Secta. II—46—21,640-18-1-17.

HOME (1917) Department.

(Miscellaneous)

(Minor Hs.) SERIES.

G.O. No. 474

DATED 19-5-17

[Despatch Abstract.]

Kodur Treasure Trove.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go.	669.R.	Rev	12/8/25				

C.F.—14.

CURRENT FILE.

ment

So 472 Pub. 18.4.14.
1252 just. 7.6.15
771 Pub. 18.5.15
545 just. 11.3.15
Rev 7616-1 file 5.11.14
So 165 just 11.10.12
600 file 27.9.12
479 " 2.8.12
805 " 18.5.12
376 Pub. 28.3.12
1172 Pub. 13.12.10
" " 17.3.10
246 " "
346 just. 7.3.10
604 Pub. 27.7.07
449 Pub 13.6.06
2273 just. 28.8.86.

ate.

C.F.—80.

Revenue **DEPARTMENT.**

L/2

CURRENT No.

REVENUE-C
0516

25.2.15 191 . *Registered* 25.2.15 191 .

Subject.

CURRENT NO.
1302
PUBLIC

Rd 1315/21

Treasure Trove.

CHIEF SECRETARIAT 1-MAR.1915 MADRAS GOVT.

Submitting to Government, with remarks, copies of judgment and decrees in the Kodur ------- suits received from the Collector of Nellore.

ENCLOSURES.
No.
Spare copies

Reference No. 1175 Pt/14-3.

Station Madras *Dated the* 23rd February 1915.

From W.G. McFarland, Esquire, I.C.S.,
Secretary,
Land Revenue.

To the Board of Revenue, ~~Revenue Settlement, etc.~~
~~Separate Revenue.~~

To the Public dept. u-o. 1.3.15.

Kalb 26/2/15

26-2-15

The Hon'ble Mr. R.B. Clegg, Commissioner of Land Revenue.
The Hon'ble Mr. H.F.W. Gillman, Commissioner of Land Revenue and Forests.

~~Resolution~~
~~Reference.~~

SECRETARY TO GOVERNMENT 5 FEB 1915 REVENUE DEPARTMENT

Read letter from Diwan Bahadur R. Ramachendra Rao, Esquire, B.A., Collector of Nellore, Reference No.1313 G1/Cor. dated 24th January 1915.

Rev. uo: 516a/15-1
1.3.15

Reference.

With reference to paragraph 2 of Government Order No. 472, Public, dated 18th April 1914, the Board submits to Govern-

ment

Government copies of judgment and decrees in the Kodur Treasure Trove suits received from the Collector of Nellore.

2. The District Judge's findings are in favour of Government except on issues Nos.1, 10 and 11. In view of the findings on issues Nos.3 to 9, it was unnecessary for the District Judge to have dealt with issues Nos.1, 10 and 11. However he recorded his findings on these three issues also to obviate the necessity for remand in case the appellate court should take a different view of the points of law involved in the suits. In the result, the right of Government to three-fourths of the treasure has been upheld and the plaintiffs' suits as against Government have been dismissed. The Court has allowed the costs of Government in O.S.Nos.61 and 62 of 1913, but has disallowed them in the remaining two suits on the ground that the plaintiffs were led to file them by the defective character of the original order of the Collector.

3. The local Government Pleader considers that it is not advisable to appeal to the High Court in the matter of costs. He is of opinion that in the event of the plaintiffs' appealing, Government may prefer a cross appeal claiming the costs disallowed by the District Judge and impugning his findings on the three issues

issues which he has decided adversely to Government. The Board agrees with the Government Pleader.

4. The Court has fixed the pleader's fee at Rs.1,000/- in each of the four suits and the local Government Pleader claims an aggregate fee of Rs.4,000/- for his appearance. As the Court has decreed costs to Government only in two suits and the suits were all identical, the Collector considers that an aggregate fee of Rs.2,000/- is adequate. The two suits 61 of 1913 and 62 of 1913, became merged in 1 of 1914 and 19 of 1914 respectively and the four suits therefore practically formed but two. The Board therefore agrees with the Collector that Rs.2,000/- would be adequate.

5. As regards the question of reward to M.R.Ry., M. Purushottama Rao, Tahsildar of Nellore, for his services in connection with the Treasure Trove, the Board considers that the question may be deferred till it is definitely known whether the parties are appealing to the High Court and if they do, till the appeal is disposed of.

W.M.Farland

Secretary.

To

The Secretary to Government, Revenue Department,
with the certified copies of the District Judge's
judgment and dec[illegible] returned.

Collector of
19. 4/24.21

FOR COPIES ONLY

4/1/9



THOMAS DE LA RUE AND COMPANY LIMITED.

The Seal of the District Court of Nellore

In the Court of the District Judge of Nellore

Monday the 7th day of December 1914

Present J. W. Hughes. Esquire

District Judge

Original Suit No 61 of 1913

Between 1 Parvatharedi Ramalingareddi } for self minor sons
2 do Subbaramireddi 3 do Narayanareddi } their mother and
next friend Parvatharedi Thammamma, Kapus and } Plaintiffs
landholders, Kodur Nellore Taluq

and

1 Mbachireddi Subbaimma 2 Ramireddi Raghavareddi
3 Patnam Subbaramiah 4 Duvvuru Venkatasubbareddi
5 Mbadivapathi Purushothama Rao ——— } Defendants
6 Mbaddali Venkatakrishniah. 7 The Secretary of State
for India in Council, 1, 2 and 4 Kapus and cultivators
3, 5 and 6, Brahmins and 1 of Kodur 2 and 3 of Kodur ——
4 of Chennapallipollem hamlet of Kodur Nellore Taluq
5 Tahsildar of Nellore 6 a Government Servant of
Nellore

Suit for a declaration that plaintiffs are the owners of the site where the suit treasure was found and as such owners are entitled to get the whole of the Treasure Trove which is of the approximate value of Rs 1,41,349.

Decree. This suit coming on

175 Act

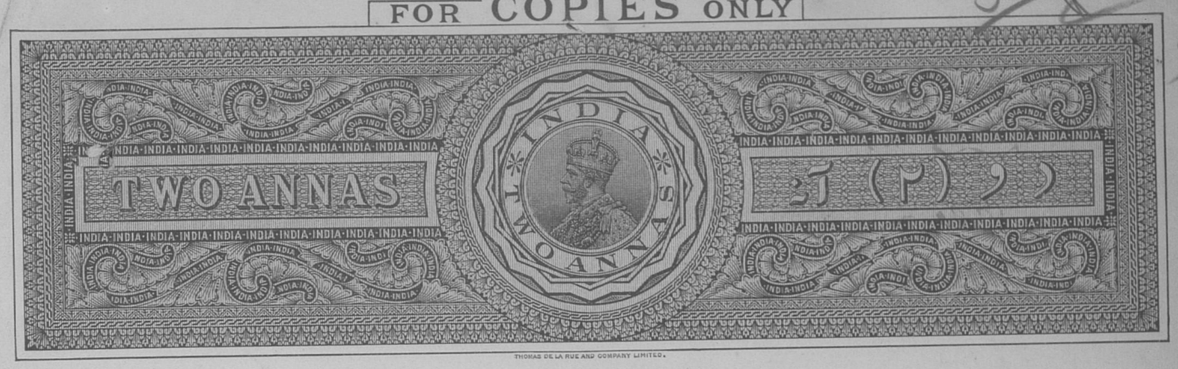
Cost Rs 1-12

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1915
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23-11-14
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5 & 5



for final hearing on 9 November 1914 in the presence of
Messrs V. Krishnaswami Row vakil and H. S. Ward and
V. Rama Row pleaders for plaintiffs the Honourable
Mr. A. S. Krishna Row vakil for 1st defendant
Mr. O. Visvanadha Row for 2nd defendant, Mr. M. V. Subba Row
for 4 defendant Mr. Y. Venkatachelam for 6th defendant
Mr. M. Chengiah vakil for 7 defendant, 5th defendant appearing
in person and 3rd defendant having allowed the suit to proceed
ex parte and it appearing that the next friend of plaintiffs
and 1st defendant have compromised the matter in dispute
as between them and having put in a petition praying
that this Court will sanction the compromise on behalf
of the minor plaintiffs and it also appearing that the
compromise is fit and proper and for the benefit of the
minors this Court doth in sanctioning the compromise
on behalf of the minors and in pursuance of the terms
thereof order and declare that plaintiffs are joint owners
with 1st defendant of the particular portion of land in
S. No 1303/B in Kodur village

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Seen 15/11

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23/12-14

Decree)

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6/ 5 B 6



Nellore Taluq, where the whole treasure was found that plaintiffs are entitled to 4½ shares in the said land and 1st defendant is entitled to 2½ shares and this Court doth further order and decree that the suit as against the other defendants be and the same hereby is dismissed and that plaintiffs and 1st defendant do bear their own costs that plaintiffs do pay the costs of 7th defendant Rs 1031-13-0 and that defendants 2 & 4 to 6 do bear their own costs.

Memorandum of costs.

	Plaintiffs. Rs. A. P.	1st Defendant Rs. A. P.	7th defendants Rs. A. P.
Stamp for plaint	20-0-0	- - -	- - -
do for power	0-8-0	0-8-0	- - -
do for copies of decree and judgment	0-8-0	- - -	- - -
do for petitions	0-12-0	- - -	- - -
do for exhibits	1-0-0	- - -	- - -
Charges of obtaining copies	1-15-0	- - -	5-13-0
Service of process	20-8-0	- - -	11-0-0
Subsistence for witnesses	8-4-0	- - -	15-0-0
Commissioner's fee	30-0-0	- - -	- - -
Pleader's fees	- - -	1000-0-0	1000-0-0
	84-1-0	1000-8-0	1031-13-0

1854 the

Hon'ble Town Clerk

3

591

23-12-14

FOR COPIES ONLY



THOMAS DE LA RUE AND COMPANY LIMITED.

N.B. No memo of costs for this day dependant 82 and 4 to 7

Given under my hand and the Seal of the this 5th day of December 1914.

(Sd) J. W. Hughes
District Judge

Copied by the
Reading Clerk
Examined by the
Cor[illegible]
38 Ahs

(A true copy)

[illegible]
Superintendent
4 and last sheet

590

DISTRICT COURT OF NELLORE.
Application made 8-12-13
Stamp papers called for 21-12-13
Stamp papers deposited 23-12-13
Copy ready 15-1-14
Be delivered 15-1-14

Superintendent

The parties should apply as soon as possible for return of all exhibits which they may wish to withdraw, as the record will be consigned to the Record Room in due course. Under the destruction of Civil Records Rules, papers may be destroyed after the expiration of three years from the date of decree.

FOR COPIES ONLY

TWO ANNAS

THOMAS DE LA RUE AND COMPANY LIMITED.

The seal of the District Court of Nellore

In the Court of the District Judge of Nellore.
Monday the 7th day of December 1914.
Present J. S. Hughes Esquire. District Judge.
Original Suit no 62 of 1913

Between Kachireddi Subbamma Desurukapu and landowner of Kodur Nellore Taluq ——— } Plaintiff

and Parvatareddi Ramalingareddi 2 Subbaramireddi 3 Narayana reddi 4 to 3 being minors by their mother and guardian Kamamma 4 Ramireddi Raghavareddi 5 Duvvur Venkata-Subbareddi 6 Patnam Subbaramayya 7 Madrapathi Purushotham Row 8 Maddali Venkatakrishniah 9 the Secretary of State for India in Council added as per order on M.P No 7 of 1914 dated 12-1-1914. 4 to 5 Kapus and landowners 6 to 8 Brahmins 4 to 6 of Kodur Nellore Taluq 7th Tahsildar of Nellore and 8th a Government Servant at Nellore. } defendants.

Suit for a declaration that Plaintiff is the owner of the portion in S. No 1303/B of Kodur village Nellore Taluq wherein the four vessels containing treasure referred to in the notification of the Collector

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dated 8-5-1913 were found and that she is entitled to the treasure therein found.

Decree:- This suit coming on for final hearing on 9th November 1914 in the presence of the Hon'ble Mr. A.S. Krishna Rao Vakil for Plaintiff Mr. F.T. Wordsleader for defendants 1 to 3 Mr. C. Viswanatha Rao for 4th defendant Mr. M.V. Subba Rao for 5th defendant Mr. Y. Venkatachelam for 8th defendant Mr. M. Ethenjiah Vakil for 9th defendant 7th defendant appearing in person and 6th defendant having allowed the suit to proceed exparte and it appearing that the Plaintiff and guardian of defendants 1 to 3 have compromised the matter in dispute as between them and have put in a petition praying that this Court will sanction the Compromise on behalf of the minor defendants 1 to 3 and it also appearing that the compromise is fit and proper and for the benefit of the minors this Court doth in sanctioning the compromise on behalf of the minors and in pursuance of the

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E. ordered
21-12-44
Copies to
Issued

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10/ 10



terms thereof order and declare that Plaintiff is joint owner with defendants 1 to 3 of the particular portion of land in S No 1303/B in Kodur village Nellore Taluq where the whole treasure was found that Plaintiff is entitled to 2½ shares in the said land and defendants 1 to 3 are entitled to 4½ shares and this Court doth further order and decree that the suit as against the other defendants be and the same hereby is dismissed and that Plaintiff and defendants 1 to 3 do bear their own costs; that Plaintiff do pay costs of 9th defendant Rs 1000-1-0 and that defendants 4-5-7 and 8 do bear their own costs.

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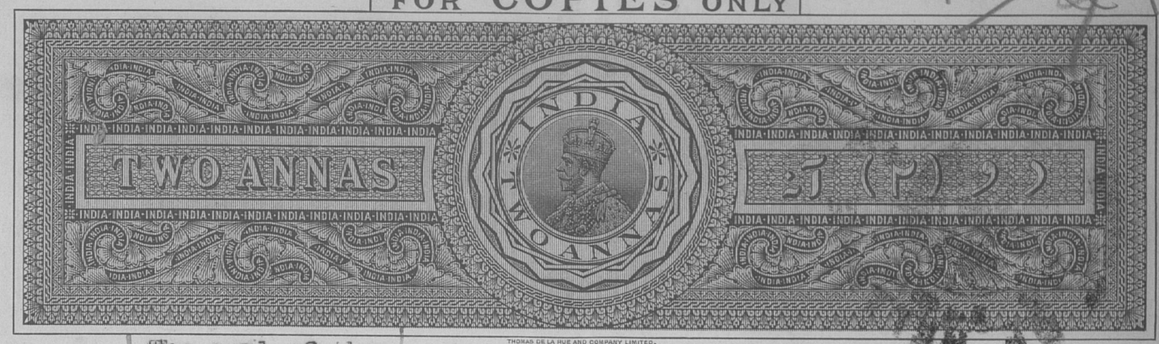
DISTRICT COURT OF NELLORE.
Application made 8-12-19
Stamp papers called for 21-12-19 } 14
Stamp papers deposited 23-12-19
Copy ready 15-1-19 15
Do delivered 15-1-19 15-
K. Venkata Krishnayya
Superintendent.

The parties should apply as soon as possible for the return of all exhibits which they may wish to preserve, as the record will be liable to be destroyed after three or six years according to the rules for the destruction of Civil records.

78. Nellore

FOR COPIES ONLY

12/12



The seal of the District Court of Nellore.

In the Court of the District Judge of Nellore.

Monday, the 7th day of December 1914.

Present:- J.W. Hughes Esquire, District Judge.

Original suit No. 1 of 1914.

Between

1. Parvathareddi Ramalingareddi, 2. Do. Subbaramireddi, 3. Do. Narayanareddi, being minors by their mother and next friend Parvathareddi Kamamma, Kapus and landholders, Kodur, Nellore Taluk. } Plaintiffs.

and

1. Machireddi Subbamma, 2. Ramireddi Raghavareddi, 3. Patnam Subbaramiah, 4. Duvvur Venkatasubbareddi, 5. Madhwapathi Purushotham Row, 6. Maddali Venkatakrishniah, 7. The Secretary of State for India in Council, 1, 2 and 4 Kapus and cultivators, 3, 5 and 6 Brahmins and 1 of Edur, 2 and 3 of Kodur, 4 of Chennapallipollem, hamlet of Kodur, Nellore taluk, 5 Tahsildar of Nellore 6 a Government servant of Nellore. } Defendants.

Suit for a declaration that Plaintiffs are the owners of the sites where the suit treasure was found and as such owners are entitled to get the whole of the Treasure Trove which is of the approximate value of Rs. 1,41,349/-.

Decree:- This suit coming on

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13/ 13



for final hearing on 9th November 1914 in the presence of Messrs. V. Krishnaswami Row, Vakil and F.T. Ward and V. Rama Row, pleaders for plaintiffs, the Hon'ble Mr. A.S. Krishna Row Vakil for 1st defendant, Mr. O. Viswanadha Row for 2nd defendant, Mr. M.V. Subba Row for 4th defendant, Mr. Y. Venkatachellam for 6th defendant, Mr. M. Chengayya, Vakil for 7th defendant, 5th defendant appearing in person and 3rd defendant having allowed the suit to proceed exparte, and it appearing that the next friend of plaintiffs 1 to 3 and 1st defendant have compromised the matter in dispute as between them and have put in a petition praying that this Court will sanction the compromise on behalf of the minor plaintiffs and it also appearing that the compromise is fit and proper and for the benefit of the minors, this Court doth, in sanctioning the compromise on behalf of the minors and in pursuance of the terms thereof, order and declare that plaintiffs are joint owners with 1st defendant of the particular portion of

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23-12-14

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299
2nd Board
Decree
23-12-14

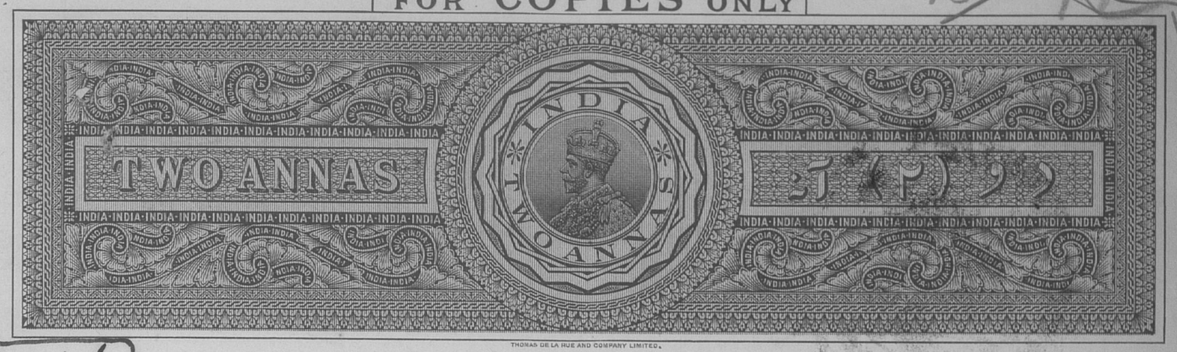
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DISTRICT COURT OF NELLORE.
Application made 8-12-19
Stamp papers called for 2-1-19
Stamp papers deposited 2-3-19
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Superintendent.

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15/ 14



THOMAS DE LA RUE AND COMPANY LIMITED.

Reseal of the District Court of Nellore

In the Court of the District Judge of Nellore.
Monday the 7th day of December 1914.
Present:- J.W. Hughes Esquire District Judge.
Original Suit No 16 of 1914.
Between Maahireddi Subbamma Desuru Kapu and landowner of Edur, Nellore Taluq — Plaintiff
And. Parvathareddi Ramalingareddi 2 Rama Subbareddi 3 Narayanareddi 1 & 3 being minors by their mother and guardian Kanamma 4 Ramireddi Raghavareddi 5 the Secretary of State for India in Council 6 Duvvur Venkatasubbareddi 7 Patnam Subbaramayya 8 Madwapathi Purushotham Row 1 to 4 and 6 Desur Kapus and landowners Kodur Taluk 8 Brahmins of Kodur Nellore Taluq and 8 Tahsildar of Nellore — Defendants.
Suit for a declaration that Plaintiff is the owner of the portion in S. No 1303/B of Kodur village Nellore Taluk, wherein the four vessels containing treasure referred to in the notification of the Collector dated 8-5-1913 were found and that she is entitled to the treasure therein found.
This suit coming on for final hearing on 9th

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November 1914 in the presence of the Hon'ble Mr A.S. Krishna Rao Vakil for Plaintiff, Mr F.F. Ward Pleader for defendants 1 to 3 Mr M. Chengiah Vakil for 5th defendant 8th defendant appearing in person and defendants 4, 6 and 7 having allowed the suit to proceed exparte and it appearing that the Plaintiff and guardian of defendants 1 to 3 have compromised the matter in dispute as between them and have put in a petition praying that this Court will sanction the compromise on behalf of the minor defendants 1 to 3 and it also appearing that the compromise is fit and proper and for the benefit of the minors this Court doth in sanctioning the compromise on behalf of the minors and in pursuance of the terms thereof order and declare that Plaintiff is joint owner with defendants 1 to 3 of the particular portion of land in S. No 1303/3 in Kodur village Nellore Taluq where the whole treasure was found; That Plaintiff is entitled to 2½ shares in

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The said land and defendants 1 to 3 are entitled to 4½ shares; and this Court doth further order and decree that the suit as against the other defendants be and the same hereby is dismissed and that Plaintiff and defendants do bear their own costs.

Memorandum of costs:

	Plaintiffs. Rs A P.	1st to 3rd defendants Rs A P.	5th defendants Rs A P.
Stamp for plaint	20-0-0		
do for power	0-8-0	0-8-0	- - -
do for petitions	1-0-0		
Charges of obtaining copies			0-1-0
Service of process	5-0-0.		
Subsistence for witnesses	- - -	- - -	- - -
Commissioner's fee (Commissioner's fee — 60-0-0 Reader's fee — 1000-0-0)	1000-0-0		1000-0-0
Total	1086-8-0	0-8-0	1000-1-0

N.B no memo of costs put in by defts 4 6 & 7.

Given under my hand and the Seal of the Court this 7th day of December 1914

(Sd) J. W. Hughes District Judge.

(A true copy)

Copied by KS

Read by

Examined by

Superintendent

165 KS Cor 3rd & last sheet

111

Date

23.12.14

3 Recd 1

DISTRICT COURT OF NELLORE

Application made 8-12-14
Stamp papers called for 21-12-14
Stamp papers deposited 23-12-14
Copy ready 15-1-1915
Be delivered 15-1-1915

Superintendent

The parties should apply as soon as possible as the return of all exhibits which be left in Court may be destroyed on the expiration of CIVIL Records.

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18/18

TWO ANNAS

In the Court of the District Judge of Nellore.

Monday, the 7th day of December 1914.

Present:- J.W. Hughes Esquire, District Judge.

Original suits Nos. 61 and 62 of 1913 and 1 and 10 of 1914.

Original suit No. 61 of 1913 and O.S.No. 1 of 1914.

Between

1. Parvathareddi Ramalingareddi, 2. Do. Subbaramireddi

3. Do. Narayanareddi, being minors by their mother Plaintiffs.

and next friend Parvathareddi Kamamma.

and

1. Machireddi Subbamma, 2. Ramireddi Raghavareddi,

3. Patnam Subbaramiah, 4. Duvvur Venkatasubbareddi,

5. Madhwapathi Purushotham Row, 6. Maddali Venkata Defendants.

Krishnayya, 7. The Secretary of State for India in

Council.

Original suit No. 62 of 1913.

Between

Machireddi Subbamma. Plaintiff.

and

1. Parvatareddi Ramalingareddi, 2. Do. Subbaramireddi,

3. Do. Narayanareddi, 1 to 3 minors by their mother

and guardian Kamamma,4. Ramireddi Raghavareddi, 5.

Duvvur Venkatasubbareddi, 6. Patnam Subbaramayya, Defendants.

7. Madhwapathi Purushotham Row, 8. Maddali Venkata

Krishniah, 9. The Secretary of State for India in

Council, added as per order on M.P.no. 7 of 1914

dated 13-1-1914.

175 words Cor. Nil

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23-12-14
Read

FOR COPIES ONLY

19 19

Original Suit No. 10 of 1914.

Machireddi Subbamma, Between Plaintiff.

and

1. Parvathareddi Ramalingareddi, 2. Do. Ramasubbareddi

3. Do. Narayanareddi, 1 to 3 being minors by their

guardian and mother Parvathareddi Kamamma, 4.

Ramireddi Raghavareddi, 5. The Secretary of State for

India in Council, 6. Duvvur Venkatasubbareddi, Defendants.

7. Patnam Subbaramayya, 8. Madhvapathi Purushotham

Row

These suits coming on for hearing on 27th to 31st October

1914, and 9th November 1914, and having stood over for consi-

-deration till this day, the Court delivered the following

J u d g m e n t.

O.S.No. 61 of 1913. The Plaintiffs sue for a declaration that they are the owners of the site where the suit treasure was found and as such owners are entitled to get the whole of the Treasure Trove which is of the approximate value of ----- Rs. 1,41,349/-.

2. The plaint allegations are as follow:-

That in the partition which took place more than 30 years ago bewween Narayanareddi, Plaintiff's paternal grand-father and Veerareddi, his elder brother, the southern portion of S.No. 1303/B of Kodoor fell to the share of the

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23-12-14

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THOMAS DE LA RUE AND COMPANY LIMITED.

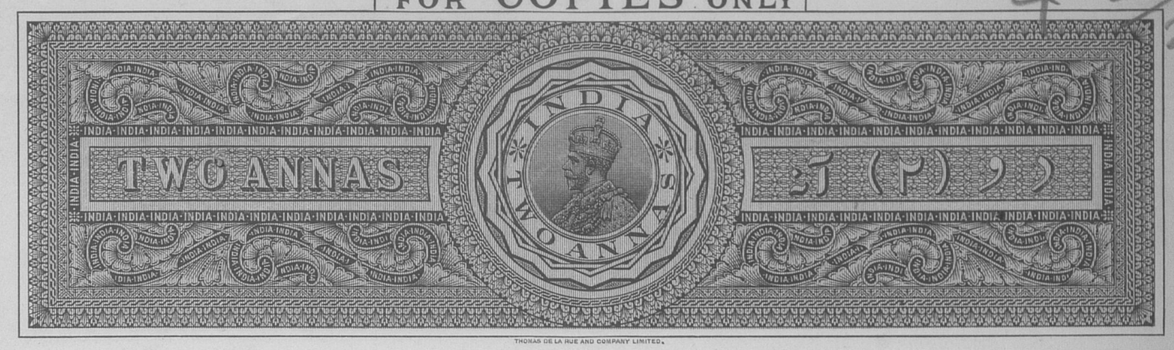
former and the northern portion to the latter; that there has been a party wall between the two portions since then; that each of the two branches has all along been in exclusive possession and enjoyment of its respective share; that in March last after the ragi crop raised on the southern portion was cut, the 2nd defendant in order to raise the party wall to protect the chilly and other crops standing on the northern portion from cattle dug and removed earth from plaintiffs' land at a distance of about a cubit to the south of the party wall; that in the course of such digging, the 2nd defendant found in ----- plaintiffs' land a vessel containing gold coins which he removed that when the Tahsildar of Nellore, the 5th defendant herein went to Kodoor on 22nd April 1913 and enquired into the matter of the find, the Plaintiffs' mother came to know of the find and wanted to make excavations to ascertain if any more treasure could be found in Plaintiffs' land,

175 words Cor. None

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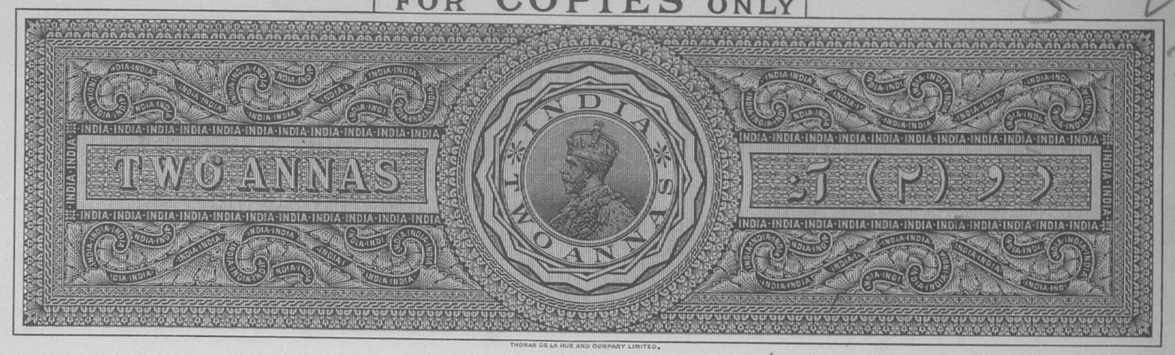
but was prevented from doing so on the ground that the Tahsildar the 5th defendant, had kept a watch there and ordered that no excavations should be made during his absence; that the Tahsildar left Kodoor on the afternoon of the 22nd April and returned there on the afternoon of the 23rd idem and resumed the search in plaintiffs' land which resulted in the find of another vessel; that the search was continued on the 24th April and two more vessels were found; that the three vessels were secured by the Tahsildar; that some of the gold coins found by the 2nd defendant were converted by him into cash and currency notes which the 5th defendant had also recovered and secured; that the 3 vessels found on 23rd and 24th April were opened by the ---- Collector and found to ~~certain~~ contain gold coins that all the abovesaid 4 vessels were found in plaintiffs' land; that in obedience to the notice issued by the Collector calling for claims to the treasure trove, the plaintiffs put in a statement on

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293
23-12-14

FOR COPIES ONLY



10-10-1913 the date fixed, claiming the whole treasure; that defendants 1 to 5 appeared and put in statements, the 1st defendant claiming as owner of the land where the treasure was found and Defendants 2 to 5 claiming as finders; that the Collector enquired into the matter and passed orders staying further proceedings and directing the plaintiffs and 1st defendant to have their claims determined by ~~th~~ a Civil Court; that the plaintiffs are entitled to the whole of the treasure as the owners of the land and the effect of the Collector's order is that no one has been found to be the finder of the treasure; that the 1st defendant has no right to or interest in the land where the treasure was found; that the 6th defendant has put in a claim as finder subsequent to the Collector's order; that defendants 2 to 6 or any of them are not finders of the treasure or any part of it; that the 7th defendant is impleaded as he was declared by the Collector to be

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Words
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23-12-14

FOR COPIES ONLY



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the finder of 2nd, 3rd and 4th vessels which he cannot be deemed to be to obviate any technical objection; and that the cause of action for the suit arose in March and April 1913 when the treasure was recovered in Plaintiffs' land and taken possession of by the Collector and on 20-10-1913, the date of the Collector's order and within the jurisdiction of this Court.

3. The 1st defendant admits the family partition but denies the existence of any permanent party wall between the two por-tions and the exclusive possession and enjoyment of the res-pective portions; she further adds that there was no division of the S. No. 1303/B by metes and bounds; that the owners of the respective portions used to raise garden crops on such portions as they found convenient and enclose them by a temporary fence to prefent cattle from trespassing;

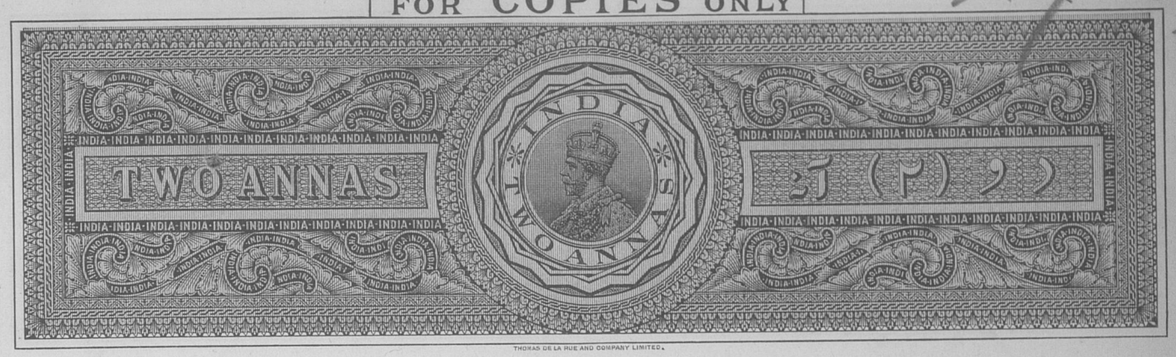
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that this defendant inherited the properties of her father including the northern portion of S.No. 1303/B under a registered settlement deed executed by him in her favour; that the 2nd defendant, her sister's son, had been in possession of the northern half with her consent and on her behalf; that the 2nd defendant hit upon a vessel containing gold coins while digging earth in the northern share belonging to her for putting up a temporary fence to protect the chilly crop he raised on a portion thereof; that the wall existed at the time of the finding of the 1st vessel, was a temporary wall recently put up and not any party or boundary wall; that the 1st vessel was found under the said temporary wall or in a place adjoining or touching that wall to the south of it but in the northern half of S.No. 1303/B belonging to this defendant; that the three other vessels found during the enquiry by the Revenue authorities also were found in or about the same place; that none of the vessels were found

185 words Cor.

7th. sheet.

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in the southern half belonging to plaintiffs; that the plaintiffs are therefore not entitled to any portion of the treasure and that this defendant is solely entitled to the whole of the treasure.

4. The 2nd defendant states that he adopts the contentions of the 1st defendant and adds that he is the finder of the 1st vessel and consequently of the other three vessels; that he is therefore entitled to ¾ of the treasure contained in all the 4 vessels found; and that the plaintiffs are not entitled to any portion of the treasure.

5. The 3rd defendant let the suit go exparte.

6. The 4th defendant states that he is the finder of the 2nd 3rd and 4th vessels and as such is entitled to ¾ of the treasure contained therein; and that the plaintiffs even if found to be the owners of the land are entitled only to ¼ of the treasure.

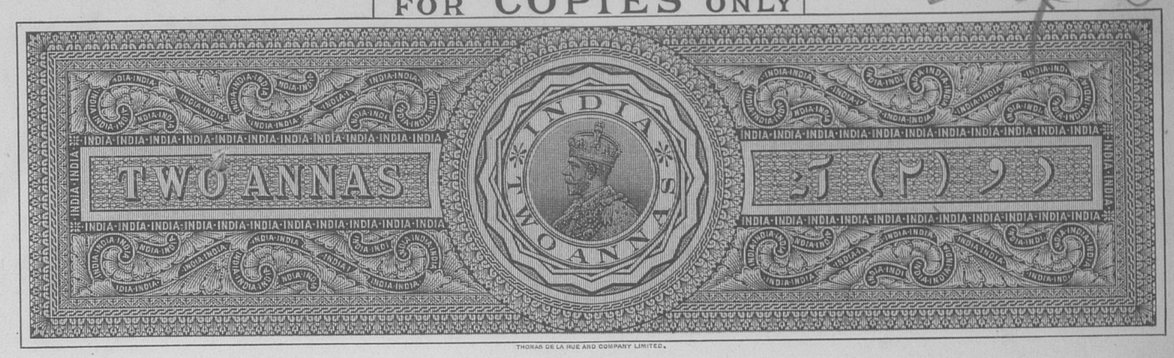
7. The 5th defendant states that there is no cause of action for the suit; that it is bad for misjoinder of parties, that the suit has been filed before determination by the Collector under section 7 of the Act of

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the person by whom, place in which and circumstances under which the treasure was found which is contrary to provisions of section 13 of the Indian Treasure Trove Act, and that he is impleaded unnecessarily.

8. The 6th defendant states that the suit is barred by limitation; that the plaintiffs cannot obtain any declaration by this Court that they are finders of the treasure as it is the Collector that should determine who the finder is; that the Secretary of State has been declared by the Collector to be the finder; and that he has been unnecessarily impleaded.

9. The 7th Defendant states that there is no cause of action as against him; that the circumstances under which the treasure was found are not true as stated in the plaint; that the 2nd defendant while digging in S.No. 1303/B of Kodoor to the south of and adjoining a wall running east to west therein found about a month prior to 22nd April 1913 a copper pot containing gold coins; that he failed to give notice to the

175 words Cor. None

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THOMAS DE LA RUE AND COMPANY LIMITED.

Collector or to deposit the treasure as required by sec. 4 of the Indian Treasure Trove Act; that the Tahsildar on information received proceeded to Kodoor and recovered on 22nd and 23rd April 1913 portions of the treasure and the sale proceeds of the rest; that he directed the ~~sec-~~ spot to be excavated suspecting that there might be some stray coins; that another heavy copper pot was discovered; that he stopped further digging that day and resumed the search next morning i.e., 24th April and two other earthern pots were found; that the Tahsildar secured the 3 pots and made a report to the Collector who went to Kodoor and directed the whole treasure recovered in the 4 pots to be removed to the Huzur Treasury; that on 3rd May 1913, the Collector had the 3 pots opened and the contents noted that the value of the total find was about Rs. 1,41,349/- that in obedience to the notification issued by the Collector under section 5 of the Treasure Trove Act,

177 words Cor. One Ad

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the defendants 1 to 6 put in various claims, the plaintiffs and 1st defendant disputing as to the ownership of the land, the 2nd defendant claiming as the finder of the 1st pot and defendants 3 to 6 claiming various interests in respect of the 2nd, 3rd and 4th pots; that on 20-10-1913, the Collector declared the treasure ownerless and reserved the determination as to who the finder was pending the decision of the Court regarding the ownership of the land; that the Collector discovering the omission of findings upon matters referred to in sec. 7 of the Act directed that notice of further enquiry be issued to the parties; that the permanent Collector returned to duty in the meantime, held further enquiry and recorded the following findings:-

i. that regarding the 1st pot, the 2nd defendant was the finder

ii. that regarding the other 3 pots the Secretary of State was the finder and

iii. that the treasure was found in a pot

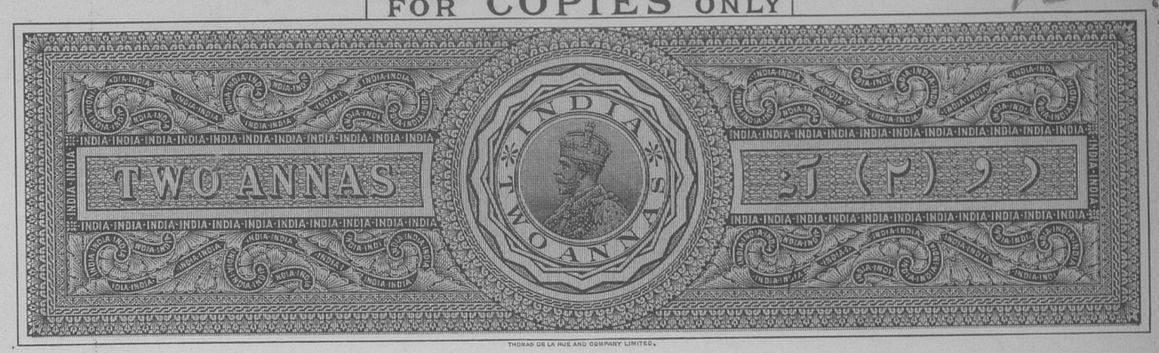
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in S.No. 1303/B in Kodur village south of a wall therein running east to west and adjoining the wall.

that the Plaintiffs' claim to the whole of the treasure as owners of the land is utterly untenable; that the omission of the Collector to record findings as to who the finder was does not confer any right on them other than they might be entitled to as owners of the land; that their claim to be finders of pots nos. 2, 3 and 4 is false and mythical; that the allegation that the plaintiffs' mother came to know of the first find on the 22nd April and wanted to make excavations in the land but was prevented from doing so is false; that the allegation that the Treasure Trove Act is inapplicable to 2nd, 3rd and 4th pots is unfounded and unsustainable; that the ------ plaintiffs have no right to question the legality of the enquiry held by the Collector or of the validity

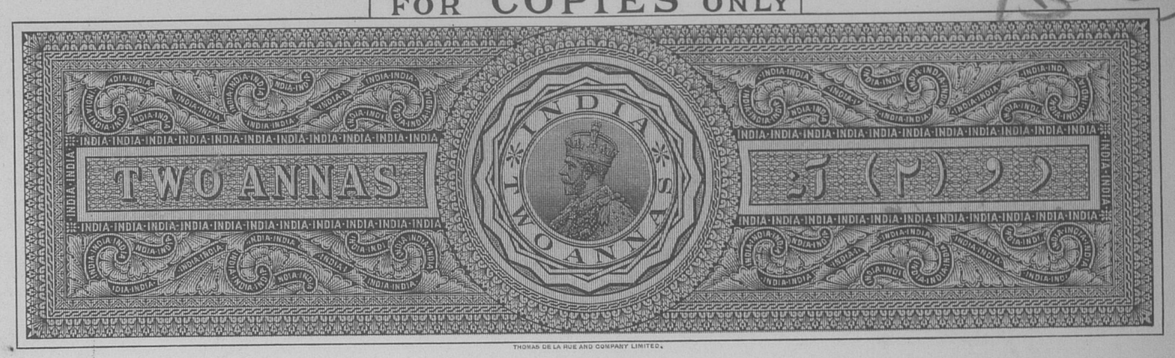
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of the findings recorded by him; that the Collector's decision under section 7 of the Act cannot be called in question in a civil suit; that no suit lies against the Collector or this defendant on account of the proceedings dated 8-12-1913 which the Collector passed in good faith in exercise of the powers conferred on him by the Treasure Trove Act; that the Collector's finding that the Secretary of State was the finder is final and binding on Plaintiffs; and cannot be called in question in this suit; that the allegation that this defendant could acquire no right as finder of the treasure because the Collector and his subordinates trespassed on Plaintiffs' lands is untenable and against the law of Treasure Trove; that the Collector or this defendant can no account be deemed to have acted on behalf of or for the benefit of the minors; that it is not true that this defendant did not put forward a claim to the Treasure;

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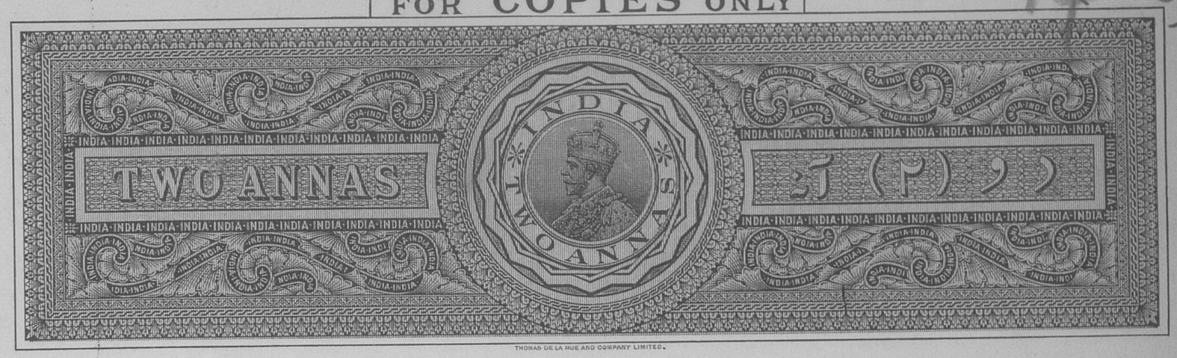
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that his claim has been stated by the Tahsildar, his servant and agent, in his report dated the 25th April 1913; that a finder does not lose his right by reason of an omission to make a fresh claim subsequent to the notification under sec. 5 of the Act; that the Collector holds the Treasure not as stake-holder for any parties to the suit; that he holds ¾ of the 1st pot as it was forfeited by the 2nd defendant owing to his omission to give notice and deposit the treasure and ¾ of the 2nd, 3rd and 4th pots as finder in right of the crown; that the suit is unsustainable for want of notice under sec. 80 of the Civil Procedure Code; that the suit is barred by limitation and that the Plaintiffs are entitled to no relief against this de-fendant or in respect of ¾

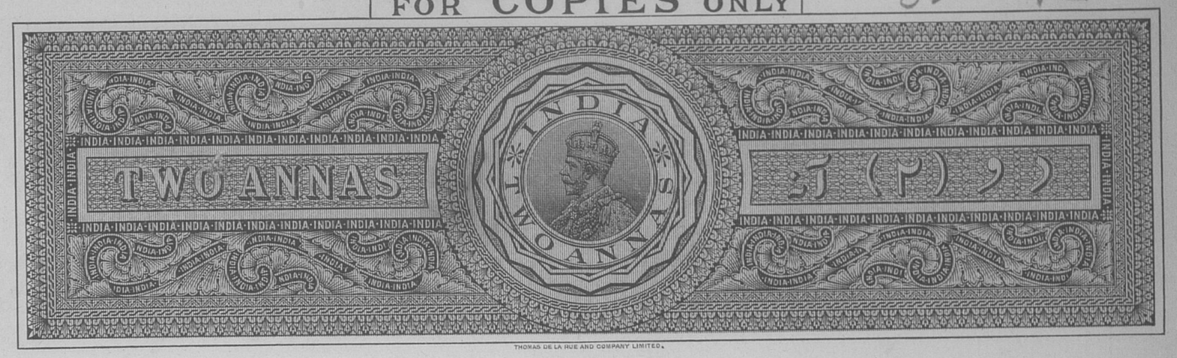
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of either of the treasure.

10. The following issues were framed:-

i. Who is the finder of the treasure in the 1st pot and of the treasure in pots 2, 3 and 4 respectively?

ii. In what portion or portions of S. No. 1303/B were the first pot and pots nos. 2, 3 and 4 found respectively, who are the owners of the place or places of the respective finds, whether plaintiffs in O.S. no. 61 of 1913 and 1 of 1914 or plaintiffs in O.S. No. 62 of 1913 and 10 of 1914?

iii. Whether the plaintiffs are entitled to the whole of the treasure for the reasons stated in the plaint?

iv. Whether the three-fourths share of the finder in the contents of pot No. 1 was forfeited to Government by reason of R. Raghavareddi's failure to give notice of the find to the Collector?

v. Whether the decision of the Collector of Nellore dated 8th December 1913

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that the Secretary of State was the finder of the Treasure in pots nos. 2, 3 and 4 is valid and whether the Collector had jurisdiction to pass the said decision?

vi. Whether the Secretary of State preferred his claim as finder to three-fourths of the treasure in pots nos. 2, 3 and 4 and if not whether his claim to such share is maintainable by reason of such failure?

vii. Whether the decision of the Collector that R. Raghavareddi was the finder of the 1st pot and the Secretary of State the finder of pots nos. 2, 3 and 4 is final and cannot be called in question in a civil suit?

viii. Should the minor plaintiffs be deemed to be the finders of pots 2, 3 and 4 on the ground that the discovery of the said pots was the result of a trespass committed by the Government officers on the plaintiffs' land?

ix. Whether the suit is not maintainable against the Secretary of State to call

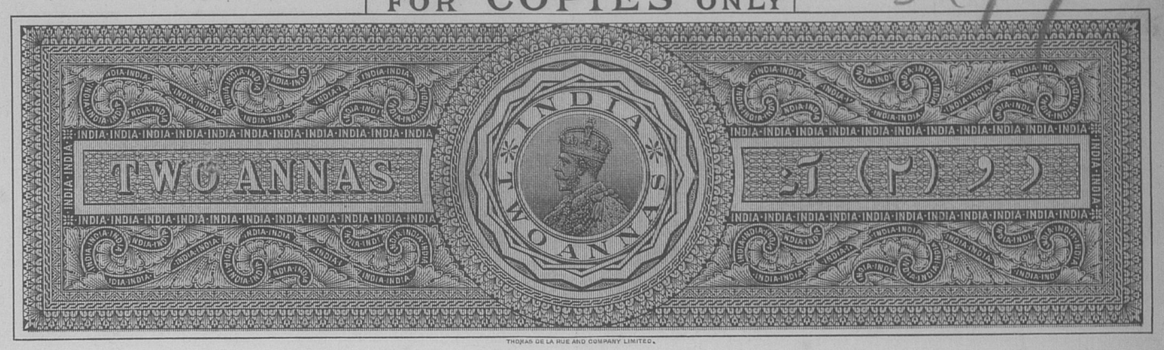
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in question the proceedings of the Collector dated 8th December 1913?

x. Is the suit not maintainable for want of a notice under section 80 of C.P.C.?

xi. Whether the suit is within time?

xii. Is the suit for a mere declaration maintainable in respect of the treasure in pots nos. 2, 3 and 4?

xiii. Whether the suit is correctly valued and the correct Courtfee paid on the plaint?

xiv. To what relief are the Plaintiffs entitled?

11. O.S. No. 62 of 1913. The plaintiff sues for a declaration that she is the owner of the portion in S. No. 1303B of Kodur village, Nellore taluk, wherein the four vessels containing treasure referred to in the notification of the Collector dated 8-5-1913 were found and that she is entitled to the treasure thereinfound.

12. The plaint allegations are:-

That the plaintiff is solely entitled to the norther half share of S. No. 1303/B (extent 0.21 cents) of Kodur village under

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vessels containing treasure were subsequently found between 22nd and 25th April 1913; that the treasure contained in the four vessels was recovered by the Revenue authorities and was removed to the Treasury at Nellore and was estimated approximately at Rs. 1,41,349/-; that the Collector of Nellore subsequently issued a notification under sec. 5 of the Treasure Trove Act requiring all parties claiming the treasure to appear before him on 20-10-1913; that plaintiff and defendants appeared before the Collector on or about 20-10-1913 and preferred claims to the treasure contained in the 4 vessels; that the plaintiff on one side and the defendants 1 to 3 on the other side claimed to be the owners of the land in which the treasure was found; that the Collector of Nellore passed an order on 20-10-13 referring the parties to have their claims determined by a competent Civil Court, that the defendants 1 to 3 are not the owners of the place where the

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THOMAS DE LA RUE AND COMPANY LIMITED.

treasure was found; that they are not entitled to any portion of the treasure in those vessels; that defendants 4 to 9 are impleaded as 4th defendant claims to be the finder of the 1st vessel and the other defendants to be the finders of the other 3 vessels; that the plaintiff is entitled to the treasure contained in the 4 vessels taken out of S. No. 1303/B; that no one else has any sort of right thereto; that if it is found that any of the defendants is the finder of treasure contained in any of the vessels, the plaintiff is entitled to the whole of the treasure other than what is due to such finder; that the cause of action for the suit arose at the close of March 1913 or between 1st and 25th April 1913 when the four vessels of treasure were found and on 20-10-1913 when the Collector of Nellore received the claims of various parties and stayed proceedings pending the decision

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of a Civil Court; and that the suit has been brought within a month from the date of Collector's order referred to above allowed by law.

13. Defendants 1 to 3 in their written statement filed on 19-1-1914 state that S. No. 1303/B (extent about 23 cents) of Kodur village was owned and possessed by the family consisting of Narayanareddi, paternal grand father of the plaintiffs and Veerareddi, his elder brother; that in the partition of the family which took place over 30 years ago, the southern portion of the survey number fell to the share of Narayanareddi and the northern portion to Veerareddi; that since then there has been a party wall between the two portions; that Narayanareddi and his successors in title inclusive of the defendants 1 to 3 were in exclusive possession and enjoyment of the portion to the south of the party wall while the portion to the north of the party wall was owned and enjoyed by Veerareddi and his successors in title; that the 4th defendant was not digging

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earth in the northern half of S.No.1303/B as alleged in the plaint but he was digging earth in the portion of the survey number belonging to these defendants and to the south of the party wall ; that in the course of such digging he found the copper vessel in that portion and removed the same; that the four vessels containing valuable treasure were all found in the soil of the portion of the S. No. 1303/B beloinging to these defendants and to the south of the party wall aforesaid; that therefore the plaintiff has no claim to the whole or any portion of the treasure; that these defendants are entitled to the treasure contained in them to the exclusion of the plaintiff and everyone else; that these defendants have brought O.S.61/13 to establish their right to the whole of the treasure; that defendants 4 to 8 or any of them is not entitled to any portion of the treasure; and that the suit is not correctly valued for purposes

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of jurisdiction and the stamp duty paid is insufficient.

14. The 4th defendant states in his statement that he is the finder of the first vessel of treasure and consequently the finder of the other 3 vessels; that he is therefore entitled to three fourths of the treasure contained in the four vessels; that the plaintiff as owner of the land is entitled only to one fourth of the treasure found; that the rest of the plaintiff's claim may be dismissed with costs.

15. The 5th defendant in his written statement contends that he is the finder of the 2nd, 3rd and 4th vessels and as such is entitled to $\frac{3}{4}$ of the treasure found therein; that the plaintiff even if found to be the owner of the land is only entitled to $\frac{1}{4}$ of the treasure and that her claim for the remaining $\frac{3}{4}$ of the treasure in the pots may be dismissed with costs.

16. The 7th defendant in his written statement filed on 19-12-1913 contends that there

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is no cause of action for the suit; that the suit is bad for misjoinder of parties; that a suit under sec. 13 of the ---- Indian Treasure Trove Act must have been filed by the contending land owners after the Collector determined under sec. 7 of the Act, the person by whom, the place in which and the circumstances under which the treasure was found; that under sec. 14 of the Act, the finder so determined by the Collector must be made a party to the suit; that this defendant had not been declared the finder, and that he was impleaded unnecessarily.

17. The 8th defendant states that the suit is not just and maintainable; that the suit is barred by limitation; that the Plaintiff is not entitled to obtain in this Court a declaration that she is the finder; that it is the Collector that should decide who the finder is; that he decided that the Secretary of State for India in Council is the finder and that this de-
-fendant is not

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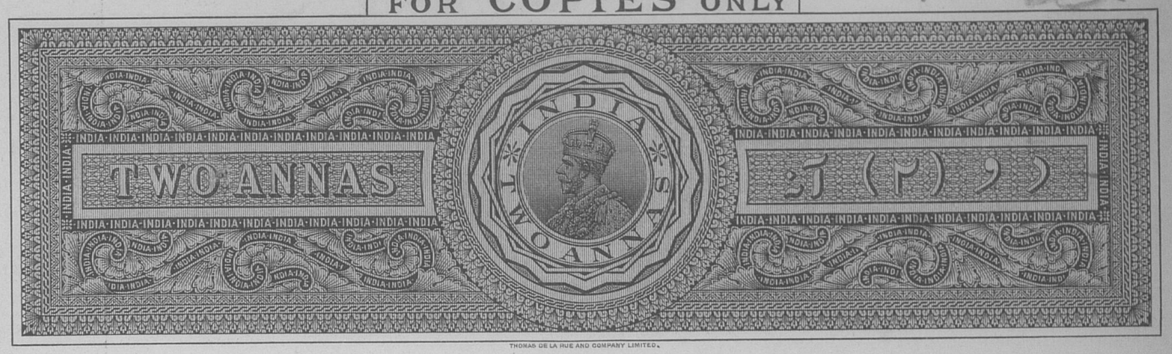
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a necessary party to the suit.

18. The 9th defendant in his written statement filed on 30-7-1914 disclaims his concern with the ownership of the land and contends that the plaintiff has no cause of action against him; that the circumstances under which the treasure in question was found are not fully and correctly stated in the plaint; that they are as follow:-"About a month prior to 22nd April 1913, the 4th defendant found a copper pot of gold coins while digging in S.No. 1303/B in Kodur village to the south of a wall therein running east to west and adjoining it. The 4th defendant gave no notice to the Collector and failed to deposit the treasure as required by sec. 4 of the Treasure Trove Act. Upon information received on the 22nd April 1913 of the find of a large treasure, the Tahsildar of Nellore proceeded to the village and recovered on the 22nd and 23rd portions of the treasure and the

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THOMAS DE LA RUE AND COMPANY LIMITED.

sale proceeds of the rest from persons who had possession of the same in Kodur and Edur.

On the evening of the 23rd April and in the course of the investigation conducted by him, the Tahsildar had reason to suspect that the pot had broken in the place of find and ---- thought there might be some coins scattered about the place. He directed the spot to be excavated and three stray coins were found. Thinking there might be more of such coins, the Tahsildday had further excavations made in his presence. Another heavy copper pot was discovered. The Tahsildar secured the same and immediately reported the matter to the Collector. Further digging was stopped for the night.

On the morning of the 24th April digging was resumed and two earthern pots were unearthed and the Tahsildar reported the matter to the Collector. The Collector proceeded to Kodur on the evening of the 24th and directed the treasure

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recovered in connection with the 1st pot as well as the other 3 pots to be deposited in the Huzur Treasury".

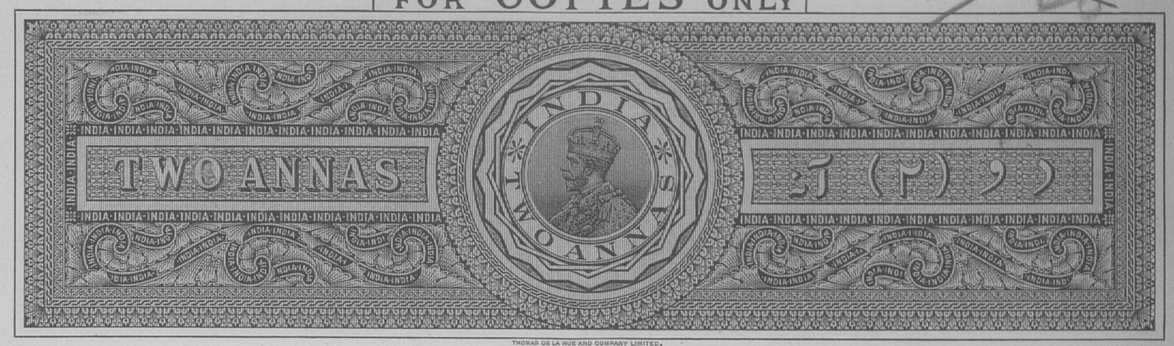
that on the 3rd May 1913 the Collector had the 3 pots opened and the contents noted; that the value of the total find was about 1,41,349; that the Collector issued a notification under section 5 of the Treasure Trove Act; that plaintiff and defendants 1 to 4 and 5 to 7 put in various claims; that the plaintiff and Defendants 1 to 3 disputed as to the ownership of the land; that the 4th defendant claimed as the finder of the 1st pot and other defendants claimed various interests in respect of the pots; that on the ~~20th~~ (20-10-1913) 19 the acting Collector declared the treasure to be ownerless and in view of the dispute regarding the ownership of the land, thought that the determination of who the finders were might await the decision of the suit regarding the ownership of

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land; that on discovering the omission to record findings upon matters referred to in sec. 7 of the Act, the acting Collector directed issue of notice of further enquiry to the parties; that further enquiry was held by the permanent Collector who returned to duty in the meantime, that he recorded the following among other findings :-

(i) that as regards the 1st pot, the 4th defendant was the finder

(ii) that as regards the 2nd, 3rd and 4th pots the Secretary of State was the finder

(iii) that the treasure was found in a pot in S.No. 1303/B in Kodur village south of a wall therein running east to west and adjoining the wall;

that the acting Collector's omission to record a finding as to who the finders were cannot confer any more right on the plaintiff than she might be entitled to as owner of the land; that the plaintiff's claim to the whole treasure as owners of the land is utterly untenable; that the contents of the 4 pots are treasure trove; that the

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owner of the land has no claim to the whole of the treasure, that the finding of the Collector that the Secretary of State was the finder of pots 2, 3 and 4 is final and binding on the Plaintiff and cannot be called in question; that no suit lies against the Collector or this defendant on account of the Col-lector's proceedings dated 8-12-1913 which he passed in good faith in exercise of the powers conferred by the Treasure Trove Act; that this defendant became entitled to the 3/4 of the treasure relating to the 1st pot as it was forfeited by the 4th defendant under sec. 20 of the Act by reason of his omission to give notice and deposit the treasure; that in respect of pots 2, 3 and 4, this defendant is entitled to ¾ of the treasure as finder; that the Collector holds the portions of the two treasures in right of the Crown and not as stake holder for any of the parties to the suit; that

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the suit for a mere declaration is not maintainable; that the suit has not been correctly valued nor correct~~ly~~ Court fee paid; that the Plaintiff is not entitled to any~~relief~~ as against this defendant or in respect of ¼ of either of the treasure; that the suit is unsustainable for want of a notice under section 80 of the Civil Procedure Code and that the suit is barred by limitation.

19. The 6th defendant let the suit go exparte.

20. The issues are the same as in O.S. 61 of 1913.

21. O.S.no. 1 of 1914. The Plaintiffs sue for a declaration that they are the owners of the land described in the plaint schedule; and that they are entitled to the whole or any part of the treasure contained in the 4 vessels described in Collector's order dated 8th December 1913 and remaining in his custody as stake-holder.

22. The plaint allegations are to the same effect as in O.S. 61 of 1913. It goes

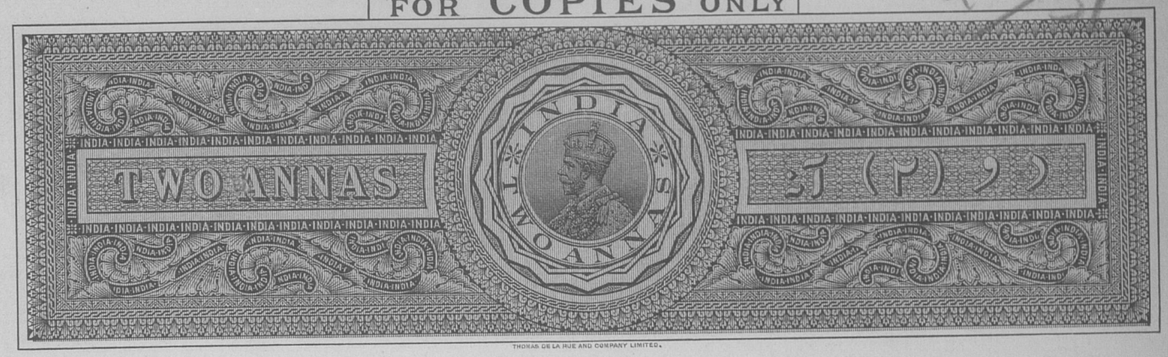
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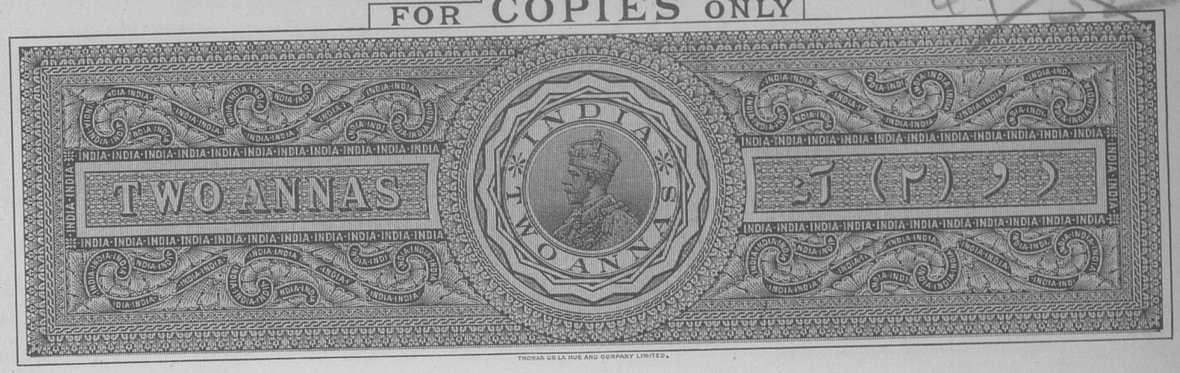
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illegal; that therefore the Secretary of State or the officers concerned cannot base thereon a claim as finders; that the Plaintiffs being minors, no default or omission on the part of their guardian could prejudice their rights or no act done by the Collector or his subordinates should prejudice their rights but should be deemed to have been done on their behalf and for their benefit; that the Secretary of State for India in Council did not forward any claim to the Treasure in question within the time mentioned in the notification of the Collector under sec. 5 of the Act; that the reasons alleged by the Collector in his order dated 8-12-1913 are untrue and invalid; that the said order is also ultra wires and illegal as the provisions of the Act have not been complied with and as the Collector had no power to review his predecessor's orders or to hold a fresh enquiry or to determine any right in respect of the treasure in question; that the Plaintiffs should be

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deemed entitled to the whole of the treasure in the 2nd, 3rd and 4th vessels because they are the owners of the land and should also be deemed to be the finders of the said 3 vessels; that the Collector ought not to have tried the matter himself but should have reported the matter to the Government for appointment of a proper officer for that purpose; that they have filed O.S.No. 61 of 1913 in pursuance of Collector's order dated 20-10-1913; that the 1st defendant is impleaded as she is a rival claimant in respect of the place where the treasure was found; that defendants 2 to 6 are impleaded to obviate any technical objection as they claimed the treasure before the Collector; that the 7th defendant is impleaded as he has been declared by the Collector to be the finder of 2nd, 3rd and 4th vessels; that this suit and O.S.No. 61 of 1913 may be tried together; that the suit treasure is in the custody of the

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Collector as stake-holder pending the adjudication of the dispute between the parties; that the provisions of the Indian Treasure Trove Act should not be applied to the 2nd, 3rd and 4th vessels; that the plaintiffs as owners of the land are entitled to the whole of the treasure as there is no person who could be said the finder thereof and having regard to the circumstances under which the digging operations were carried on after the 1st vessel was unearthed; that the cause of action for the suit has arisen at Kodur and Nellore and in March and April 1913 when the treasure was recovered in Plaintiffs' land and was taken possession of by the Collector and on 8-12-1913 the date of the permanent Collector's order.

23. The contentions of the defendants 1 and 5 are the same as in O.S. 61 of 1913.

24. The 7th defendant states that the Plaintiffs have no cause of action against him; that the circumstances under which the treasure was found are not true

175 words Cor.

34th. sheet.

264

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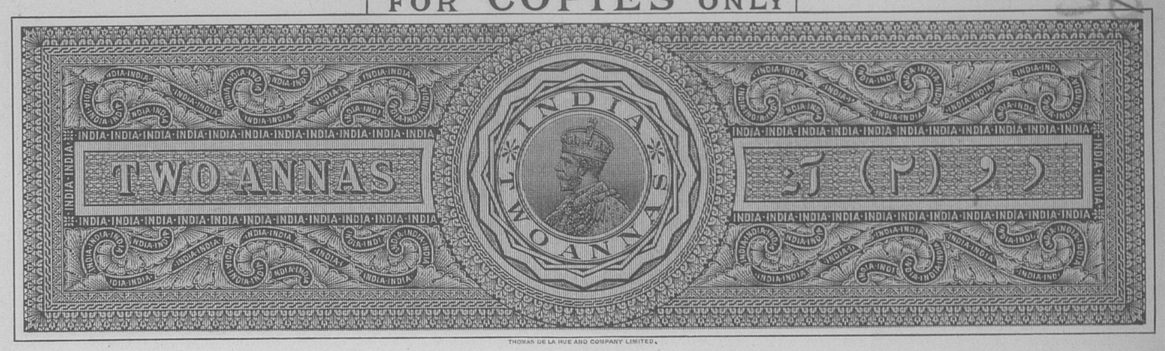
as stated in the plaint; that the 2nd defendant while digging to the south of and adjoining a wall running east to west in S. No. 1303/B in Kodur village found a copper pot containing gold coins of which he gave no notice to the Collector and failed to deposit the treasure as required by section 4 of the Treasure Trove Act; that upon information received, the Tahsildar proceeded to the village and recovered portions of the treasure and sale proceeds of the rest on the 22nd and 23rd April; that the Tahsildar suspecting that the pot had broken in the place of the find and thinking that there might be some coins scattered about the place, directed the spot to be excavated and 3 stray coins were found; that the Tahsildar, thereupon, had further excavations made and another heavy copper pot was discovered; that further digging was then stopped and resumed the next morning when two earthern pots were unearthed; that the Tahsildar secured the 3 pots and sent a report to the

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53



Collector who went to Kodur on the evening of the 24th April and directed that the treasure in the four pots should be deposited in the Huzur Treasury, Nellore; that on the 3rd May 1913, the Collector had the 3 vessels opened and the contents noted and the value of the total find was about Rs. 1,41,349/-; that in obedience to the notification issued by the Collector under sec. 5 of the Act, Plaintiffs and Defendants 1 to 6 put in various claims, the plaintiffs and 1st defendant disputing as to the ownership of the land; the 2nd defendant claiming as the finder of the 1st pot and defendants 3 to 6 claiming various interests in the 2nd, 3rd and 4th pots; that the Collector on 20-10-1913, the date fixed for enquiry, declared the treasure to be ownerless and thought that the determination as to who the finders were might await the decision of the suit regarding the ownership of the land; that on discovering the omission to record findings as

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to pots 2, 3 and 4 is unfounded and unsustainable; that the plaintiffs are not entitled to question the legality of the enquiry held by the Collector and the validity of the findings recorded by him; that the Collector acted according to law in recording the findings and his decision onany of those matters cannot be called in question by Civil Court; that no suit lies against the Collector or this defendant on account of the proceedings dated 9-12-1913 which the Collector passed in good faith and in exercise of the powers conferred on him by the Treasure Trove Act; that the finding of the Collector that the Secretary of State is the finder of pots 2, 3 and 4 is final and binding on Plaintiffs and cannot be called in question in this suit; that the allegation that the Collector and his subordinates trespassed on the plaint land and that this defendant could consequently acquire no right as finder of the treasure is against the law of Treasure Trove and not tenable;

175 words Cor.

38th. sheet.

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that this defendant or the Collector cannot be deemed to have acted on behaif of the minor plaintiffs or for their benefit; that this defendant's claim has been expressly stated by the Tahsildar, the 5th defendant, as servant and agent of this defendant in his report dated 25-4-1913; that a finder does not lose his right by reason of an omission to make a fresh claim subsequent to the notification under section 5 of the Act; that the Collector holds $\frac{3}{4}$ of the treasure in the 1st pot to which this defendant is entitled as it was forfeited by the 2nd defendant under section 20 of the Act by reason of his omission to give notice and deposit the treasure and $\frac{3}{4}$ of the treasure in pots 2, 3 and 4 to which this defendant is entitled as finder in right of the Crown and not as stakeholder for any of the parties to the suit; that the Plaintiffs are entitled to no relief against this defendant or in respect of $\frac{3}{4}$ of the

175 words Cor.

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Madras
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THOMAS DE LA RUE AND COMPANY LIMITED.

treasure; that the suit is unsustainable for want of a notice under section 80 of the Civil Procedure Code; that the suit is barred by limitation; and that this suit cannot be entertained owing to the pendency of O.S.No. 61 of 1913 in respect of the same subject matter.

25. Defendants 2, 3, 4 and 6 allowed the suit to proceed ~~exparte~~.

26. The same issues have been framed as in O.S. 61 of 1913.

27. O.S.No. 10 of 1914. The Plaintiff sues for a declaration that she is the owner of the portion in S.No. 1303/B in the village of Kodur wherein the 4 vessels containing the treasure and mentioned in the notification of the Collector dated ---- 8-5-13 were found and that she is entitled to the treasure contained in the 4 vessels above referred to.

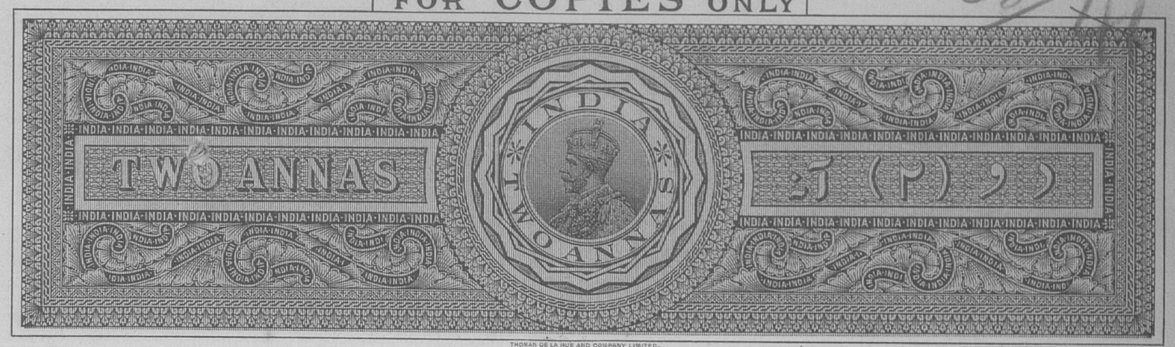
28. The plaint allegations ~~among other things states that ----~~ are similar to those in O.S. 62 of 1913 with more detail. The plaint among other things states that in pursuance of the notification

175 words Cor.

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issued by the Collector under section 5 of the Indian Treasure Trove Act, the plaintiff and defendants 1 to 4, 6, 7 and 8 appeared before the Collector on or about 20th October 1913 and preferred claims to the treasure, the Plaintiff on the one hand and defendants 1 to 3 on the other claiming to be the owners of the land where the Treasure was found; that the Collector passed order on 20-10-1913 staying further proceedings with a view to the claims being enquired into and determined by a competent Civil Court, that the plaintiff thereupon filed O.S. No. 62 of 1913 against defendants 1 to 4 and 6 to 8 and Maddali Venkatakrishnayya who also claimed the treasure as finder; that the above suit and this suit may be tried together, that subsequently the permanent Collector who took charge in the meantime issued notice to all parties to appear before him on 27-11-1913 and in spite of objection, he proceeded with the enquiry and on 8-12-1913

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59 42



passed an order and recorded the following proceedings:-

(1) that Ramireddi Raghavareddi, the 4th defendant herein, was the finder of the 1st pot but he has forfeited his right to the same; (2) that the Secretary of State through his paid servants was the finder of the 2nd, 3rd and 4th pots; and (3) that the place of find is a spot in a garden not disputed and a pit south of the wall therein running east to west and adjoining the wall;

that the Collector also intimated on 20-10-1913 that the Government would also claim as finder; that the above order is illegal and ultra wires as the permanent Collector had no jurisdiction to pass such order after the acting Collector had once declared the treasure to be ownerless under sec. 9 of the Act and stayed further proceedings under sec. 13; that the permanent Collector had no right to review or set aside the findings recorded by his predecessor; that his view that the proceedings dated 8-12-1913 is part

175 words Cor.

42nd. sheet.

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and parcel of the order dated 20-10-1913 is wrong; that the permanent Collector's finding that the Secretary of State for India in Council through his paid officers was the finder of pots 2, 3 and 4 is wrong; that the Secretary of State for India in Council never notified his claim before the 20th October 1913; that the Tahsildar trespassed on S. No. 1303/B kept guard at the place, prevented any persons from coming there, got the spot excavated and got at the 3 pots; that under such circumstances, the Secretary of State cannot be treated as finder; that pots nos. 2, 3 and 4 having been discovered by the Tahsildar in a search for the same cannot be treated as treasure coming under the purview of the Treasure Trove Act; that the treasure as of right belongs to the owner, the Plaintiff; that the Collector having found that the 4th defend ant (Ramireddi Raghavareddi) the finder of the 1st pot, has forfeited his right therein owing to his failure to give notice

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255

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61



and deposit the treasure, the Plaintiff as owner is also entitled to the same; that the wall referred to in Collector's order is not a permanent wall but a temporary wall put up by the 4th defendant to protect the chilly crop against straying cattle; that the plaintiff is the owner of the place of find and that defendants 1 to 3 have no right to it; that defendants 1 to 3 have been impleaded as they dispute the ownership of the place of find; that defendants 4 and 5 have been impleaded as finders according to Collector's order dated 8-12-1913; that defendants 6, 7 and 8 are impleaded because they claimed the treasure in pots nos. 2, 3 and 4 as finders before the Collector; that cause of action for the suit arose at Kodur and about the close of March and between the 1st and 25th April 1913 when the copper pots containing treasure were discovered and on 8-12-1913, the date of the permanent Collector's order.

29. The contentions

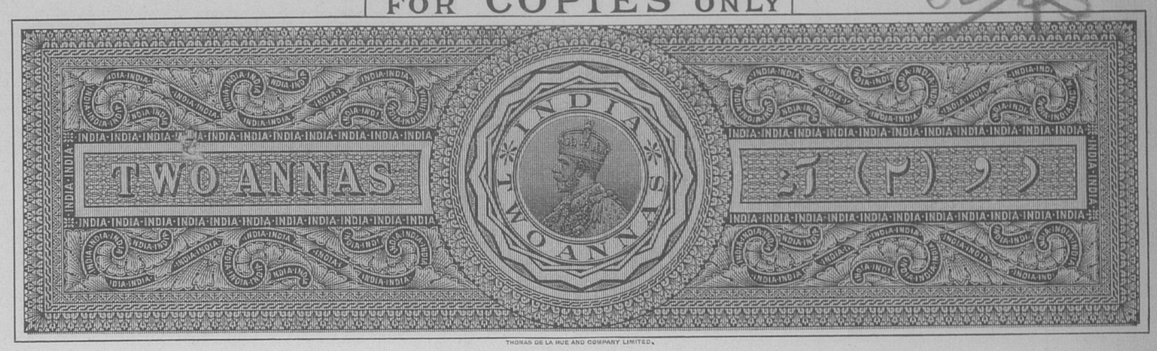
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of Defendants 1 to 3 are similar to those in O.S. 62 of 1913.

30. The 5th defendant raises the same contentions as in O.S. 62 of 1913.

31. The 8th defendant states that the Plaintiff has no cause of action against this defendant; that this defendant has not been declared to be the finder of the treasure; that the Plaintiff's claim to the whole of the treasure is not sustainable inasmuch as she does not claim the treasure as the person that hid it or as one claiming under such person; that the Collector's decision under sec. 9 is final and cannot be called in question; that the allegation that this defendant trespassed on the plaintiff's land is incorrect; and that this defendant lawfully entered on the land to do a lawful act-investigation of an offence.

32. The defendants 4, 6 and 7 allowed the suit to proceed exparte.

33. The issues are the same as in O.S. 62 of 1913.

34. These four suits have been by consent

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heard together and the evidence for disposal of all the suits has been recorded in O.S. 1 of 1914. The issues are the ~~same~~ same in each suit.

35. On some day in March or April 1913, the exact date is not known, somebody was digging up the ground in S. No. 1303 B of Kodur village, Nellore taluk. He found a copper pot, containing gold coins, hidden in the soil. What he did with it need not be considered just at present. News of the find leaked out and reached the Tahsildar of the Taluk Mr. M. Purushotham Row, He informed the Collector that there was rumour of the find of a large treasure in Kodur and also that he had information that the treasure was being distributed. He was directed to go to the village and make enquiries. He went there on the 22nd of April and investigated and as the copper pot in which the treasure had been kept in the ground appeared to have been broken he thought that some

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stray coins might be found at the place from which the pot had been dug up. He directed that search should be made. Some 3 coins were found and then the Tahsildar proceeded in person to the spot, thinking that still more stray coins might be found.

In the course of the operations another heavy copper pot containing gold coins was found. It was then dusk and further digging was stopped and the place guarded in the night. Next morning i.e., on the 24th April two more pots containing gold coins were unearthed at that place.

36. The approximate value of the contents of the four pots is stated to be about Rs. 1,41,349.

37. The treasure was secured and under the orders of the Collector was sent to the Huzur Treasury at Nellore.

38. A notification was published under section 5 of the Treasure Trove Act calling upon all persons claiming the said treasure or any portion thereof to appear before the Collector of Nellore on 20th October 1913 in view to their

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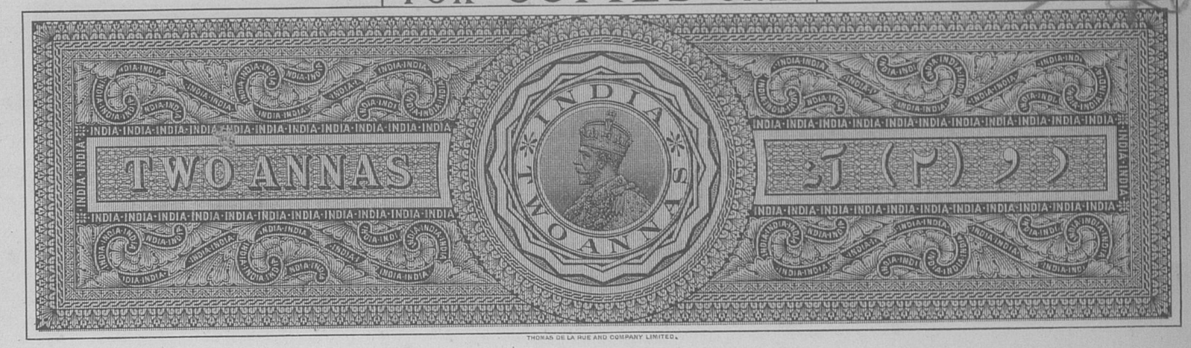
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claims being enquired into and disposed of according to law.

On the date fixed certain persons put forward their claims as owners of the site in which the treasure was found and other persons claimed as finders. The acting Collector passed the following order:- "No one having come forward to claim the treasure on the ground that he had buried it within one hundred years of the date of its discovery, the treasure is declared ownerless under section 9 of the Treasure Trove Act VI of 1878.

"2. There are 2 persons claiming as owners of the land on which the treasure was found viz., (1) Parvatareddi Kamamma on behalf of her minor sons and (2) Machireddi Subbamma. The two claims being hostile to each other, I stay further proceedings under section 13 of the Act with a view to the claims being enquired into and determined by a competent Civil Court.

"3. There is only one person claiming as the finder of the first pot of the treasure viz., Ramireddi Raghavareddi. There are three

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"claimants as finders for pots 2, 3 and 4 viz., Patnam Subbaramayya, Duvvur Venkatasubba Reddi and Mr. M. Purushotham Row, Tahsildar of Nellore. The Act is silent about the manner in which disputes between finders should be enquired into and settled. As however under section 13 of the Act further proceedings have to be stayed until the claims of the owners of the land are settled by a competent Civil Court, the consideration of this question must await that decision."

39. That order was dated 20th October 1913.

40. On 6th November 1913 Mr. Purushotham Row (the Tahsildar) presented a petition to the Collector pointing out that it was necessary that the Collector should first determine who the finder was, for sec. 7 enacts that on the day notified under section 5 the Collector shall enquire and determine who the finder is and section 14 enacts that in every suit brought by a ~~disputed~~ disputant the finder of the Treasure shall be made a Defendant.

41. The Acting Collector then recognized that he had committed a

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mistake. He directed that a fresh notice should be issued to the persons claiming as finders to appear and argue their respective claims. He made a note also as follows:-"In this particular case, Government should also enter the arena as the finder of pots 2, 3 and 4 seeing that Mr. Purushotham Row, the Police officers &c who came by ~~there~~ these three pots were acting in their public capacity as agents of Government. The Government Pleader should therefore be given notice to appear and argue in support of Government's claim. Notice should also be given to the claimants as owners of the land and they should be informed that the present order is defective and that the limitation of one month will beging to run only from the date on which the Collector determines who is the finder or who are the finders of the treasure".

42. The permanent Collector returned to duty and on 14th November he directed issue of notice to all parties.

43. On the 20th of November i.e., within

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the one month specified in sec. 14 of the Act, O.S. 61 of 1913 and 62 of 1913 were filed. These are suits by Kamamma (as guardian of her minor sons) and by Machireddi Subbamma respectively. The 1st defendant in O.S. 61 of 1913 is Machireddi Subbamma. Defendants 2 to 6 were persons who claimed as finders before the Collector on 20th October. The defendants 1, 2 and 3 in O.S. 62 of 1913 are the three minor sons of Kamamma and defendants 4 to 8 are persons who claimed as finders before the Collector on the 20th of October.

44. On the 8th of December 1913 the permanent Collector passed orders in continuation of the proceedings of his predecessor. He declared Ramireddi Raghavareddi to be the finder of the first pot. With regard to the 2nd and 3rd and 4th pots he found that the Secretary of State through his paid servants was the finder thereof. He recorded findings also with reference to other circumstances which need not be detailed.

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The plaintiffs in O.S. 61 and 62 of 1913 now found themselves in a difficulty. It was necessary for them under sec. 14 to include the finder as defendant in the suits brought under that section. They therefore applied for permission to amend their plaints by adding the Secretary of State for India in Council as a party and this was allowed. But lest this should be insufficient they also ~~failed~~ filed fresh suits against the parties in the former suits and including the Secretary of State for India in Council as a Defendant. These suits are O.S. 1 of 1914 and O.S. 10 of 1914. The only difference is that in O.S. 10 of 1914 Maddali Venkatakrishniah has not been made a party.

45. The pleadings in these suits have been set forth supra in paras 2 to 31 and also the issues.

46. The issues are common to all the suits.

47. The second issue deals with the question of the ownership of the land wherein the treasure trove

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was discovered. The Plaintiffs in these four suits have very sensibly effected a compromise which has been recorded. The compromise petition sets forth the shares in which they shall take the admitted share of the owner of the land in the treasure and also sets forth the shares in which they agree to divide the remaining 3/4 share of the treasure in the event of their succeeding in their claim for this as against Government. But these being suits for a declaration in respect of the land wherein the treasure was found it has been agreed that the minor plaintiffs in O.S. 61 of 1913 and 1 of 1914 are entitled to 4½ shares and plaintiff in O.S. 62 of 1913 and 10 of 1914 is entitled to 2½ shares and plaintiffs are to get declarations accordingly. On the second issue therefore my finding is in accordance with the compromise that the plaintiffs in the four suits are joint owners of the portion of S. No. 1303/B in which all the four pots

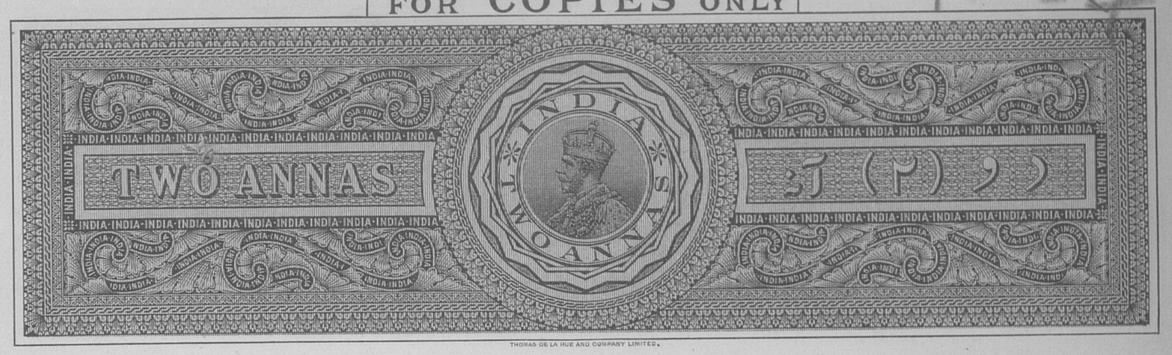
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were found and that the plaintiffs in O.S. 61 of 1913 and 1 of 1914 have 4½ shares in the land and plaintiff in O.S. 62 of 1913 and 10 of 1914 has 2½ shares in the land.

48. The next issue I shall consider is issue 5, "Whether the decision of the Collector of Nellore dated 8th December 1913 that the Secretary of State was the finder of the treasure in pots 2, 3 and 4 is valid and whether the Collector had jurisdiction to pass the said decision" and with this issue may also be considered issue VI:-"Whether the Secretary of State preferred his claim as finder to three fourths of the treasure in pots 2, 3 and 4 and if not whether his claim to such share is maintainable by reason of such failure?".

49. There can be no question that the Collector had jurisdiction to decide who was the finder of the treasure in pots 2, 3 and 4. The Act VI of 1878 expressly declares that the

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Collector is to enquire and determine that point. But it is argued that the permanent Collector had no power to review his predecessor's order. I do not however think he has done anything of the kind. His predecessor did not record any declaration as to who the finder was. His order was thus defective and incomplete and it was necessary for his successor to complete the order and determine who the finder was. No doubt Mr. Raghaviah stated that he stayed further proceedings and that the consideration of the question who the finder was must await the decision of the Civil Court upon the claims of those who were disputing the ownership of the land. But the proceedings which are stayed under sec. 13 of the Act are proceedings relating to the division of the treasure. The order passed by Mr. Ramachendra Row makes no amendment in this respect. The only difference is that he has decided the question which Mr. Raghaviah said should be deferred till the disposal of the Civil suit. I

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think he was competent to do this and that his doing so does not amount to a review. Even if it could be held to be a proceeding by way of review I think sec. 18 of the Act gives him the power to review. In this case Mr. Raghaviah himself had admitted the necessity of determining who the finder was and had directed the issue of notices. It is further argued that the order of Mr. Ramachendra Row is illegal and ultra vires because the Collector must determine who was the person by whom the treasure was found and the Secretary of State is not a person. The Collector's decision is that the Secretary of State is the finder through his paid servants and I presume he meant the Secretary of State for India. The plaintiffs have made the Secretary of State for India in Council Defendant in the suits. But even taking it that the Collector meant that the finder was the Secretary of State for India in Council

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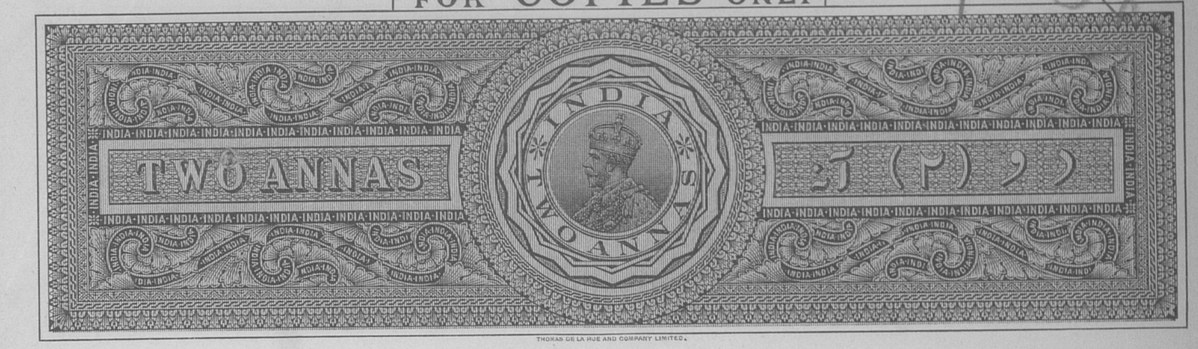
I think that the Secretary of State for India in Council may be considered to be a person for ~~some~~ purposes as for example for the acquisition of property. Whether this "person" has been rightly determined to be the person who found the treasure is another question which will have to be considered when dealing with another issue.

50. Even if it should be held that on no account can the Secretary of State in Council be considered a person I do not see how that would affect the plaintiffs, because they are not the finders. If as a matter of fact it turns out that the Collector has fixed upon some imaginary incorporal entity as the finder we are left very much in statu quo ante, in other words with the finder still undetermined but the only person who can object is the real and actual finder. It is true that the Plaintiffs contend that if there is no finder or, the finder cannot be discovered they as the owners of the land must

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get the whole treasure but that is a question which will have to be discussed under issue 3. So far as the present issues 5 and 6 are concerned I do notsee how the decision that the Secretary of State is the finder is illegal or ultra vires on the ground that the Secretary of State is not a person. If it is a decision at all it was within the powers of the Collector.

51. It is further contended that the Secretary of State never put forward any claim to the treasure as required by Act VI of 1878 within the time mentioned by the Collectors in the notification published under section 5. It is perfectly clear that no such claim was put forward by the Secretary of State or by anybody on his behalf on the date fixed for the hearing. ~~It~~ it is only after the Collector had determined that the treasure was ownerless that it occurred to him that Government as he puts it should enter the arena.

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The learned Government pleader argues that it is not necessary for the finder to make any claim and that even if it is, no forfeiture is incurred by reason of the omission to make a claim. It is necessary to examine this contention carefully as the contention of plaintiffs is that since Government made no claim its right was forfeited in favor of the owner of the place where the Treasure was found.

53. It seems to me that the Treasure Trove Act has not been happily framed and the correct interpretation of some of the sections is a matter of ~~consideratio~~ considerable difficulty. The Act does not seem to provide specifically for peculiar circumstances such as have arisen in the present case. The Act assumes that the finder gives notice and the whole procedure of the Act starts with the giving of notice by the finder but in the present case no notice was given by the finder at all events of the first pot. However the parties do not question the power of the Collector

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to proceed under section 5 in this case. Sec. 5 prescribes that the Collector shall publish a notification requiring "all persons claiming the treasure" to appear. The learned Government Pleader contends that the words "all persons claiming the treasure" mean only those persons who claim as owners of the treasure. But I do not think this is correct. From sec. 11 it seems clear that the notification published under sec. 5 requires the appearance not only of the owners of the treasure but also of persons claiming, not a right to the treasure, but a share of the treasure as owner of the place in which it was found. Under sec. 7 also the Collector was to determine who the finder is and if it be considered that the finder having already given notice under sec. 4 need not appear in/to answer to the notification under sec. 5 it is difficult to see how the Collector can satisfactorily ascertain who the finder is. There may be persons who claim as finder besides the person, if any,

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who gave notice. Section 5 might have been better worded but on the whole it seems reasonable to conclude that it refers to all persons claiming the treasure not only as owners thereof or as having right thereto as owners of the place where it was found but also finders and owners of the place where it was found claiming a share in it.

54. But while I take this view of the meaning of section 5 I do not think that any forfeiture is incurred under section 6 by failure to appear on the part of the finder or of the owner of the place who merely claims not a right to the treasure but a share in the treasure. (Emphasis ~~Exphasis~~ must be placed upon the words "having any right to such treasure" in section 6. These words obviously refer to a right other than the right created by this Act which gives a right to the finder and owner of the place to share the treasure. It is noticeable that the words used in

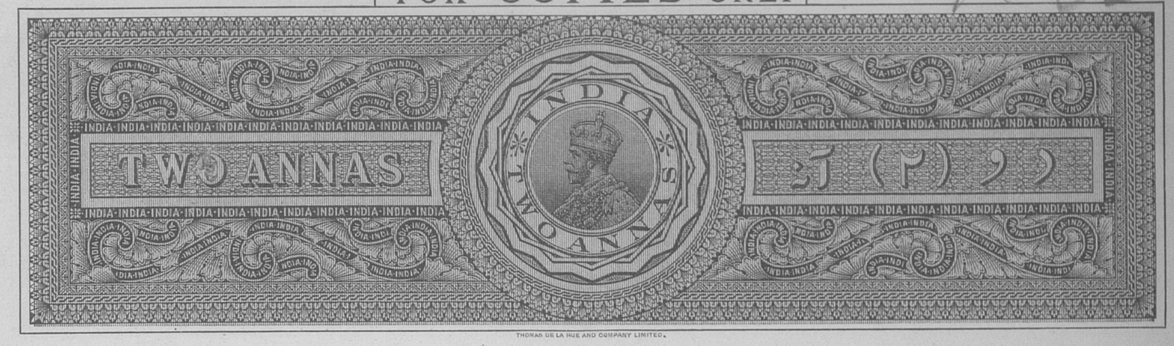
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sec. 6 are "having any right to such treasure" whereas sec. 11 refers to the owner of the place who has "claimed a share of the treasure". The words in sec. 6 "as owner of the place in which it was found or otherwise" create some difficulty but do not I think really conflict with the view I take and in this ~~connection~~ connexion the explanation as to the word "owner" given in section 3 of the Act must not be forgotten. Bearing this in mind, it is only persons who have a right to the treasure who forfeit their right by non appearance. It is only after there has been such forfeiture that it is open to the Collector to declare that the treasure is ownerless and then alone it becomes necessary for the Collector to divide the treasure between the finder and the owner of the place. It is then alone that the owner of the place and the finder become entitled to share the treasure.

55. Under these circumstances I donot think that

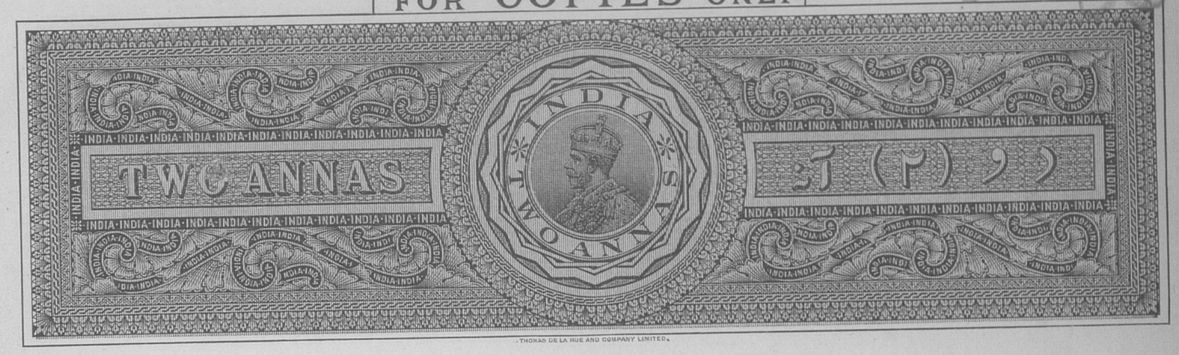
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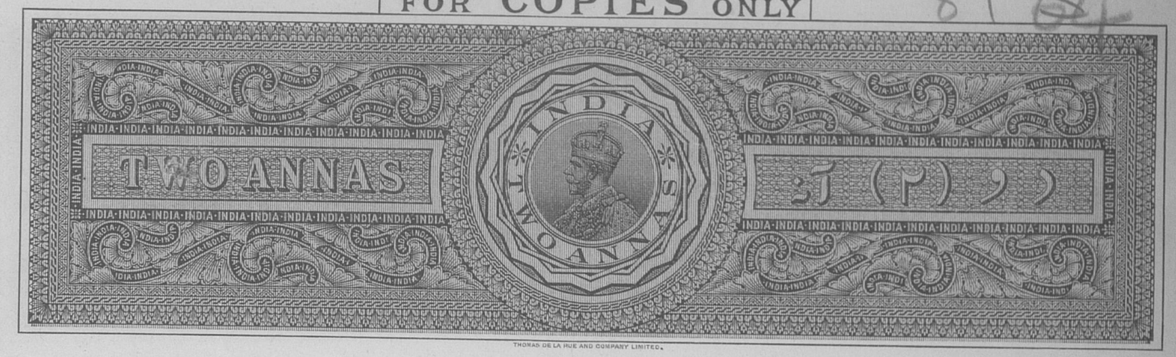
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THOMAS DE LA RUE AND COMPANY LIMITED.

replied "He said something to that effect."

57. Mr. Ward was examined as p.w.5. His evidence on this point is equally vague. He says the Collector claimed on behalf of the Secretary of State but he admits he cannot given the exact words. It is very necessary to know what the exact words were. It seems perfectly clear from the order passed by Mr. Ramachendra Row that he considered that the report of the Tahsildar was itself a sufficient notice of the claim of the Secretary of State. I do not agree with this view but it was the Collector's view and that being the case there was no object in supplementing it by giving a notice to himself. It seems most probable that what the Collector said was that if the Tahsildar's report was not sufficient notice he would supply the deficiency by giving notice to himself. The Tahsildar says in fact that the Collector said he claimed or would claim on behalf of the Secretary of State. The Collector

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in his order disposing of the matter says that on November 27th "he announced that the Secretary of State might perhaps be reckoned as finder." But it is clear that his enquiry proceeded on the footing that the Tahsildar's report of the find was a sufficient claim on behalf of the Secretary of State. That being the case it cannot be said that the Collector was disqualified to hold the enquiry.

58. It is not contended that the treasure is not Treasure Trove and that Act VI of 1878 is inapplicable. It is common ground that the treasure was treasure trove and could (~~probably~~ properly be dealt with under the provisions of the Act. My opinion is that the finder does not under sec. 6 forfeit his claim to a share by reason of failure to appear after notification under section5. He incurs forfeiture only under sec. 20 if he has given no notice of his find. It is open to the Collector to determine who the finder is even though the finder does not

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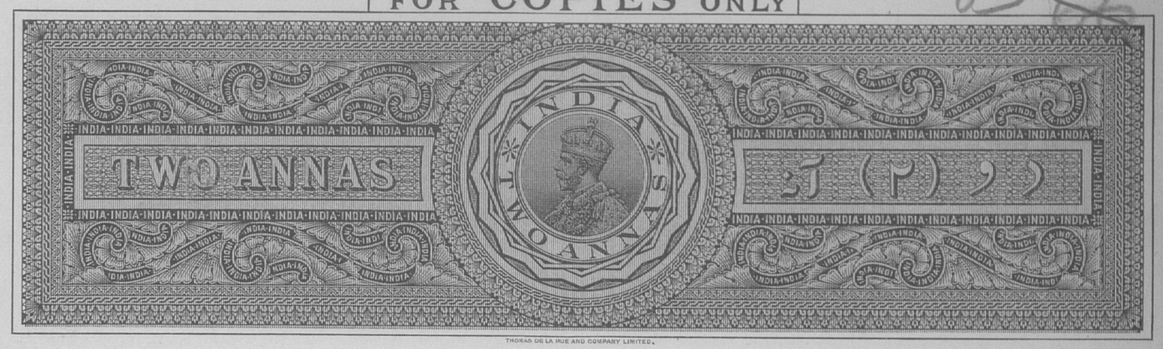
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appear as required by notification.

59. The Collector alone is authorised by the Act to determine this point and whether his decision is right or wrong I think it is valid and he had jurisdiction to pass the said decision, and that is my finding on the fifth issue. If it should be held that the Secretary of State is not a "person" such as is contemplated by the Act then possibly the real finder might be entitled to some relief in a Civil Court but not the plaintiffs in these suits who are not finders and have no claim to the finders' share.

6th issue

60. On the 6th issue my finding is that the Secretary of State preferred no claim as finder to three fourths of the treasure in pots 2, 3 and 4. In paragraph 19 of his report dated 25th April 1913 the Tahsildar in reporting the discovery of the pots 2, 3 and 4 no doubt stated that the finds were by Government officers and the Government is therefore the finder but

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on the date fixed in the notification for the appearance of the claimants the Tahsildar Mr. Purushotham Row claimed to be the finder himself and pointed out that his statement in his report dated 25th April that Government was the finder was due to misapprehension. The order passed by Mr. Raghaviah dated 20th October shows that there were only 3 claimants as finders of pots 2, 3 and 4 and they were Patnam Subbaramayya, Duvvur Venkatasubbareddi and Mr. M. Purushotham Row. There is no reference therein to any claim by the Secretary of State. So even taking it that the report of the Tahsildar of the find was a report of a Government Officer to the effect that Government was the finder there was no appearance on behalf of Government on the date fixed in the notification. But for reasons already given I do not think that involves any forfeiture and the claim was still maintainable and that is my finding on the 6th issue.

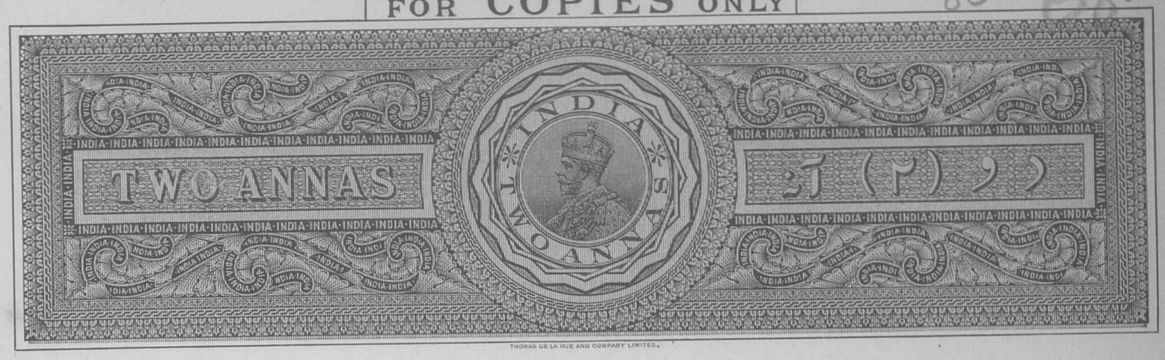
61. As the decision of the Collector that R. Raghavareddi

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was the finder of the first pot and the Secretary of State is the finder of pots 2, 3 and 4 was valid and made with jurisdiction it cannot be called in question by any Civil Court vide sec. 17 of the Act. That is my finding on the 7th issue.

62. The decisions on issues 5, 6 and 7 are sufficient to dispose of all the four suits but in case the Appelate Court should take a different view of the law it seemed to me advisable to allow the parties to adduce evidence on all the issues and to record findings thereon so as to obviate the necessity for any remand.

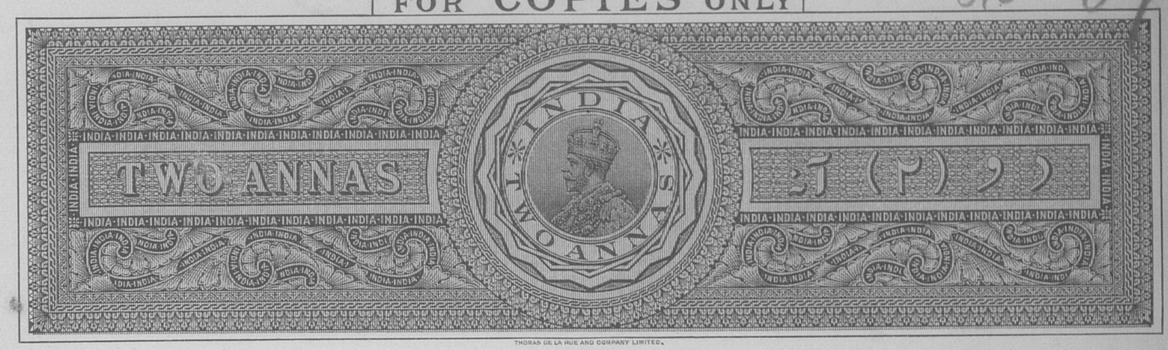
63. The 1st issue is who is the finder of the treasure in the first pot and of the treasure in pots 2, 3 and 4 respectively. With regard to the first pot there is now no difficulty. R. Raghavareddi has been examined as d.w.5 and he says he discovered the first pot. He was prosecuted for not giving

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notice of the find and on appeal he was acquitted, because there was no proper proof that he was the finder. But in the present suits we have the advantage of his own evidence and there is no reason to reject it. It is not disputed. I find that R. Raghavareddi was the finder of the first pot.

64. P.W.1, Allareddi Kodandaramireddi says that while the Tahsildar was busy searching the grain pit at the house of Raghavareddi he and some others went to the pit where Raghava Reddi had found the first pot and then Ramalingareddi said to some Mala "Bring a spade and dig there and the Mala dug and another pot was discovered and taken out and then word was sent to the Tahsildar. Next day a crowd was digging and 2 more pots were found". P.W.1 is the only witness on Plaintiffs' side who says anything about the actual discovery of pots 2, 3 and 4 D.W. 1 is the Tahsildar. He says that on the

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21st of April 1913 he first received information about the discovery of treasure. He went to Kodur which he reached at 8 A.M., on the 22nd. He investigated the matter and succeeded in getting hold of some of the treasure which had been appropriated by Raghavareddi without giving notice. He then gave instructions to the Village Officers to keep a general watch over the place where the pot had been found and at some other places and he went away to Edur to make some enquiries there. He returned to Kodur on the 22nd.. He issued orders for a search to be made at the place of original find since the pot had been broken and he thought that possibly some loose coins might be found there. He himself was present at the search. He says "No stray coins were found but a "trove" was struck at. I had it carefully removed. It was a copper vessel with the top sealed." It got dark soon after and he postponed further investigation till next

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day. He placed a guard during the night at the place where the second pot had been found. Next morning he made men dig at the place. He says "I was present then. Two pots were found- they were earthen pots. They were also sealed". He reported the discovery to the Collector who came there on the 24th and ordered the removal of the pots to the Treasury which was accordingly done.

65. In cross examination the Tahsildar says that half a dozen coolies were digging when the second pot was found and the Sub Inspector and others were also present. He cannot say who were the coolies who were digging when the 2nd pot was found or when the 3rd and 4th pots were found. He says definitely it was not Duvvur Venkatasubbareddi that dug for the second pot.

66. D.W.2 is the Sub Inspector. His version differs slighly from that given by the Tahsildar. He says that the Tahsildar sent him to the spot to find out if there were any

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stray coins at the place where the first pot had been taken out. He went and found three stray coins and sent word to the Tahsildar. But besides the coins the top of another pot had become visible and after the Tahsildar arrived this second pot was taken out. Next morning there was further digging and 2 more pots were found. At that time some people were digging and several others including the Tahsildar were present.

67. D.W. 3 is the Revenue Inspector. His evidence rather supports the version given by the Sub Inspector for he says that somebody came and told the Tahsildar that the rim of a second vessel had been observed and then the Tahsildar proceeded to the place. Next day the Revenue Inspector was present when there was further digging and 2 pots were recovered.

68. The Tahsildar's detailed report relating to the finding of the three pots ~~in~~ is Ex. V.

69. I have now set forth all the material evidence relating to the discovery of the pots 2, 3 and 4.

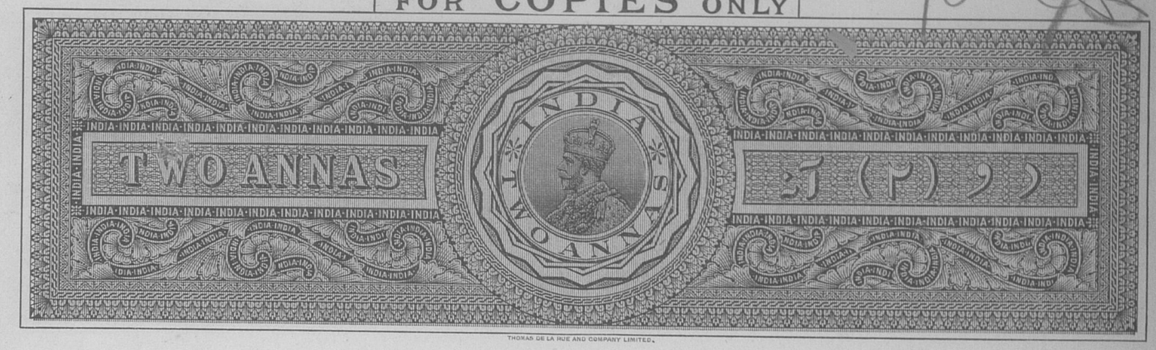
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70. In my opinion the word "finder" in the Act means the person who in the course of actually digging first sees the treasure. The view of the learned Government Pleader is that the search was conducted under the orders of the Tahsildar on behalf of Government and the very coolies who actually dug were paid by Government (but it must here be remarked that there is no proof that the bill for the coolies' wages was ever paid by Government) and the discovery of the pots was therefore made by the agents of Government, and therefore Government is the finder. I do not see how when a cooly finds treasure trove his master can become the finder because he sent the cooly to find it.

71. I ~~think~~ it is clear that the Secretary of State was not the finder of pots 2, 3 and 4 and I can give no finding on the second part of this issue I beyond saying that in these suits there is no evidence to show who

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the finder was.

72. Issues 3 is whether the plaintiffs are entitled to the whole of the treasure for the reasons stated in the plaint. With regard to the first pot there is no question Raghavareddi was the finder and Plaintiffs cannot claim the finder's share in the treasure in the first pot.

73. The position taken up by the plaintiffs is not altogether clear. The main contention seems to be that when it is not known who the finder is the whole treasure must go to the owner of the land in which the treasure was found. But I do not agree with this contention. The Act no doubt is silent on the question what is to be done if the Collector is unable to determine who the finder is. The Act does not contemplate the possibility of such a situation. But the Act shows clearly that when the treasure is declared ownerless the owner of the land where it was found is to get $\frac{1}{4}$ and the finder $\frac{3}{4}$. The owner of the

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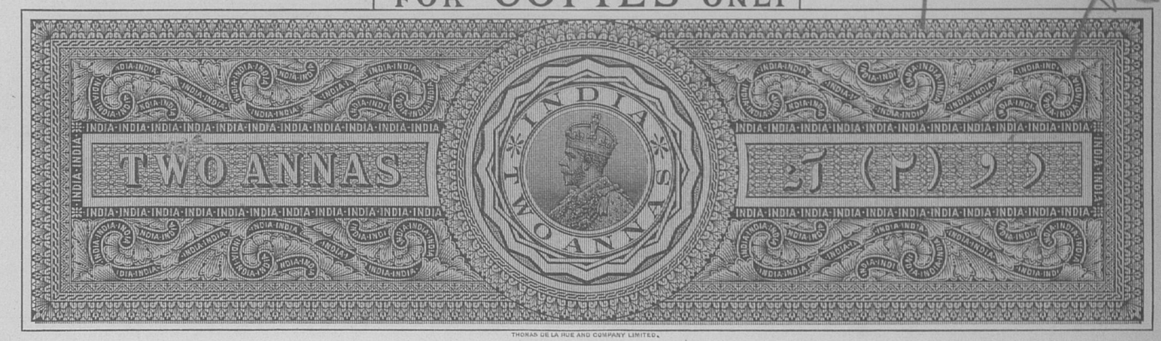
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THOMAS DE LA RUE AND COMPANY LIMITED.

land therefore cannot claim more than ¼ under any circumstances unless the owner of the land is also the finder which is not the case here. I presume if the finder does not come forward to claim his ¾ share, the ¾ share has to be dealt with like any other unclaimed property. Anyhow the plaintiffs are not entitled to it. There is no authority for the view that the owner of the land is entitled to treasure trove therein. On the other hand from the cases reported in I.L.R., 31 Mad., 397 and VII Madras High Court reports 150 it is clear that the owner of the land as such has no right to the treasure hidden therein and that Act VI of 1878 is the Act which lays down the law on the subject and provides that ¼ shall go to the owner of the land and ¾ to the finder. If the finder fails to give notice to the Collector he forfeits his share to the Crown, the owner of

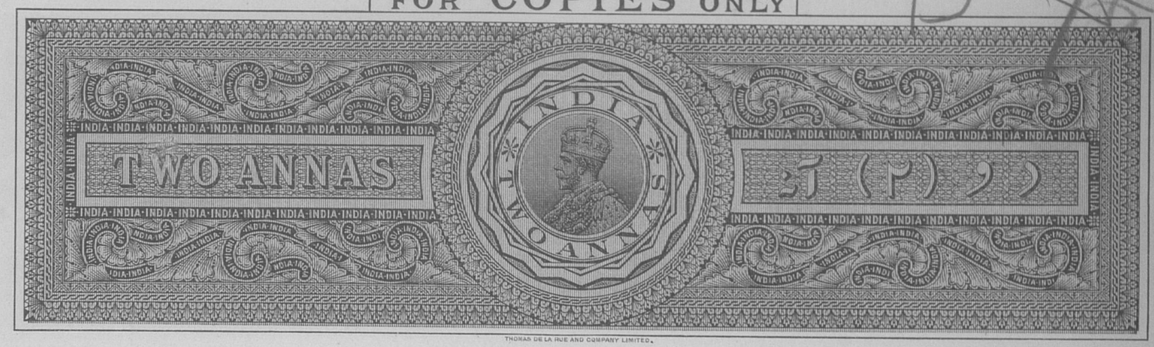
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the land does not get it. If the finder has given notice he will get his ¾ share if he appears in answer to the notification under section 5. If he does not appear and claim, his absence gives the owner of the land no title to that ¾ share.

74. Another contention is that Treasure Trove must be treasure which is discovered fortuitously and not in a deliberate search and therefore pots 2, 3 and 4 are not treasure trove but here the plaintiffs are inconsistent and anyhow there is no force in this contention. If treasure hidden in the soil is found accidentally or a search in the hope that some treasure may be found it is all the same.

75. The next contention is that the Tahsildar was a trespasser and a trespasser cannot profit by his find. There is no force in this contention either. With regard to the 2nd pot it seems clear that it was discovered in the course of an investigation into the failure to give notice

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of the find of the first pot but with regard to the 2nd and 3rd pots it is equally clear that after the discovery of the second pot the Tahsildar was having a search made with a view to discover more hidden treasure if possible. But even if then the agents of Government were trespassing actually at the time the pots were dug up, it might make them liable for damages on account of the ~~treasure~~ trespass but it would not give the owners of the land any claim to the treasure. A person has no right to trespass on the land of another with a view to unearth hidden treasure but if he does so he is still the finder. In the case already referred to (7 M.H.C.R.150) it is no doubt stated that "it may be that the legislature did not intend that the right should arise to the finder if the discovery was made in the course of a wilful trespass upon the land of another with

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an immediate view to such discovery"but that point was not decided. It was however pointed out that the owner of the land could not raise this contention and the question would be between the finder and the Crown. Under Act VI of 1878 there is no restriction upon the right of the finder to ¾. The Act does not restrict this benefit to cases in which the property is found hidden in the soil of the finder or to cases in which it is found by persons who have a right to dig in the particular place where it is found.

76. The next friend of plaintiffs in O.S. 61 of 1913 and 1 of 1914 has adduced evidence to show that having heard of the discovery by Raghavareddi she wanted to go and dig in the land and see if any more treasure could be found and she asked p.w.1 to bring a spade so that they might dig but when they went there they found the spot was guarded

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under orders of the Tahsildar and they could not dig. The evidence as to this alleged attempt to dig is absolutely false. The story came out at a late stage and it is not explained why Kamamma did not go and dig long before the Tahsildar arrived on the scene. Even if the facts were true, it is difficult to see what conclusions follows:-

77. I find on the third issue that plaintiffs are not entitled to the whole of the treasure.

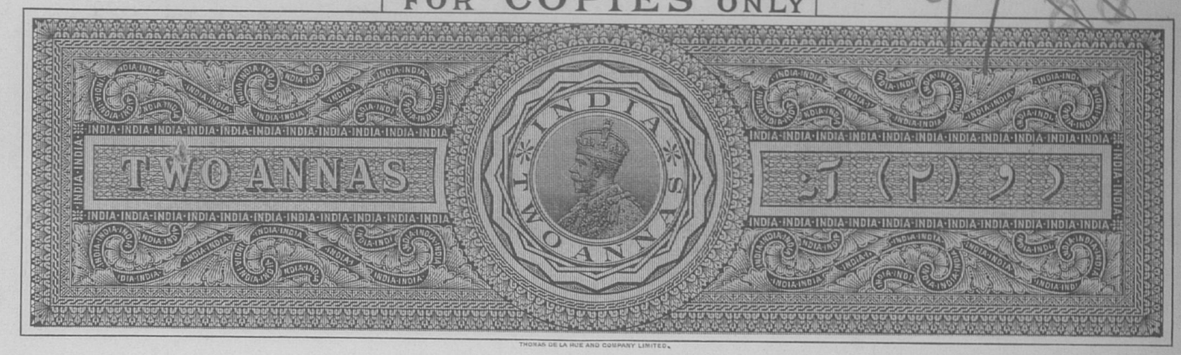
78. Issue 8 is a curious issue. It is suggested that the minor Plaintiffs must be deemed to be finders because the discovery was the result of a trespass by Government officers on the plaintiffs' land. It is difficult to understand the contention and in fact in the course of arguments it was dropped and a contention was substituted that with regard to the minors since the Crown is the guardian of all minors the find must be considered to have been made for them. The contention seems to me absurd. I find

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the 8th issue in the negative.

79. Issue 4 is whether the ½ share of the finder in the contents of pot no1 was forfeited to Government by reason of R. Raghavareddi's failure to give notice of the find to the Collector? It was only necessary to consider this question because of a vague contention that if it was not forfeited and if the finder were unknown the share goes to the owner of the land. Raghavareddi was examined and he makes a feeble effort to show that in some mysterious way he gave notice. I think it is quite clear he did not give notice and he forfeited his share. That is my finding on the 4th issue.

80. On issue 9 I find that the suit is not maintainable against the Secretary of State to call in question the proceedings of the Collector dated 8th December 1913. My reasons I have given already under issue 7.

81. Issue 10 is whether the suit is not maintainable for want of a notice under section 80 C.P.C.

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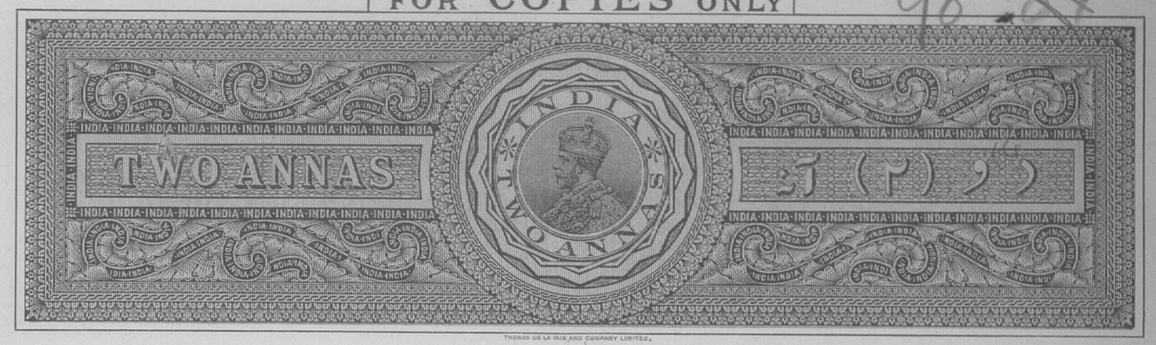
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It is now conceded that if these suits brought under Act VI of 1878 the special provision there that the suits must be brought in one month after the Collector's order overrides the general provision requiring 2 months notice to Government. No man can be expected to do the impossible. But it is contended that these suits are not only suits under the Act but are suits relating to the finder's share and the Act provides for no such suit. It seems to me however that the plaintiffs really bring their suits under Act VI of 1878. The suits are not maintainable as ag inst the Government but that is another matter. I must hold that since the suits are suits brought under Act VI of 1878 notice under section 80 C.P.C., was not necessary.

82. The next question is that in issue 11: Whether the suits are within time. I do not think this plea of limitation ought to have been raised under the circumstances of the case. The

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difficulty has been entirely due to the defective procedure of the acting Collector who passed the first order. He did not determine who the finder was and so O.S. 61 of 1913 and 62 of 1913 were brought without making the Secretary of State a party. As soon as the acting Collector discovered his mistake, he proposed to amend it by holding further enquiry and left a note that claimants should be informed that limitation of one month will beging to run only from the date on which the Collector determines who is the finder. Of course the Collector could not decide from what date limitation should begin to run but it was scarcely fair toraise a plea of limitation after that. When the permanent Collector finally passed orders as to who the finder was it was necessary to add him as a party to O.S. 61 and 62 of 1913 and I think that so long as this was done within one month of the second Collector's order the suits as against

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him are in time. Possibly the suits O.S. 1 of 1914 and 10 of 1914 were not necessary but the second Collector's order as appears therefrom was only supplementary to the former order and the two orders might be taken as one and can only bear the date of the later order. These suits are therefore in time. I find this issue in the affirmative.

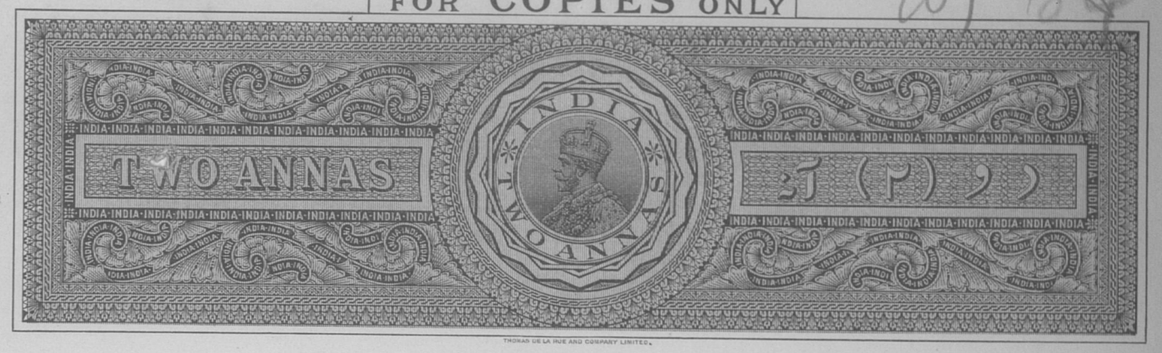
83. The next issue (issue 12) is whether the suit for a mere declaration is maintainable in respect of the treasure in pots 2, 3 and 4. The plaintiffs claim that the Government is at present merely a stake-holder pending the decision of the suits in the Civil Court. Certainly the Government is a stake-holder so far as the ¼ share of the owner of the land is concerned. The division of the treasure is not to take place until the civil suit is disposed of. It is not quite clear why this should be so but I consider the Collector does not hold the ¾ share of the

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finder as a stakeholder. He simply holds it for the finder whose right is already determined and whose share cannot be decreased though it may be increased under certain circumstances. If then these suits were at all maintainable with respect to the finder's share a suit for a mere declaration would not be sufficient. It is unnecessary to say more on this issue because I find that the suits are not maintainable as against the finder in respect of his ½ share. Issue 13 would follow issue 12 and no finding is necessary.

84. Issue 14 is what relief are the plaintiffs entitled. As already stated there has been a compromise as between the contending claimants to ownership of the land and under these circumstances though two suits have been brought for the same relief I do not think it matters. The plaintiffs in O.S. 61 of 1913 and 1 of 1914 must be given a decree declaring that in respect of the particular portion of the land where the whole treasure was found they are

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joint owners thereof with 1st defendant and they are entitled to $4\frac{1}{2}$ shares in the land while 1st defendant is entitled to $2\frac{1}{2}$ shares. Plaintiffs and 1st defendant must bear their own costs. The suits as against other defendants are dismissed. With regard to defendants other than the finder (the Secretary of State in Council) it may be that it was not strictly necessary to make them parties to the suits at all because they none of them claim as owners of the place where the treasure was found. But the suits as framed were for a declaration of right to the whole treasure and for that purpose it might be necessary to join those defendants as parties but those defendants have not made out their claims as finders and I think they should bear their own costs.

85. The Secretary of State in Council has successfully resisted the claims so far as the $\frac{3}{4}$ share of the finder is concerned and he is therefore entitad to his costs but I consider he should only be

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allowed costs in one of these two suits since the plaintiffs were led to file 2 suits by the original defective order of the Collector. Plaintiffs in O.S. 61 of 1913 must therefore pay the costs of the Secretary of State for India in Council in that suit and in O.S. 1 of 1914 both parties should bear their own costs. Decree must be drawn up accordingly.

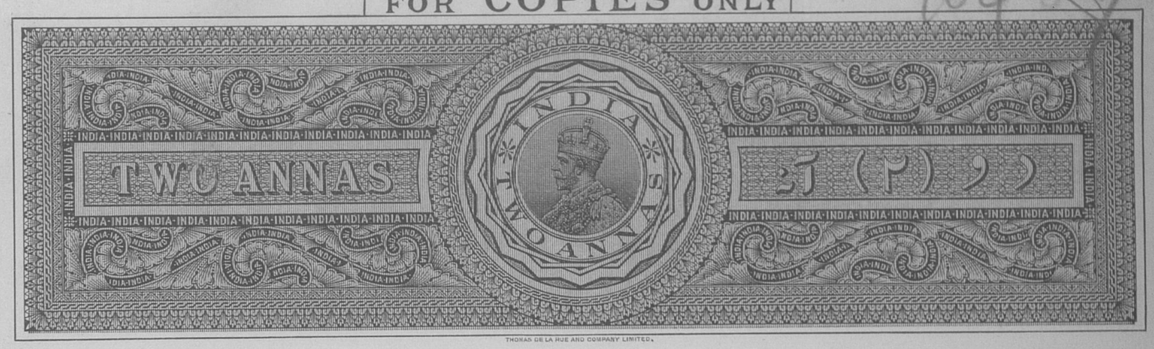
86. Similarly in O.S. 62 of 1913 and 10 of 1914 the plaintiff must be given a decree declaring that she and defendants 1 to 3 are joint owners of the particular portion of land in which the whole treasure was found and she is entitled to 2½ shares in the land while defendants 1 to 3 are entitled to 4½ shares. The suits as against other defendants are dismissed. In O.S. 62 of 1913 all parties will bear their own costs except the Secretary of State in Council whose costs must be paid by plaintiff and in O.S. 10 of 1914 all parties

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must bear their own costs. Decree will be drawn up accordingly.

Pronounced in open Court this 7th day of December 1914.

(Signed) J.W. Hughes,

District Judge.

Documents for Plaintiff:-

A.24-4-1913. Petition presented by p.w.2 before the Collector, Nellore.

B.20-10-1913. Do. by Mr. F.T. Ward and Mr. V. Krishnaswami Row before Do.

C.27-11-1913. Do. by Mr. S. Varadachari High Court vakil before Do.

D.5-12-1913. Do. by Mr. F.T. Ward and Mr. V. Krishnaswami Row before Do.

E. Do. Public copy of the petition by Do before Do.

F.20-10-1913. Petition put in by Mr. M. Purushotham Row d.w.1 before Do.

F1. Do. Memo attached to Ex. F.

G. 24-4-1913. Last para in the note made by the Collector of Nellore, on the report of the Tahsildar Ex. II.

H.20-10-1913. Petition put in by the Revenue Inspector d.w.3 requesting that he too may ~~be~~ the considered as one of the finders.

173 words Cor.

87th. sheet.

211

23/12/14

FOR COPIES ONLY

105



THOMAS DE LA RUE AND COMPANY LIMITED.

For defendants:-

I.15-11-1913. Notice given by the Collector, Nellore to Messrs. A.S. Krishna Row, F.T. Ward and V. Krishnaswami Row.

II.23-4-1913. Report of the Tahsildar d.w.1 to the Collector of Nellore.

IIa.24-4-1913. Note of the Collector of Nellore on Ex. II excepting the last para.

III.24-4-1913. Report of the Tahsildar of Nellore to the Collector of Nellore.

IV.25-4-1913. Statement made by Ramireddi Raghavareddi before the Tahsildar d.w.1.

V.3-5-1913. Report of the Tahsildar of Nellore to the Collector, Nellore.

VI. Do. Note giving the details of the treasure found.

VII.8-5-1913. Copy of notification in Fort St. George Gazette dated 27-5-1913 about the treasure trove.

VIII.20-10-1913. Proceedings of the Collector of Nellore on the petitions of Mr. A.S. Krishna Row and Mr. F.T. Ward claiming the treasure on behalf of their clients.

IX.6-11-1913. Report of the Tahsildar, Nellore, to the Collector, Nellore.

177 words Cor.

88th. sheet.

210

సుబ్బారావు

బెల్లూరు

23/12/14

Bills

FOR COPIES ONLY



X.14-11-1913. Orders of the Collector on Ex. IX.

XI.5-12-1913. Statements of witnesses before the Collector of Nellore.

XII.8-12-1913. Order of the Collector ~~thereon~~ of Nellore.

XIII.28-5-1913. Bill put in by the Village Munsif for cooly of the persons that worked for taking out the treasure.

XIIIa.2-6-1913. Letter from the Tahsildar of Nellore to the Collector of Nellore.

XIV.21-4-1913. Note put up by the Revenue Inspector d.w.3 to the Tahsildar d.w.1 regarding the treasure.

XV.2-6-1913. Copy of the notification made in the District Gazette of Nellore.

Witnesses for plaintiff:-

1. Allareddi Kodandaramireddi, 2. Parvatareddi Kamamma, 3. Pemmareddi Venkureddi, 4. Sheik Hasan Saheb, 5. Mr. F.T. Ward.

For defendants:-

1. Mr. M. Purushotham Row, 2. Udayagiri Subba Row, 3. Maddali Venkatakrishniah, 4. K. Raghupathi Row, 5. Ramireddi Raghava Reddi, 6. Toopili Ramireddi.

(Signed) J.W. Hughes,

District Judge.

(A true copy)

Copy typed by

Read by

Examined by

Superintendent.

159 words Corrections

89th. and last sheet.

Confidential

Revenue **DEPARTMENT.**

107 C.F.—30.

REVENUE-C
0815

CURRENT No.

Received 24/3/1915. *Registered* 24/3/1915.

Subject.

Treasure-trove.

Submitting to Government with remarks a memorial from M.R.Ry.M.Purushottama Rao, Tahsildar of Nellore, praying that he may be recognised as the finder of some treasure-pots found at Kodur.

ENCLOSURES.
No.
SECRETARY TO GOVERNMENT
24 MAR 1915
Spare copies
REVENUE DEPARTMENT

Reference No. 1175 Pt/14-4

Station Madras, *Dated the* 22nd. March 1915

From

W.G.McFarland Esq.,I.C.S.,

Secretary,
~~The~~ Board of Revenue,

Land Revenue.
~~Revenue Settlement, etc.~~
~~Separate Revenue.~~

The Hon'ble Mr.R.B.Clegg, Commissioner of Land Revenue.

~~Resolution~~
~~Reference.~~

Read the following:- Endorsement of M.R.Ry. Dewan Bahadur R.Ramachandra Rao Avl.,B.A., Collector of Nellore,N.Ref.1313.Cl. Cor.of 13 dated 6th.March 1915, on the memorial from M.R.Ry.M.Purushottama Rao Avl.,Tahsildar of Nellore, dated 25th.February 1915:-

Submitted to the Board of Revenue (Land Revenue) vide paragraph 5 of Board's Refce.No.1175 Pt/14-3 dated 23rd.February 1915.

2. The question raised is of importance. Generally a treasure-trove finder is concerned with concealing his find rather than with investigating for further treasure. If I send out a subordinate to enquire when the find gets noised about, he

209
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3 ఎస్ 01
23-12-14

Revenue

P. 1114

72. Nellore

6936.

DISTRICT COURT OF NELLORE.
Application made 8-12-19
Stamp papers called for 21-12-19
Stamp papers received 23-12-19
Copy ready 15-1-19 15
Be delivered 15-1-19 15
Superintendent

he of course first digs at the spot in the course of his official investigation.

Is the particular subordinate the finder of further treasure or should Government his employer who directed the investigation be so regarded? And why should not the cooly who digs be so regarded?

3. The District Judge's finding is not binding as it is an obiter dictum.

4. My recommendation for a reward for Mr.Purushottama Rao was not to compensate him for my adverse finding in respect of the 2nd.3rd. and 4th.pots but for his tact and energy in obtaining the scattered portions of the 1st.pot.

5. I understand that none of the parties intend an appeal to the High Court.

Reference.

Submitted to Government in continuation of Board's Refce.No. 1175 Pt/14-3 dated 23rd.February 1915.

2. The Board considers that the Tahsildar deserves commendation for the promptitude he displayed, and the success of his investigation, but that he is not entitled to the Government share of the treasure as a matter of right.

Wm Farland

Secretary.

To the Secretary to Government,Revenue Department, with the memorial and its enclosure in original.

N.D.22-3-15.

23.3.15

To

His Excellency The Right Honourable
The Lord Pentland, P.C.G.C.I.E.,
Governor of Madras in Council,
Fort Saint George.

May it please your Excellency,

The humble and deferential memorial of M. Purushothama Rao, Tahsildar of Nellore Taluq in the District of Nellore.

Most humbly and respectfully showeth:

1. That in continuation of his memorial dated 20th March 1914, submitted through the Collector of Nellore, the memorialist now submits for the kind perusal of Government copy of the judgment of the District Judge of Nellore declaring

i. that the contending land owners can have no claim to the whole of the treasure found, or to any share therein in excess of the ¼ allowed to land owners by the Treasure Trove Act.

ii. that the Secretary of State was not the finder of the Treasure in pots 2, 3 and 4 though he could give no finding as to who the finder was.

2. That during the examination of the memorialist in the District Court as a witness, a paper was put into the memorialist's hands containing a note of the Collector of the district dated 24th April 1913, that the memorialist deserved a

a substantial reward of at least Rs. 10,000/- for his work in connection with the successful investigation of the first find.

3. That the memorialist humbly represents that, grateful as he is to the Collector of the district for his appreciation of memorialist's work, his object in approaching the august Government is not in expectation of realising the -- reward so readily recorded by the Collector, but for the purpose of moving the benign and just Government to consider if equitably and legally the memorialist should not be allowed the benifits of the 2,3, and 4th finds, in view of the provisions of the Treasure Trove Act, bearing also in mind that the object of the Treasure Trove Law was not to benefit Government, but to trace the treasure found to its original owner by offering an inducement to the finder to publish the find.

4. That the Government will kindly consider the following in dealing with the 2, 3, and 4th finds, and in determining who found those---for the Collector of the district and the District Judge disagree in their findings on this issue, and no cooly ever claimed to be the finder of these 2nd 3rd and 4th pots:--

a. A person digs underground, and discovers treasure.

b. M sends S to get for him a medicinal root. S goes and finds treasure while digging for the root.

c. M sets out exploring, and takes S with him . In the - presence of M and under his direction S digs at places pointed out by M. and treasure is laid bare and M. gives the required notice.

d. M. while exploring has to blow up the ground. He selects the spot and engages work-men. A drills a hole in the ground, B ~~runs~~ roams in gun powder, C. fits in the fuse, and D lights the fuse . After the explosion M, A, B, C and D approach the spot and find treasure

and M gives the required notice.

e. A swine herd takes his animals out to a field. The animals burrow in the ground and treasure is laid bare and the swine-herd reports the fact.

F. Floods cut up a river bank, and after water recedes a passer by finds treasure in the fissure and gives notice of it.

In the illustration c. the servant that dug did not give the required notice, and the master that gave the notice did not actually dig.

In the illustration d. several servants worked and the finding could not be traced to any one servant and the master did no manual labour.

In illustrations e and f no person actually dug or did any act, nor did any one see the treasure the moment it appeared above the ground.

In all these cases if the finder is to be a person that dug the ground, notwithstanding the fact that a responsible person gave the required notice of discovery, the Government will have to get the benefit of the finds because the person that gave the required notice is not reconed finder, though that discoveror could not escape criminal prosecution if, - without giving notice, he had appropriated the find

5. That the memorialist leaves his case in the hands of the benign and just Government fully trusting that in disposing of the memorial the Government will give due consideration to the spirit of the Treasure Trove Law and to the -- objects and reasons that led to the passing of the present Act VI of 1878, and extend to the memorialist the benefits of the 2, 3, and 4th finds allowed by the Act to a finder of treasure in terms of the Proclamation of the 3rd of October 1777 declaring "that for the future all hidden treasure shall

, be

112

be the property of those who may discover it."

That the Memorialist as in duty bound shall ever remain,

N e l l o r e,
th February 1915

Your Excellency's Most Obedient and
Humble Servant,

M. Pooroo Lothawadoo.

Sectt. II-8 (e)—25,005—27-4-15.

Public Dept.

D.K. 10/5

(Ch. No. 1302)

Please return file when not after issue of letter

O. M. No. 1302-28 & 8-5-15.

The Hon the Advocate General is requested to advise Govt. in the matter of the claim which has been put forward by M. R. Rg. M. Purushothama Rao, the Tahsildar of Vellore, in regard to the finder's share of ~~certain portion~~ a part of the treasure, which was discovered in the year 1913, in Kodur village of the Vellore district. The facts of the case are as follows:—

The proceedings of the Collector of Vellore - Lr. No. 452 Pub. dt. 18-4-14 (W)

2. On the 22nd April 1913, the Tahsildar of Vellor, M. Purusho-thama Rao, having received information about the discovery of some treasure in Kodur village, proceeded to investigate the matter. He succeeded in recovering some of the treasure which was clandestinely withheld by the finder. Further excavations being made at the spot of the find, under the directions of the Tahsildar, one copper pot ~~containing treasure~~

Scott. II-8 (e)—25,005—27-4-15.

was dis-covered. The search was resumed the next day, and two earthern pots were also unearthed. The approximate value of the total find in the four pots is Rs 1,41,349. Amongst other claimants, the Jahsildar in his individual capacity claimed to be adjudged as finder of the 2nd, 3rd and 4th pots of treasure. The Collector in his order dated the 8th December '13 declared that the treasure is ownerless, that the finder of the first pot has forfeited his share by failing to give the notice reqd. by Section 4 of the Indian Treasure Trove Act, and that the Secretary of State through his paid servants is the finder of the 2nd, 3rd and 4th pots. A Suit was in the meanwhile filed in the Civil Court, against the Collector's findings. It will be seen from the accompanying copy of the judgement of the Dt. Judge, that in the opinion of the Court

Para 5 of the Collr's order. portion marked (W) in tape

p 18. 3 do.

M

Paras 35 & 36 of the order.

page 2 of G.O. 472 Pub. 18-4-14 (W)

Scott. II-8 (e)—25,005—27-4-15.

Para 71 of the judgment pp 90-91 CF

Page 2 CF, and para 88 of the judgment at page 102-103 CF

Page 2 CF

there is no evidence as to who is the finder of the 2nd, 3rd and 4th pots, though the right of Govt. to three-fourths of the treasure has been upheld, and the plaintiffs' suits as against Govt. have been dismissed. ~~It is therefore for consideration~~ whether the Tahsildar who conducted the investigation in his official capacity can be regarded as the finder of the 2nd, 3rd and 4th pots and can be granted the finder's share of the treasure in these ~~pots~~.

3. The Hon'ble the Advocate General is therefore requested to be so good as to give his opinion as to whether the finder of the 2nd, 3rd & 4th pots of treasure was "Mr. Sir. venkatharama Rao" or the "Tahsildar of Vellore" acting as agent for the "Secretary of State"

MOR 4.5.15

Pleader's fee 7-

EHH 8.5.15

The Govt. Solicitor (O.M.) (with copy of indent)

Memorial to be sent with reply.

(pp 109-112 CF)

Revenue DEPARTMENT. O.F.—30.

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REVENUE-C
1172

CURRENT No.

Received 13.5. 1915. *Registered* 13-5- 1915.

Subject.

Treasure Trove.

Submitting to Government for orders letter from the Collector of Nellore regarding the disposal of the Kodur ----------.

SECRETARY TO GOVERNMENT
13 MAY 1915
REVENUE DEPARTMENT

ENCLOSURES.
No.
Spare copies

Reference No. 1175 Pt.-14-5.

Station Madras. *Dated the* 11th May 1915. ~~191~~

From

W. G. McFarland, Esq., I.C.S.,

Secretary, Land Revenue.

To the Public Dept. u-o- The Board of Revenue, ~~Revenue Settlement, etc.~~

Separate Revenue.

Resolution
Reference.

CURRENT NO.
2963
PUBLIC
Regd. 17-5-15.

The Hon'ble Mr. R.B.Clegg, Commissioner of Land Revenue.

Rev. wp. 1172 c/15-1

17-5-15

17 MAY 1915
SECRETARIAT
MADRAS

Read the following:--

Letter from Dewan Bahadur R.Ramachandra Rao, Esq, B.A., Collector of Nellore, Ref.1313-G1./Cor., dated 24th April 1915:--

Adverting to Board's Reference on No.1175 Pet./14-3, dated 23rd February 1915, in connection with the Kodur

Kodur Treasure Trove, I have the honour to state that the Superintendent, Government Museum, reports that the coins referred to, relate to the period of the Eastern Chalukyas and are of very rare occurrence. The find contains several hundred of such coins of various description and the number of each description is sufficiently large to allow of their distribution amongst the several museums and sale to Numismatists and to leave a considerable surplus. The Superintendent having desired a personal inspection of the stock of these coins and the land owners requested early delivery of their share, I made a division of the entire find by actual weighment and sent the three-fourths share forfeited to Government for the Superintendent's inspection keeping the landowners share in the treasury with a view to their being handed over to the landowners in case no portion thereof was intended to be acquired. From the reply received from the Superintendent, a copy of which is enclosed, I think that he is not for acquisition of any coin from the one-fourth. On the other hand he wants me to obtain orders of Government for the disposal of the surplus coins now with him. The bullion value of the coins is about Rs.80,000. I am unable to estimate the Numismatists value.

There is not much demand for these coins in the market here and I would suggest that the Collector of Madras be requested to take over the surplus coins and keep them in safe custody so as

as to save conveyance expenses of remittance to and fro. I solicit the Board's instructions as to sale. Perhaps lots may be sent to Bombay and Calcutta. If the Commissioner inspects the coins, some idea of disposal may suggest itself to him.

E N C L O S U R E:--

Copy of letter No.252, dated 16th April 1915, from the Superintendent, Government Museum, Madras--to the Collector of Nellore:-

With reference to your letter Refce.No.1313 Gl./Cor. dated 2nd instant and your D.O. dated 14th instant, I have the honour to acknowledge receipt of four bags (with seals intact) containing the gold coins concerned in the Kodur Treasure Trove case. It will take some time to have all the coins examined in order to select the specimens required for this and other Museums and for sale to Numismatists and I would request you, meanwhile, to obtain the early orders of Government regarding the disposal of the surplus coins. It will be neither convenient nor advisable to keep the surplus lot for an indefinite length of time at this Museum.

Reference:-

Reference:---

Submitted to Government for orders in continuation of Board's Reference No.1175 Pt.-14-4, dated 22nd March 1915.

Mp107-108 Ct.

V.T.Krishnamachari
12.5.15
for Secretary.

To

The Secretary to Government,
Revenue Department.

12-5-15

A.S.R./12-5-15.

MS
12/5

19—1-14.

Page No. 120

Public Departm

From the Collr. of Nellore No. 1313 Lt. & Rc. [2963]. From the Board of Rev. LR. No. 1175 & 11. 5. 15.

O.M. No. 1302-3, D. 5.6.15

Mp117-18 Ct.

The proposal of the Collector of Nellore, regarding the disposal of the surplus coins, contained in the last paragraph of his letter read above, is approved

Dispatched
5/6/15

Pdek
2.6.15

E.M.
4.6.15

To the Collr. of Nellore
(9 Pts)

— Board of Rev.
LR. (2 Pts)

PTO.

Page No.

19—1-14.

Page No. 121

Public Debts.

O.M. No. 1302-4, d 5.6.15

General

(No 113 & 115 C.F.)

The Hon. the Advocate is requested to be so good as to state when this reply to O.M. No. 1302-2 Pub d 8.5.15, regarding the Kodur Treasure Trove case, may be expected.

Pdeh
2.6.15

E.M.H.
4.6.15

DB/attached
5/6/15
5/6/15

to the Govt Solicitor
(O.M only)

Page No.

123

Sectt. II-8 (e)—25,005—27-4-15

(C 1302) Public dept

O. M. No. 1302-7 dt 12. 11. 15

The Hon the Advocate General is requested to be so good as to expedite his reply to O.M No 1302-2 Pub dt 8.5.1915 regarding the Kodur Treasure Trove Case. As the disposal of the treasure which is bulky & valuable is being delayed in the meantime, the Hon. the A.G. is particularly requested to favour Govt with his opinion on this case at as early a date as possible.

10.11.15
12.11.15

pp 113-115 C.F

To The Govt Solicitor (O.M. only)

(Not issued)
Reply received

E. Clark
11. 11. 15

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Public Consultn
pp 113-115 ante 6650
Pub Regd: 13-11-15
Regd 15-11-15

No.684

OPINION.





In re Government Memorandum No.1302-2, Judicial department, dated the 8th May, received 11th - May 1915, as to the claim which has been put - forward by M.R.Ry Purushothama Rao, the ---- Tahsildar of Nellore in regard to the finder's share of a part of treasure which was discovered in year 1913 in Kodur village of the Nellore - District.



---:0:---

If it can be shown that a duty was cast on the Tahsildar as a Government servant, to go to the spot where the first potful of treasure was found and there to hold such further enquiry or to take such other steps as in their natural sequence led to his -- finding pots 2,3 and 4, it must follow that the Secretary of state for India in Council has all the right of a finder.

2. I do not know of any such duty being prescribed by statute (Madras Regulation 7 of 1822, or Madras Acts 7 of 1839, 6 of 1865, or 3 of 1869 do not seem to affect the point), but there may well be a rule of the service which imposes a duty of this kind on the -- Tahsildar, or on his superior officers, who, according to the -- routine of the Department, may be taken to have delegated it to the Tahsildar.

K

3. The problem seems to me to resolve itself into a much debated question of English agency law: as to when an Agent is to be deemed to be acting within the scope of his authority and when not, etc; and the only information I have as to the position of a Tahsildar in this matter is comprised in the Rules set out in Board's Standing Order No.197 Vol.II p.670.

F. H. M. Corbet

Advocate-General.

Madras,)
10th November 1915.)

(True copy)

Government Solicitor.

Embodied in the annexure to G.O. No. 604 Pub. dt. 26.7.07

R

PUBLIC DEPARTMENT

From

W. O. David,
Government Solicitor,
Madras.

To

The Chief Secretary to Government,
Public Department,
Madras.

Dated 11th November 1915)
Received)

No. 1342.

Forwarded with enclosures with reference to the Memorandum of Government No.1302-2 dated 8th May 1915 Judicial Department.

W. O. David

Government Solicitor.

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Public (Minor) Department.

Letter Ref. 1302-9d/28.12.15

28/12

To

The Secretary to the Government of India, Home Department.

Despatched M.V.S. 30-12-15.

Sir,

I am directed to address the Govt. of India on the subject of a reward proposed for M.R.Ry. M. Purushothama Rao, Tahsildar of Nellore, for his services in connection with the treasure which was ~~discovered~~ discovered in 1913 in Kodur village of the Nellore district.

2. The facts of the case are briefly as follows. The Tahsildar having received information of a find of treasure in Kodur, a village in the Nellore district, reported it to the Collector & who directed him to investigate the matter. The Tahsildar not only succeeded in recovering some of the treasure which had been withheld by the finder, but as a result of

further

further excavations and under his direction three more ~~earthen~~ pots, one of copper & two earthen ones, were discovered filled with coins. The approximate % value of the total find is Rs.1,41,349.

3. The Collector and the Board of Revenue state that the Tahsildar deserves commendation for his promptitude in securing this large treasure for Government, and have recommended him for a reward. The Governor in Council agrees with them that the services of the Tahsildar deserve a substantial recognition and propose a special reward of Rs.1,000. I am directed to request that the Govt. of India will sanction the grant of the proposed reward.

A.S.M.
15-12-15.

E.A.H.
16-12-15.

H.A.B.V.
17-12-15.

C.F.—30.

REVENUE **DEPARTMENT.**

REVENUE-D
1895

CURRENT No.

Received 22-X/16 1916. *Registered* 22-X/16 1916.

Subject.

Treasure Trove.

Submitting to Government the memorial of M. Purushothama Rao, Tahsildar of Nellore, in connection with the find of ---------- in Kodur Village of Nellore Taluk.

ENCLOSURES.
No.
Spare copies

Reference - **No.** 1175 pt.-14-13

Station Madras, *Dated the* 20th November 1916.

From H. R. Pate Esquire, I.C.S.,
Secretary.

Land Revenue.

~~The~~ Board of Revenue, ~~Revenue Settlement, etc.~~
~~Separate Revenue~~

The Hon'ble Mr.R.B.Clegg, Commissioner of Land Revenue.

~~Resolution~~
~~Reference~~

Read Endorsement from Diwan Bahadur R. Rama-chandra Rao Esquire, B.A., Collector of Nellore, No.3872/D-Cor. dated 10th November 1916, forwarding the memorial of M. Purushothama Rao, Tahsildar of Nellore, dated 9th November 1916.

Reference:-

REFERENCE:-

Submitted to Government in continuation of Board's

Reference No. 1175 pt.-14-11, dated 26th October 1915.

SECRETARY.

To

The Secretary to Government, Revenue Department,

with a memorial in original.

M.S. 21/11.

To

HIS EXCELLENCY THE RIGHT HONOURABLE

THE LORD PENTLAND P.C., G.C.I.E.,

Governor of Madras in Council,

FORT SAINT GEORGE.

May it please Your Excellency,

The humble and deferential Memorial of M. Purushothama Rao, Tahsildar of Nellore Taluq in the District of Nellore.

Most Humbly and Respectfully Showeth:--

That the Memorialist approached Your Excellency with two memorials on 20-3-14 and 25-2-15 in connection with the find of Treasure in Kodur village of Nellore Taluq in the District of Nellore.

That the Memorialist now learns that the deciding authority in the matter is the Imperial Government of India.

That the Memorialist humbly requests the benevolent Madras Government to recommend the Memorialist to the Government of India.

That for this act of kindness the Memorialist shall ever remain,

Your Excellency's most obedient and humble servant,

M. Poorooshothama Rao

Nellore.
9th November 1916.

No 3872 B dated 10-11-16
Forwarded through the Board of Revenue (L.R.)
Mamallapuram
10th Nov 1916
Collector of Nellore

Sectt. II-8 (f)—25,005—27-4-15.

130

Home Department
(Miscellaneous).

1302/15-10 dy 8.12.16

To

The Secretary
to the Government of India,
Home Department.

Sir,

I am directed to invite your attention to this Government's (Public—Minor—department) letter No.1302-9, dated the 28th December 1915, recommending a special reward of Rs.1,000/- to M.R.Ry. M.Purushothama Rao, Tahsildar of Nellore, in connection with a find of treasure at Kodur, and to request the favour of an early reply thereto.

I have &c.

A.R.
2-12-16.

P.de R.
4-12-16.

C.R.
5-12-16.

p-131 C.No.651 Mis 26/2/17 Rec 27/2/17 131

No. 35

Government of India,
DEPARTMENT OF EDUCATION.
(A & E:)

Simla, the 22nd February 1917.

From

Kunwar Maharaj Singh, C.I.E.,
Asstt.Secretary to the Government of India,

To

The Secretary to the Government of Madras,
Home Department (Miscellaneous).

Sir,

p 130 ante With reference to your letter no.1302/15-10, dated the 8th December 1916 addressed to the Home Department, I am directed to say that the Government of India do not appear to have received the Madras Government's letter no.1302/9, dated the 28th December 1915, recommending a special reward of Rs.1,000/- to M.R.Ry. M. Purushothama Rao, Tahsildar of Nellore, in connection with a find of treasure at Kodur, and to request that, with the permission of the Governor in Council, a copy of the same may be supplied at an early date to this Department which deals with matters relating to the Treasure Trove Act.

pp 125-126 ante

I have the honour to be,
Sir,
Your most obedient servant,

Maharaj Singh

Asstt.Secretary to the Government of India.

C.M.K.

Edu. 5.

Home (Pols)

Letter
To Ref. No 1302/5-11 dt. 2-3-17

The Secretary to the Govt.
of India,
Depft. of Education.

(With ~~Enclosure~~
a copy of letter 1362-9 28-12-15
pp 125-26 CF)

Sir,

With reference to
Mr. Maharaj Singh's letter
No 35 dated the 22nd
Feb. '17, I am directed to
state that this Govt's letter
No. 1302-9, Public, ~~Depft.~~,
of the 28th Dec. 15 was
addressed to the Govt. of India in the
~~Secretariat~~ ~~addressed to the~~
Home Dept. ~~As it does~~
~~not appear to have been~~
~~received there~~. A copy of ~~the~~
it is herewith ~~furnished~~
forwarded.

DLOR
27.2.17
Idel.
28.2.17

4/3/17

Recd receipt with usual thanks 3.3.17

GOVT. CHIEF SECT. 8 MAY 1917 MADRAS GOVT.

-3 MAY 1917 SECRETARIAT DEPARTMENT

No. 87 133

Government of India,
DEPARTMENT OF EDUCATION.
(A&E)

Simla, the 26th April 1917.

From

Kunwar Maharaj Singh, C.I.E.,
Asstt.Secretary to the Govt. of India,

To

The Chief Secretary to the Govt. of Madras.

Sir,

With reference to your letter no.1302-9,Public, dated the 28th December 1915, addressed to the Secretary to the Government of India Home Department, I am directed to say that the Government of India sanction the grant of a special reward of Rs.1000/- to M.R.Ry.M.Purushothama Rao, Tahsildar of Nellore, for his services in connection with a find of treasure in 1913 in the Nellore district.

I have the honour to be,
Sir,
Your most obedient servant,

Asstt.Secretary to the Govt. of India.

Public D

[Subject :- Kodur Treasure Trove]

[Remarks of the Chief Secretary in the proof
of Contents for the week ending 18th April 1

at flag JW

Let me see No 472 (misc) of 18th Ap
please.

(Sd) A.B
1-5-14

Submitted.

N.K
2.5.14

C.S.A
4-5-14

C.S.

* at pp 3-8 of GO 472 Pub
dy 18.4.14 JW

I see that the memorial is only recorded
till the Civil Court judgments are received.
The Tahsildar's petition deserves Careful
Consideration, but it is certainly
advisable to get the Civil Court judgment

A.B
5-5-14

Office, please note. The item is, I
believe, entered in the Call book.

C.S.A
6-5-14

NOTES.

135

Subject

'Kodur Treasure J

pp1-3 CF (Ct 1302) From the Board of Revenue, Land

For the Ld. S,

The only question that
the present stage is that of the amount
to Mr. Chengayya, the Govt. Pleader. T
in the judicial department that enjoins
of regulation fees to Counsel irrespectiv
of a suit to which the Govt are a party
scarcely applies to the present case. A fe
of paras 43 to 46 of Mr. Hughes judgm
shows that the suits are virtually two an
four numerically by a mere accident. I
of a fee of Rs 2000 to the Govt. Pleader for
in all the four suits - as recommended
Ramachandra Rao and the
will not, it is submitted, be otherwise than
judicial may be consulted on the point.

(vide para 9 of the precis of orders relating to Law Officers at Bay. C)
R
G.O. 1651 for 7-11-1912

pp50-52 of enclosure to Board's ref in CF

para 4 of Board's ref; p 3 CF

2. There appears no objection
accepting the Board's recommendations in p
5 of its reference.

pp 2 & 3 CF

Rule G.O. 1302-1
29-3-15

CO.
26-3-15.

29.3.15

CHIEF SECRETARIAT
29 MAR 1915
MADRAS GOVT.

CURRENT NO
1

Judicial Deptt

For the L.S.

The proposal of the Public Deptt to grant a fee of Rs 2000/- to Mr. Chengayya, may it is submitted be supported in this Deptt

Sec.

31.3.15

Sec. 4.4.15

Sec. 1/4/15

Sec.

Memo No. 1010-1 5-4-15 F.D.

RD 8/4/15

Public Wo

Treasure-trove.

REVENUE DEPARTMENT.

137 1

I have been interviewed by Sd. M. Ramachandra Rao, Tahsildar of Nellore, about a find of treasure in Kodur village & a portion of which he lays claim as finder. A memorial to Govt. is now in the Board's office. When it comes up please attach this slip. The case is simple i.e. whether the finder was "M. Ramachandra Rao" or the "Tahsildar of Nellore acting as agent for "the Secretary of State".

It looks like a case for the Advocate General.

LD.
11.3.15

pp 107-112 CF

C. No. 805 c/15 from the Bd of Rev (A.R) No. 1175 St/ME 6/22-3/15

To Under Secy.

The Tahsildar's memorial has since been received from the Board and is in the C.F. The previous reference of the Board quoted by it in its present reference was transferred to the Public dept. as it is that dept. that deals with treasure trove. This case there-

x at pp 1-106 CF

at

Vide list of subjects under the Public dept. at p. 20 of pamphlet put up.

also to be dealt with in that dept. to which it may be transferred.
Kolh.
25/3/15

This may be transferred to Public.
25.3.15
26.3.15
Sec

Public no. D
29.3.15

CHIEF SECRETARY 29 MAR 30

Rev. U.O. no 805C/15-1
29.3.15

CURRENT NO. 1974 PUBLIC
Regd 29-3-15

Public Department

To the U.S,

Submitted that this case may await the return of the file sent to Judicial regarding pleaders fee in Kodur Treasure Trove Suits.

31.3.15

(received to be amalgamated with this file)

2855
30/3/15
O.
3031
1

(P.T.O)

139

Public Department

For the U. S,

vide p 3 ante

The Judicial department agree to the payment of a fee of Rs 2,000 to the Govt pleader in the Kodur Treasure ~~Treasure~~ Trove suits. A fee of Rs 2,000 may therefore be sanctioned.

2. Please see Board's further reference on the subject of Kodur Treasure Trove, at pages 107-112 CF.

para 5 of the Colln's letter to the Board on p 108 CF

The Collector states that none of the parties intend an appeal to the High Court. The question of granting reward, if any, to M. R. Ry M. Purushothama Rao, Tahsildar of Nellore may therefore be considered now.

vide his petition on pp 109-112 CF

The Tahsildar's contention is that he should be regarded as the finder of the 2nd, 3rd & 4th pots and should be allowed the finder's share of the treasure in these pots. The Collector considers that the Secretary of State through his paid agents is the finder of the treasure ~~in question~~ & the Board virtually concurs in this view. The Civil Court has failed to determine the finder although it has upheld the right of Govt to three-fourths of the treasure. As the Tahsildar was only a representative of Govt while conducting the investigation for the discovery of the treasure he can hardly be regarded as the finder. Perhaps the Govt may concur in the view taken by the Collector and the Board.

vide para 35 of the Colln's order on p 24 of the printed pamphlet in Go 472 Pub dt 18.4.14

para 2 of Board's reference on p 108 CF

vide para 71 of the judgment on pp 90+91 CF

vide para 85 of the judgment on p 102 CF

A

The Board considers that the Tahsildar deserves commendation for the promptitude he displayed

vide para 2 of Board's reference on p 108 CF

and the success of his investigation but ~~does not say~~ is silent as to the ~~precise~~ nature of the reward, if any, that ~~as to what amount may be given to him as an adequate reward~~ should be granted to ~~him~~ him for his services. This point is therefore for orders. Attention is in this connection Solicited to the C.S's remarks extracted on page 1 ante. The approximate value of the treasure in all the four frots was Rs 1,41,349 and that of the treasure in the 2nd, 3rd & 4th frots alone, Rs 1,00,000 in round figures.

* vide end of p 12 C/F

@ vide para 8 of the Salvilder's petition a p 4 of his no 472 Pub dt 18.4.14

28/4/15

28/4/15

1.

The view at A appears to be correct; but as suggested by the Revenue Secretary the A.G. may be consulted.

Ebh
26.4.15

The A.G. may be asked for his opinion.

27/4/15

UNDER SECRETARY 28 APR 15 PUBLIC ETR. DEPT.

For the A.G.

Draft O.M. to the Advocate Genl. is submitted.

ISSue Ebh 8.5.15

10 days to put this up!

Ebh 5.5.15

Ident 5/5

M.OR 4.5.15

Paid 5/5/15

M-113-7 15 C/F

For the Govt Solicitor's opn 11-5-15

Ebh 17

[Issued as O.M. no 1502-2 dt 8.5.15]

B 3
C. 31.5
R 91.6

NOTES.

pp. 116-119 C.F. (C No 2963) From the Board of Rev., L.R. Ref. 1175-14-5 dt. 5.10.

U.S.

pp 116-119 C.F.

The Board's further communication forwarding the letter from the Coll. of Nellore requesting instructions as to the disposal of the treasure is subd. for orders.

2 As regards the disposal of the surplus coins, attention is invited to para. 3 of Mr. Hendrson's letter no 855 dt 12th Dec 1911 & the final orders in G.O. no. 376 Pub. dt 28. 3. 1912.

S.

H
H2 vol. 376 dt 28-3-12

[Public copy of G.O. 376 dt 28-3-12 obtained from madras record up. 26:5:15]

25.5.15
Pdek
27.5.15

The question is one the disposal of the surplus coins. The Collector of Nellore recommends that they be handed over to the Collector of Madras for safe custody. The Board make no recommendation. There seems to be no objection to adopting the Collector of Nellore's suggestion.

The matter can not be disposed of until the Advocate General's opinion has been received. It will be received.

E.H.
28.5.15

The proposal of the Collector of Nellore contained

in the last para of his letter to the Board may be approved. The Board should hear more - definite recommendation thereon. As soon as the Advocate General's opinion is received, the file with opinion & conclusions for orders on the question of the removal, if any, to Aldershot Command is laid.

30/5/15

A.G.I. 6. 15

The A.G. had better be reminded. He has had it over a month.

Draft note approving. Mr D.M. Nellen to typewrite.

C.A.I. 1.6.15

Draft submitted

Issued C.A.I. 4.6.15

[120 C.F. Issued as O.M. No 1202-3 dy 5-6-15]

[121 C.F. Issued as O.M. No 1202-4 dy 5-6-15]

143

U.S.

It is understood from Judt. that the Secretary has ordered that the question of fees to the Govt. Pleader engaged in the suits should be examined again. Submt. that the file maybe forwarded to that dept. ucs.

vide p3 ante.

Pub 1302—5
22. 6. 15

SS 19.6.15
Pdeah 19.6.15

21.6.15

DOCUMENT NO. 1946 JUDICIAL B
Regd 22-6-15

Jud. Dept.

U.S.

Pl 6, 10-11 4+17 C.F.

The Court has fixed the pleader's fee at Rs 1,000 in each of the four suits, but has decreed costs to the suit in only two of the suits, and has directed the parties to bear their own costs in the other two. The pleader's fee of

Pl 6 & 10 C.F.

Pl 6 & 10 C.F.

two suits, Rs 2,000 recoverable as costs in the two suits from the plaintiff should be paid to the Govt Pleader who appeared

on behalf of the Govt. Attention is here invited to the Govt Solicitor's letter printed in Go. 1252 Jud dated the 7th June 1915, where he has invited attention to the principle that only such fees as have actually been paid to the decreeholder's legal adviser shall be recoverable by the decree-holder from the judgment-debtor.

M

P.I. of the Go.

2. The Board's recommendation to give only Rs 2,000 to the Govt Pleader, Nellore, thus amounts to denying him fees for his appearance in the other two cases in which ~~no~~ costs were not awarded to the Govt. This is contrary to the standing orders under which ~~the Govt~~ mufassal Govt Pleaders are entitled to the full regulation fees in Civil Suits. The rules provide for higher fees in exceptional cases but do not contemplate the reduction of fees on the ground that two or more suits were connected, as in the present case, and did not (their) involve extra trouble. The Board says that the four cases became practically two, but the Court has passed a separate

Page 3 C.F.

Para 9 of Part I at page 4 of Go. 5458, 11.3.15 C

Ibid

Page 3 C.F.

PR 4-7 C-I

decree in each of the four suits. It is submitted that, in the above circumstances, the 3rd Pleader appears to be entitled to the sum of Rs 4,000 claimed by him.

Sec.

23.6.15

I think the G. Pleader should specially is entitled to Rs 4000 by the rule. I am sorry I passed the first recommendation without Counsel - I had just joined the office

RK/8

I agree

25/6/15

Public

Rec'd 28/6/15

UNDER SECRETARY
JUDICIAL SECTT

Public dept

at Rs 100 per case.
as awarded by S. Judge.

Rec'd 26.6.15

146

Public dept.

U.S.

With reference to the decision of Govt. dept. on p 12 ante it is for consideration whether separate orders may be passed sanctioning the fees claimed by the Govt. Pleader, Mr. Chengayya, as it is not known when the Advocate-General's reply to O.M. No 1302-2 J.S. 5.15 will be received. (The Adv.-Genl. was reminded on 5-6-15).

If approved, the draft order submitted may issue with the concurrence of Finl.

25/6/15 S.

Pdek 29.6.15 It is in connection with the A.G. that is hibernating. May issue?

25.6.15

The Pleader cannot be kept at if his fees indefinitely. Will Govt please accept the draft?

Public O.O. 1302-6 3.7.15

on pp: 113-115 C.F.

vide p 121 C.F.

CURRENT NO. 4073 FINANCIAL Regd 3.7.15

TRM 3.7.15

147

Financial Dept.

For the Asst. Secy.

Rs. 4000

pay 93 C.B.E. 1915-16.

The draft order may be accepted. The expenditure will be met from the provision of Rs 52,000 in the Civil Budget Estimates for 1915-16 under the head "19A. Law and Justice - Courts of Law - Law Officers - Supplies and Services - Fees to pleaders in Civil cases.

5.7.15. 5.7.15. 6.7.15

The four cases were heard together & involved the Exam^n of 11 witnesses. The regulation fee has been calculated on Each Suit separately & R1000 has been assigned in each case. The total comes to R 4000 which seems a preposterous sum to pay to a Mofussil pleader for a by no means Excessive job. It is true that R2000 are recoverable from parties but even R 2000 is a big sum to pay. If Jud^l are satisfied that we are bound to pay the full reg^n fee & it seem that we are, then there is nothing more to be said. Need this have come to Fin^ce? I think not.

DLS
7/7

(P) 12 ante.

A

DLS
7-7

NOTES.

148

With reference to the portion marked A in C.S.'s note on p. 14 above, it is submitted that under rule 7 (v) note 2. of the Inter-departmental rules as recently amended in November last, the present case need not have gone to Finl for acceptance, as Judicial dept. have stated that the fees are in accordance with authorized scale and the payment is an inevitable one. The case may be returned to the Public dept. who may be requested to note this rule in future.

p. 2 q memo. 7616-1 Finl q 5.XI.14. XVIII
(pp. 12-13 quoted below)

(p. 12 ante)

Notes. 8/9/15

A.F. 8.7.15

Yes, but we should & Sk it too. Finl failed to draw attention to it.

Finl 000 4073-1 9.7.15

Pub. 00

J.S.K. 9.7.15

Pub. Dept.

H.S. 10/7

For orders whether the draft may now issue.

Submitted to Sec. for perusal & C.S.'s note

Clerk 10.7.15

149

b122 c.f. [G. O. No. 1061 Pub d 12. 7. 15]

The A.G must be reminded again by special O.M.

E.A.H. 10.11.15

For the D.S

A draft reminder is submitted for approval. The Advocate-General has not answered the reference on page 121 10.11.15. C.F. asking him when a reply may be expected.

W.P.S. 11.11.15

Should not this O.M. be addressed to the Govt Solicitor? What is the rule? If it does, please prepare revised draft.

C.A.H. 11.11.15

Official memoranda are addressed to the Advocate-General, but are sent through the Govt. Solicitor who acts as the channel of communication between the Adv-Genl and the Govt. The form of the draft memo is correct.

W.P.S. 11.11.15

Rijkt. 12.11.15 Clerk

See para 1 (4) on p.7 of P.O. 346 dated 7.2.10

Please see precedents on pages 115 & 121 C.F.

(ct6650) From the Govt Solicitor No 1342 d 11.11.15

For the O.S

[Pages 1-3 and 10-16 ante need not, it is submitted, be read.]

p 124 C.F.

The Advocate-General does not specifically) state who the finder is, but enunciates the principle on which the finder in the present case should be determined. It will be seen from paras 1-4 of the Collector's proceedings at pages 12-13 of the printed pamphlet contained W in G.O. 472 Pub d 18.4.14 that the Tahsildar was directed by the Collector, of course in his capacity) as Tahsildar, to go to the scene of the first find and make necessary) inquiries. This led in the ordinary) course of events to the discovery of the subsequent three finds. Mr Purushotama Rao himself ~~admitted~~ admits that "throughout the whole transaction he had acted in his capacity) as Tahsildar" That a duty) of the kind ~~was~~ referred to at K in the Advocate General's opinion was imposed on the Tahsildar in the present case according) to the routine of the dept is ~~proved by~~ evident from the fact that the Collector directed the Tahsildar to go at once to the spot

Para 16 of his memorial at p 6 of G.O. 472 Pub 18.4.14. W

Vide also footnote to rule 8 of the rules ~~from~~ printed as annexure to G.O. 607 d 26.7.07.

N Para 2, p 124 C.F.

Para 1 of Collector's proceedings at p 12 of pamphlet in G.O. 472 Pub 18.4.14 W

of the first fund and to prosecute the Tahsildars came by the 3 funds as Tahsildars acting under the investigation. A Board steno was posted at orders of the Collector. It therefore follows according to the principle ~~of~~ mentioned in para 1 of the Advocate-General's opinion that the Secretary of State is the finder.

p 124 C.F.

2 Reward. Please see para 3 of the Collector's recommendation at p 2 of G.O. 472 Pub dt 18.4.14 and para 2 of Board's reference at p 108 C.F. The maximum amount which the local Govt can grant as reward is Rs 500. It is for consideration whether a reward of this sum may be sanctioned, ~~the proceeds of Rs 3 lakhs may be available out of this fund,~~ as such ~~xxx~~ in view of the recommendations of the Collector and the Board of Rev. In case it is decided to sanction a reward, Fuil may see this case with regard to provision of funds.

W

Rule IV (2) at p 4 of G.O 479 Fuil 28.12 Y

[Reward admissible under this rule for exceptional merit & for arduous & peculiar work.]

19.11.15. S. Please refer to Secretary's note

20.11.15 in [illegible] 9.

Does an enquiry appear to the claims of the Tahsildars to Perumbakam Rao to a portion of the treasure in his capacity of finder. With that there can

B. 91
6.3 mos
R. 8-12-15

there can be no doubt that the Tahsildar was acting in his official capacity at the finds & that all the treasure falls to the S. of S. Order may now issue rejecting his memorial & allowing him a reward, if such a course seems good. I submit that in view of the vast size of the treasure, & its value both as historical archæological documents, as well as of the fine work of the Tahsildar, a reward of Rs 500 will not be deemed EXCESSIVE.

E.H.
22.11.15

The appeal time has expired so we can safely proceed.

It is clear that the Tahsildar was acting in his official capacity and is not entitled to the finder's share.

At the same time I think he might fairly be given a generous reward out of this exceptional windfall. If he is to be informed Mr Ramachandra Rao at one stage held out hopes of at least Rs 10,000. The Govt Pleader has had Rs 4000 out of it.

CPS
2. 12. 15

H. H.

Rec'd 3/12/15
5 p.m.

p 109 cl.
p 122 cl.

153

Letter N° 1099
d. 25.3.14

pp 109-110 Cō

~~[illegible]~~ The Tahsildar's claim to be the finder of this treasure cannot be accepted. He was simply a Govt Servant who, in the performance of his duty, was ordered by his superior to take certain action + that action resulted in the discovery of the second find of treasure. If the Tahsildar "acted promptly + wisely", as Mr Ramachandra Rão says, he may be rewarded by promotion, or perhaps even by a small honorarium. ~~but the claim to be "the finder" + to the finder's share under the Act may not be prompt but was hasty wise. Still less discreet was~~ the action of Mr Ramachandra Rão in leading the Tahsildar to hope he would get Rs. 10000 ~~was very foolish~~. There is no more reason for handing over Rs. 10000 of the public money to the Tahsildar than there would have been for giving Mr Arundel a lakh or two out of extra water-rate collections which resulted from his discovery of the irrigation frauds in the Kistna Dt. I should not object to giving the Tahsildar a special reward of Rs. 1000, but that is beyond our powers + there is a risk, if we go up to the G. of I., of their refusing any reward at all. However I think we may recommend a special reward of Rs. 1000. Nothing need be said about the claim to the finder's share as it is preposterous.

NOTES.

Recd. 5:30 P.m.

I quite agree with the Ch: Secy's note dated 7 July regarding the fee of Rs. 4000 paid to the Govt. Pleader, Nellore, & I think the orders of the HM in charge of Jud: should have been taken before this ~~unreasonably~~ large sum was sanct^d. Will Jud: now take the orders of the HM. as to whether words should not be inserted in ~~G.O.~~ the rules in G.O. 545 dated 11 Mar. 15 to prevent fees being thus unnecessarily enhanced.

Action taken in Jud.

Put up a separate note dealing with the question of fees 8.12.15

8.12.15.

SECRETARY TO GOVERNMENT
8- -1915
JUDICIAL DEPARTMENT

UNDER SECRETARY
MADRAS
PUBLIC ... DEPTT.

The file was in Jud. for taking extracts of notes & was recd. back on 12.12.15.

For the H.S.

A draft letter to the Govt. of India recommending the grant of a reward of Rs 1000 to the Tahsildar of Kodur is subd. for approval.

The file may be seen by the Pub. Dept. u.o. in view of the financial liability involved in the case.

15/12.

S.O. 16.12.15

Secrt. II—8 (a)—12-1-15.

Mc 25 6.2.16.
R.

Pubns 1302-8
18.12.15

Rem 20.12.15
from CPK
PMD

Finl No 8240-1
22-12-15

NOTES.

Page 22.
155

~~The~~ draft as moved by the S.O. (a typing correction has been made by me) is now sent to Finl. for acceptance.

E.A.H.
18.12.15. Finl No.

Ct No
8240
Financial
Regd 18-12-15

Financial Secretary.

The draft letter marginal queries
Pubns, Adm (Finl) will
PMD
21.12.15
I presume see.
22.12.15

Pubns

S.O.

The case may be marked for H. M. (Fin.)

E.A.H.
22.12.15 MC 23/12/15

I agree that we may ask for a reward of R1000

2. The question of the amendment of the rules about fee shd. be examined separately. Obviously special

ASSISTANT SECRETARY
20 DEC 1915
GOVT. OF MADRAS

156

arrangements for the fee shd. be made in what is virtually a group of suits.

Hus
26.12.15

Special Officer

submitted that the Draft letter & q q 1. may now issue.

2. After the issue of the letter the file may be sent U.O. to the jud. Dept for noting the Hon. Sir. Harold Stuart's remarks in para 2 of his note ante. The question of amendment of the Rules is under consideration in the jud. Dept.

Jud. 28.12.15

28/12/15

Jud. Secretariat No. 1303 Govt. of India

125-6C7. Issued Letter No. 1302-q 57 28.12.15.

Pubn 13[illegible]-10 4.1.16

Jud Dept U.O.

CURRENT NO. 9023 JUDICIAL

23

Rpt 5-116.

NOTES.

157

Judl: Deptt.

US.

The question of amending the rules referred to in para 2 of the D.O. note on pp. 22–23 ante is being separately considered in this deptt. The present file may therefore be returned to Public. us.

AHM. 5.1.16.

RKL 6.1

Judl N. 5-23 B-1 6-1-16.

BSR 5.1.16

Home Deptt (Mis)

[C No 1289]

From The Board of Rev Land Revenue
Ref No 1175-14-13 dt the 20.11.16

For the Reg:

The Govt of India have already been addressed on the subject of a special reward of Rs 1000 proposed to be awarded to the memorialist and no reply has yet been received.

Submitted that a reminder to India may now issue. Draft letter is submitted.

SRR. 2.XII.16

PdeK 4.12.16

5/12/16

Pub(Mining) Deptt letter No 1302-9 dt the 28.XII.1915 (Pp 125-126 ante)

UNDER SECRETARY 05 JAN 16 PUBLIC DEPTS.

P 130 CF
(C. No 651)

(Letter No. 1302/15 – 10 dt 8-12-16)
From the Govt. of India, Dept. of Education dt 22-2-17
The Govt. of India replied that they have not received this Govt's letter No 1302-9 Pub. dt the 28-12-15. It will be ~~Seen~~ seen from the letter on pages 125-26 CF that it was sent addressed to the Home Dept. Subd. that a copy of the letter may now be forwarded as desired.

Draft letter is Subd.

HOR
27-2-17
Pdek.
28-2-17

CR
1/3/17

P 132
P 133 (C. No 1500)

(Letter No. 1302/15 – 11 dt 2-3-17)
From the Govt. of India, Dept. of Education, No 87 dt 26-4-17
Submitted that orders may now be issued rejecting Mr. Purushothama Rao's claims for the finder's share of the treasure in the 2nd, 3rd & 4th pots, and Sanctioning the grant of to him of a Special reward of Rs 1000.
2. A draft order is submitted. It may be sent to the Financial Dept for provision of funds.

CR
13-5-17

Tamil
MRY
14/5/17

CHIEF SECRETARIAT MADRAS GOVT 16 MAY 1917

CURRENT NO. 3778
FINANCE
Recd 15-5-17.
Misc 1500
15/5
Tamil (Loc)

HOR
6/5/17
Pdek
9-5-17

Scott. II—8 (a)—12-1-15.

NOTES.

Page 26 159

Financial dept.

2·38 lakhs reserve after allg. into account debitable demands).

On receipt of the Home Dept.ᵗ proᵉ, an order may issue in Financial sanctioning an allotment of Rs. 1,000 from the reserve with Financial, after consulting the Acctᵗ Genˡ in regard to the proper head of account to which the charge is debitable. (the proper head seems to be '32 E. Miscellaneous - Miscellaneous and Unforseen charges - Rewards')

2. The draft may, if it is subᵈ, be accepted.

Page 207 C.B.R.

Finl no 3778 1
16.5.17.

16.5.17.

Hm

16/5/17

16-MAY-1917

Home (Mis)

For order as to circulation to Hm.

CR
16.5.17

H. M
17/5/17

17.5.17

Box 5
Sec 17.5.17
Fd 18.5.17

13-MAY-1917

Home
17/5/17

Sectt. II– 10 (*b*)—12-1-15. Home (Misc.) DEPARTMENT

160

Kodur Treasure Trove.- Issuing orders on the petition of M.R.Ry. M.Purushothama Rao Avargal, the Tahsildar of Nellore for the finder's share of a certain portion of the ----------and sanctioning a special reward of Rs.1,000 to be granted to him for his promptitude in conducting the investigations for the discovery of the treasure trove.

READ AGAIN G.O. No.....dated.....191 .

" " " " ....., " .....191 .

READ ALSO:–

C. No....., From the Board of Rev.L.R. Re No. 1175Pt, dated 23.-2-14-3. 191 5.

" " ....., Memorandum No.1302-1,dated the 8th May 1915 22nd March 1915
Advocate General No.684,dated the 10th November1915 191 .
Letter No.1302-9, dated the 28th December 1915.
Board of Rev.L.R.Ref.No.1175 Pt/14-3,dated 20th Novr.1916
Govt.of India,Dept.of Education,No.87,dated 26th April 1917

" " ....., " " ....., , ..., " .....191 .

ORDER. No. 474, dated 19-5-191 .
Mis .

The Government consider that the claim advanced by M.R.Ry.M.Purushothama Rao Avargal the Tahsildar of Nellore to be the finder of the 2nd, 3rd and 4th pots of the treasure trove discovered at Kodur, and for the finder's share of the treasure in these pots is inadmissible. In consideration however of his promptitude in conducting the investigation for the discovery of the treasure, the Government with the approval of the Govt.of India are pleased to sanction the grant to him of a special reward of Rs.1,000.

M.D.R.
6-5-17
P.deR.
9-5-17

C.R.
13-5-17

R.R.R.
14-5-17

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Deputation III 1915

...e Board of Revenue, L.R.
Accountant General
Financial Department (with Copy of Jud Notes).
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DATED

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OF GOVERNMENT	A A A A A A A
LETTER OF GOVERNMENT.	
STATEMENT WITH DITTO.	
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.	

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