, dated 3d November 1860, No. 283, from the same Officer, furnishing the document and information called for in the Board's Proceedings of 22d September 1860, No. 4,331.

(In Cons. 6th November 1860, No. 5,713.)

Read also letter, dated 15th January 1861, from the Register to the Court of Sudder Udalt, forwarding the opinions of the Pundits on the questions of Hindu Law forwarded with the Board's letter of the 19th November 1860, No. 5,377.

(In Cons. 15th January 1861, No. 274.)

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

1. From the first of the letters noted at the head of these Proceedings, it appears that the Ankoosagherry Polliem is a very ancient Estate. Mr. M. D. Cockburn in reporting upon it and two other Polliems on 14th August 1822, gives the following account of the former property:—"The Ankoosagherry family acquired the Polliem of Mauste 724 years ago, or in the year 1008 of Saliwana, which they held for 301 years, at which time

"the Polliems of Ankoosagherry and Shoolagherry were annexed to that of Mauste, and all three were possessed by that family for 269 years, when Mauste was taken from them; the other two remained in their possession for 88 years when Shoolagherry was conferred by Hyder on a younger branch of the Mauste family, and the two Polliems of Shoolagherry and Ankoosagherry have been held separately since that period, or for 72 years. Mauste was never restored, and is at present included in the

Paragraph 4. "Mysore territories. The territorial possessions of the three Polligars are never divided between the heirs; the eldest son succeeds to the whole with the obligation of maintaining the other members of the family, but the rate of maintenance is entirely at the will of the Poligar."

2. Such is the history given of the Polipet, but the terms of the original grant are not stated, nor is any information on the subject forthcoming on the records of the Collector's Office.

3. The accompanying Genealogical tree traces the descent from the person who was in possession when the Government was assumed, down to the last incumbent, and exhibits the names of the persons still living who have a present interest in the property including all the individuals mentioned in the Collector's second letter.

4. The proprietor of the Ankoosagherry Poliput at the time the country was assumed, was Careyappa Gowda (A). At his death the Estate descended to his eldest son Timmaraya Gowda (B) from whom it passed to his only son Kempa Gowda (C) who married five wives, viz., D, E, F, V and W. By the first of these wives, Kempa Gowda had one son named Chocka Gowda (G) and one daughter (H) who has left four sons and two daughters; by the second wife, two sons Sadanapully Gowda (J), and Timmaraya Gowda (L); by the third wife, one son named Careyappa Gowda (O); by the fourth wife, no issue; and by the fifth, two daughters, one of whom is a widow, and the other is living with her husband.

5. At the death of Kempa Gowda (C), the Polipet was registered in the name of his eldest son Chocka Gowda (G). During the lifetime of G, his second brother (J) died. Consequently, the Estate descended at the death of Chocka Gowda (G) to his third brother Timmaraya Gowda (L). During the lifetime of L, his younger brother Careyappa Gowda (O) died, so that on the death of (L), the Polipet was registered in the name of his eldest widow (M) under the sanction of the Board, and after her death, in the name of Veera Ummanee (N) the junior widow of the late Timmaraya Gowda (L).

9th October 1843.

Board's Proceedings, 17th January 1848, No. 105.

2-2-94
1-5-94

2 1861 Defunct

Enclosure 3rd Proceedings of the Board of Revenue to the Secretary to Government dated 20th February 1861. 1/2 955.

2542/61

Letter from the Registrar of the Sudder Court to the Board of Revenue dated 15th January 1861 - regarding Ankoosagherry Polipet.

1342 2/11/61

6. Veera Ummanee died on the 15th February 1860, and the four surviving widows H, I, K, and Q, together with an illegitimate member of the family, and the eldest step nephew of the last male incumbent of the Polipet have put in their claims to have the Estate registered in their names.

7. The annual revenue of the Polipet is computed at 20,000 Rupees. The Peishcush amounts to Rupees 7,940-13-4. The number of villages comprised in the Estate including those held on Surva Inam tenure is 168. Of these, five villages are held by the four widows for their maintenance, and 93 are under attachment by the Collector. The cost of the Establishment for the management of the Polipet amounts to Rupees 81 per mensem.

8. The Board have submitted the question of the succession to the Polipet for the opinion of the Pundits of the Sudder Udalt. But the responses delivered by the senior and junior Pundits are contradictory except in regard to the four widows, who are considered by both to be entitled to maintenance only.

9. As to the other parties the senior Pundit declares the four sons of the half sister of the husband of N entitled to succeed to the Estate of N. This opinion appearing to be based on authorities prevalent in Bengal, he was requested by the Judges to declare the law as contained in the Mitacshara, whereupon the Pundit cites several passages from that work, and argues that it also supports the interpretation of the text of Brihaspate which vests the right of succession to a woman's property in the sons of her husband's sister.

10. The junior Pundit on the other hand, declares the step nephews to have no title whatever under the Hindu Law; but recommends as the proper course, that the widow Q should be put in possession of the Estate for life on condition of her maintaining the other parties; and that after her death it should escheat to Government. On being asked to cite authorities in support of his opinion, he declares that there exists no law under which the widows can succeed, but that as the Estate had, at the death of G, devolved upon Q's husband equally as upon L, he considered it but fair that Q should also be allowed to enjoy the Estate for life, after the demise of the last incumbent N, the widow of L.

11. The Board will not take upon themselves to decide which of these opinions is correct. But they observe that the senior Pundit's exposition is opposed to Section 364 of Mr. Strange's Manual of Hindoo Law, wherein the omission of sisters' sons from the list of heirs expressly mentioned in the Mitacshara, is regarded as excluding them from the inheritance. Adverting, however, to the facts that the Estate is a very ancient one, that in similar cases of Inams, Government have refrained from interfering with the property except on an entire failure of heirs, and that the validity of the title to succession derived through a female ancestor has been acknowledged since 1854, and that Dalavoye Apparow is the lineal grandson of Kempa Gowda (C), the father of the last male holder of the Polipet, the Board recommend that the Estate be registered in his name, subject to the condition of his maintaining the other members of the family in a suitable manner.

(A true Extract.)

J. A. M.

Secretary.

To J. D. Bourdillon, Esq., Secretary to Government, R. D.

Copy to H. A. Brett, Esq., Collector of Salem.

Exd. J. Wright.
Hon. Dalavoye Apparow seems to be claiming the legal heir - See Genealogical Table.

This is not an Inam but an ordinary estate, & as such will not pass to a female, without any favour on the part of Govt. How indeed can this be denied a doubt when the last two holders were both

females - I think D. Appa Row is to be recognized & put in possession of it - already there has been a delay of about a year - Parties thinking themselves may still resort to the Courts -

27 Feb 27.

Govt. I circulated also some paper this day, from Mr. O. Brachi Amman, who appears to claim in virtue of a will by the deceased Brachi Amman in his favour -

28 Feb 28.

Before orders are passed it is advisable to ascertain on what tenure the Estate is held - If a Permanent Inam has been granted, as is the case with some Policees, the power of Govt. to interfere has ceased - but if no Inam has been issued it is in the power of Govt. to decide on whom the Estate is to devolve without its decision being questioned in the law Courts, a Policee being a freehold under appointment of Military or Police Service.

J. A. M.

On biscuit
Stamens 14 $\frac{2}{3}$ March 1861.

No 41.

From,

N. A. Brett Esq^r
Collector of Salem

22

J. W. Bourdillon Esq^r,
Secretary to Government,
Fort Saint George.

Sir,

Sir,
With reference to your Telegra-
phic Message, enquiring whether the
Polliem of Ambkossagheri is held on a
permanent Sanad or not; I have
the honor to inform you that no
Sanad is forthcoming in my Office,
nor is it known that a Sanad was

even

Letter to Aug^r
6th Aug^r 1781

Received of Mrs. J. B. Brown
the sum of \$54.20.

Proceedings of the
Board of Revenue

2-2-99 ✓
1-5-99 ✓
1-7-99 ✓

date 20.
Sept 26
Nov 27
Ottawa 1861

Enr 5-10-34
Recd 2-2-34
Enr 12-10-34

Submitting for order to the
from the Collector of Customs the
Register of the United States
residing on the vessel's board
to the United States Customs
and recommending that the
Do to be registered in the
name of George Apperson
the vessel's crew of the
Gould, the father of the last-
named brother of the Captain
subject to the condition of
his maintaining the other
members of the family in a
suitable manner.

1st March. At 16⁴⁵ P. 23² 120.5

No 142

ever granted.

2. The Telegram reached me only
this afternoon.

I have the honor to be

Sir,

Salem Collectors Office
On Circuit
Stamant 14th March 1861
Your most Obedient Servant
Wm. H. X.
Collector

To

J. R. Bourdillon Esq^r

Secretary to Government,

Fort Saint George

Sir - This letter is in reply
to Mr. Malby's note on the original
letter. It may easily be assumed
that no permanent award has been
issued for the present -

With reference to Mr.

Malby's note, I beg to say that

I have caused search to be made

Dr. Pharo is to be paid
his share of the
proceeds of the
sale of the
land.

& that I cannot find any decision on
Ruling of the Ct. of Sader adalat in
the law book stated -

At all events, even if the
Govt. have the right claim, I ap-
-prehend that in every case, except
under very exceptional circumstances,
perhaps, the Govt. would follow
the line of inheritance as far as
they could ascertain it.

Yours
D. J.

- In matters of this kind it is always advisable
to run no risk of involving Govt. in litigation & I
therefore advocated to the point in question. It seems
to my recollection that in ^a recent case Mr. A. S.
Parker when Collector of Madras put an end to some
troublesome law proceedings instituted against Govt.
in the Zillah Court by pleading that Govt. had never
granted a demand for the estate to which the title
- was referred - Whether that suit related to a disputed
- succession I do not at this moment remember but
several Decrees of the Sader Adalat establish the point
that the Courts cannot interfere with the orders of Govt.
disposing of Offices when no Permanent Demand
has been issued - See Decree No 6 of 1808 - 13 of 1813.

Proceedings of the Madras Government, Revenue Department,
9th April 1861.

No. 142. Read the following Proceedings of the Board of Revenue, dated 20th February 1861, No. 955:—

Read again letter, dated 30th August 1860, No. 234, from the Collector of Salem, reporting on the succession to the Ankusagiri Polipat.

(In Cons. 1st September 1860, No. 4,356.)

Read also letter, dated 3rd November 1860, No. 283, from the same Officer, furnishing the document and information called for in the Board's Proceedings of 22nd September 1860, No. 4,331.

(In Cons. 6th November 1860, No. 5,713.)

Read also letter, dated 15th January 1861, from the Register to the Court of Sudder Adalat forwarding the opinions of the Pundits on the questions of Hindu law forwarded with the Board's letter of the 19th November 1860, No. 5,377.

(In Cons. 15th January 1861, No. 274.)

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

1. From the first of the letters noted at the head of these Proceedings, it appears that the Ankusagiri Poliam is a very ancient estate. Mr. M. D. Cockburn in reporting upon it and two other Polliams on 14th August 1822, gives the following account of the former property:—"The Ankusagiri family acquired the Poliam of Mauste 724 years ago, or in the year 1008 of Saliwana, which they held for 301 years, at which time the Polliams of Ankusagiri and Shoolagherry were annexed to that of Mauste, and all three were possessed by that family for 269 years, when Mauste was taken from them; the other two remained in their possession for 88 years when Shoolagherry was conferred by Hyder on a younger branch of the Mauste family, and the two Polliams of Shoolagherry and Ankusagiri have been held separately since that period, or for 72 years. Mauste was never restored, and is at present included in the Mysore territories. The territorial possessions of the three Poligars are never divided between the heirs; the eldest son succeeds to the whole with the obligation of maintaining the other members of the family, but the rate of maintenance is entirely at the will of the Poligar."

Paragraph 4. Paragraph 5. "Poligars are never divided between the heirs; the eldest son succeeds to the whole with the obligation of maintaining the other members of the family, but the rate of maintenance is entirely at the will of the Poligar."

2. Such is the history given of the Polipat, but the terms of the original grant are not stated, nor is any information on the subject forthcoming on the records of the Collector's Office.

3. The accompanying genealogical tree traces the descent from the person who was in possession when the Government was assumed, down to the last incumbent, and exhibits the names of the persons still living who have a present interest in the property including all the individuals mentioned in the Collector's second letter.

4. The proprietor of the Ankusagiri Polipat at the time the country was assumed, was Careyappa Gowda (A). At his death the estate descended to his eldest son Timmaraya Gowda (B) from whom it passed to his only son Kempa Gowda (C) who married five wives, viz., D, E, F, V and W. By the first of these wives, Kempa Gowda had one son named Chocka Gowda (G) and one daughter (H) who has left four sons and two daughters; by the second wife, two sons Sadanapully Gowda (J), and Timmaraya Gowda (L); by the third wife, one son named Careyappa Gowda (O); by the fourth wife, no issue; and by the fifth, two daughters, one of whom is a widow, and the other is living with her husband.

5. At the death of Kempa Gowda (C), the Polipat was registered in the name of his eldest son Chocka Gowda (G). During the lifetime of G, his second brother (J) died. Consequently, the estate descended at the death of Chocka Gowda (G) to his third brother Timmaraya Gowda

10/11/43.

2-2-94
1-5-94
17-7-94

Copy in a letter to the
8th Aug 1861 No 95

Proceedings 1861
Copy of the letter to the
Honble the Governor

Recd 13.10.1861

Copy of letter to Govt

13.10.1861

13.10.1861

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11 of 1816 - 14 of 1817 & 4 of 1818. It has been certainly the practice, unless the present reasons existed to the contrary, to put the next heir in possession - but before interfering in such cases it is advisable to know our own position, for disputes may arise as to who is the next heir & lead to litigation, unless care is taken to ascertain what right Govt has to enter into the disputed question -

In this instance no demand has been issued & it is therefore for Govt to decide on the succession. The details of the family genealogy appear undisputed & this simplifies the question. In the case of private property a sister's son does not apparently inherit at least when there are other heirs, but the property in this instance is of the nature of an estate & its continuance depends on the pleasure of Govt. If it is advisable to continue this ancient estate as I think it is then it seems proper to register it in the name of D. Appaiah as the nearest male descendant of the last male holder. The descent is in the female line certainly, but since 1854 Govt has waived objection to the point. D. Appaiah would be bound to maintain the females of the family.

*Proceedings of the Madras Government, Revenue Department,
9th April 1861.*

9th October 1843.

*Board's Proceedings, 17th January
1848, No. 105.*

(L). During the lifetime of (L), his younger brother Careyappa Gowda (O) died, so that on the death of (L), the Polipat was registered in the name of his eldest widow (M) under the sanction of the Board, and after her death, in the name of Veera Ummancee (N) the junior widow of the late Timmaraya Gowda (L).

6. Veera Ummancee died on the 15th February 1860, and the four surviving widows H, I, K, and Q, together with an illegitimate member of the family, and the eldest step-nephew of the last male incumbent of the Polipat have put in their claims to have the estate registered in their names.

7. The annual revenue of the Polipat is computed at 20,000 Rupees. The Peshkash amounts to Rupees 7,940-13-4. The number of villages comprised in the estate including those held on Surva Inám tenure is 168. Of these, five villages are held by the four widows for their maintenance, and 93 are under attachment by the Collector. The cost of the establishment for the management of the Polipat amounts to Rupees 81 per mensem.

8. The Board have submitted the question of the succession to the Polipet for the opinion of the Pundits of the Sudder Adálat. But the responses delivered by the senior and junior Pundits are contradictory except in regard to the four widows, who are considered by both to be entitled to maintenance only.

9. As to the other parties the senior Pundit declares the four sons of the half sister of the husband of N entitled to succeed to the estate of N. This opinion appearing to be based on authorities prevalent in Bengal, he was requested by the Judges to declare the law as contained in the Mitacshara, whereupon the Pundit cites several passages from that work, and argues that it also supports the interpretation of the text of Brihaspate which vests the right of succession to a woman's property in the sons of her husband's sister.

10. The junior Pundit on the other hand, declares the step-nephews to have no title whatever under the Hindu law; but recommends as the proper course, that the widow Q should be put in possession of the estate for life on condition of her maintaining the other parties; and that after her death it should escheat to Government. On being asked to cite authorities in support of his opinion, he declares that there exists no law under which the widows can succeed, but that as the estate had, at the death of G, devolved upon Q's husband equally as upon L, he considered it but fair that Q should also be allowed to enjoy the estate for life, after the demise of the last incumbent N, the widow of L.

11. The Board will not take upon themselves to decide which of these opinions is correct. But they observe that the senior Pundit's exposition is opposed to Section 364 of Mr. Strange's Manual of Hindu law, wherein the omission of sisters' sons from the list of heirs expressly mentioned in the Mitacshara, is regarded as excluding them from the inheritance. Adverting, however, to the facts that the estate is a very ancient one, that in similar cases of Ináms,

Government have refrained from interfering with the property except on an entire failure of heirs, and that the validity of the title to succession derived through a female ancestor has been acknowledged since 1854, and that Dalavay Appa Ráu is the lineal grandson of Kempa Gowda (C), the father of the last male holder of the Polipet, the Board recommend that the estate be registered in his name, subject to the condition of his maintaining the other members of the family in a suitable manner.

(A true Extract.)

(Signed) J. D. SIM, Secretary.

*Proceedings of the Madras Government, Revenue Department,
9th April 1861.*

No. 143. From H. A. BRETT, Esq., Collector of Salem, to J. D. BOURDILLON, Esq., Secretary to Government, Fort Saint George, dated Namcul, 14th March 1861, No. 41.

SIR,

1. With reference to your telegraphic message, inquiring whether the Polliam of Ankusagiri is held on a permanent Sanad or not, I have the honor to inform you that no Sanad is forthcoming in my Office, nor is it known that a Sanad was ever granted.

2. The telegram reached me only this afternoon.

No. 144. ORDER THEREON, 9th April 1861, No. 794.

1. In their Proceedings recorded above the Board of Revenue report the death of the holder of the ancient Polliam of Ankusagiri in the District of Salem, and request orders as to the succession. The Polliam is claimed by several persons more or less nearly related to the deceased; the Board's recommendation is in favor of Dalavay Appa Ráu the eldest grandson of Kempa Gowda a former Poligár, and step-nephew of the last male incumbent, and as it seems his nearest male relative. From the Collector's letter, also recorded above, it appears that no permanent Sanad has ever been issued for the property.

2. Dalavay Appa Ráu appears to the Government to be the legal heir. His Excellency in Council directs therefore that the Polliam shall be made over to him; on the understanding, as suggested by the Board of Revenue, that he shall maintain the other members of the family in a suitable manner.

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

No 794

Proceedings of the Madras Government
Under date the 9th April 1874

Read the following

Papers.

Proceedings of the Board of Res.

Submitting for orders
letter from the Collector of Salem
and the Registrar of the Sudder
Court reporting on the suc-
cession to the Ankusagiri
Polipet and recommending
that the Estate be registered
in the name of Apporai
the lineal grandson of Kunga
Gowda, the father of the
last male holder of the
Polipet, subject to the con-
dition of his maintaining
the other members of the
family in a suitable man-
ner.

(Here enter 20 July 1874)

From the Collector of Salem

States that the Danda
of the Polliem of Ankusagiri
is not forthcoming in the
Office, nor is it known
that a Danda was ever
granted.

(Here enter 14 March 1874)

Petition from Aestachum
anance Puttaramee

Claiming claim to the
Ankusagiri Polliem.

(Here enter 25 July 1874)

Signature of him with
Name, Sub.

In their Proceeding
recorded above the
Board

report the

Board of Revenue ~~submitted~~
death of the holder of the
~~for the order of Govt~~
ancient Polliem of
~~the question of the~~
~~succession to the~~ est.
Kusagore Polliem in
the District of Salem and
request orders as to the succession.
~~The right of succession~~
The Polliem
is claimed by several
more or less nearly related to the
persons deceased, the Board
is in favour
recommends ~~that the~~
~~Estate should be~~
~~granted in the name~~
of Dolavay Apparam
the eldest grand son
of Kemptu Gowda a
former Poligar, and the
step nephew of the
last male incumbent
as it seems his nearest male relative.
From the Collector's
letter, also recorded
above, it appears that
no permanent Samad
has ever been issued
for the property, &
therefore rests with
the Govt to decide
whether the Estate
should be

2. Dolavay Apparam
~~the person whose claim~~
~~is supported by the~~
Board appears to the
Govt to be the legal
heir. His Excellency
in Council directs
therefore that the
Polliem shall be
made over to him,
but on the ~~clear~~ under-
standing as suggested
by the Board of Rev
that he shall main-
tain the other mem-
bers of the family
in a respectable man-
ner. ~~AA~~

13 Copies to the R. A. Secy.
Dy. Secy
1 in Govt Secy

~~Resolved that a~~
copy of this order be
~~submitted to the~~
~~Government in reply~~
~~to her Petition.~~
~~It may be recorded~~
~~here, to prevent future~~
confusion

Board of Revenue Dist^o 9
at Kirochi Ammonia

1-GN Dep. rec'd 12^{th} April /61. SB