

Home (1918) Department.
(Miscellaneous)

Ordinary SERIES.

G.O. No. 587

DATED 6-8-1918

INDEXED

[Despatch Abstract.]

Treasure trove.

Stating that the Government consider that certain idols discovered in the precincts of the Agastiswaraswami temple in Tanjore district need not be acquired for the Government Museum and approving of the action of the Collector in returning them to the finders for purposes of worship.

PUBLIC DEPARTMENT.

Received



Registered

191

Subject.



Submitting a report on the Treasure Trove Case at
Kothangudi village of Tirutturaipundi Taluk.

ENCLOSURES.

No. *one Envelope**Containing 53/100*

Spare copies

R.C. No. 1056/Ver. of 1917.

Station *Tanjore*, Dated the *14th June* 191 *8*From (Name) *J.R. Huggins Esquire, I.C.S.,*(Designation) *Collector of Tanjore.*

To The Secretary to the Government of Madras,

for the Public Department.

Sir,

I have the honour to state that on 18th February 1917,
Vaithilinga Thevan, Maria Padayachi and Ramayya Gurukkal who
are managers of the Agastiswaraswami temple at Kothangudi vil-
lage of Tirutturaipundi Taluk unearthed the marginally noted

Articles.	Weight in seers.	Value. Rs. A. P.	7 idols from the Ardhmantapam of the said temple situated in S.F. 66-B classified as Iswarankoil poramboke. Before the date of hearing of this Treasure Trove case, I made a reference in my letter
1. Big amman.	97½	45 0 0	
2. Small Amman	27½	14 0 0	
3. Chandrasekharar.	6½	4 0 0	
4. Hasta Devar.	21	3 0 0	
5. Big pedestal	65	9 0 0	
6. Small do.	42	6 0 0	
7. Pipe.	3¼	1 0 0	
Total value.		82 0 0	

letter No.R.C. 1056 Ver. of 1917, dated 30th December 1917, to the Superintendent, Government Museum whether he wishes to acquire the idols on behalf of the Museum. He said, in his letter No. 126 dated 12th February 1918 that the two ammans (big and small) and the Chandrasekharar should be acquired on behalf of the Government.

2. During my enquiry on the date of the hearing, I found that the evidence on the following points (a) the date when the idols were buried (b) reasons for burying them and (c) the recent history of the idols was hopelessly discrepant and that there was no reliable evidence at all that the persons who claimed the Treasure buried them. In these circumstances, I declared the Treasure to be ownerless under section 9 of the Act and further ordered that the Treasure should be delivered to the 3 finders who are the only claimants for it. I also observed in my order that I did not propose to acquire them under section 16, as although the story that the idols were buried by the finders could not be accepted yet considering the place where they were found, there was little doubt that the idols were originally connected with the temple.

3. I send a copy of my order in this Treasure Trove case to the Superintendent, Government Museum and he on receipt of my order sent me a wire in which he requested me to submit this case for the orders of the Government and invited my attention to the provisions of G.O.No. 263 dated 19th February 1915 and of G.O.No. 614, dated 20th April 1915. Hence this reference.

4. I solicit the orders of the Government whether in these circumstances, I should acquire the idols on behalf of the Museum. In the case, considering the place where the idols were found there can be little doubt that the idols were connected with the temple which fell into disrepair and is now being rebuilt. It seems to me quite undesirable for Government to acquire these idols, when they are obviously connected with a place of religious

worship which is now being maintained and when a certain amount of sanctity is attached to them.

5. This office current file containing 53 pages dealing with the case is herewith submitted for reference and for favour of retransmission.

I have the honour to be,

Sir,

Your most obedient servant,

M. S. S. S.
For Collector.

SD
16-6-18.

17 JUN. 1918

Handwritten notes at the top left of the left page.

Handwritten notes in the middle left of the left page.

Referred to the Superintendent, who is requested to report whether the acquisition of the three idols in question is, in his opinion, specially important and if so, to explain his grounds for taking that view.

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Scott. M. 8/12-2-1-15.

NOTES.

Handwritten notes at the top right of the right page.

C. N. 29-9,886-22-1-18.

From the collector of Tanjore no R.C. 1055/14.6

Endt 12.1860-10/6.7.18.

Referred to the Superintendent, who is requested to report whether the acquisition of the three idols in question is, in his opinion, specially important and if so, to explain his grounds for taking that view.

Handwritten notes at the bottom right of the right page.

28.6.18

3.7.18

Handwritten notes and signatures at the bottom of the right page.

Home (Miscellaneous) DEPARTMENT.

Received



Registered

19/7/1918

Subject

Kothangudi village treasure home

Regarding the grounds for the acquisition of the images concerned in Tanjore Dt.

ENCLOSURES.

No. current file (2 pages).
Spare copies nil.

No. 493

Station Madras Dated the 17th July 1918.

From (Name) J.R. Henderson, Esq, C.I.E., M.B., C.M.,
(Designation) Superintendent, Government Museum, Madras.
To The Secretary to the Government of Madras,
Home (Miscellaneous) Department.

Sir,

p. 4 ante

With reference to endorsement No. 1860-1 dated 6-7-1918 regarding the acquisition for the Museum under the Treasure Trove Act of 1878 of the images found at Kothangudi village, Tanjore District, I have the honour to state that in accordance with the policy which has been adopted for some years to improve,

NOTES.

Wherever possible by legitimate means, the Collection of Hindu bronze deities in this Museum, I asked the Collector of Tanjore to acquire on behalf of Government the three images referred to. I may add that my opinion that these images would be a valuable acquisition to the Museum Collection was endorsed by Mr. A. H. Longhurst, Superintendent, Archaeological Survey, Southern Circle.

In spite of my request, the Collector without further reference to me, ordered the treasure to be delivered to the finders, an action which does not appear to be in consonance with rule 3 of the rules to regulate proceedings under the Indian Treasure Trove Act, appended to G.O. No. 604, Public, dated 26th July 1907. I accordingly requested him to submit the matter for the orders of Government with reference to G.O. No. 372 dated 19-3-1913 in which it was ordered that each case should be decided on its own merits.

I have the honour to be,

Sir,

Your most obedient servant

J. R. Henderson.

Superintendent.

Home (mis) Dept

Treasure Trove Act.

[1860] From the Collector of Tanjore no. 1856
2/14 618

Regt

Under instructions from the Supdt. Govt. Museum, the Collector of Tanjore, submits a case of find of seven articles in Agasthi Swamishwari Temple in Kothangudi village. The Supdt. Govt. Museum desires that three idols of this kind, should be acquired for the Govt. The Collector is unwilling to acquire them compulsorily for the reasons given in para 4 of his letter B.C.F.

Reference is directed to the Spoils Remission note on p 4 of the notes to Govt. no 614 Pnt of 20.4.15. The only question for consideration is whether the value of these three images, either on artistic or archaeological grounds is such as to make it of real importance to acquire them under Sec 16 of the T. Act. On this question there is not much

Go. 583 8 13. 6-17.
389 10-4-17
688 6-6-16
577 27. 3-16
473 11- 3-16
614 20-4-15
263 19. 2-15
372 19. 3-13
1245 5-10-12. Se
657 1-6-12
662 17-4-16
604-05 20-2-07 - Se
585 11-6-10 - Se

valuable technical opinion. But it may be presumed that the Supt. of the Govt. Museum thinks they are of importance. But it would perhaps be safer to make sure of it.

A draft Enclt. following precedent on 4.4.18 in Cio. no 614 Pub. of 20.4.15 (Sub) for approval.

28.6.18 4.7.18 5.7.18
[Enclt. no 1860 - 186.7.18]
[Cio. 2089] From the Supt. Govt. Museum, No. 4738/177.

Under rule 3 of the rules appended to G.O. 647 Pub. of 26.7.07, the Collector shall consult the Supt., Govt. Museum as to whether any treasure which is declared ownerless should be acquired on behalf of the Govt., and "shall be guided by his advice". The Collector's action therefore in passing orders returning directing the return of the idols to the finders under Section II of the Act, without further consulting the Supt., Govt. Museum, or referring the matter to Govt. for decision appears to be opposed to the spirit of the rules.

In regard to the principles governing

the acquisition of treasure trove idols on behalf of Govt., attention is solicited to paras 3 and 4 of Govt. of India's Resolution on page 3 of G.O. 505 Pub. & 11.6.10. The intention of the Govt. would appear to be the acquisition of such isolated figures as are lying neglected about the country and of stray statues the original site of which is unknown. It has accordingly been the policy in general to direct the return of treasure trove idols, where there is clear evidence that they were discovered within the precincts of a temple and are required by the parties for devotional purposes. In regard to the two cases referred to in para 3 of the Collector's letter on 22.6.10 viz. G.Os. 263 & 17.2.15 and 614 & 20.4.15, it will appear that in the first of these, the idols concerned were ordered to be returned to the parties as they were found within the premises of a temple. The second G.O. quoted affords no precedent, for the idols which were acquired were not found within the precincts of any temple. Reference is also solicited to the undermentioned cases in which the idols were restored to the parties.

G.O. 1062 Pub. & 17.11.10.

1245 .. 5.10.12.

651 .. 1.6.12.

Where however in special cases the images though found within the precincts of temples are observed to be of such high artistic or archaeological value as to ~~warrant~~

NOTES.

make their acquisition ^{for the Museum} a matter of real importance, Govt. have considered it desirable to order their acquisition under section 16 of the Act. Attention is particularly invited to G.O. No 372 of 19-3-13 and the notes thereto. The present case is not however quite analogous to the one disposed of in the latter G.O. ^(quoted above), for while in the latter case the idols had already been acquired on behalf of Govt. and the case was re-opened on a representation from the villagers, in the case now reported the Collector has already ordered ^{the} return of the idols to the finders. The Ensl. Govt. Museum has expressed his opinion that the three images in question would be a valuable acquisition to the Museum Collection. The Collector recommends their return on the ground that "they are obviously connected with a place of worship which is now being maintained" and ~~when~~ a certain amount of sanctity is "attached to them"

For orders.

MOR

26-7-18

We may support the Collector's action & confirm his order. Though there has not been formal or technical evidence about the owners of the idols,

the circumstances stated in the Collector's letter (viz: that they were found within the precincts of the temple) ~~and~~ that sanctity is attached to them and that worship is being maintained in the temple) would justify the Collector's conclusion that the idols were of the temple & that it is desirable to comply with the request of the people to have the idols restored to them for worship. The reasons for this course in the present case outweigh the grounds for acquiring them for the museum. The main object of acquiring such ^{objects} idols is (1) to prevent them for being damaged, (2) to prevent them ^{being} carried away by collectors to foreign countries & (3) to ~~prevent~~ check invalid claims to their ~~proper~~ ownership.

CA
29.7.18
Len

First as regards the Law.
2. The Collector has found the treasure to be ownerless. So its disposition is governed by the rules. The Collector was bound by the rules which binds him to adopt the advice of the Supt.

NOTES.

3. But there is a further complication. Wrongly it may be, the Collector has ordered the restoration of the idols.

I remember some civil courts holding that a Collector's order under the Act is final & cannot be questioned.

So we are now powerless to acquire the idols. Our legal remedy is against the Collector personally!

4. On merits, the idols were found in a ruined temple when it was being renovated. There can be no reasonable doubt that the idols once belonged to the very temple. There is no clear finding that the burial was over 100 years old. It is the other way there is no evidence when. I think the Collector's order is right.

I would inform the Com. accordingly; also that he should have acted under the rules

30/7/18

H.M.



In an answer to a letter of the 2nd ult. at para 4 of his letter I considered that he was justified in objecting to the rules requiring the idols to be buried.

Dr. order subd.

Recd. 18-18

31/8/18

31.7.18

625

Treasure Trove

Stating that the Govt. consider that certain idols discovered in the precincts of the Agastiswaraswami temple in Tanjore district ~~should~~ be acquired for the Govt. Museum, and approving of the action of the Collector in returning them to the finders for purposes of worship.

READ AGAIN G.O. No.

191

READ ALSO:-

G. No. 1860, From the Collecting Tanjore R.C. No. 1050 ver, dated 14-6-1918.
End to the Supl. Govt. Museum 1860-1 2 6-2-18
" " 2089 " " Supl. Govt. Museum 1493 " 12-2-1918.

191

ORDER.

His

No. 587, dated 6-8-1918.

In the circumstances stated by the Collector the Govt. consider that the idols in question ^{need} ~~should~~ not be acquired on behalf of the Govt. Museum. ~~The Collector's~~ His action in returning them to the finders for purposes of worship is approved.

MAR

1-8-18

Per
2-8-18

CA

3/8/18

M. S. S. S.

Respected
with
to 8. 18

The Collecting
The Tanjore.
(500 with paper in original
returned)
The Supl. Govt. Museum.
(Eas)

(101)

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Read again G.O. No.
191

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LIST OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.-

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.