

THE
HUTÁLA PÁNDY
ALIYA SANTÁN

BY

T. GOPAL KRISTNAH VILLA

FORMERLY ACCOUNTANT, REVENUE BOARD OFFICE, MADRAS,
HUZUR SHERISTADAR, SOUTH CANARA.

OF THE "REVENUE COMPENDIUM OF THE MA
PRESIDENCY."

T. Gopal Krishna Pillai

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PREFACE.

THE following pages contain the Law of Neph-tism which prevails in many families in the District of Canara. No reliable work on this Law, save the Canarese pamphlet printed by the German Mission Press at Mangalore, has been produced to the Public. This work, which is admitted to have been printed from the best manuscripts available, is acknowledged by Courts of Justice to be the only authority on the subject. The present work therefore is a mere re-production of the Canarese pamphlet in English in another shape. In this an attempt has been made to eliminate much that is of little or no avail for the adjudication of the numerous questions of the Rights of property and succession which are daily presented before the Courts, and to reduce the matter into the shape of a Text-book, with notes of the Decisions of the High Court and other Tribunals, and explanations of terms and usages mentioned in the Text.

2. The *Aliya Santana* Law had its origin in the caprice and selfishness of a despotic prince, named Bhutala Pandya, and being, as it is, quite opposed to nature, it has, ever since its introduction, been sowing the seeds of mischief and ruin. The sooner,

therefore, the Legislature directs its attention to the abolition of this pernicious Law, the greater will be the boon that would be conferred on a large section of the community. The evils of the present system, cannot be better explained than in the words of a Memorial presented by its followers to the Collector of South Canara about the year 1868, for submission to His Excellency the Governor in Council.

"This system of inheritance is opposed to nature; for nature has implanted in the heart of man an affection for his progeny and a desire to bestow on them all that he possesses, and to see them happily settled in life. But the *Aliya Santana* Law demands that a man shall love his nephews more than his own children, and thereby compels him to run counter to human nature. No positive law, however stringent it may be, ever triumphs against nature, and the result, therefore, is that while the estates of *Aliya Santana* families are made over to the management of a single individual, he on his part is prompted by his natural inclinations to betray the trust reposed in him, in the interest of his nephews, which it was the object of the Law-giver to protect, and to press into his service perjury, forgery and other utterly demoralizing expedients to carry out his wishes the more effectually.

"The Law of *Aliya Santanam* or nepotism, therefore has, ever since its introduction, been breeding nothing but mischief. And all Courts of Justice in the District and almost every one conversant with

Canara, are fully aware, how the *Ejaman* or *Karnavan* of a family governed by the Law of *Aliya Santanam* fraudulently contrives (a) to bestow on his wife and children what fortune he can, at the expense of the property which by Law he is bound to keep and to bestow on his Sisters' son (b). Such *Ejamins* are, however, in one sense, not to blame, for they only yield to nature, which the Law with little policy directs them to disown. And we believe much of the demoralizing litigation, that disgraces this District, can be traced to this revolting system.

“This system of inheritance has proved ruinous to great and wealthy families. The *Ejaman* or the headman of a family, in which the son succeeds his father, has it generally at heart to improve and increase the property of his family, for he is sure to bestow it on his children, towards whom he has a natural affection. And even if such a headman should happen to encumber his estate with debts, his children think it their interest to redeem it. The same, however, is not the case with the *Ejaman* of a family governed by the Law of *Aliya Santanam*. He would defraud his nephews, at present rightful heirs of all the property, real or personal, to provide his own wife and children with a suitable fortune; while his children also, who would otherwise have improved their father's property,

(a) This refers to cases in which a Male Member manages the property in trust for the eldest Female.—T. G.

(b) Evidently progency is meant.—T. G.

join their father in destroying it ; for they know they must make hay while the sun shines, and that when the property passes away from their father, they would lose all means of profiting by it.

“ His successor also does the same in his turn, for it is not natural that he should act otherwise. It is thus that great and wealthy families, sooner or later but surely, collapse and gradually dwindle into nothing.

“ The present state of *Aliya Santanam* people compared with what it was several centuries back, shows that nothing but evil and ruin have come out of the change inaugurated by BHUTALA PANDYA, and that the people are gradually going downwards in the scale of social advancement. Every one conversant with the habits of the *Aliya Santanam* people, is aware what ruin this anomalous system of Law has entailed upon them.

“ The habits of the people have, in many respects, out-grown the spirit of *Bhutala Pandya's* legislation. *Bhutala Pandya* has expressly forbidden division, and declares as compulsory a state of perpetual coparcenery liable to be put an end to only on the consent of the whole family. Still for centuries past, and during the preceding administrations, and also during the present administration, the habit of enforcing division at the choice of any female member has prevailed, and also been recognized by Courts of Justice. It is but lately that the

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High Court have ruled that social necessities and expediency, although proper considerations for the legislature to amend the Law, are no reasons for Courts of Justice to refuse to administer the Law as declared by the Law-giver."

3. The only translation of the *Aliya Santana* Law that has yet appeared, is that rendered by M. R. R. M. O. Singala Charriar Avurgal, Canarese Translator to the High Court, published in the Madras Journal of Literature and Science, No. 1, Third Series, July 1864. This translation is a pretty correct version of the Canarese and is, therefore, reproduced in the Appendix for reference with notes on points requiring explanation.

4. About the time that the following pages were ready for the Press, another translation by M. R. R. B. Ramasawmy Naidoo Gauroo, B. A., Interpreter of the High Court, appeared. But as this work does not accurately explain the Law as it is practically understood in Canara, it has been thought advisable to introduce into the Appendix a few remarks on this Book with a view to aid the public in forming correct notions on the various points of the *Aliya Santana* Law.

5. No pains have been spared to render the present work as useful as possible. The Author's intimate knowledge of Canara and the careful enquiries he has made into the manners and customs of the people that follow this Law have, he trusts, largely

contributed to the usefulness of this little Volume. But as it is the first work of the kind that has ever been published on the subject in English, it can neither pretend to be complete nor free from defects and has, therefore, a claim for the forbearance of the Critic.

T. G.

MADRAS, *July* 1873.



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ABBREVIATIONS USED IN THIS BOOK.

M. H. C. R.....Madras High Court Reports.

S. A.....Special Appeal.

R. A.....Regular Appeal.

S. D.....Decisions of the Sudr Court.

O. S.....Original Suit.

A. S.....Appeal Suits.

C. C. D.....Civil Court Decree.

Vol.....Volume.

P.....Page.

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LIST OF CASES CITED IN THIS BOOK.

ON THE ALIYA SANTANA LAW OF CANARA.

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BHÚTALA PÁNDYA'S ĀLIYA SANTĀNA LĀW.

PART I.

HISTORY OF THE SUPPOSED ORIGIN OF THE ĀLIYA SANTĀNA LĀW.

1. Tradition says that ⁽¹⁾BHÚTALA PÁNDYA was the writer of the Law Book which constitutes the basis of the *Āliya Santāna* system that prevails on the Western Coast of India. It is called after its author who is said to have reigned at ⁽²⁾*Bijanuggar* about the year ⁽³⁾A.D. 78. He was

(1). Whether there existed such a personage as *Bhūtala Pandya* or not, it is evident that the Law of *Āliya Santāna* which prevails among the great majority of families on the Western Coast, was the production of a person who exercised some sort of influence over the ignorant mass of aborigines that inhabited that part of the country. The natural barriers of the country in which this Law was introduced, and the consequent inaccessibility of her more civilized neighbours who lived to the East of the Western Ghats, rendered it easy on the part of the legislator to introduce Laws opposed to the ordinary course of nature. The evil effects of these Laws must have been in their early days felt by their very followers and hence their origin is ascribed to the King of Monsters.

(2) *Bijanuggar* or *Vizayanagar*, here referred to, appears to be the same as *Jayantika* or *Barakanyapura* now *Barakur* in the *Udipi Taluq* of the South Canara District. There is, however, a seeming inconsistency

in this statement, for *Barakur* according to *Bhūtala Pandya*, was built twelve years after by a Jain, named *Kesavanna*.

(3) *Bhūtala Pandya* is said to have reigned at *Bijanuggar* in the first year of *Salivahana*, and it appears from para 6 of the Translation in Appendix, that he has been styled as the first personage of that era. This seems evidently to be an attempt to make it appear that *Salivahana* and *Bhūtala Pandya* were one and the same person, although from para 1 of the same Translation it appears that the kingdom of *Vizayanagar* was extinct at the time *Bhūtala Pandya* lived. Moreover from Mr. Chamier's *Land Tenures of Canara*, pages 16 and 18, we find that the *Āliya Santāna* Law was introduced about the beginning of the 13th century. From the above it may be safely inferred that the *Āliya Santāna* Law was written at a much recent date than it is supposed to have been, and to give it importance it was antedated.

the son of ⁽¹⁾*Vira Pandya* by ⁽²⁾*Satyavati*, the younger sister of *Deva Pandya*, who was a merchant of the ⁽³⁾*Pandya* country.

2. *Vira Pandya*, who is said to have ruled over the *Malayala*, *Tulu*, *Haiga* and *Karnataka* ⁽⁴⁾countries, was dethroned by one *Chandragada*, and the circumstances which led to the recovery of the throne by *Bhutama Pandya*, the son of *Vira Pandya*, ultimately led to the establishment of the *Aliya Santana* system.

3. *Deva Pandya*, a merchant of the ⁽⁵⁾*Pandya Desam* wanted to launch his newly constructed ships with valuable cargo in them, when ⁽⁶⁾*Kundodara*, King of Demons, de-

(1) *Vira Pandya*—Heroic *Pandya*.

(2) *Satyavati*—The Faithful.

(3) The *Pandya* country is that portion of India which was ruled by the *Pandya* who we find from early Histories to have migrated from Oude to Southern India and to have established their seat of Government at the city of *MADURA* and swayed Southern India from the East to the West Coast.

(4) The *Malayala* country extends from the Cape Comorin to the mouth of the *Chandraghiri* river in the *Cassergode Taluq* of the South Canara District. The *Tulu* country extends from the mouth of the *Chandraghiri* river to the mouth of the *Bhadraghiri* river near *Kalyanpur* in the *Udipi Taluq* of the same District. The name *Tulu* appears to have been applied to it from the circumstance of the earth of that part of the country having been found to weigh heavier than the earth of other parts when tested by a "Tula" or scale. This is said to have been done at the direction of *Mayura Varma* to test the relative qualities of the soil. The *Haiga* or pure Canarese country extends from the mouth of the *Bhadraghiri* river to the mouth of the *Gungavaly* or *Aghanashani* river near *Gokarna*. Its name is derived from (*Hiya* = Horse, *Ga* =

to go,) the circumstance of a horse that was let loose for the *Ashwamedha Yaga* performed by King *Mayura Varma*, having first started from this part of the country. The *Karnataka* proper is *Mysore* and *Coorg*, but the *Karnataka* country here referred to, is probably the strip of land intervening *Mysore* and *Coorg* on the East and the *Haiga* and *Tulu* countries on the West. The tract comprising these four countries forms the largest portion of what is called the "*Parashu Rama Srishthi*." *Parashu Rama* was an incarnation of *Vishnu*, who having killed all the kings of the world, gave all the lands to Priest *Kasyapa* who together with other priests wished that he should quit the land thus granted. *Parashu Rama* thereupon came down from *Layana Parvata* to *Thirthally* and reclaimed from the sea a strip of land marked by the throw of his axe (*Parashu*). The land thus reclaimed extends from *Nassuck* to the North of *Bombay*, to *Cape Comorin*.

(5) *Pandya Desam*—*Madura* country.

(6) *Kundodara*, from *Kunda*—*fur-nace* and *Udara*—*belly*, meaning thereby a greedy and revengeful being. He is one of the hosts of *Demons*, over whom *Siva* presides.

manded a human sacrifice. *Deva Pandya* asked his wife's permission to offer one of his own sons, but she refused, while his sister *Satyavati* offered her son ⁽¹⁾*Jaya Pandya* for the purpose. *Kundodara* discovering in this child indications of future greatness, waived the sacrifice and permitted the ships to sail. He then took the child and placed him on the throne of ⁽²⁾*Ujein*, restored to him his father's kingdom of *Jayantika* and gave him the name of ⁽³⁾*Bhutala Pandya*.

4. In the 6th year of *Bhutala Pandya's* reign, some of the ships of *Deva Pandya* ⁽⁴⁾miraculously brought ⁽⁵⁾*Siddharasa* and ⁽⁶⁾*Hasarucile* to ⁽⁷⁾*Kalyanpur*, when *Kundodara* who had discovered them to the crew, again appeared and demanded of *Deva Pandya* another human sacrifice. *Deva Pandya* as before, asked permission of his wife to sacrifice one of her sons. She naturally refused to comply with the request, and publicly renounced her title and that of her children to the valuable property brought in the ships. *Kundodara* then made over the *Siddharasa* and *Hasarucile*, held to be the property of *Deva Pandya*, from the circumstance of their having been brought in his ships, to his sister's son *Bhutala Pandya*, and declared as his Will, that henceforth this Rule of Inheritance, should govern the Ruler and the Ruled.

5. The *Aliya-Santana* Law is therefore the Law of Inheritance by the Female line. The term is derived from ⁽⁸⁾*Aliya*,

(1) *Jaya Pandya* = Victorious *Pandya*.

(2) *Ujein*, capital of Malwa in Hindustan Proper.

(3) *Bhutala Pandya* = Ruler of the world.

(4) Vide para 3, Appendix B.

(5) "*Siddharasa*," in its general acceptation is mercury, but here it refers to a liquid which has undergone some chemical process and which converts into gold, metals dipped into it.

(6) "*Hasarucile*" is green stone, meaning emerald.

(7) *Kalyanpur*, is a town 42 miles

to the North of Mangalore near the Coast.

(8) In Grady's Hindu Law of Inheritance, page 306, *Aliya* is shown to mean son-in-law. Although this interpretation is correct, it is not in this sense that the word is used in the phrase *Aliya Santana*. *Aliya* means sister's son as well as son-in-law, and it is to the former that the Law refers. Some interpret *Aliya Santana* to mean offspring that does not become extinct, from the negative particle "ã" being prefixed to the word *Laya*, which means death.

nephew (sister's son) and *Santana*, offspring. "In its details this Law corresponds with that of the *Marumakkatayam* Law which prevails in Malabar, saying that the principle, that the Inheritance vests in the females in preference to the males, is in practice better carried out in Canara, where the management of property vests ordinarily in females, while in Malabar the males commonly administer thereto." (Strange's Manual of Hindu Law, Section 404.)

(1) *Marumakkatayam* = Inheritance in the line of sister's daughter.

PART II.

KATTUS OR RULES.

The *Aliya Santana* Law prescribes fourteen Rules for the guidance of the three ⁽¹⁾classes of People other than the Brahmins, and they are—I, JATI; II, NITI; III, MANA; IV, MARIYADE; V, HUTTU; VI, KATTU; VII, HINDE; VIII, MUNDE; IX, HECHCHU; X, KUMMI; XI, BALI; XII, BANNA; XIII, ALI; and XIV, ULI.

I. JATI, the castes that are to follow the *Aliya Santana* Law. ⁽²⁾They are:—

1. *Tuluvars*.⁽³⁾
2. *Malavars*⁽⁵⁾—A class of labourers.
3. *Naycmmars, Nairs*—A class of agriculturalists in Malabar, corresponding to *Bants* in Canara.
4. *Masadikas*—A class of *Bants* who eat flesh.
5. *Jains*—Those following the *Jain* religion.
6. *Hariçettis*⁽⁴⁾—A class of *Vysyas* or merchants corresponding to *Lomaties* above the Ghats.
7. *Parivars*⁽⁵⁾—An inferior class of *Bants*.
8. *Kumbars*—Potters.
9. *Devadigas*—Menial servants who perform out-door services at Temples, Same as *Moilees*.
10. *Saliyas*⁽⁵⁾—Weavers.
11. *Malekudiyas*—Hill tribes.
12. *Panchalals*⁽⁵⁾—Smiths, Carpenters and Founders.
13. *Kshaurikas*—Barbers.
14. *Agasas*—Washermen.
15. *Halepaikas*—Toddy-drawers, same as *Billawars*.
16. *Mundalas*⁽⁴⁾—A class of *Pariahs*.
17. *Karinnars*—Ditto.

(1) Although *Vysyas, Kshatriyas* and *Sudras* are brought under the operation of these Laws, yet in practice only the *Sudras*, with few exceptions, observe them.

(2) This list is not complete, for we find that Rules are prescribed for certain other classes which are not mentioned here, such as *Stanikas, Padarthis, Kshatriyas, &c.*

(3) *Tuluvars*, this class is not now known to exist. *Tulu* Brahmins are also known by the name of *Tuluvars*, but they are not the followers of the *Aliya Santana* Law.

(4) These were never under the *Aliya Santana* Law.

(5) Partly follow the *Aliya Santana* Law and partly the *Makkala-santana* Law, but more inclined to the latter.

NOTE.—The *Moplahs*, residing in the manganies of *Thayakad, Nileshwar* and *Alavattad* of the *Cassergode Taluq* in Canara and in the *Laccadive Islands*, who are Mahomedans, follow the *Marumakkatayam* Law of Malabar.

18. *Holeyas*—*Pariahs*.

19. *Andekoragas*—Aborigines whose dress is composed partly of cloth and partly of leaves.

II. **NITI**, is the rule enacted for the guidance of the *Jati*. It is, that each of the above classes shall behave itself with such distinction, as is to be observed in respect of its superiority or inferiority, and also in such a manner, as the manners and customs peculiar to each class may direct.

III. **MANA**, are the dignities to be enjoyed in the order of 4, 8, and ⁽¹⁾16. They are :—

1. *Stala*—Respects due to the holders of certain lands or premises.
2. *Mane*—Respects due to the social position of certain families.
3. *Arasu*—Privileges attached to kings.
4. *Ballala*⁽²⁾ — Do. do. to chiefs who rank next to kings.
5. *Heggade*— Do. do. to those who rank equally with *Ballalas*.
6. *Purappu*—Connection or line of descent.
7. *Nama*—Name or Title.
8. *Kirthi*—Honorary distinctions.

IV. **MARIYADE**, are the honors to be enjoyed from generation to generation in the order of 4, 8 and 16. They are :—

1. *Arasu Patta*—Title of kings.
2. *Patti*—Occasional tributes, such as *nuzzurs*, &c. as entered in certain lists or *Patties*.
3. *Pagudi*—Fixed periodical tributes.

(1) It cannot be correctly explained what the figures 4, 8 and 16 definitely mean. It is generally interpreted as referring to certain divisions of the community. Those enjoying the highest dignities are meant by the *four* and those next to them, the *eight* and the last *sixteen*. It is believed that in this order alone

parties are allowed to speak at their Public Meetings.

(2) This title of *Ballala* is also borne by two Brahmin families who are Spiritual Preceptors to the followers of the *Aliya Santana* Law. The word '*Ballala*' means a well informed person.

- V. HUTTU, is the abolition of the *Makkalasantana* Law.
 VI. KATTU, is the introduction of the *Aliya Santana* Law instead, as contained in the following Rules:—

1. That the wife and children shall observe the ⁽¹⁾*Sutaka* on the occasion of death, and shall participate in the effects of sin or virtue. They shall also share in the virtue accruing from gift and charity, and in the fame or infamy arising from any deeds.
2. That the ⁽²⁾*Santana* shall succeed to the property, and shall observe the *Sutaka* on the occasion of birth only, and not on that of death.
3. That no auspicious ceremony shall be celebrated through *Brahmins*.
4. That no ⁽³⁾*Mahalaya* shall be performed for the deceased.
5. That no ⁽⁴⁾*Panchagavya* shall be taken.
6. That no ⁽⁵⁾*Punnya Homa* shall be made with the use of the ⁽⁶⁾*Darbha* on occasions of birth, as well as of death.
7. That only the ⁽⁷⁾*Nirmalya* shall be taken on occasions of birth and of death, in the names of those that brought forth the children in the former, and in those of the dead in the latter.

(1) *Sutaka* is imaginary impurity from child birth, and *Pathaka* from death of relatives. In practice, the former is misapplied to the latter also.

(2) *Santana* is literally offspring and it is here applied to the successors of an *Aliya Santana* family or those who claim through them, in contradistinction to *Kutumba*, which literally means family and which is applied to the wife and children.

(3) *Mahalaya* is a ceremony performed annually to the manes of departed ancestors during the dark half of the month of *Bhadrapada* corresponding to September. Although it is prescribed that no *Mahalaya* shall be celebrated, the well-to-do and intelligent portion of the community have, since of late, commenced to perform it. It is done by the son

and nephew either conjointly or separately.

(4) *Panchagavya* is a mixture of the five articles derived from the cow, viz., milk, curds, ghee, urine, and dung, taken as a means of purification from sin, caste trespasses or pollution after funeral ceremonies.

(5) *Punnya Homa* is the burning of the sacred fire with certain prescribed twigs and ghee with incantations, during all auspicious and inauspicious occasions as a means of purification.

(6) *Darbha*, sacrificial grass, *Poa cynosuroides*.

(7) *Nirmalya*, the remains of an offering presented to a deity, *Siva* especially, which is not considered acceptable from the circumstance of *Siva* haunting the burning and burial grounds.

8. That the (1)*Puja* and (2)*Abhishekasanti* shall be performed besides the (3)*Samaradhane*.

SPECIAL KATTUS.

1. That when a girl arrives at puberty there shall be the following observances :—

1. *Nerina Mantapa*—A square place with four pillars (wrapped up with red and white cloth alternately) at the corners with a canopy attached thereto.
2. *Nade madi*—Cloth spread on the ground to walk upon.
3. *Nadechappara*—A canopy carried over a procession.
4. *Nade vadya*—Music that accompanies a procession.

2. That on occasions of death there shall be the following :—

1. *Nele Upparige*—A lofty frame work with stories constructed of bamboos, &c., and covered with cloth.
2. *Parisahitha vadya*—Different kinds of music.
3. *Bheri*—Drum.
4. *Dholu*—Drum of a smaller description.
5. *Ghanta*—A circular gong.
6. The throwing of rice with the cries of (4)*Muriyo ! Muriyo !*

VII. HINDE, behind, and

VIII. MUNDE, before, are different degrees of superiority consisting in the (5)*Patta* and (6)*Pattavali* honours held by 4, 8 and 16 (7)Houses respectively.

IX. HECHCHU, Superiority and

X. KUMMI, Inferiority ; these are the distinctions of respect which each caste observes towards the other.

XI. BALI, Tribe or Caste.

(1) *Puja* = Worship or reverence.
(2) *Abhishekasanti*, the anointing of the idol with milk, honey, sugar, ghee, curds, etc., as a means of pacifying the deity.

(3) *Samaradhane* = Feeding of Brahmins on occasions of religious ceremonies.

(4) *Muriyo* = An expression of distress.

(5) *Patta* is an inscribed plate fastened on the forehead, also means a Throne as well as a Crown. It is here used to signify the title or dignity enjoyed by a person.

(6) *Pattavali* is the plural of *Patta*.

(7) This refers to the 16 *Balis*.

1. That the family of a person who has established ⁽¹⁾*Balisavira* ⁽²⁾*Brahma* in the territories ruled by the king who is ⁽³⁾competent for a *Bali* shall be pure.
2. The *Balis* are ⁽⁴⁾sixteen in number, viz. :—

I. ⁽⁵⁾IRUVATHUR BALI which is sub-divided into

1. *Bagettinaya*⁽⁶⁾
2. *Bonyannaya*⁽⁶⁾
3. *Pulyattanaya*⁽⁶⁾
4. *Salannaya*⁽⁶⁾

} Shall not intermarry either with each other, or with *Bali II.*

- II. BANGARANNAYA
- III. KUNDALANNAYA⁽⁷⁾
- IV. PANGALANNAYA
- V. KARBURANNAYA

} These four are the same and intermarriage among them and with the *Iruvathur Bali* shall be permitted.

- VI. PARGADANNAYA
- VII. KELLARABANNAYA
- VIII. HIRIBANNAYA

} These three shall not intermarry.

- IX. UPPURANNAYA,
- X. KOCHATTIBANNAYA,
- XI. SALABANNAYA,
- XII. NELABANNAYA,

or UDDARANNAYA.
or KOCHIRANNAYA.
or AIYABANNAYA.
or UJATTIBANNAYA.

- XIII. ULIBANNAYA
- XIV. KUNDONIBANNAYA,
- XV. KARAMBARANNAYA,
- XVI. BARMARANNAYA,

} These four shall intermarry with all classes.

XII. BANNA or BANNA NIRUBALI. This refers to classes that have no places or marks of honor, but

(1) *Balisavira*, this is made up of the words *Bali*, Tribe, and *Savira*, One thousand; meaning one thousand Tribes, although the *Aliya Santana* Law recognizes only sixteen *Balis*. This word is also applied to a village in the *Udipi Talug* of the South Canara District owing, it would appear, to the 1,000 tribes having at one time inhabited there. It is generally held that unless one possesses a piece of ground or a house in this particular village, he cannot be said to belong to a pure *Bali*.

(2) *Brahma*, although this name is generally applied to *Brahma* the Creator, it here refers to *Naga Brahma*, a figure of serpent cut out of stone and planted on a raised ground

under the shade of a *Pepul* tree, *Ficus Religiosa*.

(3) This competency is said to be acquired by establishing *Naga Brahmas*.

(4) The *Balis* are only sixteen and not eighteen as mentioned in the Canarese Text. Out of these a few only are now known in Canara.

(5) This is a village in the *Udipi Talug*. The first five tribes take their name from this village from the circumstance of their having originally lived in it.

(6) In practice these *Balis* all intermarry.

(7) In practice this *Bali* does not intermarry with other *Balis*.

simply the color of a caste. They are ⁽¹⁾three in number viz. :—

1. Persons unfit to enter any of the classes *(above cited)*.
2. Persons who have not established *Balisavira Brahmas*.
3. Persons who have no king for the country in which they live.

XIII ALI or SAVU, Death.

1. That the ⁽²⁾eldest Female ⁽³⁾the eldest Male children of the senior and junior maternal aunts, shall stand entitled to ⁽⁴⁾*Ali Uli*.

(1) In the Canarese Text four classes are said to come under the head of *Bannanirubali* but only three are mentioned.

(2) This is the *Ejama* or Manager answering to the *Karnaven* in Malabar. "The legal right to the family property is vested in the female members of the family jointly, but for little other practical purpose than regulating the course of succession. No severance of the joint estate can be effected compulsorily, and the possession and control of the property belongs exclusively to the *Ejama* or Manager of the family who is ordinarily the senior of the female members, but subject to the obligation of providing proper support for all the other members, and they individually have no right to anything beyond such support." (M. H. C. R., Vol. iv., p. 201.)

(3) Neither the distributive disjunctives "either" and "or," nor the copulative "and," are to be found in the Canarese Text. Hence it is not clear whether according to *Bhutatana Pandya* the Female or Male, or both, shall succeed to the management. Several decisions of the High Court recognize the Female as the *Ejama*. Local practices also confirm this opinion although in some families the eldest male manages the property for, and in the name of, the eldest Female.

(4) *Ali* is death and *Uli* is survivorship. *Ali Uli* therefore means succession to property left by the deceased.

Decisions.

In Canara, females only are recognized as the Proprietors of family property. (*Munda Chetti v. Timmaju Hengsu*, S. A. No. 83 of 1862, M. H. C. R., Vol. i., p. 380.)

PER FOLLOWS, J.:—The *Aliya Santana* system of inheritance differs only from that of Malabar in more consistently carrying out the doctrine that all rights to property are derived from females. (*Ibid*, p. 383.)

The right of managing the family property is vested first in the Senior Branch. (S. D., p. 97 of 1854.)

The *Pattam*, or office of dignity in a family governed by the *Aliya Santana* Law, is indivisible, and, whether the family be divided or not, the *Pattam*, no special arrangement having been made about it, descends to the eldest male of the surviving members of the family.

The passage set out in a note to the case of *Mahada Chetti v. Timmaju Hengsu* (I, M. H. C. Reps., 380) is not a correct interpretation of the original Canarese Text of *Bhutatana Pandya's* work. (*Timmappa Heggade v. Mahalinga Heggade*, S. A. No. 407 of 1867, *Ibid*, Vol. iv., p. 28.)

It is not competent to parties governed by the *Aliya Santana* Law simply by consent among themselves to alter the rule of succession as

2. That the children of the elder and younger sisters shall have no reason to enter into a division of ⁽¹⁾property.
3. That the remaining members shall act in ⁽²⁾union.

respects property to which they are subject (S. D. No. 101 of 1861, p. 340)

The right of inheritance goes to the lineal descendants of the acquirer of property and not to the heirs of his previous remote ancestors though there is no female in the former branch. (A. S. No. 173 of 1858.)

Undivided sister is preferable to divided brother. (388 of 1861.)

The *Ejaman* can let out family land on *Moolgueny*. (A. S. Nos. 269 of 1850, 144 of 1859, and 265 of 1861.)

(1) Division of family property cannot be enforced by one of the members of a family governed by the Law of *Aliya Santana*.* (*Munda Chetti v. Timmaju Hengsu*. S. A. No. 83 of 1862 M. H. C. R., Vol. i., p. 380.)

Alienation, by females, of the family property without the consent, and in opposition to the acts of the male *Ejaman*, is invalid, and cannot be confirmed. (C. C. D., A. S. No. 7 of 1845) and Mr. Chatfield observed (*Ib.* No. 295 of 1859) that "the above is a decided and correct ruling and ought to be rigidly observed in order, to prevent its running into ruinous laxity and contradiction."

The acts of a mother are binding on the daughters, unless the transaction was fraudulent and effected with the desire to injure the children. (C. C. D. Nos. 160 of 1846 and 55 of 1858.)

A female, who is a member of a family governed by the *Aliya Santana* system of law living apart from the family with her husband, is not entitled to a separate allowance for maintenance out of the income of the family property. (*Subbu Heggade, v. Tongu*, S. A. No. 238 of 1868; M. H. C. R., Vol. iv., p. 196.)

Semble—The husband is bound to maintain his wife out of his self-acquired means so long as she continues to live with him. (*Ibid.*)

The plaintiff sued the defendants

for future and past maintenance and obtained a decree for future maintenance and for arrears of maintenance for seven years. The parties were governed by the *Aliya Santana* Law. It was found by the Lower Appellate Court that for twenty years before the suit the plaintiff lived apart from the defendants and the other members of the family and supported herself without receiving or applying for any thing towards her maintenance out of the family property in the possession of the defendants or obtaining any recognition of her right to maintenance.

On Special Appeal held, per *Scotland, C. J.* That assuming the *Aliya Santana* Law recognizes the right of the plaintiff to enforce separate maintenance as a charge upon the Estate, the plaintiff's claim was barred by Section 1, Clause 13 of Act XIV of 1859.

PER COLLETT, J.—It is doubtful whether Section 13, which applies to cases where the right to receive maintenance is a charge on the inheritance of any Estate, applies in a case where the right of the plaintiff is said to exist by reason of her being a co-proprietor with the defendants. If the suit be not within Section 13, then it was one to recover an interest in immoveable property and was equally barred by Clause 12 of Section 1 of the Limitation Act. (*Abbakku and another v. Ammu Shettati*, S. A. No. 309 of 1868. M. H. C. R., Vol. iv., p. 137.)

(2) Under the authority of the *Ejaman* or Manager.

NOTE—Paras 3 and 4 of the Text "import no more than that the senior member should in case of disagreement change the household arrangements in the way pointed out for the sake of the quiet and good order of the family." (M. H. C. R., Vol. iv., p. 202.)

* Private division of family property was upheld in A. S. Nos. 264 of 1835, 91 of 1836, 315 of 1838, 160 of 1846, and 536 of 1857.

4. That if misunderstandings arise between the sisters, the elder sister shall provide the younger with a house and household articles, retaining herself the management of the property and the right to ⁽¹⁾*Uri Siri*.
5. That only the surviving heir (*Ali Uli* man) shall be entitled to the *Patta Patti* honors.
6. That on the death of such heir, the next surviving male member of the family shall succeed to the *Patta*.

XIV. ULI is the same as BALU or BADUKU. Succession by heir to property.

1. That excepting the wedding gift given to a married girl, the ⁽²⁾property that may be given to her by the husband of his own accord, (however trifling it may be,) even with the consent of the family, shall be taken away by the members of the ⁽³⁾family.
2. That one shall assign to his children in gift moveable or immoveable property of his own acquisition, but not ancestral ⁽⁴⁾property.
3. That on failure of heirs a girl^o of the same *Bali* that may be fostered, shall be considered an adopted ⁽⁵⁾child.
4. That no male shall be adopted.
5. That no ⁽⁶⁾right shall be sold on the plea of absence of heirs, nor conferred on the wife and children on the same plea.
6. That if a family become extinct without adoption, the heads of the country in the order of 4, 8 and 16 shall choose a girl and boy of the same *Bali*, to stand as representatives of such extinct family.
7. That these representatives alone, shall succeed as heirs, but not the wife and children.

(1) *Uri* is fire and *Siri* is property; the compound *Uri Siri* means a participation and liability in respect of all that is bad and good.

(2) Ancestral property.

(3) *Santana* not *Kutumba*.

(4) A member cannot make bequest of family property out of his lineal descent (*Ruling*, p. 195.)

(5) On failure of sister's progeny, male or female, the head of the family may make adoption under the *Aliya Santana Law* (S. D. No. 74 of 1859, p. 138.) Adoption by a female having male issue is invalid (*Ibid.*)

(6) Refers to Estates.

PART III.

KATTALES OR COMMANDMENTS.

The *Kattales* or Commandments are sixteen in number and they are:—

I(a). That on the death of the husband of a girl who is heir to a family, the parents shall not be competent to give such girl to another person in ⁽¹⁾marriage, but the maternal uncle and other members of the family.

(b). That the parents shall only touch the ⁽²⁾*Dhara Ginde* while giving their daughter in marriage.

II(a). That a girl whose husband is dead shall be called ⁽³⁾*Budavalati*.

(b). That a *Budavalati* who happens to become pregnant before re-marriage, by intercourse with another person of her own caste, may be given to her paramour in ⁽⁴⁾*Budadhare* marriage after receiving a fine from him.

(c). That should the paramour happen to be of a higher caste than the girl, she may be allowed to be kept by him.

(d). That if he be of an inferior caste, the *Ballalas* may sell the girl on exacting a fine from her paramour.

III(a). That if a husband leaves his wife and goes to another country, she may, after the expiration of five years, be wedded to another.

(1) The relation between husband and wife under the *Aliya Santana* system "is in truth not marriage but a state of concubinage into which the woman enters of her own choice, and is at liberty to change when and as often as she pleases," and although women in Canara do "in some instances live with their husbands, still there is no doubt that they do so of their free-will, and that they may at any time rejoin their own families." (*M. H. C. R.*, Vol. iv., p. 203.)

a spout attached to it. Under the *Aliya Santana* Law no marriage is permitted to be performed with the pouring of water into the hands of the bridegroom which is necessary under the Hindu Law. The reason to deny *Dhara* to *Aliya Santana* families is to render marriage null and void and hence to prevent the issues of such connections from succeeding to their father's property.

(3) *Budavalati*, a widow.

(4) *Budadhare*, Re-marriage of a widow.

(2) A vessel made of metal with

(b). That if she be found to be pregnant during her husband's absence, she may be placed in the keeping of her paramour, if he be of a superior caste, wedded to him if he be of the same caste, or fined and joined to him or abandoned altogether, if he be of an inferior caste.

IV(a). That if after a girl has brought forth three or four children, the husband goes to another country, she shall not be eligible for re-marriage.

(b). That if during the husband's absence such girl is found to be pregnant by intercourse with a person of her caste, she shall not be married again.

(c). That if the intercourse had been with a man of an inferior caste, she shall be excommunicated.

V(a). That if a married girl while living with her husband is found to be an adulteress, the husband may deliver her over to her parents, and she may be wedded to another person.

(b). That if the husband of a girl takes another woman into his keeping, and does not live in union with his wife, the members of her family may take her away and marry her to another.

(c). That if the husband ill-treats his wife, a reconciliation shall be effected three or four times.

(d). That if the ill-treatment recurs, the girl shall be taken away by the parents and wedded to another.

VI(a). That if a girl becomes pregnant before marriage, both the girl and the person that caused the pregnancy, shall be fined.

(b). That such a girl shall be given into the keeping of that person if he be of superior caste, married to him if he be of the same caste, or abandoned if he be of an inferior caste.

VII. That if a girl before marriage elopes with anybody, she shall be married to him if he be of the same caste, kept in his keeping if he be of superior caste, or abandoned altogether if he be of an inferior caste.

VIII. That if a married girl elopes with another person, she shall be married to that person if he be of the same caste, kept

in his keeping if he be of superior caste, or abandoned altogether if he be of an inferior caste.

IX(a.) That in respect of the girls of the ⁽¹⁾*Kshatriya* class, the manners and customs of that class shall be observed.

(b.) That between *Kshatriyas* and *Brahmins*, marriages shall be performed by ⁽²⁾*Kaidhare*.

(c.) That if a *Kshatriya* girl, forms an intercourse with a man of the same or of an inferior caste, the girl shall be abandoned.

X. That if a *Jain* girl, forms an intercourse with a male of the same caste, she may be left in his keeping; but if she had joined a man of a superior or inferior caste, she shall be abandoned.

XI. That if a girl of the *Malavai* caste, forms an intercourse with a male of a superior or equal caste, she may be allowed to be kept by him. But if the male be of an inferior caste, she shall be abandoned. It shall not be possible to call her back into her caste.

XII. That among the ⁽³⁾*Nayars*, there shall be only ⁽⁴⁾*Kanyakalyanum* but not ⁽⁵⁾*Scayamvaram*. That such girls may then be given in the keeping of the persons of the same caste or those of a superior one, such as *Brahmins*.

XIII. That among the ⁽⁶⁾*Kadamba* and ⁽⁷⁾*Kumara Ballala* castes, the girls may be given into the keeping of the male of the same or of the *Brahmin*, *Kshatriya*, &c., castes. But if she connects herself with a man of an inferior caste, she shall be abandoned.

XIV. That among ⁽⁸⁾*Sthanikas* and ⁽⁹⁾*Ambalavasis*, a girl

(1) *Kshatriya*, Military.

riage in which the girl selects her husband.

(2) *Koidhare*, Pouring of water on the hand of the person marrying.

(6) A particular class of people not now known to exist.

(3) *Nayars*, A class of agriculturalists in Malabar answering to the *Bhunis* of Canara.

(7) Do. do. do.

(4) *Kanyakalyanum*, Marriage of a girl before she attains her age.

(8) *Sthanikas*, A class of people whose profession is to perform menial services in the inner chambers of temples.

(5) *Scayamvaram*, A kind of mar-

(9) *Ambalavasis*, A similar class of people in the *Malayalum* country.

who forms an intercourse with a male who is not of her own caste, or with one who is not a *Brahmin*, shall be abandoned.

XV. That among the ⁽¹⁾*Padarthis* and ⁽²⁾*Horapoduvalus*, a girl may be taken into the keeping of a man of the same or of superior caste after giving the ⁽³⁾*Udige*.

XVI(a). That in the families of ⁽⁴⁾*Arasus*, marriage ceremonies shall be performed as among *Brahmins*.

(b). That as an ⁽⁵⁾*Anyata* gift is made to the children of *Arasus*, marriage ceremony shall be performed by *Dhare* and by fixing pillars and placing pots, &c.

(c). That if the *Arasus* are incompetent to make the *Anyata* gift, marriage shall not be celebrated according to the customs observed by the *Brahmins*.

(d). That the ⁽⁶⁾*Chowters* and ⁽⁶⁾*Bangars* shall pursue the manners and customs of the *Brahmins* during auspicious and inauspicious ceremonies.

(e). That the *Chitupad* and *Nidatubur Ballalas* shall be entitled to the homages due to them on occasions of auspicious and inauspicious ceremonies according to the usages prescribed by the *Aliya Santana Law*.

(f). That all classes from the *Tuluvas* down to ⁽⁷⁾*Napikas* shall follow the *Aliya Santana Law*.

(1) *Padarthis*, Drummers.

(2) *Horapoduvalus*, A kind of *Nayars*.

(3) *Udige*, Marriage cloth.

(4) *Arasus*, Kings.

(5) *Anyata*, a present made to a junior relation in contradistinction

to *Uchitha* which means a present made to others.

(6) *Chowters* and *Bangars*, Titles said to have been conferred by *Bhutamala Pandya* on his eldest sons, when making over to them portions of his territory.

(7) *Napikas*, Barbers.

PART IV.

EXTRA KATTALES.

The *Ballalas* are Spiritual Preceptors of whom there are two families, viz: ⁽¹⁾ *Balagai Ballalas* and ⁽²⁾ *Yedagai Ballalas*, who exercise control over the sixteen *Balls* or Classes. The following are the rules to be observed by the followers of the *Aliya Santana* Law in respect to these *Ballalas*:—

1. That should any *Ballala* holding the office as such die, all the sixteen classes shall jointly make a corpse of straw and burn it.

2. That on such occasions the ceremonies shall be performed by the disciples according to the *Aliya Santana* Law, although the deceased Preceptor is a follower of the ⁽³⁾ *Makkalasantana* Law.

3. That on such occasions *Nele-Upprige*, ⁽⁴⁾ *Pumada*, ⁽⁵⁾ *Chathurangathorana*, and ⁽⁶⁾ *Kaimada* shall be made and rice thrown by the sixteen classes with the beat of drums and other music.

4. That until this ceremony is performed, the sixteen classes shall continue in *Sutaka*, as they are the disciples of the *Ballalas*.

(1) *Balagai* means Right hand. The only house of this class is situated in a village named *Chitpadi* in the *Udipi Talug*.

(2) *Yedagai* means Left hand. The only house of this class is situated in a village named *Nidambur* in the *Udipi Talug*.

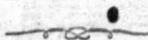
(3) *Makkalasantana*, Inheritance from father to son.

(4) *Pumada*, is a quadrangular

space with a canopy of flowers and the *Nele Upprige* in the middle.

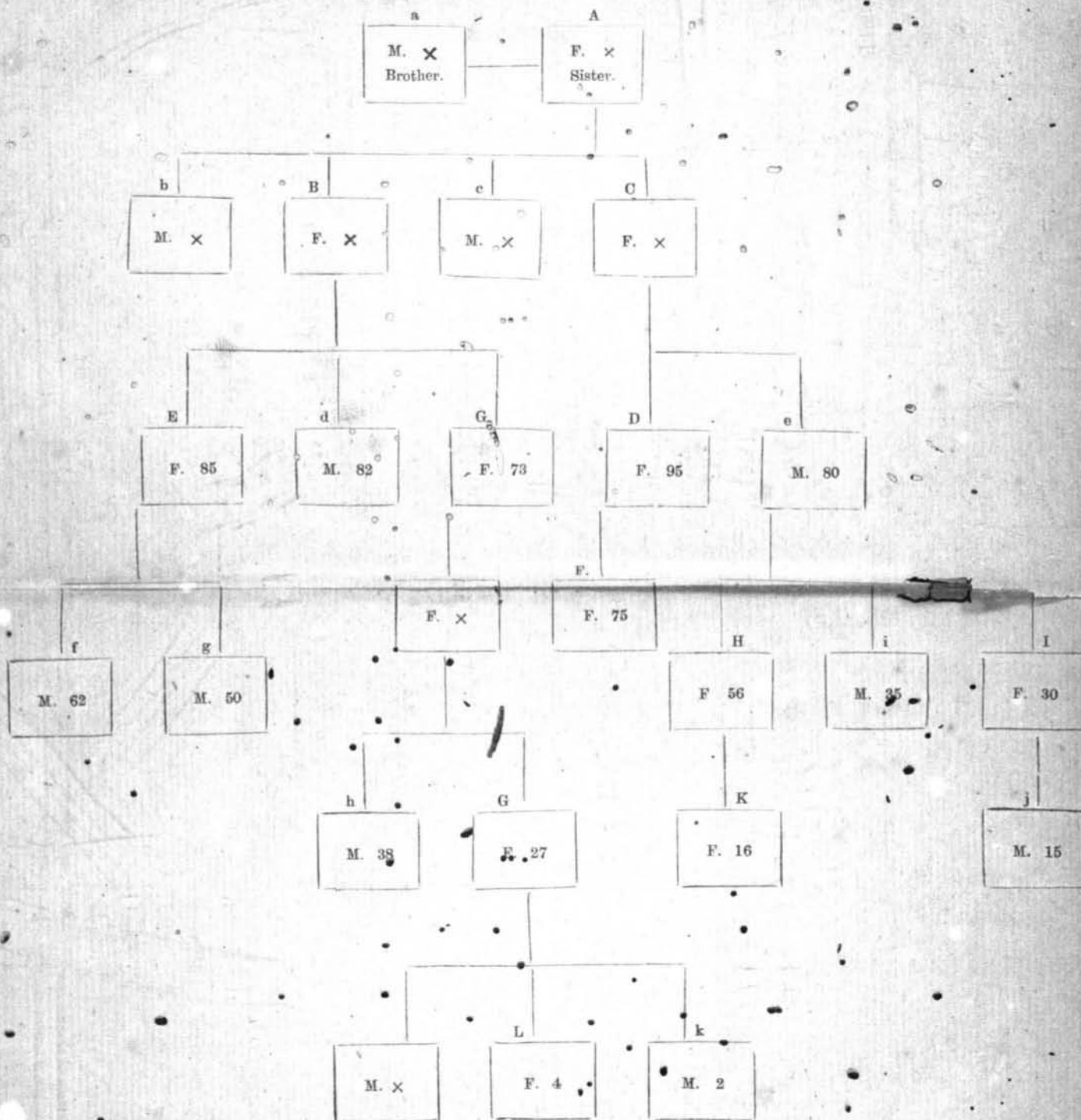
(5) *Chathurangathorana*, a string of leaves and flowers and sometimes of cloth, with ornamental needle work, tied to the top of four pillars forming a square.

(6) *Kaimada*, is a bamboo frame work with a bell attached to it and covered with red cloth.



APPENDIX A

Geneological Tree explaining the order of Succession to Pattam and Property in an Aliya Santana Family.



Explanations.

M. denotes Males.

F. denotes Females.

x denotes deceased Members.

Figures denote Age.

a, b, c, &c. denote the order in which succession to Pattam runs.

A, B, C, &c. denote the order in which succession to Property runs.

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APPENDIX B.

The following are the Decisions of the Madras High Court on the ⁽¹⁾*Maroomakkatoyem* Law of Malabar most of which are in principle applicable to Canara:—

1. Property belonging to a ⁽²⁾*Tarwaad* is answerable for the debts contracted by the ⁽³⁾*Karnaven* or managing member for the benefit of the *Tarwaad* and the formal consent or signature of the other members of the family is not necessary to render the documents executed by him valid and binding. (*S. D. No. 38 of 1852, p. 48 of the M. V. for 1852.*)

2. A member of a family governed by the Law of *Maroomakkatoyem* cannot alienate any portion of the ancestral property belonging to such family out of the line of descent. (*Ibid, No. 54 of 1854, p. 227. Ib. for 1854.*)

3. According to the usage of Malabar land mortgaged is not liable to be redeemed before the expiration of twelve years. (*Ibid, No. 44 of 1855, p. 137. Ib. for 1855.*)

4. The Law of *Maroomakkatoyem* being a branch of Hindu Law, effect cannot be given to a Will under that Law.

Property in the absolute control of the giver may, under the *Maroomakkatoyem* Law, be alienated by gift, to constitute which however, possession must have been conferred. (*Ibid, No. 125 of 1855, p. 26. Ib. for 1856.*)

5. A deed of gift not assented to by the important ⁽⁴⁾*Anan-dravens* in the family of the Donor is invalid under the *Maroomakkatoyem* Law. (*Ibid, No. 151 of 1855, p. 30. Ib. for 1856.*)

6. Family property is not liable for a debt contracted by the head of the family for his own use. (*Ibid, No. 95 of 1856, p. 205. Ib. for 1856.*)

(1) *Maroomakkatoyem*, The system of inheritance in the female line.

(2) *Tarwaad*, A family.

(3) *Karnaven*, Head of the family, from Sanskrit *Karanum*, cause.

(4) *Anandravens*, properly, *anandravens*, from Sanskrit *anantaram*, without an interval.

7. The division of family property cannot be enforced under *Maroomakkatoyem* Law, if opposed by other members of the family. (*S. D. No. 4 of 1857, p. 120. Ib. for 1857*).

8. A party holding land under the ⁽¹⁾*Otti* tenure in Malabar has the right of pre-emption. (*Ibid, No. 93 of 1859, Kuni Taruveyi v. Cheriya Pallikalagata, Maliakal Achubi Uma and others, p. 169. Ib. for 1859*).

9. A plea raised in the Appeal Petition for the first time cannot be entertained.

It is immaterial in what way land is obtained in Malabar in a family governed by *Maroomakkatoyem* law, the rule being that however acquired by a member of a family, it becomes incorporated in the family possessions, and is under all the restrictions as to alienation affecting such property. (*Ibid, No. 88 of 1859, Muri-kancheri Kuni Ahamad and others v. Chundangapoyil Avulla and others, p. 226. Ib. for 1859*).

10. According to the custom of Malabar the lands attached to a pagoda which is itself the property of a family are alienable as any other private possession. (*Ibid, No. 64 of 1861, Chem-manthatti Chopunni Nayar v. Meyene Itiachi and four others, p. 90; Ib. for 1862*).

11. Where a first *Kanam*-holder in his answer to a redemption-suit by a second *Kanam*-holder, for the first time denied his own ⁽²⁾*kanam* and alleged an independent *janmam* right; held that he had not thereby forfeited his right to rely upon the option, to make a further advance, to which as *kanam*-holder he was entitled; though the denial and allegation were false, and though his documents in support of such allegation were forged. (*S. A. No. 27 of 1862. Paidal Kidavu v. Parakal Imbichuni Kidavu. M. H. C. R., Vol. I., p. 13*).

12. A *kanam* mortgagee does not forfeit his right to hold for twelve years from the date of the *kanam* by allowing the ⁽³⁾*pora-*

(1) . *Otti*, a pledge or mortgage.

(2) *Kanam*, an advance or deposit of money made to a proprietor of lands or gardens in Malabar on receiving them from him at a stipulated rent.

(3) *Porapad*, Net-rent.

pad to fall into arrear. (S. A. No. 157 of 1862. *Shaikh Rahman v. Kadangot Shupan*. *M. H. C. R.*, Vol. I., p. 112).

13. A *karanaven* singly may make an *Otti* mortgage.

Sehble, an *Otti* mortgage cannot be redeemed until after the lapse of twelve years from its date. (S. A. No. 380 of 1862. *Edathil Itti and others v. Kopashun Nayar*. *Ibid*, Vol. I., p. 122).

14. According to Malabar Law a sale of family property is valid when made with the assent, express or implied, of all the members of the *tarwaad*, and when the deed of sale is signed by the *karnaven* and the senior *anandraven* if *sui juris*.

Such signature is *prima facie* evidence of the assent of the family, and the burden of proving their dissent rests on those who allege it. (S. A. No. 25 of 1862. *Kondi Menon v. Sanganreagatta Ahammada*. *Ibid*, Vol. I., p. 248).

15. An *otti*, like a *kanam*, mortgage cannot be redeemed before the lapse of twelve years from its date.

An *otti* differs from a *kanam* mortgage, first, in respect of the right of pre-emption which the *otti* holder possesses; secondly, in being for so large a sum that, practically, the *Janmi's* right is merely to receive a pepper-corn rent. (S. A. No. 101 of 1862. *Kumini Ama v. Parkam Kolusheri*. *Ibid*, Vol. I., p. 261).

16. When the *Uralans* of a *devasam* were four *tarwaads*:— Held that, a sale of the *Urayama* right by one *tarwaad* without the consent of the others, was altogether invalid and, that the vendee could not redeem a *kanam* mortgage of the *devasam* land though the mortgagor was *Karanaven* of the *tarwaad* which assumed to sell the *Urayama* right. (S. A. No. 279 of 1862, *Ukanda Varriyar v. Ramen Nambudiri*. *Ibid*, Vol. I., p. 262).

17. A *melkanamdar* cannot eject *kanamdar* or his assignee before the expiration of twelve years from the date of the *kanam*. (S. A. No. 129 of 1862, *Pramalan Tupen Nambudripad v. Madatil Ramen*. *Ibid*, Vol. I., p. 296).

18. During the continuance of a first *Otti* mortgage the *Janmi* is in the same position as regards his right to make a second *Otti* mortgage to a stranger after, as he was before, the lapse of twelve years from the date of the first mortgage.

Where a *Janmi* made an *Otti* mortgage and more than twelve years after made a second *Otti* mortgage to a stranger without having given notice to the first mortgagees so as to admit of the exercise of their option to advance the further sum required by the *Janmi*:—Held that the second mortgagee could not redeem the lands comprised in the first mortgage. (*S. A. No. 186 of 1862, Ali Husain and others v. Nillakanden Nambudidri, M. H. C. R., Vol. I., p. 356*).

19. The assent of the *anandravens* is necessary to a sale of *tarvaad* land by a *karanaven*.

The chief *anandraven's* signature to the instrument of sale is sufficient, but not indispensable, evidence of such assent. (*S. A. No. 387 of 1862, Kappeta Ramen v. Makkaiyil Mutoren and others. Ibid, Vol. I., p. 359*).

20. A *kanam*-holder who denies his *Janmi's* title forfeits his right to hold for twelve years. (*S. A. No. 156 of 1863, Ramen Nayar v. Kandapuni Nayar. Ibid, Vol. I., p. 445*).

21. An individual member of a *tarvaad* governed by the *Maroomakalayem* rule, has no right to an account from the *Karanaven*.

Each member of a *tarvaad* has a right to succeed by seniority to the management of the family property.

Seemingly, an *anandraven's* right to maintenance is merely a right to be maintained in the family-house. (*S. A. No. 202 of 1862, Kunigaratu and others v. Arrangaden, Ibid, Vol. II., p. 12*).

22. Property assigned by the males of a *Nayar* family for the support of their females is still family property and liable as such to be taken in execution of a judgment against the *Karanaven*. (*S. A. No. 504 of 1863, Parrakel Kondi Menon v. Vadukentil Kunni Penna, Ibid, Vol. II., p. 41*).

23. A *Kanamdar's* right to hold for twelve years depends on his acting conformably to usage and the *Janmi's* interest, and is lost if he repudiates the *Janmi's* title. It makes no difference when this is first done in his answer. (S. A. No. 74 of 1864, *Mayavanjari hyn Caren v. Nimini Mayuran*. M. H. C. R., Vol. II., p. 109).

24. The right of the eldest member of a *Nambudiri* family to manage the *Illom* is absolute, and where a junior member has in fact managed it, then this is presumed to have been with the permission of the former, who may at any time take up the actual control. (S. A. No. 40 of 1864, *Nambiatam Nambudiri v. Nambiatam Nambudiri*. *Ibid*, Vol. II., p. 110).

25. An *Otti* holder, like a *kanamdar*, forfeits his right to hold for twelve years, by denying the *Janmi's* title. (S. A. No. 479 of 1863, *Kellu Eradi v. Puapalli and others*. *Ibid*, Vol. II., p. 161).

26. By the law of Malabar all acquisitions of any member of a family, which he has not disposed of in his life-time, form part of the family property.

The acquirer, however, may, during his life-time hold, alienate at once, and incumber his self-acquisitions.

A *karnaven* in possession of the family funds is presumed to have made all acquisitions with them and for the benefit of the corporate body. But such presumption is not irrebuttable, and his alienation or charge of such acquisitions made during his life-time may be valid. (S. A. Nos. 223, 224, and 259 of 1864. *Kallati Kunju Menon v. Palat Erracha Menon*. *Ibid*, Vol. II., p. 162).

27. Where a plaintiff sues upon his *Jenm* title, having previously instituted a suit in which he unsuccessfully set up his *kanam* right, the latter suit cannot avail to prevent the Statute of Limitation from running against him. (S. A. No. 184 of 1863, *Parakut Assen Cutty v. Edapanny Chennen*, *Ibid*, Vol. II., p. 266).

28. When the demisor of land under a *kanam* agreement is unable to give possession, the demisee may repudiate the con-

tract and recover the amount advanced. (*S. A. No. 459 of 1864, Moidin Kutti Ayissa and another v. U. V. Valia Rajah, M. H. C. R., Vol. II., p. 315*).

29. It is the unquestionable law of Malabar that *Tarvaad* property is inalienable, except in cases of adequate family necessity. In such cases alienations will be upheld; but it lies upon the purchaser to make out with abundant clearness that the purpose was a proper one. The assent of the senior *Anandraven* is some (but rebuttable) evidence that the purpose was proper.

Seemle, that considering the state of Hindu families, a purchaser would be affected with notice by much slighter evidence, than a purchaser in other countries. (*S. A. No. 230 of 1866, K. Manoki Koran Nayar and 3 others v. Manoki Chanda Nayar and 3 others. Ibid, Vol. III., p. 294*).

30. In a suit for redemption of land mortgaged to the defendant, the plaintiffs relied upon a document as containing an acknowledgment of the title of the plaintiff under Section 15 of the Act of Limitation (XIV of 1859). The document contained an admission by the defendant that he held land upon mortgage in a specified District for the temple of which plaintiffs were the trustees.

Held, that oral evidence was admissible to apply the document to the land to which it was intended to refer. (*S. A. No. 446 of 1869. V. Padbanabban Nambudiri v. C. P. Kunhi Kolenidan. Ibid, Vol. V., p. 320*).

31. It is not law, that every right may be renounced. The general rule is power of renunciation, but there are two marked classes of exceptions:—There can be no renunciation of rights and consequent destruction of relative duties prescribed by an absolute law; nor of rights inherent in man as man. A man may renounce a concrete right, but not one resulting from a natural condition.

Seemle, a *karanaven* cannot part, by contract, so as to be unable to resume them, with the privileges and duties which attach to his position as *karanaven*. (*S. A. No. 573 of 1869, N. A. Cherukomen alias Govinda Nayar v. V. Ismala and 2 others. Ibid, Vol. VI., p. 145*).

32. Plaintiff sued to recover certain land in virtue of an alleged gift from her deceased husband. The parties were subject to the Maroomakkatoyem Law. The facts were, that the land being in the hands of tenants, a deed of gift with the counterpart lease was delivered by the donor to the plaintiff. It did not appear that there were any title-deeds belonging to the property. *Held*, reversing the decision of the Principal Sudr Amin, that the rule of law applicable is that a gift is perfectly valid if such delivery is made as the nature of the object permits, and that this had been done in the present case. (S. A. No. 474 of 1870. *Kandile Chirulhai v. Pydel Kurup*, M.H.C.R., Vol. VI., p. 194).

33. Third defendant, purchaser of the interest of the 1st and 2nd defendants, held certain lands under the terms of a permanent *kanam* (A) which contained the following condition—"And (I have also agreed) that on failure to pay the said quantity of paddy the *kanam* amount of 550 *fanams* shall be received by me, and the land restored." In a suit by the *kanamdar* to recover possession for non-payment of rent: *Held*, that this condition of redemption was intended as a penalty to secure regular payment of the rent, and that, such being the original intention of the parties, the penalty was one which ought to be relieved against. (S. A. No. 468 of 1870, *Kottal Upipi v. Edavalath Thahan Nambudiri*, *Ibid*, Vol. VI., p. 258).

34. Suits by a branch *Karanaven* of a Malabar *tarwaad* to recover certain lands belonging to his branch *tarwaad*, which had been mortgaged by a former branch *Karanaven*. Plea, that the plaintiff had no right to sue without the authority of the senior member of the family, the Velia Kaimal. Upon an issue sent (in Special Appeal) by the High Court, it was found by the Civil Judge that there was no binding and peculiar custom in the family depriving the senior member of all management of the property and vesting it in the branch *Karanavens*. Upon the final hearing it was contended that the contrary had been so irrevocably fixed by judicial decision as to prevent the matter from being open to question, and that his finding was bad in law, as being opposed to binding decrees of competent Courts.

Held, by Holloway, J.—(1) That there was nothing compelling the Court to decide, contrary to the plain rules of law, that this delegation was irrevocable; that perhaps, it was not so even by the delegator, and still less was it so by his successors. (2) That the fact of the setting apart of *stanam* property, if it was set apart, can make no difference, and as little can the circumstance of the income reserved. (3) That there was nothing to prevent the Court from deciding that the Civil Judge was right in saying that this was an ordinary Malabar *tarwaad*. (4) That the renunciation before the Sadr Court was not even irrevocable as against him who made it, and certainly could not have the effect of depriving the senior member, for all future time, of the rights which the law of the country conferred upon him with correlative duties upon his becoming senior.

By Scotland, C. J.—That the Court was not constrained to hold that the irrevocability of the arrangement effected in 966 by the former head of the family, as to the apportionment of the family property between two *Taverais* and the management of each *Taverai's* allotment by its senior member, was a matter conclusively adjudicated in the course of the litigation of which there was proof in the records. That such arrangement operated only as a personal renunciation and delegation of the rights of management possessed by the then head of the *tarwaad*; and that assuming it to have been irrevocable by him, it was not binding on the 3rd defendant, admittedly the head of the family by right of seniority. (S. A. Nos. 359 and 401 of 1870, *Velia Kaimal v. Velluthadatha Shamu*, M. H. C. R., Vol. VI., p. 401).

35. In Malabar the word "*taverai*" has several distinct meanings. In the families of the princes all the houses have separate property and the senior in age of all the houses succeeds to the Royalty with the property specially devoted to it. This mode of succession may be regarded as rather due to public than to private law. Private families have sometimes adopted the same customs, but there is the strongest presumption against the truth of this in the case of a private family. Families becoming very numerous have often split into various branches; in the language

of the people 'there is community of purity and impurity between them, but no community of property.' In the only sense of the word with which Courts of Justice are concerned, people so related are not of the same *tarwaad*. Where there are several houses bearing the same original *tarwaad* name, but with an addition, and there is no evidence of the passing of a member of one house to another; there is the strongest ground for concluding that this separation has taken place. (S. A. No. 120 of 1870, *Korapen Nayar v. Chennen Nayar*, M. H. C. R., Vol. VI., p. 411).

APPENDIX C.

*Extract from the Madras Journal of Literature and Science,
No. 1, Third Series, July 1864.*

IV.—*Bhutala Pandiya.*

Bhutala Pandiyana, Aliya Santanada Kattukattale. Mangalore German Mission Press, 1859. Translated by M. O. Singalacharyar, Canarese Translator to the High Court of Madras, Appellate Side.

On Friday the third Magha Suddha in the first year of the era of Saliyahana, corresponding to the cycle year Isvara, at Simhalag-nam, when the moon had arrived at her twenty-sixth mansion called Uttarabhadrapada, Bhutala Pandiya, nephew of Devapandya, having been seated on the throne given by Devandra to Vikramaditya was installed at Vizayanagar as follows. Devapandya, a merchant of the Pandya country, having caused new ships to be built and filled them with cargo worth millions of pagodas, was about to launch them into the sea, when a Sivagana (an attendant of Siva) called Kundodara, seeing the ships to be new ones, demanded a human sacrifice. On this, Devapandya went to his house, and consulted his wife as to which of (his) seven sons should be given in sacrifice. In the meantime, his wife took the said seven sons along with her and repaired to her parents' village. Then the said merchant Devapandya laid himself down in his house under deep sorrow and abstained from food and drink. In the meantime, his younger sister Satyavati hearing the news, came down and spoke to her elder brother, and being informed of the circumstances, pacified him by saying "you should not care for this trifling matter. Do you give the boy Jayapandya, a son of mine, as a human sacrifice; now get up and take your meals, &c." She then gave her son Jayapandya and went to her husband's house. The said Jayapandya was the son of Virapandya, king of that dominion, who was defeated by

Chandrangadaraya; consequently at the time of the offer of the sacrifice, the said Kundodara who was the king of the demons, perceiving him (the boy Jayapandya) to be a mahapurusha (an eminent or miraculous person) refused to accept the sacrifice on account of the ships of Devapandya and being graciously pleased with the boy Jayapandya exclaimed thus. "By reason of my having been pleased with you, you should take my name and become master of the world, and be called by the name Bhutala Pandya: I have by the order of Siva given you all the dominions that were ruled by Chandrangada who had defeated you." Instantly the said Bhutaraja (king of demons) entered the town of Ujjayini and having subdued the eight demi-gods such as Bhairava, &c., gave Bhutala Pandya a pratinidhi Simhasanam⁽¹⁾ throne which had been given there by Devendra to the said Vikramarka, and entered the town of Jayantika accompanied by Bhutala Pandyaraya.

While one Siddhviraprasiddharaya was ruling there on a royal throne, the said Kundodara destroyed him by using various annoyance towards him. As this Siddhviraprasiddharaya left no issue, the whole subjects of the state and retinues thereof met together; and a flower garland having been placed on the trunk of an elephant, a procession was carried on, when the said elephant put the flower-garland on the neck of the said boy Jayapandya, and, having made him sit on the throne given by Devendra, placed him with the throne amongst the assembly of the palace at the above mentioned Lagnam (propitious time) and prostrated himself. Then the whole subjects and retinues performed the pattabhisheka ceremony for the prince and crowned him king. They also caused rewards in cloths and other gifts to be made and having caused complimentary presents to be made on account of the coronation returned to their respective houses.

Thereupon the said king reigned for six years, during the lapse of which the Makkala Santana (rule of inheritance in the line of sons) was set aside, and that of Aliyasantana (inheritance in the line of nephews) was substituted for the following reasons.

(1) Throne similar (to that of Devendra)

On the sixth year Chitrabhanu the ships of Devapandya sailed towards an island which was covered with snow and darkness, and there stuck to a miry bank. Then the provisions and water stored in those ships having been expended, Narayanapandya, the Captain of the said ships belonging to Devapandya, as well as the other seamen, were grieving for the same, when the said Kundodara having become visible said, "O Narayana Pandya, bear thou, do not thou fear; there is a mountain to the west of this where there are hasurusilegalu (green stones) and siddharasam⁽¹⁾ (liquids made formerly by Siddhas.) Have the siddharasam poured into caldrons, &c., and also get the hasurusilegalu (green stones) laden and pray to me at the same time; then the said three ships will float themselves." The said Kundodara after having said this, disappeared. Then Bidudoni boats were let down; and on the green stone and siddharasam being caused to be laden therein, prayers were offered to Kundodara, when, a heavy whirling gale having come on, the ships sailed away and rushing in the river-mouth of Hangarakatte harboured at Kallyanapur. Then the merchants of that place, having heard of and seen the Hasurusile and Siddharasam therein, gave notice of the same to Bhutalapandiya, who went thither and on an enquiry and inspection thereof a second time, found the said ships to be those of his maternal uncle Devapandya. Consequently he sent at that time to Pandya country and having sent for his maternal uncle Devapandya said to him, "Do you take these goods laden on your ship." In the meantime, the said Kundodara said that he would not let the ships sail unless some one of his sons were given as a sacrifice. Whereupon he called his wife and children; and showing to her the goods aforesaid, took counsel as to giving any of those children as a sacrifice, when she declared in the presence of ten thousands of people of the great world that gathered there, that she did not want the goods, and so went down. Then, the said ten thousand people of the great world, the king, subjects, attendants, &c., learning the story of the said Bhutala Pandyaraya from the origin, resolved

(1) These are supposed to effect the transmutation of gold.

that Bhutala Pandyaraya was entitled to the said Siddharasa liquid and Siddhasile stone.

Having himself had a title to the said Siddharasa and Siddhasile under the said resolution, he took them and, having made a well in front of the deity Somesvara, secured them therein. He then gave the said Somesvara the name Siddhesvara. Then, a building having been consecrated to the said Kundodara with such other things as are in honour to the same, an image was set up to represent him, to which the name Mahishasura, the protector of the world, was also given. Thereupon, a thousand padis of rice, and as many padis of flour made of fried paddy, and of Avalakki,⁽¹⁾ a thousand cocoanuts, tender cocoanuts, and plantains, as also a thousand pattis⁽²⁾ of betel leaves and a thousand fowls and sheep were given in sacrifice to the said Mahishasura with consecration of incense on fire, and of light, &c. Then all the people and the attendants offered prayers to the said Mahishasura giant, when, the said Kundodara, having inspired a person, assured (em)th that uniformity of system and law should be followed by the rulers and the subjects; and on their declaring that they all would act up to the same unanimously, Bhutala Pandya caused fourteen Kattalekattu and sixteen Kattale rules to be written in the Madhya Mantapa of Narasimhadevaru deity of the world, whereby the system of Aliya Santana or Nepotism has to prevail thenceforward among the ruling authorities and the subjects, and consecrated the same in the Madhya Mantapa of Anantesvara Devaru deity of the world. He also declared a curse that the family of such person as shall deviate from these rules, shall become extinct. He also pronounced that Balisavira Brahma and the said Mahishasura are the Adhivedatas for the said Kattu rule, that the said Narasimha and Anantesvara are Kuladevatas (family deities), and that Brahma, and Kshetrpala in the Pagoda of Anantesvara, as also the goddess Rakesvari on the right side of the Narasimha Devaru deity of the world and

(1) Paddy soaked partly dried roasted and pounded.

(2) A number of betel leaves folded up and having nuts wrapped up in one of them.

Kundodara Mahishasura, are Sthanadevatas (local deities) for the eighteen classes of people following the Aliyasantana system in each direction.

Thus Bhutalapandya reigned for twelve years. During the said interval, Bhutalapandya had for the performance of his marriage sent for twelve virgins through Kesavanna and Basavanna of the Jaina caste, whom he called from over the Ghats by sending message to that effect, and having married those virgins called the town Jayantika aforesaid by the name "Barakanyapur" (meaning city of twelve virgins) because twelve virgins were married in that town. On account of these twelve pattaranis twelve Bastis (Jaina temples, *vasati*), as many numbers of Sivalaya, Vishnuvalaya, Durgalaya pagodas, as also places for twelve Ganapatis, Naga Brahma, Kshetrapala, Raktessvari, and Mahishantaya, were built. Then four lakhs of houses (*gudimane*) having also been erected, a Nagarevara (deity of the town) was also seated in the four corners, he obtained the following exclusive title :—

The king of kings, master of the throne of the king of kings, master over the masters of four countries called Tulu, Malayala, Haiga and Karnataka, the first personage in the era of Salivahana ಚತುಷ್ಪದಧಾನಯೋಗಯೋಗೇಶ್ವರ master of the sixty-four principal sciences (*chatushshashtipradhanayogayogesvara*), son of Virapandya and child of Satyavati, the true king of the people, sovereign of the world, master of heroes, courageous and valiant, among heroes a spring-hero (shining like spring-time) and king of Barakanyapura (the great town of twelve virgins).

Then he received the sixteen kinds of honours known in the world, and continued reverencing the Mahajanam (or people eminent for wisdom) : he also remained pious towards the priests and gods ; and having punished the wicked and protected the virtuous, allowed the customs of each caste to be observed. In the meantime he got an equal number of sons and daughters, by each of the said twelve royal wives. He divided his territory into portions on account of his twelve children ; and the particulars of the princes to whom he made grants are as follows :—

two Samsthanams (states) called Chauta and Bangaru, two Arastanams (kingdoms) called Mularu and Tuluvaru, two Dhoretanams (governments) called Ajala and Savanta, two Divans called Bhairasa and Bharasa, two vaddus (seats or ranks of authority) called Kunda and Bunnala, two chavadis called Neranki and Kadarisa. Of these twelve princes the Chauta and Bangaru are the principle ones. The said heads of the two parties of (Mularu and) Tuluvaru have been called vice-lords, and these have (also) been pakshaprabhus (chiefs of the parties) for the thirty-two principalities which were formed by the said Kesavanna and Basavanna and for the seven tribes that followed the Makkala Santana system, and also for the (newly established) eighteen castes that have to follow the Aliyasantana system. Bhutalapandya appointed the said chiefs, who are Tuluva kings, to regulate the observance of the caste of these Ballalas.

Bhutalapandya thus ruled 75 years, and then appointed his nephew Vidyadyumnapanthyaraya to rule over the country, which he did for eighty-one years. During the lapse of those years, he begot sons by twelve queens, and the particulars of these petty princes to whom he made grants are as follows. Two Ades, called Maradade and Marambade; Kattapadi and Kulur Dhores ballalas two; Padubidre and Iravattur Kinnari Ballalas, two; Muduru, and Muddala Kinnari Arasus two; Yelanadu and Ainadu Heggades two; Mudraddi and Kantavara Kinnari Heggades two. These are the twelve petty princes. The history of what happened on the sixth year of the coronation (of the said king) is as follows:—Kundodara (told) Vidyadyumnapanthyaraya in an aerial voice that as the Kali (yug) approached, the green stone (emerald) and the treasure of precious stones should be buried under ground; that the well of Siddharasa should be shut up, and the image of Naga set up (thereon.) Having done this he received tributes from these Chauta and Banga and other kings and ruled for 81 years. After his death the following kings, who descended for seven generations from him, reigned respectively, viz., Bhutalapandya for 75 years, Vidyadyumnapanthyaraya for 81 years, Virapandya 32 years, Chitravirapandya 16 years, Devavirapandya 9 years, Balavirya

pandya 19 years, Jayaviryapandya 27 years. These seven kings reigned in all 259 years.

Particulars of rules.

The fourteen rules enacted for three classes of people other than the Brahmans are the following, viz :—

Jati, Niti, Mana, Maryade, Huttu, Kattu, Hinde, Munde, Hechchu, Kammi, Bali, Banna, Ali, and Uli. The particulars of the above are thus :

Jati and *Niti* are the customs and manners observable by each caste. *Mana* and *Maryade* are the marks of honour to be used by each (caste). *Huttu* and *Kattu* are the abolition of the *Makkalasantana* system in all castes and the introduction in its stead of the system of *Aliyasantana*. *Hinde* and *Munde* (behind, before) are the different degrees of superiorities consisting in the *Patta fillet* and *Pattavali* honours, held by four, eight and sixteen (houses respectively.) *Hechchu* and *Kammi*, 'superiority' and 'inferiority' are the distinction of respects which each caste deserves. *Bali* and *Banna* are such a class of people as have no seats and marks of honours. *Ali* and *Uli* are the death and succession by heir to the property.

Particulars of *Jati* and *Niti*. *Jati* or the classes of people are, *Tuluvaru*, *Malavaru*, *Nayammararu*, *Masadika*, *Jainaru*, *Hari-setti*, *Pariyaru*, *Kumbararu* (potters), *Devadiga*, *Saliya* (weavers), *Malekudiya*, *Panchala*, *Kshauraka* (barbers), *Agasa* (washermen), *Halepaika*, *Mundalas*, *Karinnara*, *Holeya*, *Andekoraga*, &c; and *Niti* or rules enacted by *Bhupalapandya* for these classes, are that each of these should behave itself with such distinction as is to be observed in respect of its superiority or inferiority and also in such a manner as the manners and customs peculiar to each class may direct. The *Mana Maryade* is as follows :—[Here occur eight lines unintelligible to me.—M. O. S.]

Huttu Kattu is as follows :—

Bhupalapandya, having put a stop to the *Makkala Santana* system, recorded rules in the *Madhya Mantapa* of *Anantesvara* deity of the world to the effect that the rules of *Aliyasantana*

should be observed, and that whosoever shall deviate from the same, his family shall become issueless: that the said Bhutalapandya repealed the Huttu (succession in the male line), which was established before, and introduced the Aliyasantana system in its stead. Huttu is this. Bhutalapandya promulgated the rules to the effect that only the wife and children should observe the imaginary pollution on the occasion of death, and share in the sin or virtue as also in the virtue accruing from gift and charity, and the fame or infamy (arising from any deeds), while the Santana (heir) is to observe the pollution only on the occasion of birth and not on that of death, and to succeed to the property.

Kattale is as follows:—

Bhutalapandya made it as a rule that no auspicious ceremony is to be celebrated through Brahmans, nor Mahalayam (some inauspicious ceremony) to be performed for the deceased persons; nor the Panchagavyam is to be taken; nor the Punya Homa ceremony attended with the use of Darbha (holy grass) on the occasion of birth and death to be performed; whereas on the occasion of death or birth only the Nirmalya (remains of the offerings) left in the pagoda (is to be taken) and in the name of those that brought forth children or died, the Puja as well as the Abhishekam ceremonies are to be performed for the deity besides the celebration of Santi and Samaradhanam ones.

Hechchukattale or customs and manners to be observed on a special occasion.

Bhutalapandya made a rule to the following effect:—

When a girl arrives at puberty, there should be the following honours on such auspicious occasion; namely, a Nerrinamantapa (or a perpendicular wooden frame) with cloths covering the four pillars thereof and a canopy attached thereto; *Nademadi*, (cloths spread on the road for the procession to pass over); *Nadechappara*, (canopy used in procession); *Nadevadya* (musical instruments played in such procession) the dancing (of girls) and music, &c.: while on the occasion of death, *Nele Upparige* (a litter with upper story); music with *Pari*, as also the drums

called *Bheri* and *Dolu*, and the bell should be made use of and rice scattered about with the cry of *Muriyo*, *Muriyo*.

Bali (classes) are eighteen and *Bannanirubali* (or such classes as have the colour of a caste,) are four. The family of such person as has established *Balisavira* Brahma in the territories ruled by the king, who is competent for a Bali (class), is pure. *Bhotalapandya* declared that the Bali of such person as is not fit (for the same) or of such person as has no Brahma, or also of such an one as has no king for the country in which (he lives himself) is *Bannā Kammi* 'inferior.'

Savu and Balu are as follows. The eldest,⁽¹⁾ either female or male, of the children of (one's) senior and junior maternal aunts, (*hirikiritayi*) may stand (as a manager) on the death (of the former incumbent); but the children of (such) senior and junior branches would not be entitled to a partition. The (other) members of the family should live unitedly. If in so doing, discord arise between the elder and younger sisters, the eldest of these should give the younger a house as well as an allowance for the household expense, and should manage the affairs, having herself had a title to *Urisiri* (good or bad?) *Bhotalapandya* made a rule that no *nisuddhi* (partition) should be made.⁽²⁾ Only the surviving⁽³⁾ heir will be entitled to the seats of the *Patlam*, and *Patti* honours, and not the other members of the family, who would only be entitled thereto on the extinction of such heir.

Badukugalu are thus:—

Bhotalapandya recorded the rule that, excepting the wedding-gift given to a married girl, the property that may be given (to

(1) Neither the distributive disjunctives "either" and "or," nor the copulative "and," are to be found in the Canarese text. Hence it is not clear whether according to *Bhotala Pandya* the Female or Male, or both, shall succeed to the management. Several decisions of the High Court recognize the Female as the *Ejaman*. Local practices also confirm this opinion, although in some families the eldest male manages the property for, and

in the name of, the eldest Female. *T. G.*

(2) In S. A. No. 83 of 1862 the High Court of Madras held that division of family property could not be enforced by a member of a family governed by the law of *aliyasantana*, I, Mad. H. C. Rep., 380; and this decision was followed in S. A. No. 323 of 1863.—*Ed.*

(3) This is the Male heir and not the Female.—*T. G.*

her) by the husband of his own accord, though it be only a *visam* (a trifling portion, a sixteenth), may be taken away by the members of the family. He may assign to his children in gift, land, house, gold, silver, cow, calf, bullock, seeds, &c., of his own acquisition, but not any ancestral property—the children would (thus) possess a right to the father's property.

Having made rules for each caste, he declared as follows. Should, on failure of heirs (in a family) a girl of the same Bali (class) be fostered, it will amount to an adoption of a girl, and there shall be no adoption of a male,⁽¹⁾ Moreover, on the plea that there is no heir in the family in which succession by heir has to prevail (as aforesaid,) no (rights) should be sold, nor should anything be conferred on the wife and children. If the line of the family is extinct without adoption, the (heads of the country) consisting of four, eight or sixteen persons shall cause a girl and boy of another family of the same Bali to stand as representatives of such extinct family, and these (representatives) alone will then succeed as heirs, but not the wife and children.

The merchants of the suburbs and town as well as every one, such as a servant, retainer, &c., saying that they were the followers of (the rules of) Aliyasantana, and that there existed rules contrary to the Sastras observed by the Mahajana people of the said thirty-two villages, intended to usurp the (*Siddharsam*) liquid and the green precious stones which were received (formerly) in three ships. The course taken in order to prevent such usurpation was as follows. When Puja was performed and offerings consecrated to the said Kundodara on account of the ships, the Brahmanamams (Brahmans) offered opposition. Then the chiefs of both the parties came together, and with a view to avoid disagreement among the Mahajana people, allotted the territories of Nandaraja to Purvapakshanatha (the chief of the eastern division) and the sovereignty of one Nidamba to Paschima Shodasapakshanatha (the chief of the western division consisting of sixteen villages); and having called the former

(1) So held by the High Court of Madras in S. A. No. 162 of 1863, Oct. 24, 1863: Present.—Phillips and Frere, J. J.—Ed.

Balagai (ಬಲಗೈ, right hand) Ballalas and the latter Edagai (left hand, ಎಡಗೈ) crowned the chiefs of both the divisions with the title of Ubhayaballalas (two Ballalas). Bhutalapandya ruled that these two Ballalas were competent for the eighteen classes;⁽¹⁾ that if the death of (any one of) them takes place, the rules of Aliyasantana alone should be observed (on that occasion), though their family may have been the followers of Makkalasantana system. He further observed that should any of the Ballalas of the above pattam (seats of honour) die, a corpse should be made in his stead in *Baikunte* (straw) and the people of the eighteen classes joining together, should burn this corpse; that there must be a Pumada Kaimada Neleupparige (a litter with stories, adorned with flowers, &c.,) and *Chaturanga*, (four kinds of troops), *Torana* (string of leaves, flowers or sometimes cloths with ornamental needle-work hung across the highway), all sorts of musical instruments played upon, and drums beaten; and with all these they should scatter rice about—failing which they the eighteen classes of people will be in pollution, and that because it (the Ballala) is a spiritual preceptor and the people of the said classes are disciples (they) should observe the pollution as aforesaid.

Sixteen kattaes or rules.

1. It being asked that as there is only one girl (heir) in each family governed by the Aliyasantana rule, how would the line of the family continue for the future if the death of the husband of such girl should take place, Bhutalapandya declared that (in such case) the parents are not competent to give such girl to another person in marriage; but the maternal uncle and other

(1) It has been already, clearly laid down that the 14 Kattus of Bhutala Pandya refer to the three classes of people other than the Brahmins. The Ballalas are Brahmins and it is here admitted that they are the Spiritual Preceptors of the followers of the Aliya Santana Law, although they follow the Makkala Santana Law. Hence it is clear that they are not to follow the Rules of Aliya Santana. The passage "that if the death of (any one of) them takes place, the rules of Aliya Santana alone should be observed (on that occasion)" clearly refers to the disciples of the Ballalas and not to the Ballalas themselves. In practice too this is the case.—T. G.

members of the family may do so; that the parents are only to touch the Dhare Gindi (a metal vessel with a tube on its side by pouring water from which a girl is given in marriage), while giving their daughter in marriage, and it should not be the custom with them to get (the girl married) by pouring water as aforesaid.

2. If, in that (in the Aliyasantana family) a girl loses her husband, such girl is called a Budavalati. If the girl happens before she is wedded (a second time) to be pregnant by intercourse with another person of her own caste, Bhutalapandya declared that she may be given to such person in Budadhare marriage on receiving a fine from him. Bhutalapandya added that if the person is of a higher caste than the girl, she may be allowed to be kept by him, or, on the contrary, if he be of an inferior caste, the Ballalas may sell such girl on exacting a fine from him.

3. If a husband goes to another country leaving the married girl alone, Bhutalapandya declared that she may after the expiration of five years (from such absence) be joined and wedded to another person. He also said that if she be found to be pregnant in the absence of her husband, she may be placed in the keeping of her paramour provided he be of superior caste or wedded to him, provided he be of the same caste (with her); or if he is of an inferior caste, she may be abandoned, fined and joined to such caste.

4. If after such girl have brought forth three or four children subsequently to her marriage, the husband goes to another country, she cannot be wedded to another person. If she had had connection with a person of equal caste and proved to be pregnant before the return of her husband, she cannot be wedded. If in such case, the person be of an inferior caste she should be abandoned (excommunicated.)

5. Bhutalapandya recorded a rule to the following effect. If a married girl find her husband to be an adulterer, and if the latter find the former to be an adulteress, and so if the husband take her and deliver her over to her parent's house, she may be

wedded to another person. If the husband will not have her again and take care of her on receiving another woman into his keeping, the members of her family may send for her from her husband and wed her to another person. Moreover, if (the husband) tease the wife by striking and abusing her as he likes, reconciliation may be effected between them three or four times; but should there be a recurrence of disagreement among them even afterwards, the members of her family may send for her from her husband and get her wedded to another person.

6. If a girl shall arrive at puberty before marriage and become pregnant before marriage, such girl, as well as the person that caused such pregnancy, should be fined, and the girl may be given into the keeping of that person if he be of superior caste, or married to him if he be of the same caste; or abandoned if he be of an inferior caste; as declared by Bhutalapandya.

7. If a girl who arrived at puberty as aforesaid takes any body before her marriage and elopes with him, she may be married to him if he be of the same caste with her, or abandoned if he be of an inferior caste, or be allowed to be kept by him if he be of superior caste; as ruled by Bhutalapandya.

8. If a married girl leaves her husband and takes another of the same caste with her and elopes with him; she may be wedded to the latter. If the person so taken by her be of superior caste, she may be left in his keeping; or abandoned at once if he be of inferior class, as declared by Bhutalapandya.

9. In respect of the girls of Kshatriyas, the manners and customs of Kshatriyas should be observed. Between Kshatriyas and Brahmins, marriage may be performed by Kaidhare (giving the girl in marriage attended with the pouring of water through the giver's hand in continued dropping). If the male is of the same or of inferior caste (with the girl) she shall be abandoned; as mentioned by Bhutalapandya.

10. As regards the Jaina caste. If (the male is) of the same caste she may be left in his keeping, and if she had joined a superior or inferior caste, she must be abandoned, as declared by Bhutalapandya.

11. If the girl is of Malavar caste (and the male is) of the same or superior caste, she may be allowed to be kept by him; or if (he is) of an inferior caste, she should be abandoned, and it is not possible to call her again, as declared by Bhutalapandya.

12. Bhutalapandya declared that, among the two castes Nayammar and Nayar, there is only Kanyakalyanam marriage, but not Svayamvaram marriage; that afterwards (the girls) may be given into the keeping of the persons of the same caste or those of a superior one, such as Brahmans, &c.

13. As regards the Kadamba caste and Kumara Ballala, the girl may be given into the keeping of a male of the same caste or of the Kshatriya, Brahman, &c.; but if (the male) is of an inferior caste, she should be abandoned, as declared by Bhutalapandya.

14. As regards Sthanikas and Ambalavasis. If (the male is) not of the same or Brahman caste but is of another inferior caste, she will be abandoned, as declared by Bhutalapandya.

15. Bhutalapandya said that a girl of Padarthi and Horapoduyalu may be taken into the keeping of the person of the same caste or of a superior one after Udige cloth shall have been given to (her).

16. As for Arasus (kings), a Brahman may cause the marriage ceremony to be performed. As an Anyata gift is made to the children born of him (*Arasu*), Bhutalapandya declared that the marriage ceremony may be performed by (fixing) pillars and (placing) pots, &c. If those Arasus are such as are incompetent to make the Anyata gift, Bhutalapandya said that it would not be possible to get the marriage celebrated according to the customs observed by the Brahmans. Bhutalapandya also declared that during the occasion of auspicious and inauspicious ceremonies, Chautas and Baugaras will have to pursue the manners and customs observed by Brahmans; and the⁽¹⁾ Chitupadi and Nidambur Ballalas the Aliyasantana system during such occasions;

(1) The Ballalas are Brahmans and therefore they are not to follow the Aliya Santana system on auspicious and inauspicious occasions, but they are entitled to all honors prescribed by the Aliya Santana Law from its followers who are their disciples.—T. G.

and that from the class of Tuluvas down to that of a Navika the nepotism rules should prevail uniformly. Thus Bhutalapandya made the nepotism rules.

In the twelfth year after the installation of Bhutalapandya, Kesavanna and Basavanna, who were the learned men among the Jainas, were sent for from over the Ghats and rewards and presents were given them; after which they built the following cities. Barkur and other fifteen cities for Kesavanna, and Mangalore and fifteen other cities for Basavanna. Chautas and Chitupadi Ballalas are the chiefs of Barkur town, while Bangas and Nidambur Ballalas are the chiefs of Mangalore town. In these thirty-two cities, thirty-two Bastis (Jaina temples) were built, and the suburbs in which Jainas and other persons of superior class lived, have been called Peta. Patnasetti is the person that remains therein. The heads consisting of four, eight or sixteen in number, are Peta Hallaru. Those that collect in a Chatusisanga are *Petejanaru* (or the people of suburbs.) If the people of four castes namely Brahma, Kshatriya, Vaisya and Sudra collect in one place it is called Chatussanga. Those that sell different articles in the said Peta, are called merchants, while those that sell and purchase gold and silver are called Chinivara-davaru (or dealers in gold, &c.) The people that farm the duty on articles exported and imported into the Peta and also weigh them before themselves are Toladharis, and those that store all articles and get them sold by giving the same to different shopkeepers are Sahukars, while those that bring nine sorts of precious stones as well as cloths, and also those that bring nine sorts of grains on bullocks and export them on them are Settigars. If all these persons collect in one place they are called Savakars.

If houses be caused to be built by artificers on both sides of the road of the Peta, the same takes the name of Keri, and a collection of drapers' shops lying in a line goes by the name of Malige, while great houses full of articles worth many thousands of Pagodas are known as Bhandasale. The street of Panchalas (carpenters, braziers, blacksmiths, goldsmiths and

stone-cutters) where gold and silver jewels are wrought as well as brazen and copper vessels, as also carpentry and turners' work are made, is called Panchalakeri, and the place where potters, *Devadigas*, musicians, live, is included in Kumbarakeri (Potters' street.) The street Samagarakeri contain Samagars, washermen, barbers, tailors, &c., and Viyaparakeri street is that which is inhabited by Mlechhas, traders, &c. Sulageri is the street where dancing girls, Maleyan, harlots, prostitutes, &c., live; Nishiddhakeri is the street where liquor, meat, &c., are sold; and if there are in the vicinity of this street the Paraya houses in a line, it is a Holageri street. That which has no Keris but only a Peta (a collection of shops) is known as Peta itself. If there are Keris (with Petas) it is a town. Where there are ramparts round the town, and a fort in the centre, and also ramparts of the fort in the districts, and also where there is a king's rule, such place is termed Bandar, and if there is a lakh of houses therein, it will be called a Nagar, which, if it contain more than four lakhs of houses, will be known by the name of Jayanti.

The above thirty-two Nagars are as follow :—

Barkur, &c. 16 Nagars, which have four lakhs of houses and Mangalore, &c., 16 Nagars, which have three lakhs of houses. The said 16 former Nagars are, 1 Barkur, 2 Kadama, 3 Mudabidre, 4 Karkala, 5 Basarur, 6 Bangadi, 7 Padubidre, 8 Yenur, 9 Kapu, 10 Mudradi, 11 Surala, 12 Naravi, 13 Yeramala, 14 Alavu, 15 Mundkur, and 16 Bailangadi. These are Petta, Patana, Bandar, Nagar, &c., relating to Kesavanna. The Nagars formed by Basavanna are 1 Mangaluru, 2 Kasaragodu, 3 Mulki, 4 Vitthala, 5 Ullala, 6 Bantwala, 7 Manelu, 8 Udupi, 9 Panamburn, 10 Nellikara, 11 Manjesvara, 12 Neranki, 13 Pani Mangalore, 14 Maredala, 15 Valalanke and 16 Sulya.

These are the cities founded by Basavanna. Here end these rules of Bhutalapandya.

Particulars of the classes following the Aliyasantana rules.

1 Bagettinaya, 2 Bonyannaya, 3 Pulyattanaya, 4 Salannaya, 1 Bangarannaya, (belonging) to the class of Iravattur. It is not

customary to give male and female (children) to this (class). 2 Kundalannaya, 3 Pangalannaya, 4 Karburannaya. These four classes are the same. There exists relationship between the above mentioned four classes such as Pulyattannaya, &c., while it does not exist between the three classes, namely Bargadannaya, Kellarabannaya and Hirebannaya. The two classes Uppurannaya and Uddarannaya are the same, as also the two classes Kochattibannaya and Kochirannaya. Even the two classes Salabannaya, and Aiyabannaya are the same, as also the two classes Nelabannaya and Ujattibannaya. The four classes Ulibannaya, Kundonibannaya, Karambarannaya, and Barmarannaya have not any special classes proximate to them. Relationship is formed by them in all the classes. Total classes* 18.

* These are only 16 classes, if calculated.—S. A.



APPENDIX D.

NOTES ON FEW OF THE MOST IMPORTANT PARTS OF
B. RAMASAWMY NAIDOO GAROO'S TRANSLATIONS.

Page.	Para.	Extracts from the Translation.	Notes.
7	6	"The Revenue records invariably contain the name of the male member as the Wurgdar or Proprietor; and obligations in the nature of Bonds, &c., have generally been entered into by him, he being called the Yejman or Mana-ger."	It is not the eldest male Member that is invariably the <i>Wurgdar</i> . There are numerous cases in which <i>Wurgs</i> are entered in the name of the eldest Female also. The <i>Kudutaladar</i> or the person responsible for the assessment is either male or female. Bonds and obligations are entered into by the <i>Female</i> who is the <i>Ejaman</i> of the family, although in a few cases the male member executes the Bonds and manages the property for, and in the name of, the <i>Ejaman</i> .
"	7	"Yejman."	Here the word <i>Ejaman</i> is inappropriate. "The eldest male member" ought to have been substituted.
9	1	"Who is said to have been the first to construct ships for commercial purposes."	From this one would infer that <i>Deva Pandya</i> was the first person that discovered the art of Ship-building, which is not the case. From the Canarese text it is clear that <i>Deva Pandya</i> simply constructed new ships.
15	3	"By Jati Niti are meant the peculiar duties of each caste;"	<i>Jati</i> and <i>Niti</i> are distinct terms, the former refers to the castes that are to follow the <i>Aliya Santana</i> Law and the latter to the rules by which the castes are to be guided.
"	"	"Bali and Banna apply to persons that have neither status nor respectability."	<i>Bali</i> refers to the several tribes that come under the operation of the <i>Aliya Santana</i> Law and <i>Banna</i> refers to those who have simply the color of a <i>Bali</i> without places or marks of honor.

Page.	Para.	Extracts from the Translation.	Notes.
17	3	"Nade chappara (a covered seat used in processions);"	It is not a seat, but simply a canopy carried over processions.
18	1	"Dignity of Patta and Patti,"	<i>Patti</i> is not a dignity. It is the privilege of receiving an occasional tribute.
19	2	"Ballalas are competent to rule the 18 classes (Balis), and that if these should die, the rules of Aliya Santana alone should be observed"	<i>Ballalas</i> are Brahmins. They are not under the operation of the <i>Aliya Santana</i> Law. It is the followers of the <i>Aliya Santana</i> Law that should perform the ceremonies according to that Law on the death of a <i>Ballala</i> , because he is the priest and they are his disciples.
23	4	"The Ceitupady and Nidambur Ballalas follow the rules of Aliya Santana both on auspicious and inauspicious occasions."	This is incorrect. The <i>Chitpadi</i> and <i>Nidambur Ballalas</i> are entitled as priests to all honors due to them as such under the <i>Aliya Santana</i> Law both on auspicious and inauspicious occasions.

APPENDIX E.

EXPLANATION OF TERMS USED IN THIS BOOK.

<i>Abishekasanti</i>	The anointing of the idol as a means of pacifying the deity.
<i>Adi</i>	A Title.
<i>Adidevatas</i>	Presiding deities.
<i>Agasa</i>	Washerman.
<i>Ainadu or Aidoor</i>	A village in the Udipi Taluq.
<i>Aiyabannaya</i>	The name of a tribe.
<i>Ajala</i>	Title of a person at the head of a Dorethanam.
<i>Ali</i>	Death.
<i>Aliyasantana</i>	Succession in the line of Sister's son.
<i>Ambalavasi</i>	A class of people whose profession is to perform menial services in the inner chambers of temples in the Malayalam country.
<i>Anandraven</i>	An heir; the apparent or next of kin; the heir of the acting head of the family.
<i>Anantesvara</i>	Name of the deity in the temple at Someshwara; God of Eternity.
<i>Ande koragas</i>	Aborigines whose dress is composed partly of cloth and partly of leaves.
<i>Anyata</i>	A present made to junior relations in contra-distinction to Uchitha which means a present made to others who are not relatives.
<i>Arasthanum</i>	Kingdom.
<i>Avulakki</i>	Paddy boiled and beaten.
<i>Bagettinaya</i>	The name of a tribe.
<i>Baikunte</i>	Straw.
<i>Bailangadi</i>	A village in the Uppinangadi Taluq.
<i>Bairasa</i>	A Title.
<i>Bairava</i>	A demi-god.

<i>Balagai</i>	Right-hand.
<i>Bali</i>	Tribe.
<i>Balisavira Brama</i>	The deity in the temple at Balisavira.
<i>Ballaia</i>	A well informed man; also a title.
<i>Balu</i>	Succession.
<i>Bandar</i>	A town with a fort in it; also a sea-port.
<i>Bandasale</i>	Store-house.
<i>Bangadi</i>	A village in the Uppinangadi Taluq.
<i>Bangar</i>	Title of a person at the head of a Samsthanum.
<i>Bangarannaya</i>	The name of a tribe.
<i>Banna</i>	Color of a caste.
<i>Bannala</i>	Ranks of authority.
<i>Bannamirubali</i>	Same as Banna.
<i>Barakanyapur</i>	City of twelve virgins.
<i>Barasa</i>	A Title.
<i>Baramarannaya</i>	The name of a tribe.
<i>Barcoor</i>	Name of a town in the Udupi Taluq.
<i>Bargadannaya</i>	The name of a tribe.
<i>Basavanna</i>	Name of a Jaina who procured wives to Bhutala Pandya.
<i>Basroor</i>	A village in the Kundapur Taluq.
<i>Basti</i>	Jain temple.
<i>Bathuku</i>	Inheritance.
<i>Beri</i>	Drum.
<i>Bhutala Pandya</i>	Ruler of the world.
<i>Bhutaraja</i>	King of demons.
<i>Bidudoni</i>	Boats kept in ships for occasional use.
<i>Billavog</i>	Toddy drawer.
<i>Bonyannaya</i>	The name of a tribe.
<i>Brahma</i>	The Creator of the Universe.
<i>Brahmananam</i>	Brahmin.
<i>Budadhare</i>	Widow marriage.
<i>Budavalati</i>	Widow.
<i>Chal-gueny</i>	A temporary lease, generally for one year.
<i>Chandrangada</i>	Name of a king who is said to have dethroned Virapandya, the father of Bhutala Pandya.

- Chathurangathorana*.....A string of leaves and flowers tied to the top of four pillars forming a square.
- Chaturshashthipradhana - Yoga yogesvara*.....Master of the sixty-four principal Sciences.
- Chatussanga*.....Collection of four classes of people, viz., Brahma, Kshatriah, Vysiah and Sudra.
- Chawla*.....The title of a person at the head of a Samchanum.
- Chavadi*.....A public place in a village.
- Chinnavaradavaru*.....Dealers in gold.
- Chitrabanu*.....The 16th year of the Hindu Cycle.
- Chitupadi*.....A village in the Udipt Taluq.
- Daerl, Dher*.....A body of persons of the lowest caste, employed in agriculture, formerly in a state of slavery.
- Devadiga*.....Menial servant who performs outdoor services at temples.
- Devandra*.....King of the gods.
- Deva-Pandya*.....Name of a merchant of the Pandya country.
- Dhareginde*.....A vessel with a spout attached to it.
- Dholu*.....Drum of a smaller description.
- Dhurba*.....Sacrificial grass.
- Dhurgalaya*.....Temple dedicated to Dhurga, wife of Siva.
- Divan*.....Minister.
- Doreballala*.....A Title.
- Doretanam*.....Government.
- Ejama*.....Manager.
- Ganapati*.....Chief of various classes of inferior divinities. Son of Siva characterized by an elephant's head.
- Ghat*.....Mountain.
- Gueny*.....Rent, Lease.

Gueny Cheety.....The agreement executed by a tenant-at-will, or temporary tenant, to the proprietor. In the north of Canara, the Gueny Cheety is executed by the proprietor to his tenant, and a counter-agreement or Yetharuvully taken.

Guenygar.....A tenant.

Gueny Hogtivully.....The actual out-turn of the year, deducting all charges.

Gudimana.....Collection of houses.

Gunta.....A circular gong.

Haiga country.....Name of that part of Canara which extends from the Bhadracherry river to the Gungavully.

Halapaika.....Toddy-drawer, Billawar.

Hangarakatte.....Name of a Sea-port in the Udipi Taluq.

Haralu.....Roasted Paddy.

Harisetti.....A class of Vysiahs or Merchants.

Hasurusilegalu.....Green stones.

Hechchu.....Superiority.

Heggade.....A Title.

Hinde.....Behind.

Hibannaya.....The name of a tribe.

Holagevi.....Streets occupied by Pariahs or Holeyars.

Holeya.....Another name for the class of persons described under the denomination of Daerd, Dher.

Horapoduvalu.....An inferior class of Nayars.

Huttu.....Abolition of Makkalasantana Law.

Ilom.....A house, household, family.

Iruvathoor.....A village in the Udipi Taluq.

Iyara.....The 11th year of the Hindu cycle.

Jainaru.....Those following the Jain religion.

Jati.....Caste.

- Jayanti*.....A town with more than four lacs of houses and a fort.
- Jayantika*.....The name of a town.
- Jenm (Jenma)*.....The hereditary or proprietary occupancy of lands.
- Jeyas Pandya*.....Victorious Pandya.
- Kadama or Kadaba*.....A village in the Uppinangadi Taluq.
- Kadamba*.....A class of people.
- Kaidhare*.....Pouring of water on the hand of the person marrying.
- Kaimada*.....A frame work of bamboo with a bell attached to it and covered with red cloth.
- Kali (Yuga)*.....The iron age.
- Kalyanpur*.....Name of a Sea-port in the Udipi Taluq.
- Kanam*.....An advance or deposit of money made to a proprietor of lands or gardens in Malabar on receiving them from him at a stipulated rent.
- Kanyakalyanam*.....The marriage of a girl before she attains her age.
- Kap*.....A village in the Udipi Taluq.
- Karimar*.....A class of Pariahs.
- Karambarannaya*.....The name of a tribe.
- Karanna*.....Free-hold or private property.
- Karkala*.....A town in the Udipi Taluq.
- Karnataka country*.....The tract of country that intervenes the Western Ghauts and the Malayalam, Tulu and Haiga countries.
- Karnaven*.....Head of the family, from Sanskrit, Karanum, 'cause.'
- Karburannaya*.....The name of a tribe.
- Kassergode*.....A Taluq of the South Canara District.
- Kattapadi*.....A village in the Udipi Taluq.
- Kattale*.....Commandment.
- Katti*.....Rule.

<i>Kayam-Gueny</i>	A permanent rent, or lease, differing in name only from Mool-gueny.
<i>Kellarabannaya</i>	The name of a tribe.
<i>Keri</i>	Street.
<i>Kesavanna</i>	Name of a Jain who procured wives to Bhutala Pandya.
<i>Kinnari Arasu</i>	A Title.
<i>Kinnari Ballala</i>	Ditto.
<i>Kinnari Heggade</i>	Ditto.
<i>Kochattibannaya</i>	The name of a tribe.
<i>Kochirannaya</i>	Ditto.
<i>Kshatrapala</i>	Name of a deity. Protector of the place.
<i>Kshatriah</i>	Military tribe.
<i>Kshauraka</i>	Barber.
<i>Kudutale</i>	Registry.
<i>Kudutale-dar</i>	One who is responsible to Government for the payment of assessment.
<i>Kulur</i>	A village in the Mangalore Taluq.
<i>Kumara Ballala</i>	A class of people.
<i>Kumbar</i>	Potter.
<i>Kumbarkeri</i>	Potter's street.
<i>Kummi</i>	Inferiority.
<i>Kunda</i>	A rank of authority.
<i>Kundalammaya</i>	The name of a tribe.
<i>Kundokura</i>	A greedy and revengeful being. The name of a demon.
<i>Lagnam</i>	Time.
<i>Madya</i>	Central.
<i>Magany</i>	The sub-division of a Taluq or a collection of villages.
<i>Magha Sudda</i>	The bright half of the month of Magha, corresponding to March.
<i>Mahapurusha</i>	A great man.
<i>Mahajanam</i>	Community.
<i>Mahalayami</i>	A ceremony performed annually to the manes of departed ancestors.

<i>Mahishantaya</i>	Name of a demon.
<i>Mahishasura</i>	The Protector of the world, also a giant with the head of a buffalo.
<i>Mahiprasantana</i>	Succession in the line of sons.
<i>Malakudy</i>	Hill tribe.
<i>Malayala</i>	The name of a country.
<i>Malige</i>	Place where provisions are sold.
<i>Mana</i>	Dignity.
<i>Mangalore</i>	Head Quarters of the South Canara District, also a Taluq.
<i>Manjeshwar</i>	A town in the Kasserode Taluq.
<i>Mantapa</i>	A covered place in temples for the placing of idols.
<i>Maradala</i>	A village in the Uppinangadi Taluq.
<i>Marambade</i>	Name of a place in the Udiipi Taluq.
<i>Mariyade</i>	Honor.
<i>Maroomakkatoyem</i>	The System of inheritance in the female line.
<i>Masadika</i>	A class of Bhunts who eat flesh.
<i>Melkanam</i>	A second mortgage.
<i>Mlechhas</i>	Out-castes.
<i>Mool, Mooly</i>	Proprietary.
<i>Moolgar</i>	A proprietor of land.
<i>Mooly Huk</i>	Proprietary right.
<i>Moolputtah</i>	A grant conferring the proprietary right of the soil on the cultivator.
<i>Mudaru</i>	A village in the Udiipi Taluq.
<i>Mudbidri</i>	A village in the Mangalore Taluq.
<i>Mularu</i>	The title of a person at the head of an Arasthanam.
<i>Mulavar or Malavar</i>	A class of laborers.
<i>Mulki</i>	The name of a town in the Mangalore Taluq.
<i>Mundala</i>	A class of Pariahs.
<i>Munde</i>	Before.
<i>Nade chappara</i>	A canopy carried over processions.
<i>Nade made</i>	Cloth spread on the ground to walk upon.

<i>Nade vadya</i>	Music that accompanies a procession.
<i>Naga</i>	Serpent.
<i>Nagar</i>	A town with a lac of houses and a fort.
<i>Nagareswara</i>	Deity of the town.
<i>Napika</i>	Barber.
<i>Narasimmadevaru</i>	An incarnation of Vishnu with the face of a lion.
<i>Narayana Pandya</i>	Name of the Captain of Deva Pandya's vessel.
<i>Nayammar</i>	A Nair, a class of agriculturers in Malabar.
<i>Nedambur</i>	A village in the Udipi Taluq.
<i>Nelabannaya</i>	The name of a tribe.
<i>Nellikaru</i>	A village in the Udipi Taluq.
<i>Nee Upparige</i>	A lofty frame-work with stories constructed of bamboos.
<i>Neranki</i>	A village in the Uppinangadi Taluq.
<i>Nerina Mantappa</i>	A square place with four pillars at the corners with a canopy attached thereto.
<i>Nishidda keru</i>	Prohibited street or street in which liquor, meat, &c., are sold.
<i>Nisuch</i>	Partition.
<i>Niti</i>	Rules framed for the guidance of the Jati.
<i>Otti</i>	A pledge or mortgage.
<i>Padarathi</i>	A drummer.
<i>Paddi</i>	A measure.
<i>Padubidri</i>	A village in the Udipi Taluq.
<i>Pakshaprabhus</i>	Chiefs of the parties.
<i>Panambur</i>	A village in the Mangalore Taluq.
<i>Panchagaviem</i>	A mixture of five articles derived from the cow taken as a means of purification.
<i>Panchala</i>	Smiths, Carpenters, &c.
<i>Panchalakari</i>	Smith's Street.
<i>Pangalamnaya</i>	The name of a tribe.

<i>Panimangalore</i>	A town in the Kassergode Taluq.
<i>Parambu</i>	A garden in Malabar.
<i>Parisahithavadya</i>	Different kinds of Music.
<i>Parivagr</i>	An inferior class of Bkants.
<i>Paschimasodasapukshanatha</i>	Chief of the western division consist- ing of sixteen villages.
<i>Patta</i>	A plate with inscription fastened on the forehead, also a throne as well as a crown; title or dignity.
<i>Pottabisheta</i>	Coronation.
<i>Patti</i>	A number of betel leaves folded up with arecants in one of them; a list; an occasional tribute.
<i>Pakam</i>	Dignity, title.
<i>Pattana</i>	City.
<i>Pattarani</i>	Wife of a reigning king.
<i>Pattavali</i>	Plural of Patta.
<i>Peta</i>	Suburb.
<i>Petahallaru</i>	Residents of suburbs.
<i>Peta Janaru</i>	People of suburbs.
<i>Porapad</i>	Net-rent.
<i>Prathinithi</i>	Substitute.
<i>Puja</i>	Worship.
<i>Puliyattanaya</i>	The name of a tribe.
<i>Pumada</i>	A quadrangular space with a canopy of flowers.
<i>Punya homa</i>	The burning of the sacred fire.
<i>Purogipukshanatha</i>	Chief of the Eastern division.
<i>Racteswari</i>	Name of the goddess Dhurga.
<i>Sahukars</i>	Merchants.
<i>Salannaya</i>	The name of a tribe.
<i>Salivahana</i>	The personage after whom the Sali- vahana era is reckoned.
<i>Salya</i>	Weaver.
<i>Samagar</i>	Cobbler.
<i>Samagar keri</i>	Street in which cobblers reside.
<i>Samaradhan</i>	Feeding of Brahmins.
<i>Sasthanam</i>	Kingdom.

<i>Satyapati</i>	The faithful. This is the name of the mother of Bhutala Pandya.
<i>Sastras</i>	Rules.
<i>Savante</i>	A title of a person at the head of a Dorathanam.
<i>Savira</i>	One thousand, 1,000.
<i>Sami</i>	Death.
<i>Settigar</i>	Dealer in cloth, precious stones and grains.
<i>Siddharasam</i>	Mercury; liquid prepared by the Siddhas.
<i>Siddhasile</i>	Stone prepared by Siddhas.
<i>Siddhviraprasidharaya</i>	Name of a king who was reigning at Bijanaggur when Bhutala Pandya was crowned.
<i>Simmahsanam</i>	Throne.
<i>Siri</i>	Property.
<i>Siva</i>	The Destroyer of the Universe.
<i>Sivagana</i>	Hosts of demons over whom Siva is said to preside.
<i>Sivaraya</i>	Temple dedicated to Siva.
<i>Somesvara</i>	Name of the deity in the temple at Barcoor.
<i>hana devotas</i>	Local deities.
<i>.....</i>	A class of people whose profession is to perform menial services in the inner chambers of temples.
<i>idra</i>	An inferior class.
<i>ulagari or Sulerakeri</i>	Street inhabited by prostitutes.
<i>aliya</i>	A vice in the Uppinangadi Taluq.
<i>ayamvaran</i>	A kind of marriage in which a girl select her husband.
<i>Tarwadad</i>	A family.
<i>Toladari</i>	Weigher.
<i>Tulu country</i>	That part of Canara which extend from the Chendragherry river in the south to the Bhadracherry river in the north.

- Tuluva* A title of a person at the head of an Arasthanam.
- Tuluvaru* Those who speak the Tulu language.
- Ubaj Ballala* Two Ballalas.
- Ujita* Present made to strangers.
- Udarannaya* The name of a tribe.
- Udige* Marriage cloth.
- Udipi* A Taluq of the South Canara District.
- Ujattianmaya* The name of a tribe.
- Ujjein* Capital of Malwa in the Deccan.
- Uli* Succession.
- Ulibanraya* The name of a tribe.
- Ullala* A village in the Mangalore Taluq.
- Uvarannaya* The name of a tribe.
- Urdan* Guardian or Manager of a temple in Malabar.
- Urayama* Managements of the affairs of a temple in Malabar.
- Uri* Fire.
- Uthrabadrupada* The name of a star; also the 26th mansion of the moon.
- Vaddu* Rank of authority.
- Vidyadyumnapandiyaraya* The nephew of Bhutala Pandya.
- Vijanagger* The kingdom of *Vijaynagar* who reigned at Ujjein.
- Vikramadytia* Name of a king of the Kassergode Taluq.
- Vittal* A village in *Vijaya*.
- Virapandya* Heroic Pandya, one sixteenth.
- Visam* A fraction of Vishnu.
- Vishnuvalaya* Temple of Vishnu.
- Vyaparakeri* Merchants' Street.
- Vysiah* Merchant.
- Yedag* Left hand.
- Vellanadu or Kelanadu* A village in the Udipi Taluq.
- Yur or Vanoor* A village in the Mangalore Taluq.