M.R.O. 1—30,000—18-10-19.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1389 Press Mis.—

425-426

Dated 18th May 1869

Not to be folded or roughly handled

1389

Read the following :—

No. 425. Proceedings of the Board of Revenue, dated 2nd February 1869, No. 715.

Read the following letter from the Collector of Salem, to the Acting Secretary to the Board of Revenue, dated on Circuit, Ahtoor, 20th January 1869, No. 16.

I HAVE the honor to forward the enclosed letter from my Sub-Collector, No. 38, of the 20th instant, recommending that the Government Solicitor may be instructed to move the High Court to postpone the hearing in three Special Appeal Suits in which Appu Row, the late Poligar of Ankusagherry was a party, and to request that the Board will be good enough to adopt such measures in the matter as they deem fit.

2. I have urged on the Sub-Collector the necessity of submitting a report on the claims of heirs to the Polliput with as little delay as possible, and will address the Board as soon as his report is received.

ENCLOSURE No. 1.

From J. F. PRICE, Esq., Sub-Collector, to the Collector of Salem, dated Kristnagherry, 20th January 1869, No. 38.

FROM the enclosed copy of an Arzi from the Tahsildar of Oossoor you will observe that there are three Special Appeal Suits filed by the late Poligar now pending in the High Court, and that they relate to certain villages alienated by former Poligars, whose right to do so is questioned by the late filer of the suits.

2. The Polliput being an unsettled one, held at the pleasure of the Government, and the question of succession not having yet been settled, it seems expedient that the High Court should be moved, through the Government Solicitor, to postpone the hearing of the case till the Government comes to a decision in the matter.

3. Should the Government decide upon continuing the Polliput to the heirs of the deceased Poligar, it will be for the latter to prosecute the suits in question ; but if, on the contrary, no succession is to be allowed, the Government will have to appear if it thinks it worth while to do so.

4. In either case it seems necessary, for the interests of all concerned, that until a final decision is come to, matters should remain in *statu quo*.

5. The particulars of the suits are given below :—

	Appellant.	*Defendants.*	*Villages.*
Special Appeal No. 466.	Appu Row, Poligar of Berike.	Sulageri Surappa Chetty.	Agraharam.
„ 465.	Do.	Venkata Narrainsawmy.	Chokapuram *alias* Jogipully.
„ 494.	Do.	Venkatasamy.	Kariampully.

THE Government Pleader is requested to ascertain when the Suits are likely to come on for hearing.

2. The Collector should submit an immediate report.

No. 425 A. Proceedings of the Board of Revenue, dated 20th February 1869, No. 1,154.

Read the following letter from the Collector of Salem, to the Acting Secretary to the Board of Revenue, dated 12th February 1869, No. 26.

WITH reference to the Board's Proceedings, No. 715, of the 2nd instant, I have the honor to state that I am informed that there is another Special Appeal Suit

pending before the High Court, in which the late Poligar of Ankusagherry was a party, and that its number is 464 of 1868. I beg that this may be communicated to the Government Solicitor.

COMMUNICATED to the Government Pleader, with reference to Board's Proceedings, dated 2nd February 1869, No. 715.

2. The report called for in paragraph 2 of those Proceedings should be forwarded by the Collector without delay.

No. 425 B. Proceedings of the Board of Revenue dated 5th April 1869, No. 2,285.

Read the following letter from the Collector of Salem, to the Acting Secretary to the Board of Revenue, dated 12th February 1869, No. 25.

IN my letter No. 8 of the 15th ultimo, I reported the death of Mausti Mummudy Appu Row, the Poligar of Ankusagherry, I have now the honor to report on the claims advanced by several members of the late Poligar's family.

2. For a history of the Polliput, I beg to refer the Board to the correspondence noted in the margin. Mr. M. D. Cockburn, in his letter of the 14th August 1822, reports on this and two other Poliems as follows:—"The Ankusagherry "family acquired the Poliem of Mausti "724 years ago, or in the year 1008 of "Salivanah, which they held for 301 "years, at which time the Poliems of Ankusagherry and Shoolagherry, were annexed "to that of Mausti and all three were possessed by that family for 269 years, when "Mausti was taken from them; the other two remained in their possession for eighty-"eight years, when Shoolagherry was conferred by Hyder on a younger branch of "the Mausti family and the two Poliems of Shoolagherry and Ankusagherry, have "been held separately since that period, or for seventy-two years. Mausti was "restored, and is at present included in the Mysore Territories. The territorial "possessions of the three Poligars, are never divided between the heirs; the eldest "son succeeds to the whole, with the obligation of maintaining the other members "of the family, but the rate of maintenance is entirely at the will of the Poligar."

1. Letter of the late Collector, Mr. Cockburn, dated 14th August 1822.
2. Letter of the Collector of Salem, dated 30th August 1860, No. 234.
3. Board's Proceedings, dated 20th February 1861, No. 955.
4. Government Order, dated 9th April 1861, No. 794.

3. Such is the history of the Polliput as far as I have been able to trace from my records. There is no sunnud forthcoming, and the terms of the original grant can nowhere be found.

4. The enclosed Genealogical table commences from the time of our assuming the country, down to the death of Appu Row. From the death of Kareyappa Gounden (the holder at the assumption of the country) the [illegible] passed to his eldest son Timmaraya Gounden, who was succeeded by his only [illegible] Kempa Gounden, who had four sons, named Chocka Gounden, Sadanapully Gounden, Timmaroya Gounden, and Careyappa Gounden. At the death of Kempa Gounden, the Polliput was registered in the name of his oldest son Chocka Gounden. The second brother Sadanapullay Gounden, died during Chocka Gounden's lifetime, and the estate descended to his third brother Timmaroya Gounden. Kareyappa Gounden the youngest of the brothers died before Timmaroya Gounden, and at the death of the

latter, his eldest widow Sunjeeva Amanee, and after her, the younger widow Veera Amanee succeeded. On the death of the last mentioned, in February 1860, the Board and Government, after much inquiry, recognized Dalavay Appu Row, who has just died, as the legal heir to the property, on the ground that he was the "lineal grandson of Kempa Gounden the father of the last male holder of the "Polliput."

5. The Genealogical table shows, all the members of the family, who are in any way connected with the former holders of the Polliput. The present claimants are, (1) Pedda Muthu Veera Amanee, (2) Chinna Muthu Veera Amanee, (3) Akkachy Amanee, (4) Soondara Amanee, (5) Chinna Amanee, and (6) Puttaniah.

6. Nos. 1, 2, and 3, are the surviving widows respectively of Chocka Gounden, Sadanapully Gounden, and Kareyappa Gounden; (the first, second, and fourth sons of Kempa Gounden, the third holder of the Polliput since the assumption of the country). The fourth claimant is the daughter of the above mentioned Kareyappa Gounden, by his eldest wife (deceased) Muthu Amanee. These four base their claims on the ground that they are more nearly connected with the original Poligar, than any one else, and are therefore entitled to succeed in preference to any other member of the family.

7. The fifth claimant is the widow of the last Poligar Appu Row, and she claims the estate on her own behalf as widow, and on behalf of her daughter Virajamanee, who is now six years old. The last claimant Puttumiah is one of the three surviving brothers of Appu Row. He lays his claim on the fact of his being the eldest surviving brother of the deceased (Appu Row).

8. The question is, who has the best claim to succeed to the estate? The first four advanced their claims at the last succession, and were rejected. I am doubtful whether they could now be re-entertained, and therefore leave them unnoticed. Of the remaining two, Chinna Amanee has perhaps the best claim, seeing that not only she is the widow of the last holder, but that she has also a daughter, and that female succession has previously been recognised in this very Polliput itself, as above shown. If her claim is not allowed, the only other person who appears to me to be in any way at all entitled to succeed, is Puttamiah the eldest of the deceased's three brothers.

9. Having thus noticed the rights of the several claimants, I beg to submit for the serious consideration of the Board, whether the time has not arrived when the Polliput should be resumed and a suitable maintenance provided for the several members of the family. All the nearest members of the late Poligar's (with the exception of the last holder) are *females*. Appu Row was a distant relation on the *female side* of one of the late Poligars, and ever since he was placed in possession of the estate, there have been constant squabbles in the family, and law suits, not a few, have been instituted. At this very moment there are four or five suits, to which the late Poligar was a party, pending before the High Court. Appu Row was very much involved during his tenure of the property, and should the Government think fit to appoint a successor, there is but little doubt that the same state of things will re-occur. If the Polliput is continued, the result will be, that ere long the whole will be made soon liable for debts contracted, and thus the estate would pass out of the family altogether, the female members of the family being entirely

deprived of even the maintenance that they now enjoy. It is true that hitherto it was doubtful, from the unsettled nature of its tenure whether the Polliput was answerable for private debts or not. This uncertainty will no longer exist, should a successor be now appointed, for the Board are aware that under the recent *orders*, the estate becomes a permanently settled property by the issue of an Istimrar sunnud. It is *now* within the power of Government, either to resume or continue the Polliput, and now is the time to consider which is the best course to adopt. This is the last occasion that Government will be called upon to nominate a successor to this estate.

Board's Proes., dated 4th January 1866, No. 21.

10. If the Board and Government should be disposed to resume the Polliput, it will only be necessary to assign one or two villages to the widow Chinna Amance for her support, and for that of her daughter. All the other female members of the family, already hold certain villages for their maintenance, and they will only have to be continued as at present.

11. The petitions of the several claimants, as per margin, are enclosed.

1 Telugu petition, dated 2nd February 1869, presented to the Collector by Chinnamanee, widow of Appu Row, Poligar of Ankusagherry.
1 Telugu petition, dated 30th January 1869, presented to the Collector by Veerabathira Row, *alias* Puttamiah.
1 English petition, dated 28th January 1869, presented to the Collector by Akkatchammance, widow of Kovayappa Gounden
1 Telugu petition, dated 6th February 1869, presented to the Collector by Akkalamanee, mother of Appu Row, with two Vekalatnamas.
1 Tamil petition, dated 30th January 1869, presented to the Collector by Pethamoothoo Veeramanee, widow of Chocka Gounden, late Poligar of Ankusagherry.
1 Tamil petition, dated 30th January presented to the Collector by Soondarammance, daughter of Kareyappa Gounden.

Enclosure No. 1.—Genealogical table.

Enclosures No. 2 to 8.—Petitions.

The Board request the Collector to state with the least possible delay, whether the branch of the family which last held the estate, was an undivided family.

No. 425 C. Proceedings of the Board of Revenue, dated 28th April 1869.

Read again Board's Proceedings, dated and numbered respectively, 2nd February 1869, No. 715, 20th February 1869, No. 1,154, and 5th April 1869, No. 2,285.

Read also the following letters:—

From the Collector of Salem, to the Secretary to the Board of Revenue, dated Trichengode, 8th April 1869, No. 72.

In reply to the Board's Proceedings of the 5th instant, No. 2,285, I have the honor to state, that as far as I have been able to ascertain, I find that the late Poligar Appu Row and his brothers belonged to an undivided family.

From W. SCHARLIEB, Esq., Barrister at Law, to the Secretary, Board of Revenue, dated Madras, 22nd April 1869.

The question of the succession to the Ankusagherry Poliem in the Salem District is now pending before the Board of Revenue; Akkachee Amance, the widow of Kariappa Gounden, younger brother of Timmaroya Gounden, the last *Lawful* male

holder of the Poliem, having again put forward her claim to succeed Veera Amance, the widow of Timmaroya Gounden, who held as the heir of her husband.

2. This claimant (Akkachee Amance) has just instructed me to advocate her interests before the Board; and I have now the honor, therefore, to beg that the Board will be pleased, before they come to a determination in the matter, to permit me to submit a statement of my client's case for their favorable consideration. The question is a complicated case of succession under the Hindoo Law; and I shall have to consult the authorities, in order to show my client's preferential claims.

3. I am fully aware that the succession to the Poliem, which I understand is not covered by an Istimrar sunnud, rests entirely with the Government, and that it is a matter of grace altogether on their part, whether they will bestow it at all on any claimant, or on whom they will so bestow it; but I humbly apprehend that the ruling power would much desire to have the claims of all parties properly and fully represented, before it exercises its sovereign right of bestowal.

The Board resolve to submit the foregoing papers to Government. They refer to the decease of the Poligar of Ankusagherry and the succession to the vacant Poliem.

2. The circumstances of the case are as follows:

The late Polligar Appu Row was recognized as such in Government Order, dated 9th April 1861, No. 794, his claim to the estate having been disputed by the sister of his predecessor, who was herself the widow of a former Polligar, and had willed the property to her sister.

3. Other claims were preferred by the surviving widows of another member of the family, but were all set aside in favor of the late Polligar.

4. In a letter dated 15th January 1869, No. 8, the Collector announced the death of Appu Row and promised to forward a report regarding the next hoir, and in a letter dated 26th January† 1869, No. 16, reported that three Appeal Suits instituted by Appu Row were still pending before the High Court.

* Submitted for information of Government in Board's Proceedings, dated 26th January 1869, No. 518.

† Embodied in Board's Proceedings of 2nd February 1869, No. 715.

5. Another Appeal Suit was reported by the Collector in a letter dated 12th February, No. 26.

6. The Government Pleador was requested to ascertain when these suits would be likely to come on for hearing and has reported‡ that they came on for hearing on the 5th March last; but have been adjourned for one month, as no representative of the late Polligar had appeared to prosecute the appeals.

‡ Letter dated 12th March, No. 236.

7. With the letter recorded at the head of the Proceedings, the Collector forwards the promised report regarding the succession to the Poliem.

From this letter it appears that the late Poligar left a brother, Pattamiah, and a widow, Chenna Amance, by whom he had one daughter, Viragamance (six years old), of the other claimants, three are widows of former Poligars, and a fourth is a daughter of Kreappa Gounden brother of former Poligar, who deceased without coming to

the Poligarship. The claim of the three widows were disallowed when the lately deceased Poligar was confirmed. The fourth is entitled to maintenance, but the real issue lies between the brother of the late Poligar, and his widow.

The Board are of opinion that the family being an undivided one, the eldest surviving brother of the deceased should succeed, and they recommend the Government to acknowledge his claims accordingly.

The Collector, it will be observed, advocates the resumption of the Polliput, on the ground that there are disputes among the various members of the family, and that the females entitled to maintenance are in danger of losing it. The Board do not consider that this argument would justify Government in resuming the estate. In issuing sunnud it would be necessary to guard the interests of existing heirs.

It will be observed that the cases will come on in the High Court on 1st June.

No. 426. ORDER THEREON, 18th May 1869, No. 1,389.

Miscellaneous.

* Sent herewith.

† Sent herewith.

BEFORE passing orders on these Proceedings, the Government desire to have the Board's opinion on the claims put forward by Sadunapully Gounden in his petition No. 1,107, of 1,869,* and on the remarks made by the late Polligar's widow in paragraph 7 of her petition No. 1,120, of 1869.

(True Extract)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue

Exd. E. C. Shanker.

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Govt. of Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated May, 1870.

Read.

G. O., 18th May 1870, No. 1351.

MAY.

Nos. 425-426.

Ankatcherry Poliem in Salem District.—Board of Revenue to report their opinion on the claim put, forwarded by Sabnavis fully Counsel to the Poliem.

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TO

THE HONORABLE

THE MEMBERS OF THE BOARD OF REVENUE,

MADRAS.

The Humble Supplemental Petition of MAUSTIE MOOMOODEE RANEE ACCATCHAMANEE GAUROO, *Widow of the late* CUREYAPPAH GOWNDEN, *residing at No.* 19, *in Sunjeevee-royen Covil Street, in Washerman's Pettah, Madras.*

SHEWETH,

That since the date of presentment of your Petitioner's last Petition dated the First day of February 1869, your Petitioner has learned of matters which are likely to weigh considerably with your Excellency in Council when dealing with the question relative to the appointment of a successor to the Poliput.

The late Delavoyal Appah Row who was as your Petitioner submits wrongfully appointed to be Poligar in direct contravention of one of the principal conditions annexed to his appointment neglected to maintain the several surviving female Members of the families of the previous Poligars.

Such female Members have severally had to maintain themselves from the Villages set apart for them respectively as mentioned in paras. of your Petitioner's Petition of the First day of February 1869.

Your Petitioner has likewise heard that the late Poligar Delavoyal Appah Row wasted and squandered the income of the said Poliput and by his extravagance incurred large debts over and above such income received by him and expended as aforesaid and has charged such debts on the said Poliput.

By reason of such his acts the Poliput was Zufted the Creditors being one Soora Soobiah Chitty whose attachment was in respect of a Judgment for Rupees 19,000 obtained against the said Delavoyal Appah Row and one Cathoo Soobiah Chitty who took out 2 separate Attachments against the property comprising the said Poliput.

There is now pending in the Civil Court at Salem a Suit which was instituted against the said Delavoyal Appah Row and to which his Widow and Brothers are now parties as his representatives in which Rupees 13,000 is claimed and that Suit would be prosecuted to a Decree and Execution taken out but that the property is now Zufted by Government.

The Debts so as aforesaid incurred were not as your Petitioner is informed and believes for the benefit of the said Poliput or of those whose maintenance is charged thereon but were incurred to enable the said late Poligar to defray his own private expenses which by reason of the debauched life he led were very great.

Your Petitioner is informed that amongst the claimants for the said Poliput is one Delavoyal Poottaniah the younger Brother of the said Delavoyal Appah Row and Chinnamaie the Widow of the said Delavoyal Appah Row.

Your Petitioner herewith submits Copies of the Wills of Maustee Moomoodo Ranee Sunjeeve-ummance and Maustee Moomoolee Ranee Veeramonee which will shew pretty conclusively how the predecessors of the last Poligar behaved with reference to the Poliput property and those who were recognized as Members whose maintenance was considered a charge on such property.

Your Excellency in Council will also remember that the maintenance of such several Members was duly provided for by Sunjeeveeummance Peddu Mootoo Veeramonee and others former Poligars.

Your Petitioner humbly submits that the Poliput is likely to be more safely cared for by her and that those entitled to be maintained thereout are more likely to receive from her what was duly reserved to and disbursed to them by the said Sunjeevecummance and Peddu Mootoo Veeramonee.

Your Petitioner prays that before disposing of the question as to the right of succession to the said Poliput your Excellency in Council will be an good as to enquire of the Collector of Salem Statement as to the late Poligars mode of life and also as to his dealing with the said Poliput property or any part thereof against the appointment of the said Delavoyal Poottannah and Chinnamanee who as your Petitioner has been informed and believes are 2 Claimants for the Poliput.

Your Petitioner respectfully protests on the ground—1st, That they have not nor has either of them any rights—2nd, That the appointment of a stranger in the person of the late Poligar proved unsatisfactorily that your Petitioner hopes the prospects of those interested in the welfare of the Poliput may not be reached by a 2nd such experiment.

Your Petitioner prays that this Petition may be read as part of her former Petitions and that neither the Brother of the said Delavoyal Appah Row nor his Widow be appointed Poligar but that she as such Widow and legal personal representative be appointed to charge of the said Poliput both for safety of the Poliput and under and by virtue of the hereinbefore mentioned Wills of the said Sunjeevecummance and Veeramonee she undertaking to maintain all such whose maintenance is and has been by former Poligars recognized as a charge on the Poliput Estate.

And your Petitioner shall ever Pray.

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To

The Right Honorable His Excellency
Francis Lord Napier. Baron Napier K.T.
Governor in Council
Fort Saint George

The humble Petition of
Mummadee Veerabuthen Row
alias Pethtamah next brother
of the late Delavoy Appah Rau
late Poligar of Ankundagiri
Samastanum of Salem District.

Most Respectfully Sheweth.

That Petitioner is the next brother and successor to Delavoy Appa Rau, late Poligar of Ankundagiri Poliyeput in the District of Salem. This Poliyeput is an ancient one, it has been in the possession and enjoyment of Petitioner's ancestors for a period of nearly 800 years previous to Petitioner's brother Delavoy Appa Rau, the Poliyeput was registered in the name of Veera Nunnaree, the Senior widow of the late Thimmaraya Gowda, the last male descendant. On the death of Veera Nunnaree on the 15th February 1860, several claimants came

came forward to have the Poliaput registered in their names. Their claims were enquired into & after a great deal of investigation & enquiry, it was at last decided by Government that Petitioner's brother Dalavay Appa Rau, the eldest grand Son of Rampa Janda a former Poliagar, & step nephew of the last male incumbent is the legal heir, & consequently the Poliam should be made over to him on the understanding that he shall maintain the Pensioners of the family in a suitable manner. This order was issued on the 9th April 1861 in Fas 794. Government came to the conclusion on the perusal of the various opinions & recommendations of the Collector of Salem, the Board of Revenue & the Pundits of the late Sudder Court, in Madras & all of them have concurred that Petitioners elder brother Dalavay Appa Rau is the lawful heir, as will be seen by a reference to the whole of the correspondence on the subject which took place between the authorities, when the succession of the said Poliaput was in dispute. Since then the said Poliaput was in the peaceable & unmolested possession

and

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and enjoyment of Petitioner's said brother Dalavay Appa Rau. Petitioner's said brother died without male issue on the 8th January 1869 in consequence of which the Poliaput is again become vacant & as Petitioner & his late brother Dalavay Appa Rau are an undivided family & as Petitioner is the next legal heir & representative of the Poliaput, he respectfully prays Your Lordship in Council will be pleased to pass an order conferring the Poliaputt on him & having the same registered in his name.

Petitioner's claim cannot be denied as he is the next Male heir of the late Poliagar.

The former claimants whose were rejected on a plain & minute enquiry when the late Dalavay Appa Rau was appointed by Government as the rightful heir to the Poliaputt, have now again come forward illegally claiming the Poliaput in prejudice to the rights of Petitioner.

All claims have been previously settled & disposed of by Government so far back as 1861, so that the succession to the Poliam was perma-

permanently fixed on Delaware as the rightful
& lawful descendants of the Delawares
is the nearest kin and legal heir of the
said Delaware Indian Nation, he prays
that Government will without any hesitation
make over the Reservation to him without
involving him in trouble & vindictiveness
which was the case previous to the appoint-
ment of his late brother by a few of the Indians
& is much involved.

And for which act of
Kindness and justice Petitioner as in
duty bound

Thanks &c &c &c

Salem
15th May
1869

(58)

your Memorialists claim to

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To
The Honorable the Members of the
Board of Revenue

The humble Memorial
of Sadayapalli Pedda
Gowden, an inhabitant of
Iyapagunpalle in the
Taluk of Vaseor in the
District of Salem.

Humbly sheweth

1. That your Memorialist is a
Member of a very ancient family
and his claim to the Poliput of Arukaragy
having been overlooked and a glaring
injustice done to him and his family
he (Memorialist) submitted his case to
the Collector of Salem on the 11th March
1869 (copy of which is herewith annexed)
and requests the Board will support
your Memorialists' claim to the Poliput
and

1869 12/15

From
Memorial from Sadayapalli Pedda
Gowden, an inhabitant of
Iyapagunpalle in the
Taluk of Vaseor in the
District of Salem.
Dated 15th December 1869
Rec'd

C Ls

Requesting that
the Poliput of Arukaragy
which has been
granted to
Sadayapalli Pedda Gowden
may be restored to him
as the Poliput
has been granted
to the wrong person

Plaintiffs refuted the Defendant's statement and the burden of proof consequently lay with the Defendant to prove such to be the case and which assertion not being supported, Memorialist respectfully submits that a mere idle assertion cannot vitiate Memorialist's claim to the Poligut.

6. Your Honorable Board acting on the Collector's report overlooked the fact that your Memorialist and the last Poligar were members of an undivided family and appointed one Dalavay Apparow the step nephew of the last Poligar to the Poligut with reference to the Law as administered in Bengal, but not in the provinces that follow the Mitacshara.

7. Your Memorialist respectfully begs to draw your Honorable Board's attention to the decisions of the M. S. A. 1858 page 211 - 1860 page 246 where it will be observed that the Court placed no reliance on the declarations of the Pundits that sisters' sons are in the line of heirs and further according to the Law in force in the Madras Presidency a sister's son does not inherit - Doe on the demise of Pullaiminall V. Ruppen - 7th 18th 19th November and 2d December 1862 I M. H. C. Rep: 85 Scotland & Billeston - To the same effect are Rama Tavada Vudhany Sandeer V. Sevasawmy Tauer 13th November 1858 M. S. A. Dec: 1858 page 208 Hoiper and Strange and Nagalinga Pillai V. Vadelinga Pillai 7th November 1860 Id 1860 p. 245 Strange and Phillips -

8. Your Memorialist respectfully submits that he and the last Poligar were members of an undivided family and as such the Estate ought to pass from one Cousin to another to the Remotest

degree while remaining undivided Pide 347 of Thanger's Manual of Hindoo Laws -

9. Under the foregoing circumstances Memorialist respectfully submits that his case will be taken into favorable consideration and the Relief prayed for him and he as in duty bound

Will ever pray.

P. S. Mare
Vakeel for Petitioner

In No. 1169/69

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Southern Provincial Court No. 2 in the Register of Original Suits.

Copy of the decree in No. 2 in the Register of Original Suits transferred from the Tillah Court of Talaimannar No. 3947.

Chokkayagounden
Kumpiagounden &
Karuppagounden — Plaintiffs

Vs.

Chokkayagavandan the son and heir of the deceased Kumpiagavandan — Defendants

4. x x x x x x x x x x x x x x x

But it is stated in the answer & the Petition of Plaint that Karuppen the father of the Plaintiffs was the illegitimate son of Karuppen Gavandan the grandfather of the Defendant, and it does not appear that this fact has been disproved by the evidence deposed on behalf of the Plaintiffs —

/ True Copy /

P. S. Mare
Vakeel for Petitioner

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1-5-94

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Rev. 1390/69

Rev. in Mysore Archives

Inv. No. 1168/69

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To

The Acting Collector of Salem District

The humble Memorial of Ramalinga Reddia Naidu, Collaudavan son of Chenna Gounden, Grandson of Temple Gounden and Great grandson of Chinniappa Gounden original Poligar of Thoddagonny Pollam in the Taluk of Kadoor District of Salem.

Respectfully sheweth

1. That your Memorialist respectfully submits the following history of his case and the glaring injustice done to him and his family and requests that you will kindly grant him a patient hearing and submit his case for the favourable orders of the Board of Revenue.

2. That to make the matter clear your Memorialist begs to submit the accompanying Genealogical Tree shewing his status in the family.

3. That the following explanation will show that your Memorialist's Grandfather the late 3rd son of Chinniappa Gounden the Poligar at the assumption by the Government

4. That the original ancestor Narayen Govinden left three sons Timmanna Govinden Sadanandaiah Govinden and Vengadachellum Govinden.

5. That after the death of Narayen Govinden his eldest son Timmanna Govinden was made Poligar the Poligar the office thereof being made charitable on the Estate with hereditary succession.

6. That the following doctrine of Hindu Law declare the Poligar Timmanna Govinden, Sadanandaiah Govinden and Vengadachellum Govinden to equal shares in the family Estate viz:

1st Brothers without limits only in equal shares. The Mitacshara Chapt: I Sec: 3 Para: 7 Colebrooke Edition 1858.

2d After the death of the father and the mother, the brothers being assembled may divide equally among themselves the paternal and maternal Estate. Institutes of Vicnu Chapt: 9 Slokas 16th.

3d Vagnyanavalcya says. Let them divide equally the effects and the debts after the death of both parents let any thing of the family be taken by a brother. Translated by Colebrooke Edition 1810, page 5.

4th The Hindu Law of Inheritance confirms to any kind of property under it known by the

that title shall issue to the heir of the original [illegible] this difference that among the Hindus the heirs in general take altogether as do with us the females, the claim of primogeniture with the heir ceased at no time more than particular and time no longer existing. Strange's Hindu Law Chap: 6 Page 133 Edition by the Honorable C. E. Magnac 1859.

7. That the Hindu Law being such no claim was put in by your Immediate Grandfather and owing to the Government having dismissed the elder brother of your Immediate Grandfather as the Poligar and granted him a Sunnud or title of possession.

8. That this appointment clearly shows that the person nominated as Poligar was to be substituted in accordance with Hindu Law as being the heir of the family and as such entrusted with the management of the property considered to him and that he was responsible for the maintenance of his relatives according to their respective legal claims upon him and to the usage obtaining at the time of the being fixed in possession.

9. That Timmanna Govinden having died his son Nemgee Govinden according to the provisions of the Law already stated succeeded to the Poligarship and enjoyed the property in conformity with recognized usage maintaining the other members of the family.

10. That after the death of the 3d Soligar Mungle Gowden his son by his 2d wife named Timmanna Gowden succeeded as 4th Soligar to the Soligaru and on his death his senior wife succeeded to the Soligaru as there was no direct male descendant under the orders of the Board of Revenue and after her death Ekra Hunmanna the junior widow of Timmanna Gowden the 4th Soligar succeeded.

11 That Ekra Hunmanna having died on the 15th February 1869 one Dalavay Hyda Row as the nearest collateral junction of the 3d Soligar Mungle Gowden and the father of the last male holder of the Soligaru and Sist mokasa of the last incumbent was recommended by the Board subject to the condition of his maintaining the other members of the family in a suitable manner.

12 That the Board of Revenue in recommending Dalavay Hyda Row to succeed to the Soligaru were influenced by the Decree of the Civil Court of Provincial Coyl wherein it was alleged that some how succeeded that your Memorialist and his forefathers were excluded from enjoyment in the Soligaru on the ground that they were illegitimate descendants of the Soligars.

13. That your Memorialist's said wrong and grievous injury dates from the Soligaru being conferred on Dalavay Hyda Row.

14. That your Memorialist is of the Vysia class and that in accordance with the customs and practices prevailing among them as well as with reference to the following doctrine of Hindu Law illegitimate children also inherit in the Sudra Class.

15. Illegitimate children are a charge upon the inheritance, but do not inherit by the Hindu Law any more than by the English Law excepting in the Sudra Class. 3 Mocan IA 178-179- 3 Colg: 143- 283 and ante page 67.

16. That under the foregoing circumstances your humble Memorialist most respectfully begs for the necessary redress.

And your Memorialist as in duty bound

Pray

(Signed) R. Ekra

Petitioner for Petitioner

(True Copy) R. Ekra

Petitioner

Original Petitioner

Mariaiyia Gowden.

Timmaraya Gowden.

Sadanapalli Gowden.

Thimpe Gowden.

Thimpe Gowden.

Chokka Gowden.

Sadanapalli Gowden.

Timmaraiya Gowden.

Mariaiyia Gowden.

Chokka Gowden.

Thimpe Gowden.

Mariaiyia Gowden.

d da ... aruma

Chinna Thambee

Chinna Pacoda Veramma

Sunjeeva Amma

Vîrama ma.

Thaden Amma

Soondar amma

Timmara ya Gowden.

Peddla Sadana Naik Gowden.

Chinna Sadanapa ... Gowden.

Chockiaiyia Gowden.

P. Brown

Vakeel of Petitioner.

No. 71

Sur. No. 1180/69

116x

89 Issue 71

17K.

To 18-3

The Honorable The Members of the Board of Revenue

Chariammani the widow of Appu Row the deceased Polygar of Ankusagiri in the District of Salem most respectfully begs to approach your honors with the following few lines fully trusting to meet from your honors hands that redress which the nature and justice of her case require.

2. The Petitioner is humbly submitting to your Honorable Consideration the nature and justice of her claim to succeed her husband to the Palyapattu aforesaid, is fully aware that the Government as the ruling power in this Presidency, has a proprietary right to the lands like those of this Palyapattu, that the law of succession regarding them are not governed by the ordinary rules of Hindu Law, but that the Government in the exercise of their wise discretion have the full right of disposing of and granting the Palyapattu at their will and pleasure, and that no Civil Court or any other

authority

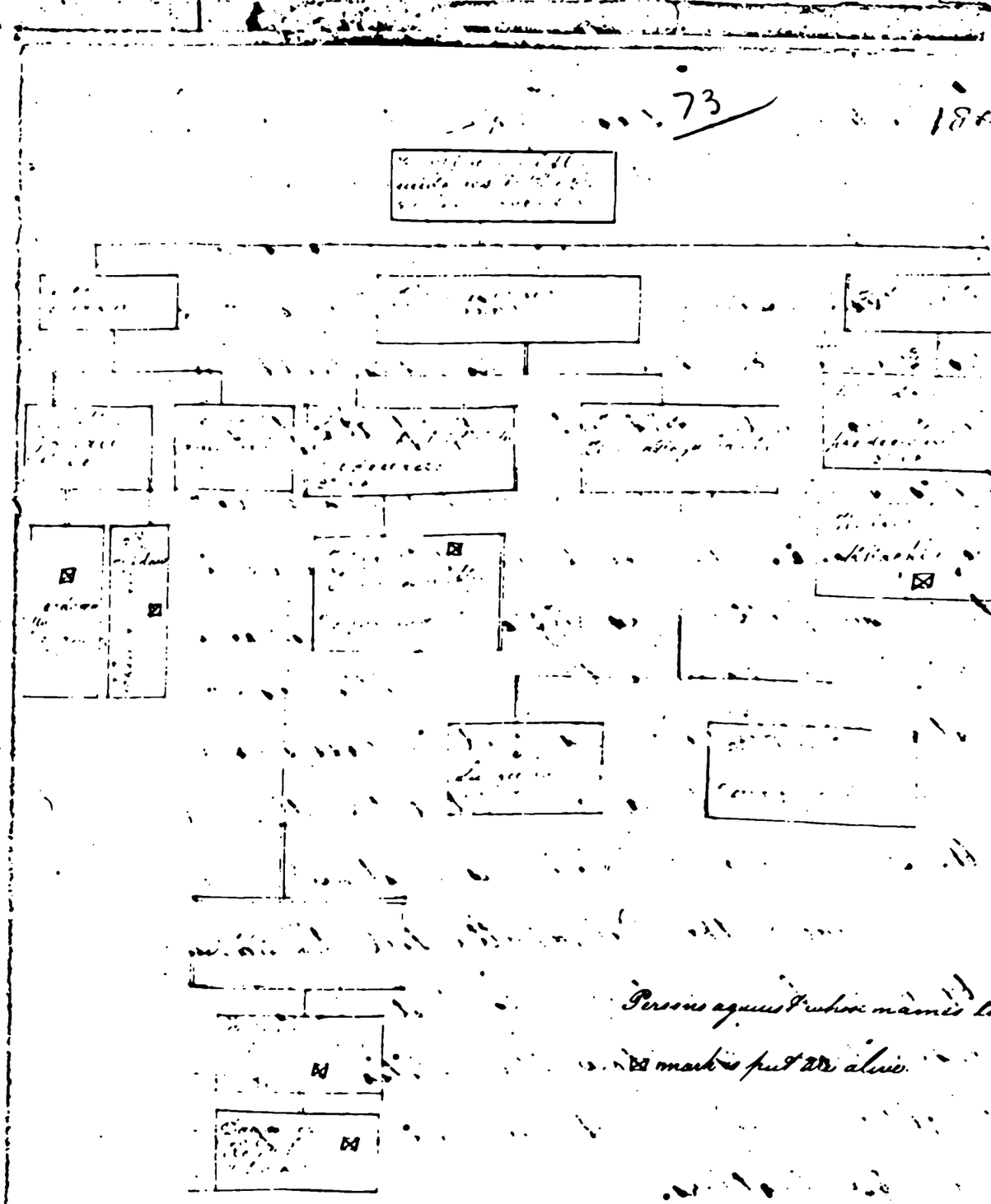
15

1-3-74
2-3-74

21
Rec. 13/3/69
Temp. Mysore Affairs

authority, or individual in the realm could question or inquire into the justice or validity of such grant. But your Petitioner at the same time feels fully assured that your Honors in the exercise of that patriarchal power do not set at defiance the legal rights of Claimants under Hindu Law to succeed, and act entirely upon arbitrary principles, unless compelled to adopt such a harsh step, on principles of public policy or the like. In the present Case your Petitioner humbly submits that natural justice, law and Equity all alike require that the Petitioner's Claims to succeed to the Palyapattu should be recognized in preference to the pretended rights of others, proximately or remotely related to the deceased Palyagar, and that there exists no ground whatever for departing from the acknowledged principles of the Hindu Law of succession, or the long established usage in the Palyapattu, on principles of public policy or the like.

3. The Petitioner here begs to submit the following pedigree from which the Claims of several parties and the agreements herein adduced in support thereof will be more easily understood.



4. The Palyapattu was in the possession and enjoyment of Narayappa Gaudu when the Country first came under British rule, and after his death it passed to his Grandson Kempi Gaudu who was succeeded by the possession by his eldest son Chokkai Gaudu.

5. Upon the death of Chokai Gaudu, the Palayapa passed to Timraya Gaudu the third son of

Kempi Gaudu

Kempi Gaudu, his second son being dead — and his further son Karayappa Gaudu died — before Timaraya Gaudu. None of the sons had male issue. Timaraya Gaudu had two wives who survived him and upon his death there being no male heir, the Palyapattu passed to his senior widow and at her death to — Veerammani. Upon the death of Veerammani the Palayapattu was granted by the Collector and held by him until the Petitioners — husband Appu Row was put in possession under an order of Government dated 9th April 1861. Appu Row the Petitioner's husband held and managed the Palyapattu till 8th January 1869. when he breathed his last leaving behind him his widow the Petitioner, a — daughter named Rayah ammani and three younger brothers.

6 When the Palyapattu in question was attached after the death of Veerammani, the junior widow of Timmaraya Gaudu, Peddamuttu Veerammani and Chinnammani the two widows of Chokai Gaudu eldest son of Kempi Gaudu, Chinnamuttu Veerammani the widow of — Ladamakalli Gaudu the 2d son of Kempi Gaudu and

and Akkachi ammani the widow of the 4th son of the said Kempi Gaudu have respectively set forth their claims before the Government and the then Honorable Governor of Madras after a careful — Consideration of those claims and after Consulting the Pundits of the late Sudder as to the right of the person entitled to succeed to the Palyapattu under the Hindu Law — Conferred the same upon the Petitioner's husband Appu Row. The said individuals then asserted their respective rights first — before the Civil Court of Salem in Original suit No. 1 of 1861, then in the High Court of Madras in appeal Suit No. 8 of 1864. The said Tribunals after a full investigation of their respective claims gave an elaborate judgment in favor of the Petitioner's husband (vide Pages 117, to 127 of the Madras High Court reports Vol II).

7 It therefore now remains for your Honors to Consider only whether the Petitioner the widow of the late Appu Row or his younger brother Rattum ~~Iyer~~ who was in terms of deadly hostility with Appu Row has the better right and title to — succeed to the Palyapattu.

8 Independantly of the argument that there existed

existed ill feelings between Appu Row and his brother during the lifetime of the former and that the latter would, if the Palyapattu were conferred upon him, undoubtedly treat the Petitioner and her daughter most Shamefully giving them no maintenance &c., your Petitioner humbly submits that estates like those of this Palyapattu, when conferred upon an individual become his self aquisitions and as such are inheritable and descendable only to the widow and not to a brother even of an divided family (vide the judgment of the Privy Council in the Case of Katama Nachear and The Rajah of Sivaganga published in the second Vol. of the Madras High Court reports Pages 146 to 158).

9. The Petitioner again humbly begs to submit that there had been several instances of the Palyapattu in question having been granted, held and managed by females. On the death of Timraya Gaudu the third son of Kempi Gaudu the Palyapattu passed to his senior widow Lingavammane and at her death to his senior widow Veeammanee

In

In Conclusion the Petitioner humbly states that her right to succeed her husband is not only in accordance with the usage but is also sanctioned by sastras and decisions of Courts and therefore craves that your honors shall confer upon her the Palyapattu in question and do justice to her Cause.

For which act of Kindness your Petitioner as in duty bound shall ever pray.

18th March 1869

V Rama Row
Vakeel of the High Court

P.S. The Vakalutnama is herewith filed

No 1124 of 1869

From Vaidilingam Pillai

Rao bahadur of Appa Row late Polygar of Ankapalli

Respondents

Kalyanam, Adappa Pillai

Appellants

Date of Order appealed against 7th August 1867

Nature of Suit

Suit to establish the right of the Respondents to succeed to the estate of the late Appa Row Polygar of Ankapalli

Decree of Court below

Decree that the Respondents are entitled to succeed to the estate of the late Appa Row Polygar of Ankapalli

Decree of Appellate Court

Decree that the Respondents are entitled to succeed to the estate of the late Appa Row Polygar of Ankapalli

Date of Decree

1st May 1869

Nature of Decree

Decree that the Respondents are entitled to succeed to the estate of the late Appa Row Polygar of Ankapalli

Remarks

2-2-94
1-5-94
27-1-95

No 896 of 1864.

From Rev: 1370/69.

Chunnammah the widow of Appa Row the late Polygar of Ankapalli in the District of Salem.

Pet.n May 1869 to 1870

To

The Honorable the Members of the Board of Revenue.

Rd 18th March 1869 Petition setting forth her claim and title to succeed her husband to the estate in preference to all other persons & praying several decisions in her favor.

X 613

Presented by
T. Rama Row
Her Vakil

Collector of Salem.

Prays that under the circumstances within mentioned his claims to the Poliput may be supported

221.

Submitted to Government with refer to the Board's Proceed dated 28th April/69 No. —

By Order

J. Bruce Sub Asst

Rev. & Agr. Office Chepauk. 1st May/69.

[illegible] Chenna Ramanna [illegible]
one daughter Virajamanee & 6 gra
the other claimants 3 are widow
mer Poligar and a d/o a daughte
appa Gounden brother of former
who deceased without coming
Poligarship. The claim of the
widows were disallowed when the
deceased Poligar was confirmed
entitled to maintenance but

[illegible] the other heirs of the original [illegible]

Enclosure No 7 with letter from Rev. Sd 15th Aug 69 No 19 Collr of Salem

Letting forth the claim and title of several of the widows husband & the exhibit in forgiveness & all other persons & guilty remiss decision in the case.

Recorded by J. Rama Rao Ass Asst

and the last Poligar were members of an undivided family; and that the Estate of Ankusagery ought to pass from one Cousin to another while remaining undivided. Adds that his claim to the Palipat of Ankusagery having been overlooked, he submitted a Petition to the Collector

12
Rev. 1370/69

From [illegible]

[illegible] Gounden [illegible] [illegible]

[illegible] in

Hosur Taluk

Pro. 19th May 69 Salem L.3356

[illegible]

Referring to the Proceedings of the Board of Revenue dated 22nd September 1860 on the subject of the Collector's letter No. 234 of 30th August 1860, States that the [illegible] and

2-2-94

and brothers claiming [illegible] cannot be held valid. Set forth their claim to Ankusageri Palaiyam.

Refer to their Petition to Board bearing date the 22nd July last to the Collector's report No. 1710 dated 19th August 1822 to Board, to letter No. 234 dated 30th August 1860, to Board order No. 106 dated 17th January 1848, to Appoo Row and

No. 857 of 1869

12
Rev. 1370/69

From: Pro. 19th May 69 L.3256

Unnigapulli Taluk [illegible]

[illegible] Turumammal the senior widow of the late Chickaya Gound Poligar of Ankusagiri & Sundara[illegible]ammal [illegible] Periky attached to Hosur Taluk

Salem

Dated 16th March 1869

Bringing to notice the death of Appoo Row States that the right of Appoo Row's widow and

widow [illegible] and one daughter Veeragammal [illegible] 6 years [illegible] the other claimants 3 are widows [illegible]mer Poligars and a 4th is a daughter [illegible]appa Gounder brother of former [illegible] who deceased without coming [illegible] Poligarship. The claim of the widows were disallowed when the deceased Poligar was confirmed [illegible] is entitled to maintenance but

Minutes of the Board of Rev.

Sd. 15 [illegible]
Rd. 18th March 69 [illegible]

setting forth her claim and title to succeed to the [illegible] husband to the [illegible] in preference to all other persons & requests [illegible] decision in her favor.

Presented by T. Rama Row

and others Petitions severally presented to Board, 6th Feb. dated 20th July 1861, and to Board standing Circular order No 139 on the Petitions of this Bandal.

Final Petitioner prays that her claim may be brought to the notice of Govt. and that the 2nd Petitioner requests that, under the circumstances written mentioned the Petition

Petitioner may be registered in her name in case of final Petitioners claim being rejected

Policked by virtue of writ executed by Manuel Moonisamy Ranee Sunyeveroyen Cummanee and Manuel Moonoosamy Ranee Veeramma

2-2-94
1-5-94

No 962 of 1869.
17
From Rev. 1370/69.

Manuel Moonoosamy Ranee Accatchamanee Gaurou widow of Cureyappah Gounden residing at Sungeveroyen Coil street No 19 in Washermans Pettah

From 18th May 1869 Madras
Do of
Rd 1st April 1869

Prays that the reasons herein mentioned may be taken into consideration along with her former petition that neither the brothers of the deceased Palaiyagar Appa Rou nor his widow be appointed Poligars but that Petitioner as eldest representative be allowed to take charge of the Poligar

[illegible] claims [illegible] one daughter Veeragamanee 6 years the other claimants 3 are minors Poligar and a wife a daughter appa Gounden brother of former who deceased without coming Poligarship. The claim of the minors were disallowed when the deceased Poligar was confirmed entitled to maintenance but

Member of the Board of Revenue

Rd 15th Aug 1870

Letter forth for claimants and Petitioner to appear in person & all other persons & parties interested to claim the said Poligar.

Rumbold
Rame Rao
Rd 22nd

by the Collector in a letter dated 12th February No 26

6. The Government Pleader was requested to ascertain when these suits would be likely to come on for hearing and has reported that they came on for hearing on the 5th March last but have been adjourned for one month as no representative of the late Poligar had appeared to prosecute the appeals.

Letter dated 12th March No 236

7. With the letter recorded at the head of the Proceedings the Collector forwarded the promised report regarding the succession to the Poligam.

From this letter it appears that the late Poligar left a brother Pattamudi and a widow Cheima Ammal by whom he had one daughter Viragamma (6 years old) of the other claimants 3 are widows of former Poligars and a 4th is a daughter of Kareappa Gounden brother of former Poligar who deceased without coming to the Poligarship. The claim of the three widows were disallowed when the lately deceased Poligar was confirmed

8. The 4th is entitled to maintenance but

[illegible]

Member of the Board
J. Rae
Sd/ 15th Nov
Attd/ [illegible]
Letter from the Collector and Deputy Collector of Madura to the Board of Revenue dated 12th February 1816 No 26 forwarding a petition from Cheima Ammal widow of the late Poligar of Kannivadi and Vellode and requesting the sanction of the Board to the grant of a maintenance to her and her daughter Viragamma and to the other relations of the late Poligar.
Rec'd 19th Nov 1816
Rae
Rec'd
613

the real issue lies between the Brother
of the late Poligar and his widow

The Board are of opinion that the
family being undivided and the eldest
surviving brother of the deceased should
succeed, and they recommend the
Government to acknowledge his claims
accordingly.

The Collector will be observed
advocates the resumption of the Pollypet
on the ground that there are disputes among
the various members of the family and
that the females entitled to maintenance
are in danger of losing it. The Board do
not consider that this argument would
justify Government in resuming the
Estate. In issuing sunnud it would be
necessary to guard the interests of existing
heirs.

It will be observed that the case
will come on the High Court on / 4th June

True Copy and Return

Other enclosures
By Secretary

To the Board of Revenue &c. &c. &c.
Madras
By direction to Government A. D.

Revenue
1869 Sept 11
No 1370

Proceedings of
Board of Revenue

Dated 28
Read 28 } April/69
Revd 30

E 76
18
21
6 Encls Petn

Sukunagheri Poligar—
Papers relative to the
death of the Poligar &
and succession to —
submitted to Govern
-ment.

Read 1387 - 18 May/69

125 [illegible]

C. 12 May/69. No. 17 Dec.

9 April/69 Nos 142-144
25 July/69 — 474/75
7 April — — 128-129
20 — — — 431/33

2 — 74
1 — 5 — 74

To The Honorable
The President and Members of
The Board of Revenue at Madras

The humble Petition of
Katchammanee Pindo
Widow.

Sheweth

1. That the said Paulipett of Ankoorsaghery has been in possession of the Polligar the ancestors of your Petitioner for a period of upwards of 150 years the proprietor of the Paulipett at the time the British power was established in this Country was Careyappa Gowda the Grand Father of Kempa Gowda.

2. At the death of the said Careyappa Gowda the said Ankoorsaghery Paulipett descended to his eldest son Timmanya Gowda.

3. On the death of the said Timmanya Gowda the said Paulipett descended to his only son Kempa Gowda who married five wives.

4. By the first of his said five wives Kempa Gowda had one daughter who has long been married and become estranged from the family by the second of his said five wives the said Kempa Gowda had no issue, by the third of his said five wives the said Kempa Gowda had issue only two daughters, one of whom died infancy and the other daughter has long since been married and estranged from her family by the fourth of his said five wives the said Kempa Gowda had issue two sons respectively named Sadanapully Gowda and

reverse

and Timmanna Gowda by his second wife the said Kempa Gowda had issue only one son named Baregapah Gowda the late husband of your Petitioner.

5. At the death of Kempa Gowda the said Ankorroaghery Paulipett was registered in the name of his eldest son the said Chora Gowda, during whose life time his brother the said Sadana Pully Gowda died leaving issue only one daughter who has since married and became estranged from her family.

6. The said Chora Gowda had issue only one daughter who has been married and become estranged from her family and at the death of Chora Gowda and in consequence of his having no male issue the said Ankorroaghery Paulipett descended to his brother the said Timmanna Gowda who was the second son of the said Kempa Gowda by his fourth wife.

7. During the life time of Timmanna Gowda the Grandson his younger Brother Baregapah Gowda the only son by his father the said Kempa Gowda's fifth wife died leaving issue only two daughters by his first wife both of whom have long since married and became estranged from their family and your Petitioner his widow.

8. The said Timmanna Gowda the Grandson being the said third son of the said Kempa Gowda married two wives the first named Timmavarmy, the second named Veeramany by neither of whom had the said Timmanna Gowda the Grandson any issue.

9. The said Timmanna Gowda the Grandson died on or about the 12 day of Sushada Bahula of the year Soobakroton Corresponding with the 15 day of July 1813 and previously

previously to his decease made and published his Will or testamentary instrument of disposition whereby he gave and devised the said Paulipett and all his Estate and Effects to his first wife the said Timjeva-mance who accordingly took possession of the said Paulipett of Ankoroaghery and remained in possession thereof down to the time of her death hereinafter mentioned and the said Paulipett was registered in the name of the said Timjevamance under the sanction of the Board of Revenue of Fort Saint George Madras dated the 9 day of October 1813.

10. On the death of the said Timmanna Gowda the Grandson, sundry disputes arose between Peddamoto Veeramance the first widow of the said Chora Gowda deceased Chimmamy the second widow of the said Chora Gowda deceased Chimmamoto Veeramance the widow of the said Sadanapully Gowda deceased and the said Timjeevamance deceased touching the right to the said Paulipett and thereupon the said Timjevamance as such proprietor of the said Paulipett as aforesaid gave to the said Peddamoto Veeramance one village part of the property of the said Paulipett named Amadorgondapully in the Talook of Dooroor in the Zillah of Salem to the said Chimmamy the Village of Golapully and Cochanapoor in the Talook of Dooroor in the Zillah of Salem being also part of the said Paulipett of Ankoroaghery and to the said Chimmamoto Veeramance the Village of Gungoor Kootoor and Dopperguntalapully in the said Taluq of Dooroor in the Zillah of Salem also part of the said Paulipett and caused the said several

several villages to be respectively registered in the names of the said several hereinnamed parties respectively.

11. That the said Village of Pinadrojomda fully was received by the said Peddamootoo Veeranane as in full of all her claim and right and title to the said Paulipett of Anikoraghery and ever has Continued and still remains in her possession and is registered in her name in the books of the Collector of Salem.

12. That the said Villages of Ryalapully and Cochanapoodoor were received by the said Chinnamootoo as in full of all his claim and right and title to the said Paulipett of Anikoraghery and they have Continued and still remain in their possession and are registered in her name in the books of the said Collector of Salem.

13. That the said Villages of Gungaee Kootoor and Ootpoyguntoo fully were received by the said Chinnamootoo Veeranane as in full of all her claim and right and title to the said Paulipett of Anikoraghery and they have Continued and still remain in her possession and are registered in the books of the said Collector of Salem.

14. That the said Sungeevanaig departed this life in or about the latter part of the year 1867 having by her will or testamentary instrument of disposition in writing given and bequeathed the said Paulipett of Anikoraghery and all her property estate and Effects to Veeranaig the second wife of the said Chinnaroya Gowda the Grandson deceased.

15. That the said two several Wills or Testamentary instrument in writing of the said

said Sungeevanaig Gowda the grandson and the said Sungeevanaig respectively deceased were delivered to, and are now among the records of the Collector of Salem.

16. Upon the death of the said Sungeevanaig the said Peddamootoo Veeranane and the said Chinnamootoo Veeranane respectively claimed the right to succeed to the said Anikoraghery Paulipett but it was decided by Mr Cockburt the then Collector of the District that they the said Peddamootoo Veeranane and the said Chinnamootoo Veeranaig had no right to succeed to the said Paulipett and thereupon the said Paulipett of Anikoragheny was delivered into the possession and Registered in the name of the said Veeranaig deceased the second wife of the said Sungeeroya Gowda the grandson deceased on the understanding that she should support the other members of the family.

17. The said Veeranane Continued in the possession of the said Anikoraghery Paulipett and of all the property estate and effects given and bequeathed them to her by the said deceased from the year 1858 down to the time of her death and hereinafter mentioned and down to such time Continued to support the other members of the family of the said Sungeeroya Gowda deceased in addition to the several villages settled upon them as hereinbefore mentioned.

18. The said Veeranane departed this life on or about the 15 day of February 1860 having previously to her death and on or about the 13 day of February 1860 whilst of sound mind duly made her last will and Testament in writing in the Telogoo language

language and Character which when translated into English is in the words and figures following that is to say / on the 13 February 1860 / Seven lunar day of the dark fortnight of Magah of the Cyaramanee Liddady we Maistee Moonmoodee Vencaja Veeramanee who are the Punchayetdars of Anthiroogherry Cause the Will and Testament to be written and we give the same to our youngest Sister Pethalahammanee / meaning your Petitioner / the particulars whereof are as follows. that is to say You are aware that we have been suffering for the last two or three months in our body from bilious attack now when we Consider the nature of this disease we doubt / think / that our body will last long and you / meaning the Petitioner / are the Chief rightful person to our property and Substanium therefore you are at liberty to rise and enjoy the aforesaid property and Substanium and be happy to this effect we have voluntarily and whilst in the enjoyment of sound standing Caused to be written and given will and Testament Carried.

19. Your Petitioner after the death of the said Veeramanee applied for and on the 10th day of August 1861 obtained out of and under the Seal of the late Supreme Court of Judicature at Madras Probate of the said Will of the said Veeramanee deceased.

20. That on the death of the said Veeramany the Government of Fort Saint George wrongfully as Your Petitioner has been advised nominated one Appoo Row to the said Pauliyett of Anthoroogherry and the Collector of Salem took possession of all the Estate and Effects

27

of the said Veeramany.

21. That the said Appoo Row's nomination having been made by the Government of Fort Saint George and the effects of the said Veeramany having been taken possession of by their Servant the Collector of Salem your Petitioner was advised that the property Estate and Effects of the said Veeramany were virtually in the possession of the Government of Fort Saint George and that by such possession the said property Estate and Effects were virtually effects within the Jurisdiction of the late Supreme Court of Madras and under this advise and for no other purpose than to do Rightly Your Petitioner applied to the said last mentioned Court for the grant to her of Probate of the said Will of the said Veeramany deceased and obtained Probate thereof on the 10th August 1861 but the High Court of Madras afterwards and in or about the month of June 1863 revoked the said Probate on the application of the said Appoo Row on the ground that there were no effects of the said Veeramany within the Jurisdiction of the late Supreme Court.

22. On the 8th day of January 1869 the said Dalavoyal Appavoo died leaving no issue him surviving.

23. Your Petitioner as the Widow of Careyaja Garda and under and by virtue of the terms of the Will of Veeramanee submits that she is the proper person to be appointed Poligar.

Your Petitioner therefore prays that this her Petition

be

be received and that she be put in possession of the Pauliyett of Ankoraghery.

And your Petitioner shall ever pray &c.

Magras
30 January 1869

No. 444 of 1869
Rev. 1370/69.

From Akkeshammanavar widow of Carappa Gouda of Anekundagherry Taluk Salem Collector

Dd 30th Sept
Rd 4th February 1869
Pres. 18th May 1869

States that Petitioner's late husband Carappa Gouda was the son of Kempa Gouda by his 5th wife, whose other Christian name was Lingherry - A doubt

Timmaroya Gouda

1-5-94
2-2-94

Timmaroya Gouda the third son of Kempa Gouda married 2 wives by names Lanji: vammany and Veeramany; and that after the death of Kempa Gouda the said Pattapat was registered in the name of Lanjivammany under the Bond order dated

afterwards revoked on the application of one Appoo Row. who in Sany 1869 died without issue.

Prays that she may be made Obligar.

dated 9th Oct 1843, and afterwards in the name of Veera: many who by her will bequeathed the Pattapat and all other property of Petitioner, who in 1861 obtained a Probate from the late Supreme Court of Judicature in Madras which was afterwards

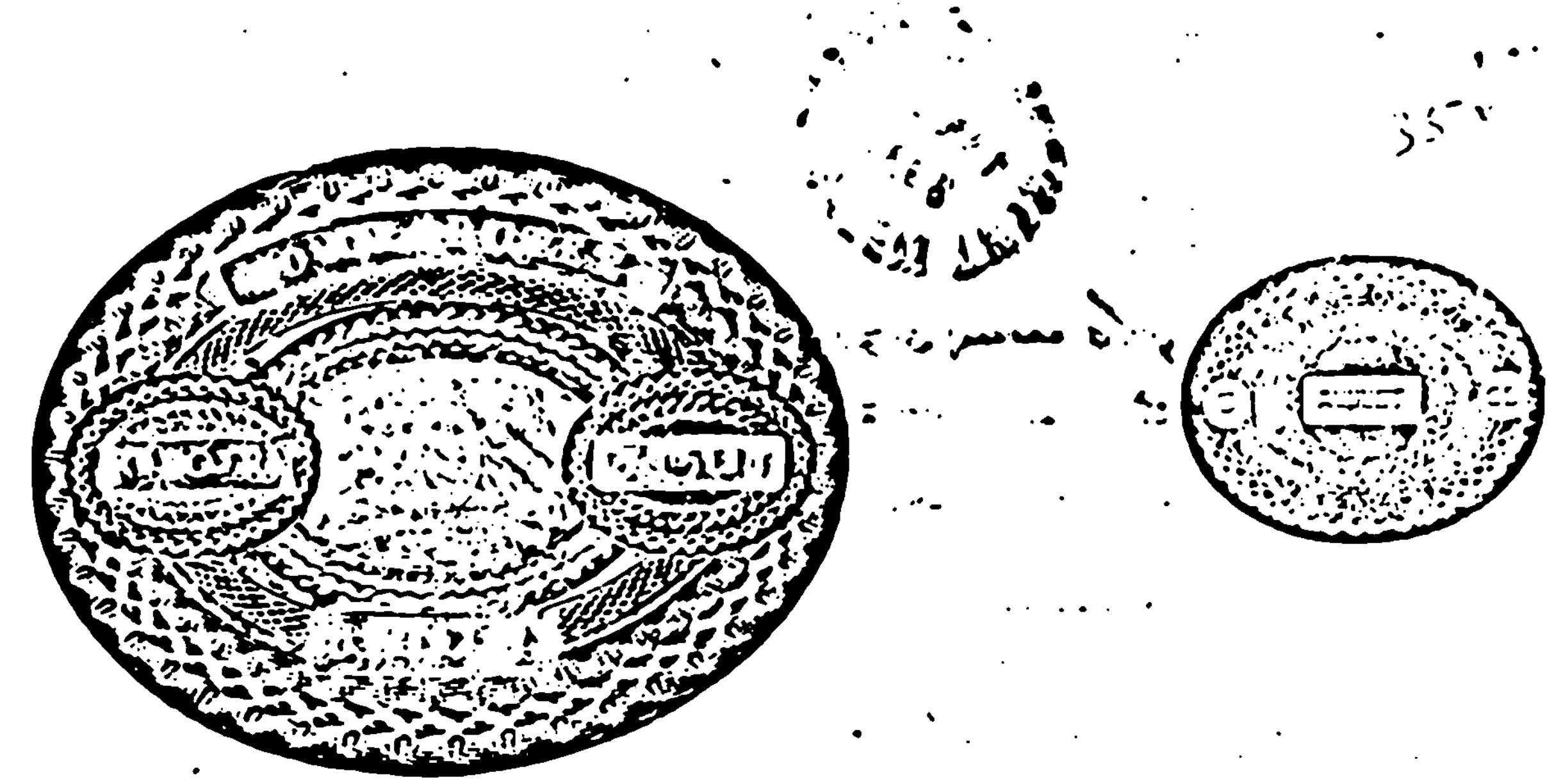
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DEPARTMENT OF STATE
JUN 20 1923
SALEM, OREGON

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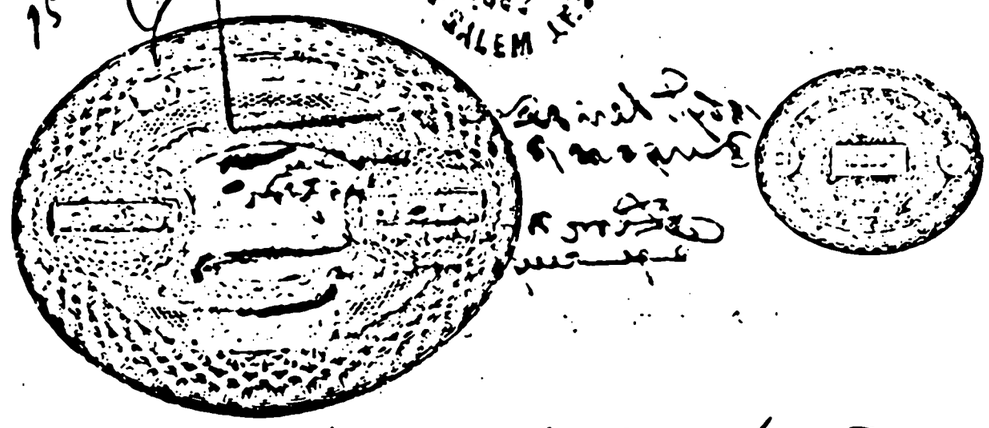
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Reg. 1370/69 ... Issd.
... 8/9/69
Accepted
T. Rama Rao
Vakeel
for the Petitioner.
8-3-69

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15-3-[illegible]

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To The honorable President and
Members of the Board of Revenue.

The humble petition of Mastimmanadi Pedd
Mordeha Veerammanna the senior widow of the late
Chokkaiya Goundue Poligar of Venkatagiry and
Soodara Ammanny or the daughter of Kariappa
Goundue the younger brother of the said Chokkaiya Goun
residing in Beriya attached to Aglesoor Tehsy Salem
District
Humbly showeth.

Petitioners beg most respectfully to repre
that the Honourable Board will take into consider
ation of the following circumstances and
grant them their requests.

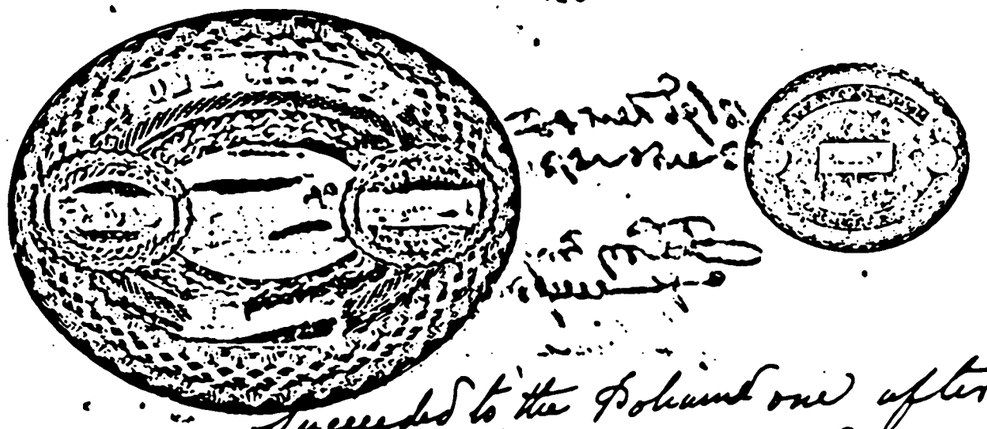
{The representation of
the said Petitioner}

1869 Heriadee 10
Rupees 88 [illegible]
[illegible]
Collector of the District and another letter dated
30th August 1860 No 234 written to the
Board by Mr Brett the Collector. And of
which we consequently omitted to mention
the particulars here

2nd The said Chokaya Gounden was the
son of Rampa Gounden the registered Poligar
by his first wife and Sadanapally Gounden
and Thimmaraja Gounden were sons by
the second wife and the said Kuriappa
Gounden was the son by his third wife
and they all were undivided of the remain
ing two wives one had a female issue &
the other was childless.

3. On the demise of Rampa Gounden
Chokaiya Gounden succeeded to the
Poliam. As Sithanapally Gounden died
before Chokaiya Gounden the Poliam
was inherited by Thimmaraya Gounden
on the demise of Chokaiya Gounden. As
Kuriappa Gounden died during the life
time of Thimmaraja Gounden the live

STAMP OFFICE MADRAS NOV 27 1868 SALEM

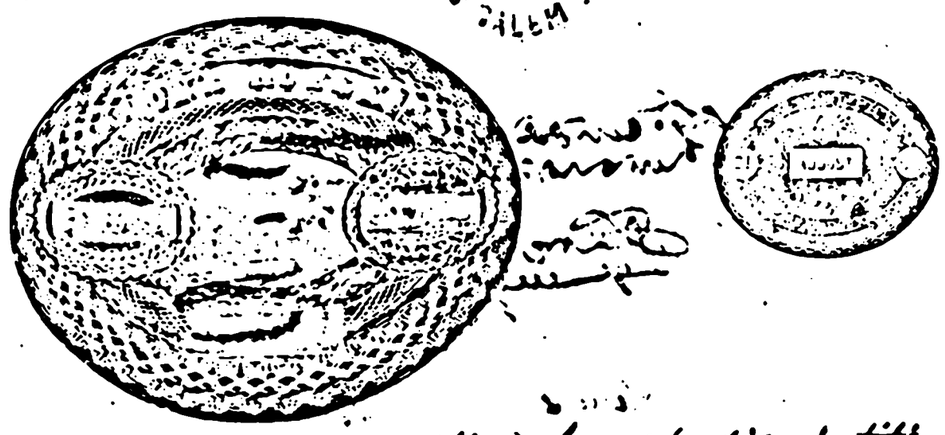


succeeded to the Poliam one after another
under the sanction of the Board of Revenue
dated 17th January 1848 No 106 the latter
4. died in February 1860. At that time the
first Petitioner and Chinna Ammanny
the second widow of her husband Achachammany
the second widow of the said Karrappa Gounden
and Appoo Row the late Poligar preferred
their claims to the Poliam separately before
the Collector and the Board of Revenue.
Chinna Pudda Veeramammany the widow
of the said Sithanapally Gounden consents
to the Poliam being registered in petitioner's
name.

5. Regarding these conflicting claims the
Board of Revenue referred the matter to
the opinion of the Pundits of the late
Sudar Court of whom the senior
Pundit said in reply that the females
are not eligible to succeed to the
[illegible]
Nephew of Thimma Raya Gounden the
husband of Veeramammany the last
holder of the Poliam may succeed to

the Poliam and the Junior Pandit declared that the step nephews is not at all a competent heir according to any law and that although there is no provision in any law regarding the succession of females to the estates yet on the demise of the said Chokaiya Gounda the right of succession devolved to his brother Thimmaraya Gounden and Kariyppa Gounden and upon that right Veeranmanny the widow of Thimmaraya Gounden succeeded to the Poliam and died and that upon this ground it is proper that the survivor Sekuchammany the widow of Kariyppa Gound should on condition of supporting the members of the family succeed to the Poliam.

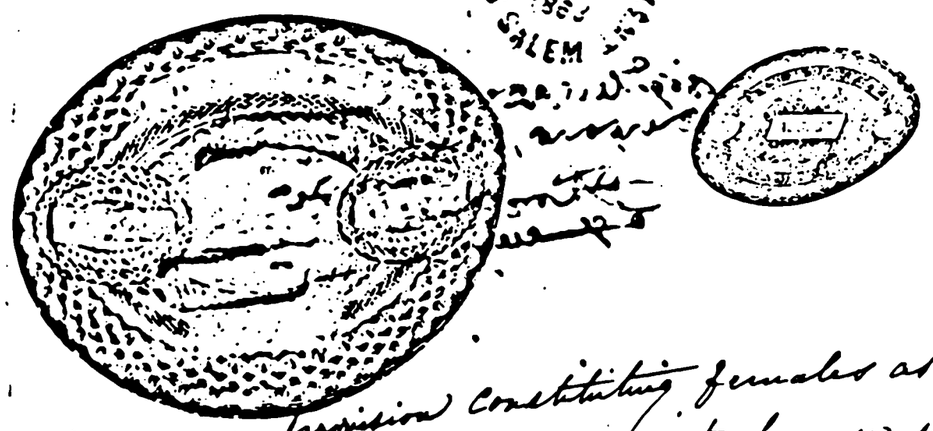
6th Although your Honourable Board were aware that the nephews are not included as heirs according to section 364 of the Stranges Hindoo Law and Ketatshary thereon referred to and that the opinion of the senior Pandit according the same was inconsistent



may on condition of supporting petitioner and the other three female heirs be registered in the name of Appoo Roo on the right of his being grandson by female line of the father of the last holder of the Poliam in spite of the claim of petitioner and three other females on the ground that they are not eligible to succeed to estates as stated by the Pandit. The Poliam was accordingly registered in his name on the 9th April 1861. And he continued on the enjoyment of the same and died on the 9th January 1869. Now petitioners take this opportunity to bring to the kind notice of the Board their right to the Poliam.

7. Petitioners submit this petition representing their claims and rights with the firm belief that the British Government act according to the principles of Justice or Hindoo Law in despising of claimed to estates and protect the rights and priveleges of their subjects in a just manner.

8. The right of Kumpagounden



who enjoyed the Pokiam ceased with his demise and descended to his sons who succeeded to the Pokiam. The right of succession to the Pokiam should have descended to their legal heirs only according to Hindu law but not to Appoo Row who is the daughters son of the deceased Ramya Gomud and a step nephew of the last holder of the Pokiam Thimmaraya Gomud even before or after the wifes of the last holder of the Pokiam succeeded to the same. Neither the said Appoo Row nor his brother is heirs of either Thimmaraya Gomuden or his widows.

Refered to Sections 334, 340, 341 2nd edition Stranges Manual of Hindu Law.

9. As enjoyed by the widows of the said Thimmaraya Gomuden on his demise to the widows of the said Thimmaraya Gomudens undivided brothers and petitioner who married their husbands solely depending upon them and the estate should succeed to the estate and enjoy the same first by petitioner and then by

Refer to Sections 234, 235, 304 & 308, 314 & 315 of the said H. L.

provision constituting females as heirs to succeed to the property, because in the absence of a female heir the property of a deceased person goes first to his widow and then to his daughters their sons and afterwards to his brothers & sons and moreover formerly two females having been put in possession of the Pokiam inquisition enjoyed the same under the sanction of the Board of Revenue referred to in Paragraph 3. Under these circumstances the allegation that the females are incompetent to succeed to estate is altogether null and void and petitioner is unobjectionably entitled to succeed to the Pokiam.

11. Appoo Row the late Pokiadar to whom the Pokiam was given on the ground of his being the grandson by female line of Ramya Gomuden the father of Chokaraya Gomuden and Thimmaraya Gomuden the last holder of the Pokiam, was not a better heir than petitioners. The Pokiam

Refer to Sections 316, 334, 340, 341 & Explanation to 336 of Act 27/60 High Court Regulation



brother claiming the Poliam through him is invoked.

14. The said Poliam is an unsettled estate. The Poliam was given to the late Appoo Row on the ground that the females are not competent and legal heirs to succeed to the same as shown in Para 6 of this petition in spite of petitioners claim. In case of the Government supporting petitioners right to the Poliam which is an unsettled estate over which the Government possesses Control to act according to their discretion, the claim put forth by the widow and brothers of the late Polijar Appoo Row becomes quite useless.

15. The said Appoo Row the late Polijar not only neglected to support Petitioner and others according to the condition on which the Poliam was given to him but also intended to deprive petitioner and others of their possession of certain villages given to them by former polig through civil suits and a suit regarding the same is still pending in the High Court.

Rajaroo District Munsiffs Court 655 of 1864-374 of 1865-597 of 1866.

16. Petitioners regret to say that while they are properly and legally entitled to obtain the Poliam the same was given to a stranger who was not at all entitled to it, whereby petitioners were left in a precarious condition without any means.

17. On a mature consideration of the above

[illegible] Petitioners claim through the right of Kempaiy Gounden having descended on his death to his sons from whom the right should descend to petitioners who are their legal heirs and should not ascend to the heir of Kempa Goundi in his daughters line. Moreover the sisters sons are not constituted as heirs according to Hindoo law while the widows in the male line exists

12. The fact of the females being competent and legal heirs to succeed to estates has been established by the standing order No. 189 of the Board's Circular on the opinion of the Pundits to the same effect ~~to the question~~ ~~succeeds estate~~ and also confirmed by the Privy Council in the case of Vishwanath Patta Zemindar. Under these circumstances the statement made in Par 10 of the

circumstances the petitioner humbly requests the Honorable Board to recommend her claim to the Pobaim to Government. In case of the first petitioner's claim being overlooked the claim of the second petitioner Lindaramanayagan who is the daughter by the first wife of Kiriappa Goundan, who was the undivided brother of Chinnaraya Gound and to whom also the right of succession devolved from Chokaya Goundan on his demise as aforesaid, may be taken into consideration and the Pobaim be registered in her name after making provisions to first petitioners — this in the case standing order No 189 of the Board Circular where in the opinions of the Pundits are quoted it is stated that the daughter of the deceased person is also competent to legal heir to succeed to his estates.

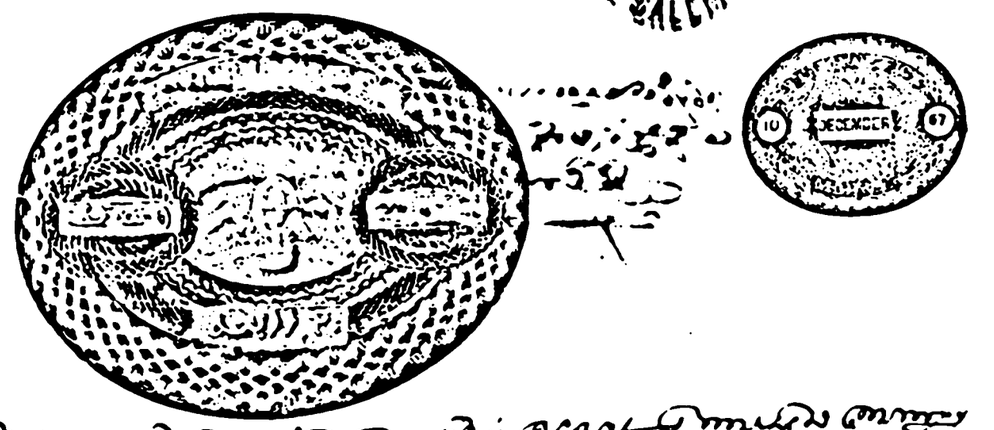
18. The second petitioner humbly requests that on due consideration of all the circumstances the Pobaim may be registered in her name in case of the first petitioner's claim being rejected.

19. The Petitioners have forwarded through post to the Board of Revenue on the 22nd February 1869 a Tamil Petition on the same subject

x 1st wife of Chokaya Goundan deceased of Kiriappa Goundan

RECEIVED 1869 SALEM

In No 857/69

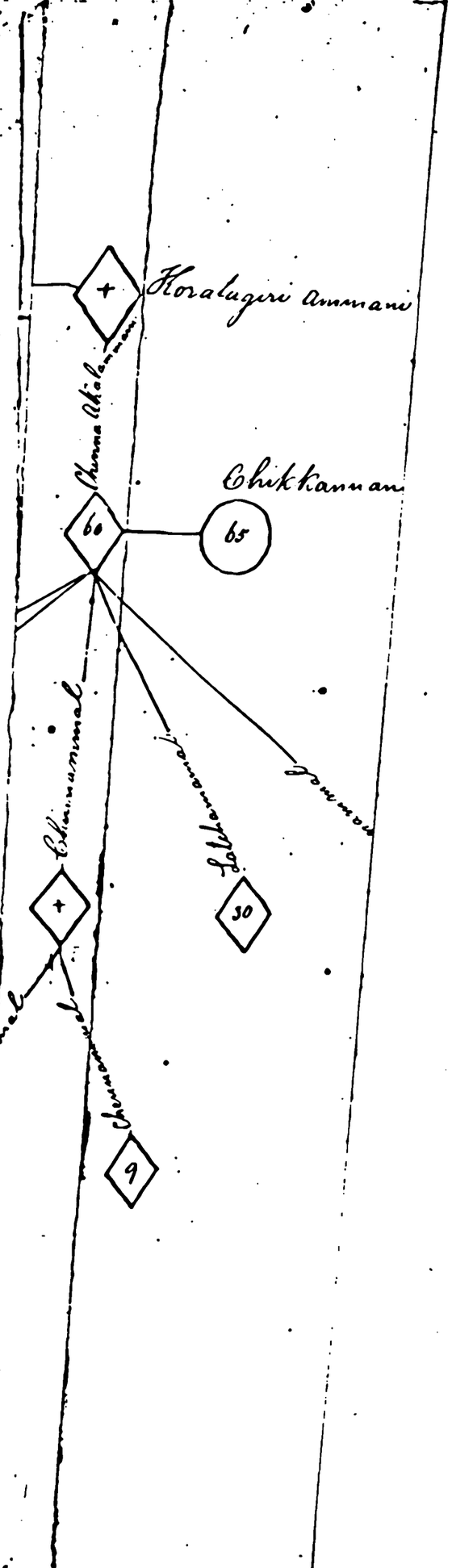


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Rec. 13/9/69
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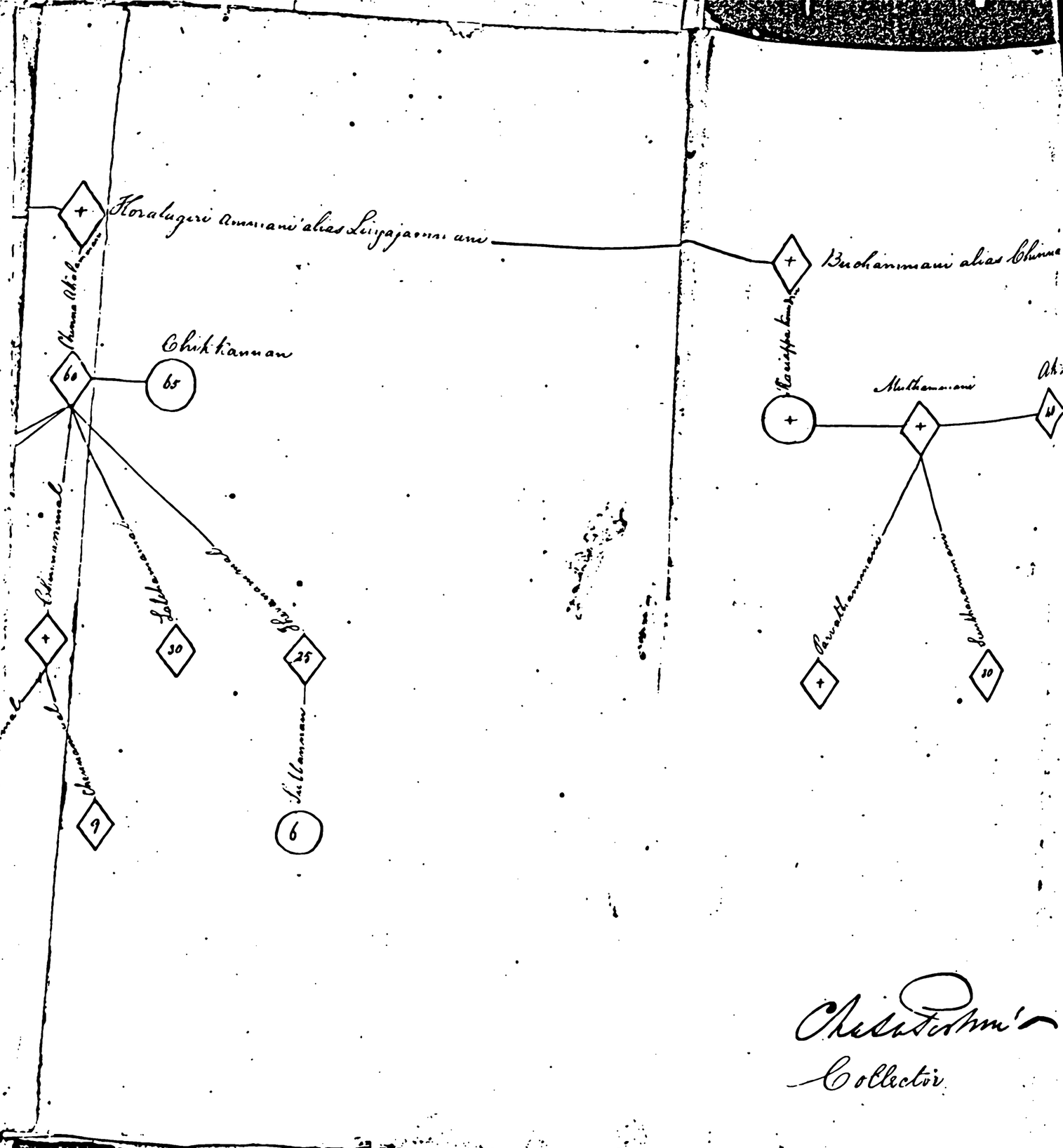
the moveable property
is in possession
of Petitioners
elder brothers
widow.

13 Prayer that
the Zemindary may
be registered in
the name of Petr.



two moveable proper
is in possession
of Petitioners
elder brothers
Widow.

[illegible] Survey & Settlement
Officer Zemindary of
is registered in
the name of D°

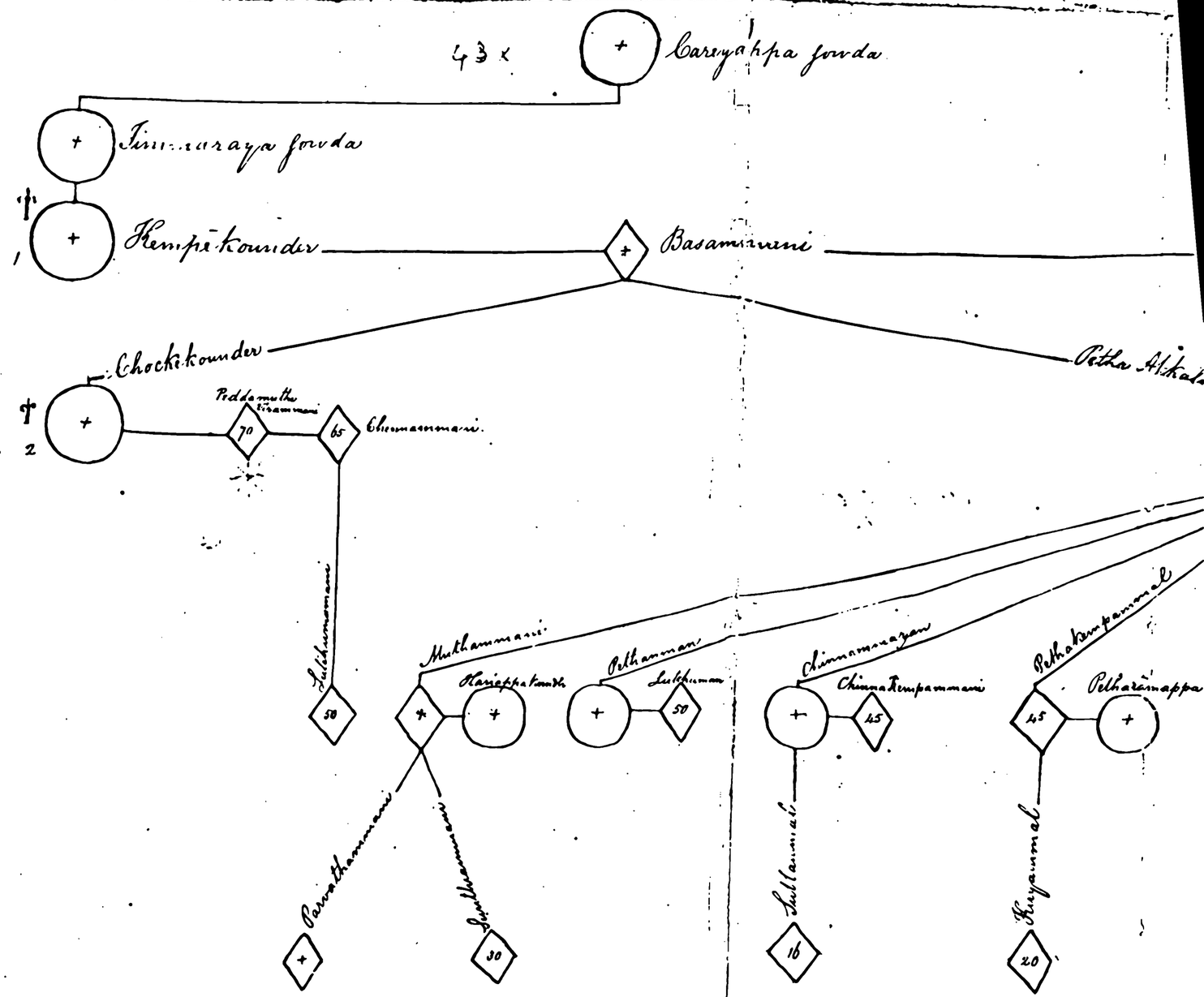


the Settlement made in Fasl 10[illegible] &c.

Collector

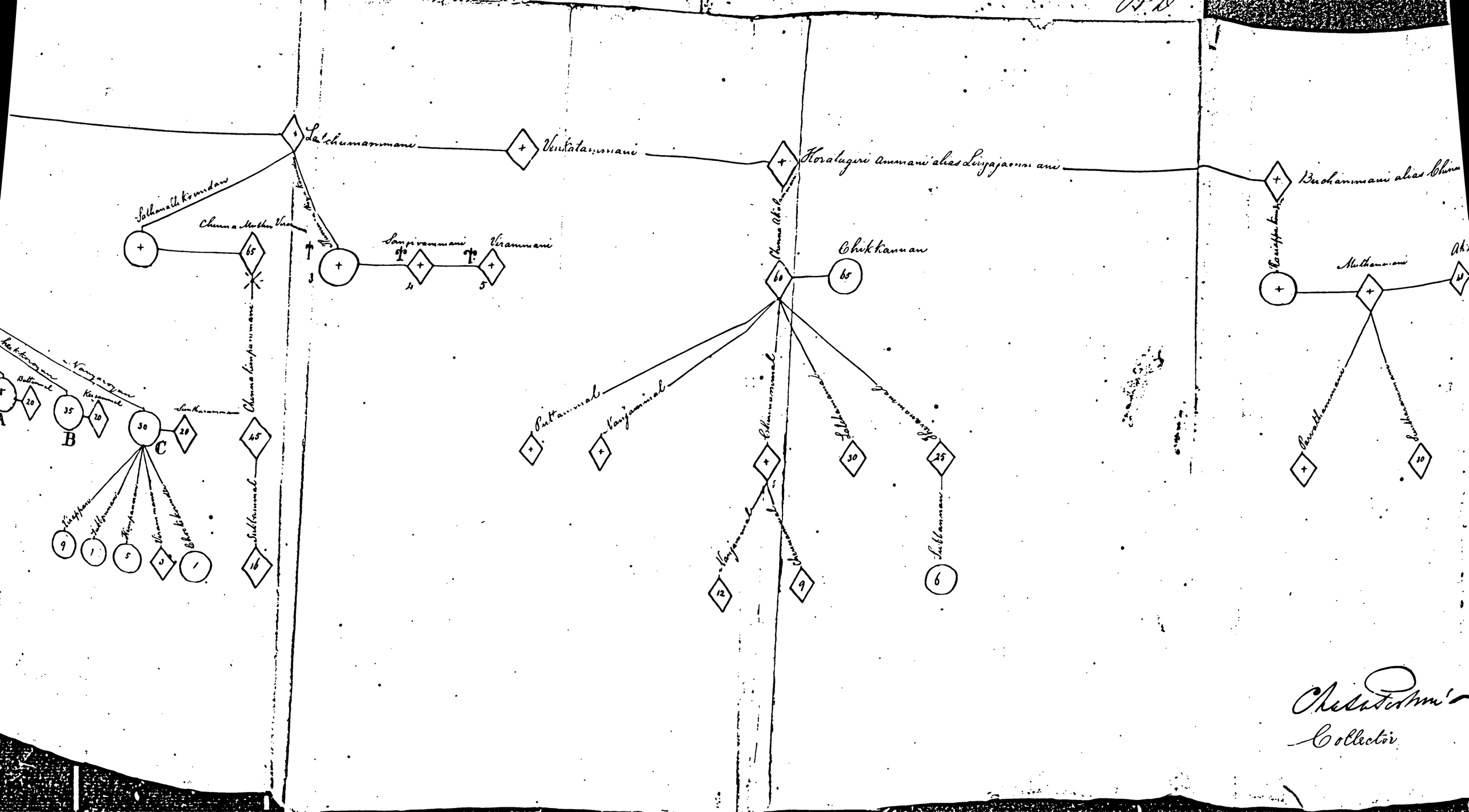
the immoveable property
is in possession
of Petitioners
elder brothers
widow.

13 Proyo that
the Zemindary and
the registered in
the name of D.S.



Note – o This mark denotes the male members of the family.
◇ This the female members.
ϕ This mark (in red ink) denotes those who successively held the Poligut.
+ This denotes the deceased members of the family

the statement made in Part II of the


Lachumammani
Venkatammani
Sathamalla Komdan
Chinna Muthu Vira
Sanjivammani
Viranmani
Chinna Linga
Sinkammani
Sittammal
Kistnan
Subbammal
Kanjammal
Chenchu
Ekambaram
B
C
Korakuggiri ammani alias Lingajammani
Chinna Akkammani
Chikkammani
Puttammal
Vanjammal
Chinnammal
Lakshmammal
Ghousammal
Subbammal
Buchammani alias Chinn
Muthammani
Parvathammani
Subbammani

P.D

Memo on A° 1370

Succession to the Nuttuadghori Pollam.

This Estate is an
unsettled Pollam, and
the nomination of a Suc-
cessor rests in Govt. The
late Polegar was named
by Govt in 1864 to the
exclusion of several of the
widows of former Polegars,
because he was the son of
the daughter of the third
Polegar since the British
assumption. The fourth
Polegar was succeeded by
his son, who again was
succeeded by his son the
3rd Polegar. This third
Polegar

same claim to succeed to the exclusion of the widow as the late Poligar herself, that is, he is now the adopted male grandson of the 3rd Poligar through the daughter of his first wife.

Another peishcush Zemindar, competitor for succession. Previous to his death, the Poligar had certain suits pending to recover some villages belonging to the property which the owners maintained had been alienated by previous Poligars. These suits came on for hearing on the 1st of June in the High Court. Mr Handley seems to advise that the Govt

Govt should sue for these villages before a successor is appointed (see G.O. 20th April 1869, No 1077), but it is not clear how the Govt are interested in the matter, if, as I presume they will, they now recognise a successor and give him a permanent sunnud. This course has been ordered to be adopted in the occurrence of all such lapses to prevent perpetuating this anomalous tenure of property. The Collector however, has been ordered to report upon the titles of the persons now holding the desputed villages (G.O. 20th April 1869, No 1077).

The Board have directed, properly suggested the suggestion as the next Poligar, the brother of the deceased Poligar, should sue, as well as the other natives mentioned, will have a just claim to maintenance until they have lands or other sufficient yielding to them a sufficient income - An arrangement of this kind is occasionally made in the Peishcush.-

I see no reason whatever for depriving the succession of the new Poligar on the ground that certain villages have been sued for by the deceased Poligar, as wrongfully alienated.

The Court will either admit the new Poligar to the suit in lieu the dec[eased], or they will remove the suit from the file.-

In either case it will rest with the new Poligar to enforce his claim to the villages if he can do so. And if the Govt, they will be bound to indemnify any increased peishcush demanded by the Peishcush. If he fails, the interests of the Govt are unaffected

W.M.

N.

W.M.

115

Succession to the Chieftainship of Lewis in dispute.

(1379)

12 May/69 R. 17 May

116

R.D. 7

No. 1389

Pro. of the M. Genl. 68

Undertaken the 18th May/69.

Read the following Pro of the Bp of Rip.

Bp 28 April/69 &c

Before passing orders in these Proceedings the Bp. first desires to have the Bch's opinion on the claim put forward by Sadenapatty Tenka in his petition No 109 of 1869, x and on the remarks made by the late Religious widow in para 7 of her petition No 1120 of 1869 x

From orders in Council

x Sent herewith

Sent herewith.

Bp. Copy of the Bp. Rip. with 6 Encls Dec 15
SC 16 Dec 15

17