

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 468

Press

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*Proceedings of the Madras Government, Revenue Department,
28th February 1861.*

No. 419. Read the following letter from W. HUDLESTON, Esq., Sub-Secretary to the Board of Revenue, to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department, dated 4th June 1860, No. 2,653:—

SIR,

1. I am directed by the Board of Revenue to submit the Report called for by Government in their Proceedings, dated 1st March 1860, No. 331, Revenue In Cons. 2nd March 1860, No. 996. Department, on the letter from Mr. Fischer, Attorney for the Manager of the Menatchi Sundarésvaral and other Pagodas in Madura, claiming the restoration of certain villages as belonging to the Pagodas in question, and of the surplus Revenues of the lands over and above the expenditure made by Government on account of the said Pagodas.

2. The Menatchi Pagoda is included in what are styled the "Haftah Dévastánams" of Madura, and the decision in its case must rule that of the whole. The Board, therefore, direct me to submit the whole facts of the case for the consideration of Government, and to state that the subject would have been shortly brought under notice in replying to the Government requisition, dated 16th February 1859, No. 211, Revenue In Cons. 17th February 1859, No. 611. Department, for information regarding the possibility of commuting for land throughout the Presidency the money allowances now paid by Government to Pagodas, &c., the materials for which general Report are not, however, yet complete for all the Districts though they are so for Madura.

3. The Dévastánam lands still held by Government in the Madura District are (with one trifling exception noted below) well known, and though generally termed the 99 villages, consist of only 98 entire villages, some lands in another, and allowances from the Revenues of two others.

In a letter from Mr. Parker, dated 15th January In Cons. 5th February 1855, No. 217. 1855, they are classed as follow:—

	Villages.
(1.) Endowment of the "Haftah Dévastánams" of the Madura Division.....	58
and an allowance of Rupees 169-12-8 out of Rupees 313-10-2 the Quit-rent of the Mussulman Inám village of Annonjyur.	

(2.) Endowment of 14 sundry Dévastánams of the Madura Division.....	23
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and an allowance of Rupees 636-5-10
from the resumed Chuttrum village of Mullankennur.

(3.) Endowments of 11 Dévastánams in Dindigal.....	16
and lands in the village of Cumbum classed as a separate village.....	1

98

And (4.) The village of Pandagudi in Méléur which once belonged to the Pramalai Dévastánam in the Sivaganga Zamindári, but has in no way been enjoyed by it during the Company's Government.....

1

Total..... 99*

4. In his first Report on the Madura Division, dated In Cons. 15th July 1802, No. 981. 27th January 1802, paragraphs 23 to 33, Mr. Hurdie stated that the 58 "Haftah Dévastánam" villages had been assumed by Yusuf Khan, the Nawab's Officer, and that a "Tusdik" or money allowance first of C. Ch. 12,000 (Rupees 25,454-8-9), and afterwards of C. Ch. 6,000, (Rupees 12,727-4-4) had been granted in lieu of them which latter allowance was confirmed by Wallajah in Fasli 1175, A. D. 1765-66.

* NOTE.—In addition to the endowments here detailed, Punja land to the extent of 443-4 $\frac{3}{4}$ gals situated in the Combay Pollum, appertained to the Combay Pagoda and a yearly deduction of Rupees 378-1-7 on account of the Tirwa of the said land appears in the accounts of these villages ever since Fasli 1220, for the benefit of the Pagoda. The accounts for Faslis 1213 to 1216 are not forthcoming. In Fasli 1217, the Pollum which was temporarily under Government management for the realization of arrears of Revenue was given on a three years' lease, and there was a separate deed for the Devastánam land which provided that the abovementioned sum should be paid to Government, who were then in charge of the Pagoda. The particular lands themselves cannot now be identified from the absence of specification in the accounts or lease, but there would be no difficulty in assigning an extent of land (Punja) equal in extent and "Tiwa" to that formerly possessed by the Pagoda. See letter from Collector of Madura, dated 20th January in Cons. 8th February 1855, No. 224, of Board's File.

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5. Mr. Hurdis stated his opinion that this sum was inadequate, and recommended that the larger allowance of C. Ch. 12,000 should be made to the Pagodas in question, and that the remaining Revenues from the Dévastánam lands in question, clear of this deduction, should "be for ever the property solely and exclusively of the Sirkar," and the Board in their Proceedings, dated 29th October 1802, supported this recommendation provided it should "be determined to retain the Pagoda lands in the hands of the Sirkar."

6. Government, however, in their Orders, dated 11th December 1802, paragraph 16, declared that they considered it "consistent with justice towards the Institutions that the whole of the Church lands should be appropriated to the support of the Pagodas," and they accordingly desired that the Collector should be instructed to "proclaim the restoration of the lands resumed from the Pagodas by the late Government."

They went on to say that "the mode of administering the Revenues of these lands forms a distinct question, and the extensive abuses which were found to prevail with respect to those with which the Pagodas in Dindigal were endowed, induce his Lordship in Council to think it advisable, and accordingly to direct that the lands and affairs of the Pagodas of Madura may be conducted in the same manner as those of Dindigal under the immediate care of the Collector."

7. Instructions were accordingly issued by the Board, under date 3rd January 1803, to the Collector, but nothing is found on the records of the District to show that any formal proclamation of the restoration of the lands was made.

The lands were retained under the Collector's charge, and the "Tusdik" at the higher rate as recommended by him was credited to the Pagodas, and has been continued at the same rate to the present day, but no specific sanction of or limitation to this particular amount appears to have been given or required.

8. The following Statement exhibits the revenues and distribution of the lands and the "Tasdik" among the several Pagodas concerned, with the surplus that has accrued in each case to the end of Fasli 1268:—

Names.	Tasdik.	Number of villages forming endowment, or parts of villages.	Settlement of do. for Fasli 1212, A. D. 1802.	Do. for Fasli 1263, A. D. 1853.	Income derived from do. in Fasli 1268, A. D. 1858-9.	Total do. from Fasli 1212 to Fasli 1268.	Total expenditure during do. including Tasdik charges and commission.	Difference between columns 7 and 8.
1	2	3	4	5	6	7	8	9
	RS.		RS.	RS.	RS.	RS.	RS.	RS.
1 Minatchi Sundarés-waraswami of Madura.....	12,515	18	24,867	29,511	31,531	14,41,213	9,48,155	4,93,058
2 Gúdal Alagharswami of do.....	3,076	9	5,099	10,237	12,173	4,94,269	2,53,123	2,41,146
3 Subbramannyswami of Tiruparan Gundam.....	2,652	6	3,208	5,742	6,431	2,70,313	1,89,212	81,077
4 Sundararajaswami of Alaghar Hills.....	5,515	20	13,010	17,696	18,869	8,30,873	4,46,923	3,83,950
5 Tirumalándaswami of Tenkarai.....	513	3	957	1,827	1,913	67,518	39,199	28,019
6 Chittranádavallabhaswami of Kuruvitturai.....	636	2	938	1,714	2,018	58,968	45,913	13,025
7 Gádaganádaswami of Tiruvédagam.....	530	1	2,122	2,661	2,368	1,38,200	46,199	92,001
Total with fractions included...	25,451	59	50,201	69,418	78,336	33,01,354	19,69,084	13,32,270

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9. The 40 villages or parts of villages included in Classes 2 and 3 above given in paragraph 3 are entered in the accounts of the District as Dévastánam property, but no detailed information is on record regarding the circumstances of their original assumption under Government charge.

It appears, however, that from the commencement of the British rule they have been settled by the Government Officers, and that fixed allowances have been disbursed in lieu of their proceeds, from Fasli 1213, A. D. 1803 in the case of some of them, and

From Principal Collector, dated 11th October, in Cons., 16th November 1846, paragraph 4. Do. do. 15th January, in Cons., 5th February 1855, No. 217, paragraph 7. since Fasli 1219, A. D. 1809 in that of the remainder.

10. Of these villages, 18 of those belonging to the Dévastánams of the Madura division pay quit-rent, 13 villages paying annually to Government Rupees 293-3-6, and 5 villages paying Rupees 236-13-1 to the Tirumbur Devastan.

11. The remaining 22 villages or 23 including that of Pandagudi entered as Class 4 in the above classification, were originally granted on *Survananiam* tenure to certain small Dévastánams, and their revenues were classed accordingly in the public accounts until Fasli 1247, A. D. 1837-38, when they were transferred to the head of Government revenue under orders from the Accountant General.

12. A ten years' average of the revenue of these 22 villages taken in 1849, gave a total of Rupees 21,333-11 per annum, while the Tasdik granted in lieu of them at the commencement of the century to the temples to which they appertained, aggregates Rupees 17,917-6-4, which as the revenues have doubtless improved in the interval, favors the supposition that the Tasdik was originally proportioned to the entire revenues, although its distribution among the Institutions concerned was made arbitrarily, with reference rather to the opinion of their respective importance than to the amount of their original individual incomes.

13. Pandagudi, the remaining village, belongs to the Pramalay Devastan as already mentioned, but no disbursement has ever been made by this Government from its income to the Pagoda, which is largely endowed in the Shivaganga Zamíndári in which it is situated.

14. The following Statement shows the particulars of these endowments in the same form so far as circumstances will admit, as is above adopted in regard to the "Haftah Dévastanam" Endowments:—

Names.	Tasdik.	Number of villages forming endowment or parts of villages.	Settlement of do. for Fasli 1212, A. D. 1802.	Do. for Fasli 1263, A. D. 1852.	Income derived from do. in Fasli 1268, A. D. 1858-9.	Total do. from Fasli 1212 to 1268.	Total expenditure during do. including Tasdik charges and commission.	Difference between columns 7 and 8.
1	2	3	4	5	6	7	8	9
MADURA.	RS.		RS.	RS.	RS.	RS.	RS.	RS.
8 Tiruváppudyár or Kilakéswaraswami of Madura.....	424	1	439	1,370	1,590	68,029	51,980	+ 16,049
9 Tentiruválaváyar of do.....	178	1	276	198	355			
10 Chokkanádaswami of Tirumangalam	308	3	303	564	697			
11 Chenkasweraswami of Mullankinur*	636					25,070	23,557	+ 1,513
12 Airávatéswaraswami of Aneyúr.....	507	5	551	1,020	950	40,591	58,866	+ 2,025
13 Venkatáchellapati of Sindupatti.....	564	1	664	800	951	29,306	41,253	+ 11,947
14 Kailásanádaswami of Aiadyan.....	575	1	794	774	963	32,267	38,537	+ 6,270
15 Gopálaswami of do.	211	1	339	488	555	18,732	15,424	+ 3,308
16 Subbramannyaswami of Tenkarai...	276	1	305	308	264	13,758	17,392	+ 3,634
17 Kariamálaghar of Alligundam.....	196	1	108	295	297	10,822	7,269	+ 3,553
18 Tirumaranádaswami of Tiruvádúr.	1,638	5	1,962	2,663	3,583	1,28,366	1,24,495	+ 3,871
19 Agastiswaraswami of Tiruchani.....	428	1	435	1,696	1,929	76,645	32,965	+ 43,680
20 Kailásanádaswami of Kovilpatti.....	615	1	629	1,088	1,284	43,357	40,014	+ 3,343
21 Tirukudinádaswami of Tarkayagudi.....	78	1	78	247	268	10,832	5,635	+ 5,197
Total Madura...	6,541	23	6,883	11,511	13,686	4,98,075	4,37,428	+ 60,647
DINDIGUL.								
22 Kálaviréswaraswami of Dindigul...	955	1	114	182	325	7,554	55,638	+ 48,084
23 Alagharswami of Tád-kombu.....	901	1	640	792	797	31,496	55,564	+ 24,068
24 Saundararajaswami of Vadamadurai.	424	1	429	459	466	21,509	26,667	+ 5,158
25 Dandáyudapáni of Palani.....	7,055	7	13,515	12,178	15,118	6,33,794	5,00,159	+ 1,33,635
26 Subbramannyaswami of Tenkarai...	3,182	1	1,980	3,241	3,281	1,69,674	2,02,025	+ 32,351
27 Varadarajaswami of do.....	582	1	277	566	657	23,892	38,308	+ 14,416
28 Kadalai Narasimmaswami of Jembalaputtur.....	918	1	1,151	1,823	1,667	66,872	62,707	+ 4,165
29 Mináchi Sundaréswaraswami of Audiputti.....	246	1	339	246	350	12,915	15,320	+ 2,405

* N. B.—A sum of Rupees 636-6, being at present allowed to the Mullankinur Dévastanam from the revenue derived from the village of Mullankinur, the resumed endowment of the Mungammal Chattram, the entries except that of Tasdik are blank.

Names.	Tasdik.	Number of villages forming endowment or parts of villages.	Settlement of do. for Fasli 1212, A. D. 1802.	Do. for Fasli 1263, A. D. 1852.	Income derived from do. in Fasli 1268, A. D. 1858-9.	Total do. from Fasli 1212 to 1268.	Total expenditure during do. including Tasdik charges and commission.	Difference between columns 7 and 8.
1	2	3	4	5	6	7	8	9
DINDIGUL. (Contd.)	RS.		RS.	RS.	RS.	RS.	RS.	RS.
30 Kálahastiswaraswami of Wuttampolliam	601	1	683	1,383	1,402	59,986	40,406	+ 19,580
31 Pulanádésvaraswami of Chinnamanúr.....	1,061	1	1,155	1,986	1,657	76,382	68,657	+ 7,725
32 Kambaráyaperumál of Cumbom.....	458	Sundry lands.	683	375	391	16,072	27,723	+ 11,651
Total Dindigul...	16,413	16 & sundry lands.	21,026	23,231	26,111	11,23,176	10,93,075	+ 30,101
* The village of Pandagudi in Madura nominally belonging to the Parmaly Dévastanam	...	1			272	14,167	1,431	+ 12,736
Grand Total of Madura & Dindigul.	22,957	40	27,909	34,742	40,069	16,35,418	15,31,934	+ 1,03,484

* Pandagudi is entered in the accounts as appertaining to the otherwise richly endowed "Pramalay Dévastanam" in the Shivagunga Zamindári, but no disbursements have ever been made from its revenues to the Pagoda since the country came under the British Government.

15. An abstract of the accounts on which the two Statements given above are based shows the following results:—

Total Beriz of the villages (assigned in endowment but held under assumption) from Fasli 1212, A. D. 1802, to Fasli 1268, A. D. 1858.

	RS.
Haftah Dévastánams.....	33,01,354
Sundry Dévastánams.....	16,35,430
Total including fractions...	49,36,784

Total Charges for same period.

HAFTAH DEVASTANAMS.	
Tasdik.....	14,76,364
Maramut.....	1,58,210
Sundry.....	4,375
Establishment charges at 4 per cent. per annum on the Settlement...	1,32,054
Commission at 6 per cent. per annum on do.	1,98,081
	19,69,084

SUNDRY DEVASTANAMS.		
Tusdik.....	12,85,296	
Maramut.....	52,574	
Enc. 2, from Madura 12th, Sundry.....	311	
in Cons. 17th August 1859, Quit-rent to Government.....	30,220	
No. 4, 138. Establishment charges as above.....	65,417	
Commission do.	98,126	
Balance. RS.	15,31,944	
Haftah Dévastánams	13,32,269	35,01,029
Sundry do. ...	1,03,487	
	14,35,756	Balance... 14,35,756

which is composed as shown in the margin.

16. It should be explained that the items of Establishment and Commission charges have been assumed by the Collectors (Messrs. Parker and Clarke) from whose different Reports the above information has been drawn, to enable them to form an Estimate of the state of the account between Government and the Temples, should it be decided on restoring the lands.

The Board see nothing to object to the rates assumed, which are respectively 4 per cent. and 6 per cent. on the whole Settlement of the year.

17. The result of the adjustment is a net surplus of nearly 14½ lacs of Rupees to the credit of the Pagoda Funds.

18. It remains to be considered how these lands and surplus funds are to be disposed of for the future. In the reply dated 6th October 1841, In Cons. 21st October 1841, No. 2,221. from Mr. Blackburne, then Principal Collector of • Circular Order Book, 24th June 1841, Madura, to the Board's Circular Order* communicating the Orders of Government, directing the withdrawal of Government Officers from all interference in the administration of the Revenues of the religious Institutions of the country, that gentleman stated that "No Revenues have been sequestered in the seven largely-Paragaph 3. "endowed Pagodas by the Company's Government, but the commutation of "fixed money allowances in lieu of, and in general diminution of the varying "proceeds of land endowments made by the Mussulman Ruler has been continued," and he went "on to state his opinion that "the Pagodas are not entitled to receive from Government a "greater allowance than the commutation fixed by the Mussulman and adopted by the Company."

To Government, dated 21st October 1841, Nos. 1,932 and 458. 19. In submitting this letter to Government the Board stated that they saw no objection to the arrangement proposed by the Collector to pay the fixed commutation to the Superintendents of Pagodas, and Government appear to have concurred in this course, though a doubt seems to have been felt as to how far the endowments could be considered to be derived from land, or from money grants.

20. Further explanation as to "the nature of the endowments supported by lands" was called for by the Board, but the Collector's reply referred only to landed endowments which were managed by Government Officers temporarily and avowedly on behalf of the Temples, the net proceeds being carried to the credit of the Pagoda to which they belonged; and the lands now in question not being in this position or rather not appearing from the accounts to be so, received no further notice at that time.

21. On this occasion it had been the expressed intention of Government not to relinquish the custody of lands whose further retention was necessary either for the due security of the

public Revenue or for the protection of the Ryots, but in 1846 it was determined to relinquish the lands themselves in all cases in which the arrangement should be found feasible, and in their letter of 4th November 1847 on the subject, the Board informed Government with reference to the particular lands now in question that the Collector was of opinion that they must remain with Government, and that the annual money payment must be continued in lieu of them. Further information was, however, required from the Collector as to whether this money grant could not be commuted for land, and this was furnished by his successor Mr. Parker, who in his letter dated 14th April 1849 submitted a scheme for surrendering to the Pagodas concerned, such portion of the lands now under consideration as might produce an annual Revenue equal in amount to their respective "Tusdik," the surplus beyond what might be required for this purpose to be retained by Government, together with the before-mentioned village of Pandagudi, the Revenues of which had never since the country came under British Government been in any way applied to the support of the Temple as an endowment of which it was entered in the accounts.

22. The Board, however, in their Proceedings dated 25th May 1849, on the Collector's letter stated that the lands in question being incorporated with the Ain (or Government) lands, and Tusdik having been assigned for them so long ago as 1802 to 1810, they could not pass any Orders on the subject of their disposal until they should have ascertained the pleasure of Government upon the general question of the restoration of landed endowments of this description.

23. The subject accordingly was brought under consideration in the Board's letter of 27th February 1854, paragraph 10, on which letter the first Orders of Government, dated 15th August 1854, Revenue Department, No. 954, were issued on the subject of commuting existing money allowances or "Tusdiks" to Pagodas, &c., for land, either by the restoration of the ancient landed endowments where they could be traced, or by new assignments of land, and desiring a report of the feeling of the people upon the proposed measure. Paragraph 14 of the Extract Minutes Consultation relates to the Madura endowments.

24. Mr. Parker in his reply dated 15th January 1855, to the Circular Order issued on that occasion, reported that the ancient landed endowments in question in Madura could all be traced, and that if, therefore, it should be determined to restore the original lands without reference to the proportion borne by the Tusdik to their Beriz, there would be no difficulty in carrying the design into execution, by simply transferring them to the existing Trustees of the Temples and arranging for the due payment of Quit-rent in those cases in which it might be due, and by making an assignment of land in the village of Mullankunur in lieu of the portion of the Revenues of that resumed Chuttrum endowment which had hitherto been allotted to the Temple concerned.

25. He considered it, however, a matter for serious consideration whether the Dévastánams were entitled to more than such an extent of land as would produce an equivalent to the Tusdik and charges; and he expressed his opinion that as regards the "Haftah Dévastánams," the limitation of the surrender to an equivalent for Tusdik and charges would be quite warranted by the circumstance of the endowments having been sequestered sometime before the British rule, and of our having found the Pagodas in possession of only half that amount of Tusdik which we have ever since allowed them, but that with respect to the other Dévastánams "the "conclusive absorption in the Government Revenue of any portion of the lands originally "granted to them seemed a measure of doubtful justice and propriety," since it was not certain from the information before him that the previous Government to whose rights we succeeded had resumed them, and because a comparison of their original Beriz with the Tusdik seemed to favor the supposition that the latter was originally intended to equal the former. "In their case," he said, "I would cede the whole original endowment to each Pagoda." He pointed out

that the course would be attended with this difficulty that the Revenue of some of the landed endowments chiefly in Dindigal is less than the Tusedik, but he did not think that the difficulty should be a bar to a mode of treating the question recommended both by its simplicity and by its freedom from interference with the original grants.

Pandagudi alone he excepted from this arrangement, considering for the reasons already stated, that it should be finally incorporated with the Government lands.

26. As to the feeling of the people on the proposed change he considered that there could be but one answer, viz., that they view with dislike and alarm the substitution of their own countrymen for the British Government as the administrators of the lands of their Pagodas. "The general want of public spirit and frequent dishonesty of the one, and the strict probity and regularity of the other, are facts they have ascertained by experience, and, moreover, they are used to submission to a strong central power, and are jealous and suspicious of delegates taken from among themselves. A very few may appreciate the motive, but I have not heard a single Native anticipate other than injury from the measure itself." He concluded by pointing out the mistake embodied in the remark of the Supreme Government in their letter of 20th

September 1845, that it was presumed authority existed somewhere to ensure a due regard to the careful internal administration of such landed endowments as might be made over to Trustees

on behalf of the community interested in the Pagodas, no Act or Regulation existing in our Code to compel Zamindar or Inamdār to maintain the sources of irrigation or the existing works in repair. It is scarcely necessary for the Board to add that whatever moral influence the Collector was formerly able to exercise in this matter, has been almost entirely destroyed by the withdrawal of all concern in the "Maramut" of his District from his hands.

27. Various causes have combined to delay the submission of the Board's General Report on the subject of the Circular to which the above quoted letter was a reply, but much subsidiary

correspondence has been held on it both with Government and with the several Collectors, and in Extract Minutes of Consultation of 16th February 1859, No. 211, Revenue Department, the Government directed that the inquiry should include all "Yaumias," or personal allowances for services connected with native religious institutions, and it was in reply to the Board's Circular Order* on this subject

that the latest report on the subject was received from Madura, dated 12th August 1859, in which Mr. Clarke

after referring to Mr. Parker's previous letters above mentioned, drew attention to the fact that the Order of Government in 1802 directing the restoration of all the lands to the Haftah Dévastánams, though their management was to be retained by the Collector, had been apparently entirely overlooked; and he conceived that under those Orders, whereby Government relinquished any rights in those lands which might have been derived from the Mussulman Government, and constituted itself simply the Trustee of the endowments on behalf of the Pagodas, we are bound morally as well as in strict justice to restore the whole of the villages to the Pagodas.

28. He also expressed his entire concurrence with Mr. Parker in his proposal for the cession of the lands of the "Sundry Dévastánams," and he stated that the only part of the question which appeared to him to involve any difficulty was to settle the manner in which the surplus funds accruing from the lands while under our management shall be disposed of, and what that surplus is.

29. For the latter purpose he adopted the mode of adjustment, which is exhibited in a former part of this letter as resulting in a net surplus of nearly 14½ lacs of Rupees, and he expressed his opinion that this surplus fund should be devoted to purposes of public utility, the "Tusedik" hitherto disbursed to the Pagodas in lieu of their lands having more than sufficed to meet their ordinary expenses, and the Revenues of the lands themselves which it is proposed to restore being more than double the amount of the Tusedik.

30. The Board desire me to express their entire concurrence in these recommendations of the Collector. The further retention of the lands themselves, even were it desirable on other accounts which they do not consider that it is, would be opposed to the expressed wishes of the Home Government, and will probably shortly be rendered legally impossible by the enactment now under the consideration of the Legislature. The decision of the Government in 1802,*

precludes, they consider, any commutation of the existing Tasdik by a partial restitution of the lands, even had that Tasdik ever been fixed by Government, which does not appear to have been the case at least so far as regards the "Haftah Dévastánam," and there is thus no alternative in the matter in their opinion.

31. To attempt to adjust the landed endowments by the amount of the Tasdik would also be complicated by the fact noticed by Mr. Parker that in some instances the latter exceeds the whole of the former, and although in the majority of the cases the Revenues of the endowments much exceeds the Tasdik, it must be borne in mind that those revenues have to bear many other charges beyond what were defrayed from the Tasdik, and that the administration of the lands in private hands, even if fairly conducted, is not likely to be so economical or so productive as that of the Officers of Government.

32. As regards the surplus Revenues, which if not actually in deposit in the Collector's Treasury, certainly ought so to appear in his accounts, they see no reason for adopting a different course from that prescribed by the Supreme Government in regard to the surplus Pagoda Funds that had accrued from the Revenues of those Estates which were avowedly administered by the Officers of Government in trust for the Pagodas.

33. In paragraph 19 of their letter dated 20th September 1845, on this subject, the Supreme Government stated their opinion that these funds "should be held to be at the absolute disposal of the State, and should be regarded as a fund to be devoted to the public benefit in works of general utility, preference being given as to the locality where the surplus is to be expended, to the neighbourhood from which it was derived," and the education of the people was primarily indicated as a most legitimate object of expenditure. It was in accordance with these instructions that the surplus of Rupees 80,195

in deposit in Madura was distributed by the Orders of Government dated 14th July 1846, No. 733, Revenue Department, viz., Rupees 20,000 for Public Works in the District, and the balance to the general Educational Fund.

34. There can be no doubt that had the Orders of 1802 been brought to notice at that time, the endowments now under consideration would have been seen to be of precisely the same nature as those which were then restored, and their past Revenues distributed; for the exception contained in the instructions of Government dated 8th April 1846, No. 414, Revenue Department, as to "lands not on the public books as the property of 'religious Institutions at this date,'"

could not properly be held to include either lands which had been formally restored to their original purpose more than 40 years before, or lands which do not appear from the records to have been ever formally sequestered either by the Mussulman or by the British Government.

35. The surplus now in question has accrued from endowments originally devoted, and by the British Government expressly restored, to a particular purpose, and can in no way whatever be justly appropriated to general State purposes as an item of State property; but the propriety of its expenditure for special beneficial purposes among those interested in the Institutions to which the endowments belonged, by the Government as guardian of the general interests of the community, could not be questioned.

36. Madura is peculiarly in need of good roads from the interior to its Sea Ports and Salt-pans, and the feasibility of valuable improvements to its system of artificial irrigation has been lately prominently brought to notice. A bridge over the Vigai is also greatly needed. The

expenditure of so large a fund in so legitimate a manner as was adopted on the last occasion, could not fail to be productive of immense benefit to the general community inhabiting the District.

37. It remains only to notice Mr. Parker's proposal, not objected to by Mr. Clarke, that the village of Pandagudi should be finally resumed, to which measure, under the peculiar circumstances of the case, the Board do not demur; and to consider the case of the Yaumiádrs performing service connected with the native religious Institutions of the District, whose allowances the Government propose to commute for land.

38. The following Tabular Statement giving all the details of these allowances is copied from Enclosure 3 in Mr. Clarke's letter of 12th August 1859.

STATEMENT showing the Service Yaumiá in the District of Madura, connected with Pagodas, &c.

Name of Yaumiádrs.	Age.	Nature of the grant.	Whether granted in perpetuity or for life.	Amount of the grant.		Compensation agreed to by the Yaumiádrs.
				RS.	A. P.	
Mahomed Umer and Shaik Davud. ...	28	For attending the Mosque at Madura. ...	Perpetuity.	197	0 0	
Sunjivi Achari. ...	28	For making <i>poorah</i> in the Anomunta Pagoda situated near the north gate of the Madura fort. ...	do.	38	11 5	
Mir Mahomed. ...	60	For attending the Mosque at Sholandan. ...	do.	151	13 7	
Ibrahim Sahib. ...	11	For regulating ceremonies in the Pirzada Shed Mosque at Madura. ...	do.	0	6 9	
Alavulin Chisti.	56	For praying at the Mosque at Gulligody. ...	do.	151	13 7	
Imam Ali Shah and Siyed Ali Shah. ...	47	For attending the Mosque at Terunadagom. ...	do.	77	6 9	
Mahomed Isoph Catheeh	33	For attending the Mosque at Tirumungalum. ...	do.	151	13 7	
Abdul Rajah. ...	43	For attending the Mosque at Perea Ulagane. ...	do.	77	6 9	
Mokayed Shah. ...	0	For attending the Mosque at Nuttum. ...	do.	77	6 9	
Sheman Dewan Maling-shah. ...	28	For attending the Mosque at Tirupuvanum. ...	do.	38	11 5	
Mahomed Mohiddin.	33	For expenses of the Mosque at Tondy, and for subsistence.	do.	182	8 0	
				1,231	6 7	

39. These Yaumiá, it will be seen, aggregate Rupees 1,231-6-7 per annum, are distributed among eleven persons, are in all but one instance (that of the Pujari of a Pagoda in the Madura Fort) attached to Mosques, and are stated to have been granted in perpetuity.

40. The Yaumiádrs, one and all, express the greatest disinclination to the proposed commutation of their allowances for land; and this feeling, so far as the Board can learn, they share in common with all those similarly placed elsewhere. None of them hold Government lands, and they are strongly opposed to taking up waste. The only mode of commutation which they have shown any disposition to accept would be by the assignment to them of the Government Revenues from land now paying twice the amount of their cash allowances; and considering the difficulties and expenses in collecting their dues to which they would be exposed, the Board do not consider that this demand is excessive.

41. How far the compulsory commutation of such hereditary allowances can be justified, may admit of much question; but the Board cannot doubt that the utmost liberality in adjusting the matter may fairly be demanded by those interested.

42. The disposal of the matters treated of in this letter will decide the whole of the cases of payments by Government in the Madura District in connection with the religious institutions of the people.

43. The enunciation by Government of the principles which they wish to guide their Officers in this matter in regard to the compulsory commutation of allowances (whether personal or of a Pagoda) for land, and whether that land must be waste, or may be already in occupation (this last arrangement being simply an assignment of the present public Revenue, as the previous occupant cannot be ousted so long as he pays the Government demand, which is all that the Government can transfer) will greatly facilitate the disposal of such cases in other Districts, and advance the final adjustment of the matter which is so much desired. In the cases in which commutation of cash payments for land has been already carried out in the Mofussil Districts, both of the above arrangement have been adopted, as circumstances admitted or required either the assignment of waste or of the Revenues from cultivated land, and accordingly as the Collector interpreted the intentions of Government.

The Board understand it certainly to be the intention of Government in every case to restore original landed endowments, where such can be traced, in lieu of the money allowances which may at present be disbursed in lieu of them.

44. They wish only to remark that in their opinion a liberal grant of waste land to a Pagoda in lieu of a money allowance, with due consideration to the expenses of retaining and cultivating the land and collecting the rents, may be quite justifiable, where they would hesitate greatly to compel an individual Yaumiádr to take up a patch of waste land in lieu of his petty personal allowance.

45. It has occurred to the Board that the objection to the substitution of land for these individual allowances might not be felt to an arrangement under which they should be capitalized, and non-transferrable Promissory Notes bearing interest equal to the present allowance issued in lieu of them to the present holders, in each case forming a heritable property.

The plan seems deserving of consideration in the Board's opinion, as calculated to sever the ostensible connection of Government with the Temples, without injuriously affecting the rights of those concerned.

No. 420. ORDER THEREON, 28th February 1861, No. 468.

1. In February last Mr. Fischer, as Attorney for the large Madura temples, preferred a claim to the restoration of certain villages as belonging to the said temples, with repayment of the intermediate profits. The application was referred to the Board of Revenue for report; and the letter above recorded is their reply. It includes the whole subject of the endowments of religious institutions in the Madura District; which, it appears, was already under the Board's consideration.

2. The endowments thus reported on may properly be classed in three divisions, which must be treated of separately.

(1). Those of the Haftah Dévastánam or "seven temples," being those to which Mr. Fischer's application refers. These consist of 58 whole villages and a money charge on another village.

(2). Endowments of 25 temples in various places, viz., fourteen in Madura Division and eleven in Dindigal. These consist of forty villages, and a money allowance from the revenue of another village.

NOTE.—One of these forty villages consists of certain lands in the village of Cumbam, which are classed as a separate village.

(3). The village of Pandagudi in Mélur Taluq, anciently belonging to a temple in the Sivaganga Zamíndári. Besides these villages, there appear to be many others, granted as the endowments of particular classes of servants in different temples, which have never been resumed or interfered with.

3. The 58 villages claimed for the seven temples are shown in the accounts to have anciently belonged to those temples; but they were resumed about the year 1760 by Yusuf Khan the renter and administrator of Madura and Tinnevely under the Nawáb, and have never since been held by the temples. A yearly allowance of 12,000 Chuckrams, (equal to 25,454 Rupees)

was granted in lieu of the villages on their resumption, but was shortly after reduced to half that amount or Rupees 12,727. This reduced allowance was confirmed by the Nawáb Wallajah in A.D. 1765; and it continued apparently till after the British assumption of the Carnatic under the treaty of July 1801. In January 1802 Mr. Hurdie the Collector alluded to these temples and their affairs in his first general report. He stated his opinion that the allowance then enjoyed by them was insufficient; and recommended that the amount originally fixed should be restored, viz., Rupees 25,154, yearly, and that the remaining revenues of the villages should be declared to be for ever the property of the State.

4. The Government granted the increase of allowance recommended; but they held it to be just that the whole of the Church lands should be appropriated to the Pagodas, and desired that the Collector should be instructed to proclaim the restoration of the lands resumed by the late Government. They directed however that "the lands and affairs of the Pagodas should be" conducted under the "immediate care of the Collector." It does not appear that any proclamation was ever made on the subject; the temples received the increased money allowance, and have done so ever since. Up to 1841 the whole amount was placed yearly to the credit of the Pagodas, but only the sum actually required was disbursed, under the Collector's orders; and the accumulated surplus up to 1841, when the management by the Collector was given up, was devoted to public works. Since 1841 the management of the temples has been in the hands of trustees, to whom the whole allowance has been yearly paid.

5. In paragraph 8 of their letter the Board give a statement of the entire income and charges, stated to be from 1801-2 to 1858-9. The total receipts are stated at Rupees 33,01,354, the total charges at Rupees 19,69,081; leaving the surplus receipts Rupees 13,32,270. A second statement in paragraph 15 gives some further particulars. The information is not very clear however. In the first place though the statement is given as for 57 years, the amount set down for the Taddik is that of 58 years; further the sum given as the receipts appears from the Collector's report to represent in fact not the actual collections as it ought to do, but the aggregate of the annual settlements, which may vary materially from the actual receipts. The Collector adds four per cent. to the

amount of the settlement for establishment and six per cent. for commission; but whether these are appropriate deductions is not shown.

6. Such are the facts as respects these villages. They formerly belonged to the temples, but were resumed about a century ago, and about forty years before the cession of the country to the British. During the whole of this period of one hundred years, the temples have not enjoyed the villages; and the only circumstance in all that time that can be cited as supporting their claim, is the expression of an opinion in their favor by the Madras Government in 1802. The Board of Revenue, however, on the sole ground apparently of that declaration (paragraph 30) consider that the endowments belong to the temples and ought to be given up to them. They add that this will be rendered imperative by the expected Legislative Act for giving up endowments; but that is begging the question, which is whether the villages are endowments of the temples or not.

7. The Board's opinion to this effect is new; it was first stated by the late Collector Mr. Clarke who is now a Member of the Board. Former Collectors and former Boards have held directly the opposite opinion, Mr. Blackburne expressly said that the Pagodas were entitled to nothing beyond the money allowance (paragraph 18) and the Board agreed with him (paragraph 19). Mr. Parker also expressed the same opinion though not so strongly (paragraph 25). The Board now argue, however, (paragraph 34) that the Government Order of 1802 had been overlooked; and that if the Government in 1845 had been aware of that order, they would have considered the whole unappropriated balance of the Revenue from those villages to be Devastanam property.

8. This however, the Governor in Council thinks very doubtful. The villages had been resumed, as already said, forty years before the country came finally into the possession of the English; when it did so come into their possession, the villages were a part of the resources of the State; that they had formerly been held as religious endowment was matter of history. It is well known that according to the custom of the former Governments grants were constantly made and as constantly resumed. If lands and villages so resumed forty years before the British assumption

tion were to be given back, why not those resumed a hundred or two hundred years before; where was the obligation to stop? Under such a ruling there would have been nothing but giving back; and after all such claims had been settled, little would have been left to the State. Such a course, however, was not followed, but a directly opposite course. The period of passing under British management was fixed as the starting point; all exempted lands held on grant at that time, if not fraudulently obtained, were confirmed; but those held at a former period and resumed were ignored.

9. The Government cannot admit that the mere issue of a barren order in 1802 creates a right in opposition to these facts and analogies. The order was in fact a mere declaration of opinion. It was never reduced to act; it was not even made public; and it had become obsolete and forgotten when lately discovered. It cannot be held to have binding force at the present day.

10. The second division of the endowments consists of forty villages forming the endowments of 25 smaller temples in various parts of the District. The Board's remarks on the past history of these villages are contained in paragraphs 9 to 12 of their letter. These villages, like those above treated of, have been in the position of Government villages since the British assumption in 1802; and the several temples concerned have from the same period, and probably before it, been in receipt of money allow-

* *Collector's letter January 15th 1855, paragraph 7.* ances.* The villages are borne in the accounts as having formerly belonged to the temples; but no information appears to be forthcoming as to the exact period and circumstances of their resumption. It seems probable, however, that they were resumed by Yusuf Khan, at the same time when he resumed the endowments of the seven temples. Mr. Hurdie mentioned the latter in more detail in his report in 1802, because he had to propose that the money allowance of the temples should be increased; but having no proposal to make respecting these forty villages, he was silent respecting their history. At all events there seems no doubt that the villages were resumed, and money allowances granted in lieu, before the country came under the English Government.

11. Such being the case, the reasoning adopted above in the case of the seven temple villages applies equally to these villages; and the Government cannot recognize any right whatever on the part of the temples to a restitution of the villages. It may be added that such restitution would cause a serious revolution in property in connection with these temples. On the whole the yearly value of the villages is not greatly in excess of the present allowances; but in some particular cases the difference is great. Some particular temples would thus benefit materially by the change, while others would sustain a heavy loss.

12. The third division of the endowments consists of the single village of Pandagudi. This village, situated in the Melur Taluq, is stated in the accounts to have belonged anciently to the temple of Pramalai in the Sivaganga Zamindari. Like the other villages above treated of it was resumed before the country came under the British Government, and probably at the same time with those villages. The temple to which it formerly belonged, being within a large Zamindari, and richly endowed, received no money allowance in lieu of the village. The Board assent to the Collector's recommendation (paragraph 37) that this village should be finally resumed. This recommendation appears to the Government sound; but if they held the Board's views respecting the other villages, they would have difficulty in coming to the conclusion that Pandagudi ought to be resumed.

13. At the close of their letter the Board refer (paragraphs 38 to 45) to the proposed commutation into land of certain money allowances granted in Madura District for religious services. These allowances are eleven in number, to the aggregate amount of Rupees 1,231-6-7 yearly. All the holders are strongly averse to the commutation; and the Board do not advise it in the face of that feeling. The Government concur with the Board that the change cannot be pressed under such circumstances.

14. In the course of the paper, the Board consider the subject of commuting the present money allowances of the various Pagodas into land. The Government will not enter on that subject now; but will leave the Board to bring forward definite propositions on the subject, should they see fit to do so.

15. The Board will intimate to Mr. Fischer that the Government have carefully examined the claim put forward by the temples which he represents, and that they reject the claim as wholly untenable.

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

These to which villages referred to in the above

175
Memo on Res. No. 1256

In February last Mr. Fisher, as attorney for the large Madras temples, prepared a claim to the restoration of certain villages as belonging to the said temples, with repayment of the surplus revenues which have accrued while they have been under Govt. management. The application was referred to the Board of Revenue for report, and the Board now report accordingly on the whole subject of the encroachment of religious institutions in the Madras District, which, it appears, was already under their consideration.

2. The temple endowments thus reported on, may be classed in three divisions, which must be treated separately. First, those of the Hoysala, Devastanam, or seven temples, being those to which Mr. Fisher's application refers.

refers. These consist of 58 whole villages and a money charge on another village.

Second. Endowments of 25 temples in various places, viz 14 in Madurai Division and 11 in Dindigul. These consist of forty villages, and a money allowance from the revenue of another village.

Note. One of these forty villages consists ~~in part~~ of certain lands in the village of Cumbum, which are classed as a separate village.

Third. The village of Pandagudi in Melai Taluk, antiently belonging to a temple in the Sivaganga Zamindari.

Besides these villages, there appear to be many others granted as the endowments of particular classes of servants in different temples, which have never been resumed or interfered with.

3. The 58 villages claimed for the seven temples are listed in the accounts as having antiently belonged to those temples; but they were resumed about ^{the year 1700 by Gnanapthan, the rent collector of Madurai & successively under the Nabs} ~~seventy~~ years ago, and have never since been held by the temples & their allowance

allowance of 12000 Chuchiamis, (equal to 25,454 Papes) was granted in lieu of the villages in their resumption, but was shortly after reduced to half that amount or Papes 12,727. This reduced allowance was confirmed by the Natab Wallajah in A.D. 1765, and it continued apparently till after the British assumption of the Carnatic under the ^{Indian 1802} treaty of July 1801. Mr. Hurdis the collector alluded to these temples and their affairs in his first general report. He stated his opinion that the allowance then enjoyed by them was insufficient, and ^{he} recommended that the amount originally fixed should be restored, viz Papes 25,454 yearly, and that the remaining revenues of the villages should be declared to be forever the property of the state.

4. The Government granted the increase

increase of allowance recommended;
but they held ^{it} to be just that the
whole of the church lands should
be appropriated to the Pagodas,
and desired that the Collr.
should be instructed to proclaim
the restoration of the lands re-
served by the late Government.

They directed however that "the
lands and affairs of the Pagodas"
should be conducted under the
"immediate care of the Collr."

It does not appear that any procla-
mation was ever made, the tem-
ples received the increased allow-
ance, and have done so ever since.

Up to 1841 the allowance was
placed yearly to the credit of the Pa-
godas, but only the sum actually
required was disbursed, under the
Collr's orders; and the accumulated
^{up to 1841 when the management was given up} surplus was devoted ~~to~~ to public
works. Since 1841 the temple has been
in the hands of trustees, ^{to whom} the whole
allowance

allowance has been yearly paid.
~~to them~~

5. In paras of their letter the Board
give a statement of the entire income
and charges, stated to be from 1801 1/2
to 1858 1/9, being 57 years. The total
receipts are stated at Rs 3,30,135 1/4
the total charges at Rupees 19,908 1/4,
leaving the surplus receipts Rupees
13,32,270. A second statement in No
gives some further particulars. The
information is not ^{very} clear however. In
the ^{first} place, though the statement is
given as for 57 years, the amount
set down for the Joddik is that
of 58 years; further the sum given
as the receipts appears from the
Collr's Report to represent in fact
not the actual collections as it ought
to do, but the aggregate of the annual
settlements, which may vary ma-
terially from the actual receipts.
The Collr adds 4 percent to the amount
of the settlement for establishment
and six percent for commission;

but

X Aug. 12/59 Para 14 +
Enc. 2

but whether these are appropriate deductions is not shown.

6. Such are the facts as respects these villages. They formerly belonged to the temples, but were resumed about a century ago, and about forty years before the cession of the country to the British. During the whole of this period of one hundred years, the temples have not enjoyed the villages, and the only circumstance in all that time that can be cited as supporting their right, is the expression of an opinion in their favor by the Madras Govt in 1802. The Board of Revenue, however, on the sole ground apparently of that declaration (Para 30) consider that the endowments belong to the temples and ought to be given up to them. They add that this will be rendered inoperative by the expected legislative act for giving up endowments; but that

is

is begging the question which is whether the villages are the endowments of the temples or not.

7. The Board's opinion to this effect is new. It was first stated by the late Col. Mr. Clarke who is now a member of the Board. Former Colles and former Boards have held directly the opposite opinion, Mr. Blackburne expressly said that the Pagodas were entitled to nothing beyond the money allowance (Para 18) and the Board agreed with him Para 19. Mr. Parker also expressed the same opinion though not so strongly (Para 25). The Board argue, however (Para 34) that the Government order of 1802 had been overlooked, and that if the Government in 1805 had been aware of that order they would have considered the whole

whole

whole unappropriated balance of the revenue from those villages like Divastanam property.

8. This, however, I think very doubtful. The villages had been resumed, as already said, forty years before the country came into the possession of the English; when it did so come into their possession, the villages were a part of the resources of the State; that they had formerly been held as religious endowment was matter of history. It is well known that according to the custom of the former Governments grants were constantly made and resumed.

If lands and villages so resumed forty years before the British assumption were to be given back, why not those resumed a hundred or two hundred years before; where is the obligation to stop? Under

such

such a ruling there would have been nothing but giving back; and after all such claims had been settled, little would have been left to the State. Such a course, however, was not followed, but a directly opposite course. The period of passing under British management was fixed as the starting point; all exempted lands held at that time, if not fraudulently obtained, were confirmed; but those held at a former period and resumed were ignored. Can it be held then, that the mere issue of a barren order in 1802 creates a right in opposition to these facts and analogies? I think not. It was in fact a mere declaration of opinion. It was never reduced to act; it was not even made public; and it

become
it had ~~been~~ obsolete and for-
gotten. I think it cannot be
held to have binding force
at the present day.

9. Having arrived at the
conclusion that the villages
belong to the Temples the Board
proceed to state their opinion
as to the course to be followed
respecting them. As to the future,
they would at once give up
the villages to the Trustees,
and this will be the natural
and proper course, if the right
of the Temples is conceded. As
to past arrears, to the amount,
according to the statements, of
about thirteen lacs and one
third, they do not propose to
make over the money to the
Trustees, but to lay it out on
works

There was I
think no doubt
but that the officers
responsible by the
Government -
The Board now
say as to the
it has been held
& given up to the
Trustees, if the
Board, however
would be
I think

I quite
long since
to the State
concern
to be paid
I think

These villages have
now belong
to the State

12
works of public utility in the
Madura District. There can
be no doubt of the advantage
of such an expenditure to the
District, whether the funds ~~are~~^{were}
derived from supposed Temple
endowments or from any other
source; there can be no doubt
also, that, laid out in this way,
the money would be infinitely
more useful than if divided
between Mr. Fischer and his clients.
10. The foregoing paragraphs
relate to the villages claimed by
the seven temples, forming the first
of the three divisions of the sub-
ject enumerated above in Para-
2. The second division consists of
the forty villages forming the
endowments of 25 smaller temples
in various parts of the District.
The Board's remarks on the past
history of these villages are con-
tained in Paras 9 to 12 of their
letter. These villages, like those
above treated of, have been in
the

the position of Government vil-
-lages since the British assump-
-tion in 1812; and the several
temples concerned have from
the same period, and probably
before it, been in receipt of
money allowances. The villages
are borne in the accounts as hav-
-ing formerly belonged to the
Temples; but no information ap-
-pears to be forthcoming as to
the exact period and circumstances
of their resumption. It seems prob-
-able, however, that they were re-
-sumed by Yuenf. Chow, the ~~former~~
~~and ruler of the District about~~
1760, at the same time when he
resumed the endowments of the
Seven temples. Mr. Hurd is men-
-tioned the latter in more de-
-tail in his Report in 1802, because
he had to propose that the money
allowance of the Temples should be
increased; but having no proposal to
make

Collyer's letter
Jan 15/55 P. 7.

make respecting these forty villages
he was silent respecting their
history. At all events there seems
no doubt that the villages were
resumed, and money allowances
granted in them, before the country
came under the English Government.

Such being the case, the
reasoning adopted above in the
case of the Seven temple villages
applies equally to these villages;
and I do not see that the Govt.
are under any obligation to give them
up. It is not, indeed, a question
of so much importance in the
case of these Villages, because
the difference in amount between
the money allowances and the
income from the villages is
inconsiderable on the whole,
though large in particular
cases. Some of the Temples
would gain by the surrender of
the Villages, while others would
lose materially.

The

90748

The Board assent to the

Collectors!

[illegible]

well
yes I see

yes I'm

Wm. H. Miller

Collector's recommendation (Para 37) that this village should be finally resumed. This recommendation appears somewhat sound, but if I held the Board's views respecting the other villages, I should have great difficulty in coming to the conclusion that Pandagudi ought to be resumed.

14. The circumstances connected with this village are precisely the same as those of the other villages, with the single exception that no allowance has ever been made by Government to the Temple. But this difference is only one of degree, and does not affect the question of right to the village. If the seven temples have a right to their former endowments, required a century ago, although half of their produce has been confiscated

presented for that time, how
 can the right be denied in the
 case of Pandagudi, merely because
 the whole produce has been con-
 scribed instead of the half.
 On the other hand, if the
 Primalai Temple has no
 right to Pandagudi because
 it has received nothing from
 it for a century, how can it be
 held that the Seven temples
 have a right to that half of the
 product of their former endow-
 ments which they have not
 received for a century. It is not
 a question of sufficiency or in-
 sufficiency of endowments, but
 because the Board assert a right
 on the part of the Seven Tem-
 ples, and because the temples
 have been managed efficiently
 for 60 years on their existing al-
 lowances. Nor can it be merely
 the accident that the Panda-
 gudi village was not included

Note
 - I concur in the conclu-
 sion at which Mr B
 has arrived - but believe
 that the Board would reply
 to this reasoning as follows
 "We propose to consider
 Pandagudi formally &
 finally resumed, because
 the fact that Govt made
 no payment to the Pagoda
 from its proceeds shows that
 in reality it has long been
 the Pagoda property - but
 as respects the other villages
 Govt supported the Pagoda
 from their proceeds &
 thus showed (in the Board
 opinion) that they felt
 the villages as trustees
 for the Pagoda."
 - I fancy that the Board
 made a distinction on
 the above grounds - but
 as shown by me in my
 previous notes, I look on
 Pandagudi & the 48 other
 villages as the property of Govt
 & Mr

by name in the Government
 declaration of 1802. It appears
 to me, therefore, a necessary con-
 sequence that if the Seven temple
 endowments must be restored
 Pandagudi must be restored
 also.

15 At the close of their
 letter the Board refer (Para 38
 to 45) to the proposed commutation
 into land of certain money
 allowances granted in Madras
 District for religious services.
 These allowances are eleven in
 number, to the aggregate amount
 of Rs 1231. 6. 7 yearly. All
 the holders are strongly averse
 to the commutation, and the
 Board does not advise it in the face of
 that feeling. They offer a sug-
 gestion that the difficulty
 might be got over in this and
 similar cases, by issuing to the
 holders of such allowances non-
 transferable Promissory notes
 bearing

This matter has
 been addressed to
 the Board & I feel
 sure to be able to
 do much to help
 to give as full an
 answer as possible
 to the queries
 I receive too late
 to be of any use
 but I am
 sure to do my best
 in the future

bearing interest to an amount ^{not less than Rs 4}
equal to the allowances. It doubtless that the point
not appear to me that this idea ^{is} to give
is of much practical use. Money in hand

16 I may add lastly that the Board in the course
of the paper, consider the sub-
ject of commutation into land. I concur. Mr. Towns
& other high Calcutta
authorities have maintained
that the grant of land
of the present money allowances ^{in nature}
of the various Pagodas, in case ^{of a large direct}
the former endowments should ^{be made}
not be restored. I have
thought it better however not
to mix up that question with
the main one at issue, viz.
the right of the Temples to their
ancient endowments. When
that shall have been decided
the secondary and minor ques-
tion may be taken up.

LL

Oct 12

Madurai

sent to Mr. W. C. ...

Rev. Dept

No 468

Proceedings of the Madras Government
(Under date the 28th February 1861)

Read the following letter
from the Sub-Secretary to the
Board of Revenue

Submitting the B^o report called
for by Govt on the letter from Mr. Fischer
attorney for the Manager of the Monasthi
Sindareswari and other Pagodas in
Madurai claiming the restoration
of certain villages belonging to the
Pagodas in question and of the surplus
Revenues of the lands over and above
the expenditure made by Govt on ac-
count of the said Pagodas.

In February last
Mr. Fischer, as attorney for
the large Madurai temples,
preferred a claim to the
restoration of certain villages
as belonging to the said
temples with repayment
of the ^{intermediate} ~~intermediate~~ ^{to the} ~~to the~~ ^{files} ~~files~~ ^{of the} ~~of the~~ ^{surplus} ~~surplus~~ ^{revenues} ~~revenues~~
which have accrued while
they have been under Govt
management. This petition

was referred to the Board of Revenue for report; and the letter above recorded is their reply. It includes the whole subject of the endowment of religious institutions in the Madras District, which, it appears, was already under the ^{Board's} consideration.

2 The endowments thus reported on may be classed in three divisions, which must be treated of separately. First. Those of the Kapala Sivastanams or seven temples, being those to which Mr. Fletcher's application refers. These consist of 88 whole villages and a money charge on another village.

Second. Endowments of 25 temples in various places, viz. fourteen in Madras Division and eleven in Dindigul. These consist of forty villages, and

18
and a money allowance from the revenue of another village. ^{Below.} One of these forty villages consists of certain lands in the village of Annabam, which are classed as a separate village. Third. The village of Pandargudi in Melur Taluk, anciently belonging to a temple in the Sivanganga zamindari. Besides these villages, there appear to be many others, granted as the endowments of particular classes of servants in different temples, which have never been resumed or interfered with.

3 The 88 villages claimed for the seven temples are shown in the accounts to have anciently belonged to those temples, but they were resumed about the year 1760 by Gussaf Khan the ruler and ^{administrator} of Madras and Tinnevely under the Nizam, and

and have never since been
held by the temples. A
yearly allowance of 12,000
Chakrams, (equal to 25,454
Rupees) was granted in lieu
of the villages on their re-
sumption, but was shortly
after reduced to half that
amount or Rupees 12,727. This
reduced allowance was con-
firmed by the Mahol
Walla-jah in A. D. 1766;
and it continued ap-
parently till after the
British assumption
of the Carnatic under
the treaty of July 1801.
In January 1802 Mr
Munro the collector
alluded to these temples
and their affairs in his
first general report. He
stated his opinion that
the allowance then enjoyed
by them was insufficient,
and

19
and recommended that
the amount originally fixed
should be restored by Rupees
25,454 yearly, and that the
remaining revenues of the
villages should be declared
to be forever the property of
the state.

4. The government granted
the increase of allowance
recommended, but they
held it to be just that
the whole of the church
lands should be appro-
priated to the Pagodas,
and desired that the
collector should be
instructed to proclaim
the restoration of
the lands resumed
by the late govern-
ment. They directed
however that the
lands

lands and affairs of
the Pagodas should
be conducted under the
immediate care of the
Collector. It does not
appear that any pro-
clamation was ever
made ^{on the subject} the temples ^{to} receive
the increased ^{money} allow-
ance, and have done
so ever since. Up to 1841
the whole amount was placed
yearly to the credit of the
Pagodas, but only the
sum actually required
was disbursed, under
the Collector's orders, and the ac-
cumulated surplus up to 1841
when the management ^{by the Collector} was given
up, was devoted to public
works. Since 1841 the
management of the
temples has been in
the hands of trustees,
to whom the whole
allowance

August 12th 1859 Para 14 and Encl 2

allowance has been yearly
paid.

In Para 8 of their
letter the Board give a state-
ment of the entire income and
charges, stated to be from 1811/2
to 1838/9. The total receipts
are stated at Rupees 33,01,384,
the total charges at Rs 19,69,154,
leaving the surplus receipts
Rupees 13,32,230. A second
statement in Para 15 gives
some further particulars. The
information is not very clear
however. In the first place
though the statement is given
as for 57 years, the amount
set down for the Taidik is
that of 58 years; further the
sum given as the receipts
appears from the Collector's
Report to represent in fact
not the actual collections
as it ought to do, but the
aggregate of the annual
settlements, which may vary
materially from the actual
receipts. The Collector adds
4 percent to the amount of
the settlement for establish-
ment and six per cent for
commission;

commisum; but whether
these are appropriate de-
ductions is not shown.

6 Such are the facts
as respects these villages.
They formerly belonged to the
temples, but were retained
about a century ago, and about
forty years before the cession
of the country to the British.
During the whole of this period
of one hundred years, the
temples have not enjoyed the
villages, and the only circum-
stances in all that time
that can be cited as supporting
their ^{claim} right, is the expression
of an opinion in their favor
by the Madras Govt in 1802.
The Board of Revenue, how-
ever, on the sole ground ap-
parently of that declaration
(Para 30) considers that the
endowments belong to the
temples and ought to be
given up to them. They add
that this will be rendered
imparative by the expected
legislative act for giving
up endowments; but that
is

is, begging the question,
which is whether the villa-
ges are ^{an} endowments
of the temples or not.

7 The Board's
opinion to this effect is
new; it was first stated by
the late Col^l Mr. Clarke
who is now a member of
the Board. Former Col^ls
and former Boards have
held directly the opposite
opinion, Mr. Blackburne
expressly said that the Pa-
godas were entitled to no
thing beyond the mining
allowance (Para 18) and
the Board agreed with
him Para 19. Mr. Parker also
expressed the same opinion
though not so strongly (Para 20).
The Board argue, however,
(Para 34) that the Govern-
ment order of 1802 had
been overlooked, and that
if the Government in 1802
had been aware of that or-
der they would have con-
sidered the whole unap-
propriated balance of
the

the Revenue from those villages to be Devasthanam property.

8 This however, the Governor in Council thinks very doubtful. The villages had been resumed, as already said, forty years before the country came into the possession of the English, when it did so come into their possession, the villages were a part of the resources of the state, that they had formerly been held as religious endowment was matter of history. It is well known that according to the custom of the former Gov^{ts} grants were constantly made and resumed. Lands and villages so resumed forty years before the British assumption were to be given back, why not those resumed a hundred or two hundred years before, where was the obligation to stop? Under such

such a ruling there would have been nothing but giving back, and after all such claims had been settled, little would have been left to the State.

Such a course, however, was not followed, but a directly opposite course. The period of passing under British management was fixed as the starting point, all exempt lands held ^{on Grant} at that time, if not fraudulently obtained, were confirmed, but those held at a former period and resumed were ignored.

9 The Government cannot admit that the mere issue of a barren order in 1802 creates a right in opposition to these facts and analogies. The order was in fact a mere declaration of opinion. It was never reduced to act, it

was

was not even made
publicly and it had
become obsolete and
^{when lately discovered.}
forgotten. It cannot
~~the Government think~~
be held to have binding
force at the present
day.

9. ~~In the opinion~~
~~of the Government~~
~~Council the claim~~
~~now urged cannot~~
~~be upheld. It has~~
~~never been recognised~~
~~and from lapse of~~
~~time must, if from~~
~~no other cause, have~~
~~become worthless~~
~~and they resolve~~
~~accordingly to reject it.~~

10. ^{of the endowments} The second
division consists of the
forty villages form-
ing the endowments
of 25 smaller temples
in

in various parts of the
District. The Board's
remarks on the past
history of these villages
are contained in Para-
9 to 12 of their letter. These
villages, like those
above treated of, have
been in the position
of Government in
villages since the
British assumption
in 1802; and the
several temples
concerned have
from the same period,
and probably before
it, been in receipt
of money allowances.
The villages are borne
in the accounts as
having formerly
belonged to the temples
but

Collier's letter June 15th/55 P. 4.

but no information appears to be forthcoming as to the exact periods and circumstances of their resumption. It seems probable, however, that they were resumed by Gurus of Jhansi, at the same time when he resumed the endowments of the seven temples. Mr. Hurdle's mention of the latter in more detail in his Report in 1802, because he had to propose that the money allowance of the temples should be increased; but having no proposal to make.

would cause a serious revolution in property in connection with these temples. On the whole the yearly value of the villages is not greatly in excess of the present allowances; but in some particular cases the difference is great. Some particular temples would thus benefit materially by the change, while others would sustain a heavy loss.

make respecting these forty or villages, he was silent respecting ^{this} history. At all events there seems no doubt that the villages were resumed, and money allowances granted in lieu, before the country came under the English Government.

11. ... Such being the case, the reasoning adopted above in the case of the seven temple villages applies equally to these villages; and the Government cannot recognize any right whatever on the part of the temples to a restitution of the villages. It may be added that such restitution

12. ... The third division of the endowments consists of the single village of Pandajudi. This village, situated in the Melior Taluk, is stated in the accounts to have belonged anciently to the Temples of

of Primalai in the Sivaganga Zamindari. Like the other villages above treated of it was resumed before the country came under the British Government, and probably at the same time with those villages. The temple to which it formerly belonged, being within a large Zamindari, and richly endowed, received no money allowance in lieu of the village. The Board assent to the collector's recommendation (Para 37) that this village should be finally resumed. This recommendation appears to the Government sound, but if they held the Board's views respecting the other villages, they would have great difficulty in coming to the conclusion that Pandagudi ought to be resumed.

At

13. At the close of their letter the Board refer (Para 38 to 45) to the proposed commutation into land of certain money allowances granted in Madurai District for religious services. These allowances are eleven in number, to the aggregate amount of Rs. 1231-6-7 yearly. All the holders are strongly averse to the commutation, and the Board do not advise it in the face of that feeling. The Government concur with the B. that the change cannot be pressed under such circumstances. 14. In the course of the paper, the Board consider the subject of the commuting into land of the present money allowances of the various Pagodas into land. The Government will not enter on that subject now, but will leave the Board to bring forward

To The Board of Revenue

H. G. F. Fisher, Attorney for the

Government of the Madurai District

Madura temples



13 Copies.
The 13 of Revenue Disps.
H. G. Fischer - Attorney
The Supreme Court of the District
of Columbia
Washington, D.C.

[Faint handwritten notes]

Copy in a Letter to England
 of 15th Aug^t N. 52 of 1862
 Reply in 63-12 Janry 123/4

Revenue 1861 Depart^t
 Pro: of Govt for February

N. 468.

Pro: of the Madras Govt

D^y 28th February / 61.

From Theeayanapumunda Pund.
 Sumat Madura 16 July / 62 C.N. 2076. in
 15 Aug 199/60.

Claim preferred on behalf
 of the Manager of the Almathe
 Sundareswaral & other Pagodas
 in Madura for the reservation
 of certain Villages as belonging
 to the said Pagodas rejected.

16-12-08 ✓
 12-7-10 ✓
 29-1-14. P. I.
 29/9/15

R 32-38
 15-8-57

" 3-5
 16-2-59

" 12-13
 1-3-60

" 16-17
 11-12-1802

" 9-11
 3-12-41

" 1-2
 8-4-46

N. 419 + 420.

" 31-32
 14-7-46

" 5-6
 18-11-47