

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 413

Press

~~Mis.~~

291-293

Dated 16 - 2 - 18 66.

Not to be folded or roughly handled

(1)

*Proceedings of the Madras Government, Revenue Department,
16th February 1866.*

No. 292. Read the following Proceedings of the Board of Revenue, dated 26th January 1866, No. 629.

Read the following letter from the Officiating Inám Commissioner, to the Secretary to Government, Revenue Department, dated Coimbatore, 14th December 1865, No. 62:—

1. I have the honor to submit the following case for the consideration and orders of Government.

In the District of Salem there are three ancient Estates or Poliems, (Bagalur, Ankusagiri, and Sulagiri,) which are held on the condition of paying a Peshkush fixed by Captain Graham in Fusly 1209, without the formal grant of a Sunnud stimrar.

2. There are no records to shew the principles on which the Peshkush of these Poliems was fixed, or on what assets it was calculated, but there is a Sunnud issued by Captain Graham in Fusly 1209 to the Poligars fixing the amount of Peshkush, and directing them to continue the same according to custom.

3. An Inám inquiry was held in Fusly 1230 by the then Collector, Mr. Cockburn, and all Ináms older than Captain Graham's Sunnud were confirmed to the Poligars. The value of these Ináms was always considered to have been excluded from the assets, and the Poligars raise no objection to their being brought under the operations of the Inám Commission.

4. There is, however, a special class of Ináms in the Poliems known as "Omligas," which are held by the relations, servants, and Military Peons of the Poligars. Captain Graham refers to these tenures in his Sunnud, and declares that the Poligars are at liberty to impose a "*Munasib*," or suitable Jódi on them, but not to resume them.

5. These "Omligas" did not fall within the general Inám inquiry that was conducted in Fusly 1230, but when the Estates were taken under Government management in Fusly 1228 to Fusly 1232, the "Omligas" were also attached and treated as Poligars' Ayen land, their proceeds being credited to the Poligars' account.

6. When the Poliems were released from attachment in Fusly 1233, the Collector issued an order to the Poligars, directing them to deal with the Poliems in the same way as they had done prior to the date of attachment.

7. The village was resumed long ago. Sixteen were enjoyed up to the present. The Poligar got possession of them. The holders of six of the sixteen villages complained to the Collector, and he decided in their favor. The Court reversed the decision. The Collector is regarding two of the villages as herewith sent. Six are in the same position.

7. The Poligars restored most of the "Omligas" to their owners, but again resumed some of them, while on others they increased the Jódi.

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* Poliem. Ankushgiri.	Number of Omliga villages entered in the account of Fusly 1212.	Number as per Fusly 1229.	Number of Omligas now actually under enjoyment.
	40		
Deduct those confirmed as per- sonal Inams be- ing proved to be such. ...	7		
Remaining ...	33	23	16
Bagalur ...	17	17	8
Sulagiri ...	47	47	32

ham's Sunnud did not authorize their resumption by the Poligars, although the services of the Omligadars were due to them, Mr. Taylor proposed† that the *existing* Omligas should be enfranchised, the quit-rent resulting from their enfranchisement being made over to the Poligars as was done in the case of the Kangundi Poliem in North Arcot.

† Paragraph 11 of the general instructions, dated 26th July 1861.

‡ Order of Government, dated 25th October 1861, No. 2,041.

11. The Poligars, however, still contend that the "Omligas" are beyond the cognizance of the Commission, and refer to the decree passed by the Civil Court of Salem in 1863, in the case of certain "Omligas," which were considered by the Court to be villages included in the assets of the permanent settlement, and consequently resumable by the Poligars at their pleasure.

12. A printed copy of the decree (to be returned) is herewith submitted.

13. It will be observed that the "Omligas," which formed the subject of the Court's decree, were attached in Fusly 1260 with the Poliem in which they are situated, by order of the Civil Court, on account of the private debts of the Poligar. The Omligadars did not claim exemption of their lands from attachment, as the Poligar promised to restore them when the Poliput was released, but he not having done so, they preferred a complaint to the then Collector, Mr. Brett, who investigated the matter and passed a decision under Regulation V. of 1822, directing the Poligar to restore the villages.

14. An appeal was made from that decision to the Civil Judge who, in 1863, reversed the decision of the Collector on the following grounds:—

First.—That Captain Graham's Sunnud did not contain the number or names of the Omliga villages, and that, therefore, there was nothing to shew that the villages in question were among those referred to in the Sunnud.

Second.—That the accounts produced by the Collector's Record-keeper shewed that the beriz of the villages was included in the assets.

Third.—That the villages were attached in Fusly 1260 in satisfaction of the debts due by the Poligar, which they could not have been had they been Inam.

8. These "Omligas" are generally of very old origin, and their number, as it stood in Fusly 1212, and as it stands at present, is given in the margin.*

9. As it was not clear whether or not the value of these "Omligas" was included in the assets on which the Peshkush was fixed, and as Captain Graham's Sunnud did not authorize their resumption by the Poligars, although the services of the Omligadars were due to them, Mr. Taylor proposed† that the *existing*

10. This proposal was approved‡ of by the Government.

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15. A special appeal which was made to the High Court from this decree was dismissed, and the decree of the Lower Court confirmed.

16. The decree of the Civil Judge does not appear to me to be correct for the following reasons:—

First.—The suit was not cognizable by the Court, inasmuch as the villages, which formed the subject of it, were admitted by both parties to be held on Inam tenure. Had the Collector decided the dispute under the general authority which he exercises over these unsettled Poliems, instead of disposing of it under Regulation V. of 1822, the case could not have been brought before the Court.

Second.—The accounts referred to by the Civil Judge are not the accounts exhibiting the assets on which Captain Graham fixed his Peshkush, but those of Fuslies 1231 and 1232, prepared when the Estate was under the management of Government.

Third.—The Poligar admitted the antiquity of the grants, and consequently the omission of the names of the "Omligas" from Captain Graham's Sunnud was immaterial. The grants are, moreover, proved to be old from other early accounts in the Collector's office (see paragraph 6 of Mr. Brett's decision herewith sent).

Fourth.—The fact of the villages having been attached for the private debts of the Poligar without any objection on the part of the holders of the villages cannot, in my opinion, have the effect of extinguishing the Sunnud rights of the Omligadars.

17. My object in thus commenting upon the decree of the Civil Judge, is not so much to question the correctness of the Court's decision in that particular case, as to lay the whole of the matter fully before Government, in order to enable them to determine whether there is any objection to all the "Omliga" villages, not effected by the Court's decision, being dealt with in the manner already sanctioned. This is the course which I beg to recommend for adoption, and as regards the villages which have been put in possession of the Poligar under the decree of the Court, I am of opinion that they should not be interfered with for the present, but left for future settlement, provided the parties interested succeed in obtaining a review of the Judgment of the High Court.

ENCLOSURE No. 1.—Paragraph 6 of Mr. Brett's decision.

Referred to the Board of Revenue for their opinion.

20th December 1865.

(Signed) J. D. SIM,

Secretary to Government.

Received 20th,
Entered and returned 21st } December 1865.

(Signed) W. HUDLESTON,

Secretary, Revenue Board.

1. The Board observe that the Courts were in error in viewing these unsettled Poliems as permanently settled Estates, but there is no question of the antiquity of

*Proceedings of the Madras Government, Revenue Department,
16th February 1866.*

the tenures, and the Omliga Ináms in question appear to have been granted as remuneration for feudal services; or as maintenance to adherents or members of the family, out of assets at the disposal of the Poligars of the day.

2. Under these circumstances the grants can scarcely be viewed as absolutely beyond the Poligars' control, especially in view of Captain Graham's remark that they were at liberty to impose a "Munasib Jodi," or discretionary quit-rent upon them.

3. Looking, however, to their antiquity, their small number, and to the nature of the Poligars' tenure, which is entirely dependant on the pleasure of Government, the Board are of opinion that the Ináms may, without objection, be charged with the additional quit-rent under the Rules, and enfranchised from liability to lapse, the whole of the Jodi being made over to the Poligars.

No. 293.

ORDER THEREON, 16th February 1866, No. 413.

Land Revenue.

The Governor in Council agrees with the Officiating Inám Commissioner and the Board of Revenue, and adheres to the directions given with respect to the Omliga Ináms in G. O. 25th October 1861, No. 2,041.

(True Extract.)

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

To the Board of Revenue.

„ the Officiating Inám Commissioner.

Exd. S. T. Augustin.

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(A true Copy and Extract)

Secretary.

To J. D. Sim, Esq., Secretary to Government, B. D.,
with enclosure returned.

Exd. J. Wright.

6/12/12

Dec. 1866. Department.
Wm. Lloyd Garrison

No. 365.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 26th January 1866.

10001-36-
2229-
E.102

No. 629.

Suggesting that the Inams known as "Om-liges" in the ancient Pollions of Bagalur, Ankasagiri and Sulegiri in Salem district, be charged with additional quit-rent and enfranchised from liability to lapse, the whole of the Jodi being made over to the Poligars.

M. A. B. D. S. S.

With an order

27 July 1880

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8-1-13

The Board in Council agree
with the Jt. & am Commissioners
of the Board of Revenue & there-
fore the directions given with respect
to the Amherst Sumo in Vol 25th

Oct 1886 No 2041

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16th July 1866
 14, 8th O'Connell's Place, Dublin
 9, 02 99th Street, New York
 with friends U