M.R.O. 14—13,000—27-9-34.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 5-3-3 Press ~~Mis.~~

40. 41

Dated 2. 4. ~~19~~ 1864

***Not to be folded or roughly handled***

## *Proceedings of the Madras Government, Revenue Department, 2nd April 1864.*

No. 40. Read the following letter from APPU ROW, Poligar of Ankusaghiri in the Oossoor Talook, Salem, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, dated 9th January 1864 :—

HONORED SIR,

1. In submitting the enclosed triplicate copies of my Memorial to His Excellency the Right Honorable the Secretary of State for India, soliciting the revocation of His Excellency's order on the Memorial of Ukkachi Ummani permitting her to prosecute her alleged claim to the Polliem of Ankusahirri, permit me most respectfully to represent that said Polliem is an unsettled one, and that the appointment of the succession to it was always vested in the ruling power whether Hindu, Mahomedan or British. This prerogative of Government is sought to be called into question by Ukkachi Ummani on the strength of a forged Will, and on her misstatement of facts His Excellency the Right Honorable the Secretary of State unhappily passed the order alluded to. From a perusal of the Memorial your Honor will perceive that the Polliem is an unsettled one, and that the decision of Government in respect to its succession is final and absolute. Ukkachi Ummani has applied for a copy of His Excellency's order and I presented a Petition in November last that it should not be furnished her, since it would afford her the means of creating unnecessary and vexatious litigation and annoying the authorities and myself I therefore most respectfully solicit your Honor that in transmitting my memorial you will be graciously pleased to accompany it with your favorable recommendation in view that His Excellency's order may be cancelled and that the decision of the local Government may be at the same time ratified.

2. I have also to solicit that, pending the orders of His Excellency the Right Honorable the Secretary of State, your Honor will be pleased to procure an order from His Excellency the Governor in Council declining to furnish a copy to Ukkachi Ummani of the order in question.

No. 41. ORDER THEREON, 2nd April 1864, No. 553.

Ordered that the Memorial received with the foregoing letter be forwarded to the Home Authorities and that an intimation of the same be given to the Memorialist.

(True Extract.)

(Signed) C. G. MASTER,
*Deputy Secretary to Government.*

Exd. S. T. Augustin.

To

The right Honorable his Excellency the Secretary of State for India,

East India House,

LONDON.

THE HUMBLE MEMORIAL OF MASTEE MUMMUDI APPU ROW, POLIGAR OF UNKUSAGHIRRI IN THE OOSSUR TALUQ : SALEM.

Most Humbly Showeth,

That Memorialist solicits your Excellency's kind and impartial consideration of the following observations with reference to the Order passed by your Excellency on the Memorial of Ukkachi Ummani presented by her in July 1861, relative to the Polliem of Unkusaghirri, which was placed in Memorialist's possession by an Order of the Ruling Power or the highest Authority of the Presidency,—the Governor in Council.

2 As it transpired at a recent trial of a suit instituted by Pedda Muddu Vira Ummani, in the Salem Court in No. 1 of 1862, it would appear that your Excellency in Council granted her permission to prosecute her claims in the Civil Courts.

3 In obtaining such an order, it is clearly evident that Ukkachi Ummani must have either mis-stated the facts or withheld the whole truth.

4 It could not have been but under the impression that the Estate in question was a Mittah, like other Mittahs in the District of Salem, that your Excellency passed the Order. But Unkusaghirri is not a Mittah at all : it is an unsettled Polliem, and the right of succession thereto is to be and has always been decided by the State, and is not at all to be interfered with by any Municipal Court or Authority Subordinate to it.

5 In confirmation of Memorialist's statement, Memorialist would humbly presume to solicit your Excellency's attention to the facts given hereinunder-after. The Polliem now designated Unkusaghirri formerly consisted of 4 Divisions viz. Mastee Kodianur, Unkusaghirri and Sulaghirri. The entire Polliem itself was named Mastee, or the abode of the goddess of prosperity by Memorialist's great ancestor, centuries ago, when through his Patriarchal and agricultural tendencies he caused numerous of his Military followers to occupy, jungle, forest and irrecoverable waste lands, and established villages in every direction. Hence the family name of Mastee. Both under the Hindu and Mahomedan Governments, Memorialist's great ancestors enjoyed the whole 4 Divisions as Military Fiefs, paying a small tribute to them in acknowledgement of their allegiance. During the Rule of Hyder Alli and his Son Tippu Sultan, Memorialist's ancestors were deprived of 2 of the Divisions above named, Mastee and Kodianur. Another Sulaghirri, having been made over to a younger branch of the family they were left in possession only of 1 division that of Unkusaghirri. On the assumption of the Baramahal Territory by the British, Memorialist's Grandfather, Kempia Gowd was found in possession of the remaining remnant of the original Estate, that of Unkusaghirri and was confirmed in it on account of the meritorious services rendered by him to the Honorable East India Company during the disastrous and turbulent times of the Seringapatam War. Kempia Gowd had 4 sons, viz. 1 Chokia Gowd, 2 Sadanapully Gowd, 3 Timmaraya Gowd, and 4 Kariappa Gowd, and one daughter Pedda Ukkal Ummani. All his 4 sons are deceased without issue, but the daughter (Memorialist's Mother) is yet alive. On the decease of Kempia Gowd, his eldest son Chokia Gowd succeeded to the Polliem, and during his incumbency, his 2nd brother Sadanapully Gowd died. On the demise of Chokia Gowd his 3rd brother, Timmaraya Gowd succeeded, and during this Poligar's incumbency the youngest or 4th brother Kariappa Gowd died.

6 On the decease of each of the 4 brothers, the 1st left two Widows, the 2nd one, the 3rd two, and the 4th two.

7 Timmarya Gowd, the 3rd brother having been the last incumbent and the last survivor of all the four brothers, his senior widow Sunjeevi Ummani succeeded to the Polliem, and on her death, the junior widow Vira Ummani fell into possession. The widows of the other brothers were declared to be entitled to maintenance only, and Rs. 360 were settled on each.

8 On the decease of Vira Ummani, Memorialist's rightful claim as the grandson of the original grantee, and the sister's son of the last male incumbent, having been taken into consideration by Government, they placed Memorialist in possession of the Polliem, basing their decision on the opinion furnished them by the Pundits of the Sudr Court, the highest Judicial Authority in Southern India.

9 Consequent on this decision, Ukkachi Ummani, one of the two widows of the 4th brother, Kariappa Gowd, who predemised his brother without falling into the succession of the Polliem, and whose widows, in common with the widows of all the other brothers, had been declared to be entitled to maintenance, and had enjoyed it without demur for a number of years, under the tuition and at the instigation of certain evil advisers, preferred an appeal to your Excellency on the strength of a forged Will, alleged to have been executed in her favor by Vira Ummani, the last female incumbent. Here your Excellency will observe that Vira Ummani was incompetent to alienate the Estate, having only a life interest in it; that the Will, if executed by her, would be invalid; that the alleged Will is not genuine and that Ukkachi Ummani was not her heiress and has no right or title to the Polliem, since her husband demised without falling in to the succession of it. V. Strange's Manual para. 319.

10 In that appeal, not only was the truth withheld, but it also contained a gross misstatement to the effect that the Estate was a Mittah instead of properly representing that it was a Polliem, and an unsettled Polliem.

11 By this purposely fabricated assertion, your Excellency was misled, and you were pleased to issue the objectionable order above alluded to, referring the Appellant to the Civil Courts for redress.

12 Your Excellency will be pleased to observe that all the various successions to the Polliem above given were invariably appointments made by Government in virtue of the prerogative vested in them to dispose of unsettled Polliems, and is in accordance with the usages obtaining immemorially during the former Hindu and Mahomedan Governments and ever since the British took possession of the country.

13 In reference to this self-same Polliem, the late Sudr Court in No. 11 of 1816, declared that the Respondent in that suit was entitled to enjoy the estate, it having been conferred on him by the State in virtue of the right vested in them, and that therefore the Courts had no jurisdiction in the matter. To the same purport is the order of the Privy Council in the Tanjore Raj's case (Moore's Indian appeals Vol. VII page 476) in which it is declared that "as the seizure was made by the British Government acting as a Sovereign Power through its delegate the East India Company, it was an Act of State, to enquire into the propriety of which a Municipal Court had no jurisdiction." See also Sudr Court's Select Decrees No. 6 of 1803, 13 of 1813 and 14 of 1817.

14. On information privately procured by Ukkachi Ummani, of the nature of the order issued by your Excellency, she and another female, Pedda Muddu Vira Ummani, widow of the 1st Son Chokia Gowd were incited to institute proceedings in the Courts on the ground that the decision of the local Government was not ratified by your Excellency. But the several Suits instituted by them were rejected.

15. On the strength of a forged Will, Ukkachi Ummani clandestinely and fraudulently obtained a Probate from the late Supreme Court and instituted a suit against your Excellency. On the representations of Memorialist, the Probate was revoked and the suit thrown out. Next, said Pedda Muddu Vira Ummani filed a suit in the Salem Court, anent the recovery of the Polliem; but it also was rejected, on the ground that the decision of Government in regard to unsettled Polliems was absolute and final. Now, however, Ukkachi Ummani, through further mis-representations has procured a Certificate from the Salem Court, and in view to institute further proceedings has applied to Government for a copy of your Excellency's Order on her Memorial. Memorialist presented a counter petition in November last, requesting that her prayer should not be complied with.

16. Your Excellency will perceive that erroneous as the order on her Memorial is, given on her mis-representations, to grant her a copy of it, would be to furnish her with means to annoy the Authorities and involve them and Memorialist in unnecessary and vexatious litigation. Ukkachi Ummani is in the hands of deep evil designing men, and is instigated by them as well through the intrigues of her legal advisers—to annoy the Authorities and Memorialist. Penniless as she is, she has executed a Bond to a wealthy Soucar, promising to pay him 35,000 Rupees in the event of her succeeding to the Polliem, and it is on the money advanced by him she intends to institute Proceedings to cancel the Order of Government on procuring a copy of your Excellency's Order.

17. Under these circumstances and in reference to the late Sudr Court's Decrees and the Decree of the Privy Council above quoted, Memorialist humbly solicits your Excellency to cancel the Order passed on Ukkachi Ummani's Memorial, and to confirm and establish the decision of Government, in regard to the unsettled Polliem of Unkusaghirri which they placed in Memorialist's possession. In complying with Memorialist's prayer the prestige and prerogative of the British Government will be upheld, and its authority held in respect. On the contrary, if there be any suspicion as to the decision of Government in such matters not being final and absolute, then a feeling of insecurity would be engendered and all confidence would be destroyed in the minds of all other Poligars. Government after rigid enquiry and mature deliberation passed their Order placing Memorialist in possession of the Polliem, and their decision so far as it regards an unsettled Polliem is final and absolute. But if their decision is to be called into question and reversed by a lower Authority, and that under the permission of the State itself, what respect or faith can the people have in such decisions?

Memorialist therefore humbly solicits that the Order passed by your Excellency on Ukkachi Ummani's Memorial may be cancelled, that the local Government may be directed that a copy of that Order may not be furnished her, and that their decision may be ratified by your Excellency.

And Memorialist as in duty bound,

SHALL EVER PRAY.

9th January 1864.

No. 553.

Ordered that the Memorial
received with the foregoing letter be
forwarded to the Home Authorities
and that an intimation of the
same be given to the Memorialists

Fort St. George
8th April 1854

Rev. 1864. Vol. [illegible]
Proc. of Govt. for April.
No. 1884 [illegible]

Rv. 195.

From A. J. [illegible] Rose
Collector of Umballa Ghaut
in the Cossoor Talooqdaree

Dated 9 Jany 1864
Rec'd 23 Jany 1864
23 [illegible]

Noted 3 Encloss

Submitting a Memorial addressed to the Right Honorable the Secretary of State in Triplicate appealing against the order of His Lordship in Council of the 5th Sept. 1863 with an Order

Copying Letter to Govt. of India in Legislative Dept. No. 27.

Communicating for Presentation Land Claims to Hill Pottiam of Cossoor Purgunnah for the Consideration of the Honorable the Governor General of India in Council.

Further soliciting that the copy of the above Order may not be furnished to Tekaka Jumaun until a formal Order shall have been passed on his Memorial by the Secretary of State

C23 Govt. Letters