

Political (1897) Department.

ORDINARY MS.

G.O., No. 757

DATED 29-11-97

INDEXED.

35  
24/11/97

[Despatch Abstract.]

Sanctioning the payment of a  
Sum of Rs 500 to M.Ry. S.A.  
Swaminadha Aiyar for having  
Conducted the defence of the  
Palace Devasthanam, Dist, Tanjore,  
on behalf of the Devasthanam  
Committee.

T  
29/11/97.

# BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |
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# FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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C 19/8

Legal Practitioner Act

## Political (1897) Department.

CURRENT No. 958

Written to no. for  
Lor. 873 on 28.12.95

Due  
28.12.97

And  
when used. put up with  
under legal Practitioner act

Papers not to be

Due  
6/8

CHIEF SECRETARY  
GOVERNMENT OF MADRAS  
30 JUL 1897  
Page 44 of the  
Legal Practitioner's act

Mr. John was, I think, collector of Tanjore, when  
this affair took place. I should like to know whether  
he considered this change a fair one.

H. S. The Secretary

For Orders

From  
The Collector of  
Tanjore

Please see Cor. 873 on 28.12.95, 253 on 11.4.96,

R. C. No. 595. 1997  
En. 1

and 305 on 16.8.96 on this subject. The Govt  
Agent's letter sets out the facts clearly  
and orders are solicited whether his  
recommendation may be accepted &  
the following draft order issues:-

Dated 26. 7. 97.

Received  
Registered

Enclosures 1.

Spare copies

Order

The fee will be paid by  
Govt and debited to the same  
head as previous charges

Due  
14/6/97

28/8/97

SR Tanjore (Q 10)

Acct Genl (A 10)

## SUBJECT

Submitting for orders the  
claim of the local Govern.  
ment Pleader Tanjore for  
Rs 1000 in account of his  
fee for his appearance in  
the Palace Swastanam suit  
in behalf of the Kumbekam  
committee.

Not  
7/9/97

# BACK PAPERS.

| G.O. | No. | Department. | Date.                |
|------|-----|-------------|----------------------|
|      | 365 | PM:         | 15. 5-96             |
|      | 253 | "           | 11. 4-96             |
|      | 873 | "           | 21. 12. 95<br>(date) |

# FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|
|      |     |             |       |
|      |     |             |       |
|      |     |             |       |

Tanjore  
20. 3. 97.

From

S. A. Saminadaiyer  
Managing Member  
Devastanam Committee,  
Kumbakonam Circle.

To The Collector of  
Tanjore.

Sir, I have the honour to bring to your notice that Execution proceedings have been taken out by H. H. M. Umamba Boyce Sahib the plaintiff in O.S. N° 3 of 1894 on the file of the Tanjore Sub Court known as the Palace Devastanam suit against the Kumbakonam Devastanam Committee. In the said execution petition, a sum of Rs 1000 expended by the Committee towards my fees as pleader for the Kumbakonam Committee in the said case is now being claimed by the plaintiff therein. The Tanjore and Kumbakonam Committees to whom the Devastanams and their properties were handed over by order of

Goverment

Government had to defend the suit and incur the item of expenditure. From the order of Government regarding the payment of the costs of this suit, it is apparent that all the costs incurred in the original Court by the plaintiff, the Government and the Temple Committee should be borne by Government. The payment of the sum of Rs 1000 now referred to by me was not certified to the Court and so it does not find a place in the table of costs appended to the decree. But nevertheless the amount having been expended, it is but just and reasonable that Government should reconp the amount. In accordance with the principle of the order of Government in the matter of costs in this case, the Tanjore Com. - mittee was paid the whole costs incurred by it. It may not be out of place to add in this connection that the object of the Legal Practitioners' Act in requiring fees certificates to be put in is simply to tax the costs due by one

one party to the other, and that in the present instance, no costs having been awarded to the Temple Committee, it was not thought necessary to put in a fee certificate.

In these circumstances I have the honour to request you to be good enough to cause the said amount to be paid to me for being paid to the plaintiff in the case.

I have, Sir,

(Signed) S. A. Saminadaiyer  
Managing Member

/ True Copy /

Shrinivasan

For Ag Collector.

RS

Enclosure No 1

In a letter

From

The Collector of

Tanjore

To

The Chief Secretary to Government  
Political Department

R. C. No. 595. of 97  
Engl

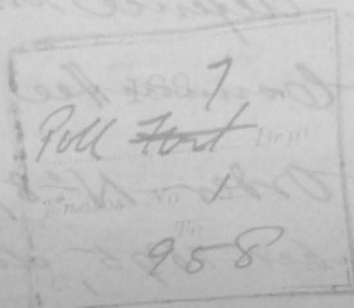
Dated 26. 7. 97.

Copy of letter from

M. R. R. S. S. Samiadas Aiyar

to the Collector of Tanjore

of 20. 3. 97.



Tanjore Collectors' Office,

26<sup>th</sup> July 1897.

Reference No 595 of 97.

CURRENT NO 958

From J. Andrew Esquire,  
Acting Collector,  
Tanjore;

To The Chief Secretary to Government,  
Political Department,  
Madras.

Sir,  
Adverting to the correspondence  
ending with Government Order, No 305  
Political, dated 15<sup>th</sup> May 1896, re the  
Tanjore - Palace Devasthanam suit,  
I have the honour to enclose for the  
orders of Government copy of letter  
dated 20<sup>th</sup> March 1897, from the local  
Government Pleader in which he, as  
Managing Member of the Kumbakonam  
Devasthanam Committee, claims a fee  
of Rs 1000 from Government for having  
conducted the defence in the suit on  
behalf of that Committee.

2. Government Order No 873. Political  
dated 31<sup>st</sup> December 1895, directed that

Costs

costs in the suit decreed by the Subordinate Judge to be borne by the members of the Devasthanam Committees, should be defrayed by Government in addition to those decreed against the Secretary of State for India in Council; and in accordance with this direction

|                                                                                                                                                                              |                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Rs 3538 (costs paid by Government on account of itself & the members of the Kumbakonam and Tanjore Committees.)                                                              | and the subsequent                                                       |
| Rs 1002 (Rs 1000 fees to the Government Pleader for his appearance on behalf of Govt. and Rs 2 other costs - vide also G.O. No 283. Pol, dated 11 <sup>th</sup> April 1896.) | order on the Subject, G.O. No 305. Pol, dated 15 <sup>th</sup> May 1896, |
| Rs 802 (Rs 800 fees to Vakil who appeared on behalf of the Tanjore Committee & Rs 2 other costs.)                                                                            | a sum of Rs 5627-7-                                                      |
| Rs 5642- " " decreed by the Judge & sanctioned in G.O. No 873. Pol, dated 31 <sup>st</sup> December 1895.                                                                    | has been paid from the Public Treasury                                   |
| Rs 285-7- " Execution costs sanctioned in G.O. No 305. Pol, dated 15 <sup>th</sup> May 1896.                                                                                 | - Vide margin                                                            |
| Total Rs 5627-7-                                                                                                                                                             |                                                                          |

for particulars.

3. Objection was taken by me to admit the present claim of the Vakil on the following grounds and his answers to them are given against each :-

Collector's Objection

Government Pleaders (Managing Members)

Answer

1) The sum of Rs 1000

claimed has not been

"The payment of the sum

been included in the costs " sum of Rs 1000 now  
awarded by the Sub " referred to was not  
Judge and no applica- " certified to the Court  
tion for its disbursement " and so it does not find  
was made & sanctioned " a place in the table  
in G.O. No 873. Political, " of costs appended to the  
dated 31<sup>st</sup> December 1895. " decree. But nevertheless  
" the amount having  
" been expended it is  
" but just and reasonable  
" that Government should  
" recoup the amount.  
" In accordance with  
" the principle of the order  
" of Government in the  
" matter of costs in this  
" case, the Tanjore Com-  
" mittee was paid the  
" whole costs incurred  
" by it. It may not be  
" out of place to add  
" in this connection that  
" the object of the Legal  
" Practitioners' Act in  
" requiring fees certificates  
" to be put in is simply  
" to tax the costs due by  
" one party to the other  
" and that in the present  
" instance no costs having  
" been awarded to the  
" Temple Committee, it was  
" not thought necessary to  
" put in a fee certificate."

2. Whereas this sum  
was paid to the Pleader in  
February 1896 by the  
Devasthanam Committee,  
why was no intimation  
of it given till March  
1897 although his fees  
for having represented  
the Government side were  
claimed and settled so  
long ago as June 1896.

"When I originally  
claimed my fees from  
the Government, I did not  
claim my fees as the  
Vakil for the Committee  
as I did not then  
think that the Govern-  
ment would pay my  
fee for my appearance  
on behalf of the Com-  
mittee. It was there-  
upon that I made  
my application to the  
Committee for my fees  
which was paid to me  
from the funds of the  
Palace Devasthanams  
then in the possession  
of the Kumbakonam  
Committee. Matters  
would have rested here  
and no necessity for  
my present application  
for fees would have  
arisen but for the fact  
that the Plaintiff in O.S.  
No. 3 of 1894 has applied  
for a refund of this  
amount on the ground that  
my fee should not be  
made a charge upon  
Palace Devasthanam funds.

3. The defence on behalf  
of the Kumbakonam  
Committee was no more  
than that put forward  
by the Government  
Pleader on behalf of  
Government and there  
was no increase of  
work by his appearance  
in the suit on behalf  
of that Committee.

"I have therefore to  
submit that there has  
been no delay in making  
this application."

"A separate written  
statement was put in  
on behalf of the Kum-  
-bakonam Devasthanam  
Committee as the Pleader  
for the said Committee,  
and I had to be present  
at all hearings in the  
case on behalf of the  
said Committee. With  
reference to the fee now  
claimed, I have to  
state that this claim  
is based upon my  
legal right and not  
upon any heavy addi-  
-tional work in con-  
-nection with the Kum-  
-bakonam Committee  
and I may add that  
the work done by me on  
behalf of the Kum-  
-bakonam Committee  
was at any rate great  
deal more than what

"was done by the Pleader  
 "for the Tanjore Com-  
 "mittee who seldom  
 "made his appearance  
 "during the trial of  
 "the case".

The Government Pleader (who appeared for Government) is Managing member of the Devasthanam Committee, Kumbakonam Circle, which Committee he also represented as Vakil in the suit. As Managing member, he debited the amount of his fees in the Tanjore Palace Devasthanam account, and the matter would apparently have ended there if it were not for the fact that when the Devasthanam property was made over to the Senior Rance under the decree of the Court, her Agent or those under him on examining the accounts noticed this unauthorised charge, and Her Highness the Senior Rance has taken out execution proceedings for the recovery of this fee of Rs 1000 from the Kumbakonam Devasthanam Committee. The fee of Rs 1000 was evidently fixed with reference to section 31 clause (a) (v) of

Please see p. 44 of the  
 Legal Practitioners' act.  
 This matter will take

X of the rules under the Legal Practitioners' Act. Although this fresh demand entails an additional, and I must say, not altogether reasonable, demand on Government, I think it cannot well refuse to pay it in view of the fact that it paid the fees due to the Tanjore Committee. The fact that <sup>the</sup> one man represented both the Committee and Government, and had but little extra work in consequence, makes but little real difference, as the Committee, as represented by himself, paid the fee he now claims.

I have the honour to be,  
 Sir,

Your most obedient servant,

M. S. S. S. S.  
 For Acting Collector.

MS

RV

[ 6. ]  
73  
2,000-25-11-96

C. 24-8-97  
R. 25-8-97

Political C. No 958

21

Re: Tanjore Palace Devasthanam  
Sint

NOTE FOR THE Hon'ble W. Stokes

Please see Mr's note of  
19-8-97 on the above current

C. 24-8-97  
19-8-97

20/8/97

Submitted to H.E. the Gov.

with the Hon'ble W.

Stokes' note (below)

C. 24-8-97  
23-8-97

23/8/97

Mr. Stokes seems a little doubtful. The Collector  
should be told to ask the Dist. Judge, if in his  
opinion, the claim is fair and reasonable.

25-8-97

J.

Memo No 1837 of 3-9-97

The Collector of Tanjore is  
requested to ascertain from the  
Dist Judge whether he considers  
the claim to be fair & reasonable

C. 24-8-97  
26-8-97

26/8/97

Col. Tanjore (9) Despatch  
3/9/97

The Big Temple at Tanjore and  
many other famous Temples were  
controlled and managed by the  
Tanjore Rajas. When the last  
Raja died and Govt. treated the  
Government as a lapse the control  
of the Temples was left to the  
family and continued with the  
Ranis. When the died  
and the present Ranis succeeded  
Govt. directed the letting of the  
control of the Temples which is  
vested in the Tanjore & Kumbakonam  
Committee. After the present Ranis  
Ranis had established <sup>to the Ranis</sup> her claim  
by dint the said three Committees  
to obtain control of the Temples or  
was the said. When I was in  
Tanjore several times in this district  
was being taken out. The Committee  
when I was represented that as  
they were only Trustees of the Temples  
Fund they could not use them for  
the defence of the district and as they  
were let in for the district by the  
act of Govt. Govt. undertook to  
to indemnify them and pay all  
costs of the district. Mr. Laminant  
Iyer is the managing member  
of the Kumbakonam Committee.

When I was in Tanjore I understood  
 - that there was some understanding  
 checking in regard to these cases  
 and I am inclined to regard  
 this application with suspicion  
 but I do not know personally  
 any special reason why it is  
 not to be heard. It seems to me in this  
 facing the papers however that  
 there seems to be little reason to  
 pay Mr. Sanninathin the managing  
 member of the Kumbakonam  
 Committee 1000 Rs to appear in  
 his own behalf and to defend only  
 his own interests. It must be  
 remembered too that the position  
 of Committee member has very  
 many solid advantages & opportunities

11/11/97.

Political (1897) Department.

Note for S.

Please put up 80. 40. 557 Rs. 22.9.92

747 Rs. 7-11-95 & submit the file to the CA  
 15/11/97

CURRENT No. 1371



From The Collector of  
 Tanjore

Jt. Sec. to the Governor

For Orders

Submitted with reference  
 to Jt. Sec. the Governor's order of  
 2.8.97 (flagged Y). The  
 extract from the Sub. Judges  
 judgment forwarded by the St. Judge  
 (flagged Z) shows that the Devas.  
 & Tanana Committee did adopt the  
 same line of defence as that

Referral No. 595 of 97  
 Eng

DESPATCHED  
 13 NOV. 1897

Dated 10 November 1897

Received

Registered

Enclosures One

Spare copies

SUBJECT

proposed by the Advocate Genl. for Govt.  
 Under these circumstances, Mr.  
 Hammell's opinion that the fee of  
 Rs 1000 claimed by M. R. Ry  
 S. A. Srinivatha Aiyar is  
 inadmissible, may be accepted?

Submitting Copy of District Judge  
 letter regarding the claim of the  
 foot Pleader Zangote for his appeal  
 on behalf of the Kumbakonam  
 Devasthanam Committee in the  
 Palace Devasthanam suit with  
 reference to foot memo No. 183  
 32

Contd.  
 19.11.97

Mr. Sanninatha Aiyar was  
 managing member of the  
 Committee, and employed

himself as pleader to defend the suit. He now claims the full fee of Rs 1000 for his services. The judge, Mr. Hammett, says that the action of the Committee

in thus engaging Mr. Saminatha Aiyar ~~for~~ at full fees was not ~~what~~ a sensible & prudent person would have done, and he hints that half the sum claimed will be sufficient.

For the reasons he gives a fee of Rs 500 may be sanctioned.

MA 7. 11. 97.

Agree with the Chief Secy.

A.S.H. 18.11.97

# BACK PAPERS.

| G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|
|      |     |             |       |

# FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|
|      |     |             |       |

In The Subordinate Court of Tanjore  
Saturday. The twenty ninth day of June.  
One thousand eight hundred and ninety five.  
Present: — Mr. R. Ry. C. Venkobachariar,

Subordinate Judge.

Original Suit N° 3 of 1894

Her Highness Matosi }  
Anamba Boyi Sahab } Plaintiff  
Versus

1. The Secretary of State for India in Council
2. The Honourable K. Kalyana Sundaram Aiyar
3. Sambamurthi Row
4. Tiruvengada Mudaliar
5. V. Ry. Krishnasami Sahab.

Members  
of Tanjore  
Circle Deva-  
Stanam  
Committee

6. S. A. Saminatha Aiyar
7. K. Srinivasa Aiyangar
8. Ponnusami Nadar
9. Sivasami Udayar
10. Mahalingasami Chettiar
11. Lakshmi Navasinha Aiyar
12. Doraisami Moopanar

Members of  
the Anamba  
Konam  
Circle Deva-  
Stanam  
Committee

Defendants

13. H. H. Matosi Jigoyi Boyi Sahab
14. H. H. Matosi Deepamba Boyi Sahab
15. H. H. Matosi Rama Kumaramba  
Boyi Sahab
16. H. H. Matosi Anusamba Boyi  
Sahab
17. H. H. Matosi Gauramba Boyi  
Sahab
18. H. H. Matosi Chumamba  
Boyi Sahab
19. Singaravdu Udaiyar. } Supplemental
20. Ponnambala Tambiran } Defendants

Defendants

6. 6<sup>th</sup> Defendant adopts the defence of ||  
the 1<sup>st</sup> Defendant.

7. The Vakil for the Defendants Nos 7 to 10,  
12 and 20 Says that the Contentions of  
these Defendants are the same as those  
of the 6<sup>th</sup> Defendant.

(Signed) C. Venkoba  
Subordinate Judge  
(True Extract)

Shri. S. S. S. S. S.  
For. Collector

Ex. 2. 22. 22

|              |
|--------------|
| 1897         |
| Pall. Dept.  |
| Encls. No. / |
| To           |
| C. No. 137/  |

Distric Court, Tanjore  
No. 1431.  
6<sup>th</sup> October 1897  
From F. H. Hammett Esquire.  
Ag. District Judge.  
Tanjore

To The Collector of  
Tanjore.

Sir. In reply to your letter Ref. on. Civ. No.  
595 of 1897. dated 18<sup>th</sup> September last. I have  
the honour to state as follows:—

In awarding Costs rule 36 in the  
\* Pap 120. } Civil Rules of Practice lays down  
that when two or more Defendants make  
Substantially the same defence only one  
set of costs should be allowed them by  
the Court. In the present case, I am not  
certain if Government and the Kumba-  
Konam Devasthanam Committee made  
Substantially the same defence. Mr. Sami-  
ratha. Aiyar says he put in a separate  
written Statement for the Committee.

but

but assuming the same defence was made in both written statements, only one set of costs would have been allowable to Government and the Temple Committee if the Suit had been decided in their favour. Under these circumstances the Temple Committee, in my opinion, did not act prudently and with due regard to the interests of the trust funds in their hands in paying Mr. S. A. Saminatha Aiyar the full regulation fees. If the Committee had acted as a prudent man would have done and as trustees were certainly in duty bound to have done, they would have arranged with Mr. S. A. Saminatha Aiyar that he should appear for the Committee for only half the regulation fee on the ground that he was appearing also for Government which made substantially the same defence and that the Committee (if the Suit went in favour of Government and

and the Committee) could only recover one set of costs jointly with Government. The action of the Committee in paying Mr. S. A. Saminatha Aiyar the full fees under these circumstances was an extravagance for which the members of the Committee should be responsible (Mr. S. A. Saminatha Aiyar himself being the managing member). It does not appear to me to be fair or reasonable that Government should reimburse the Temple Committee for this extravagance and Mr. S. A. Saminatha Aiyar's claim for full fees is certainly not fair and reasonable. This opinion is of course based on the assumption that the Temple Committee made substantially the same defence as Government. If the two defences were distinct, then Mr. S. A. Saminatha Aiyar's claim for full fees from the Temple Committee is not unreasonable.

I have &c.  
(Signed) F. H. Hammett  
A. D. Judge.  
True

(True Copy) CURRENT NO 1371

Ref. on. Am. N. 595 of '97 Submitted to Government  
Inc. one. (Political Department)

with reference to Government Memorandum N. 1837 dated 3<sup>rd</sup> September 1897.

2. Two written statements were filed in Court -  
One on behalf of Government, and the other  
on behalf of the Kumbakonam Committee.  
but the line of defence adopted by the latter  
was substantially the same as that of the  
former. The written statement filed on be-  
half of Government was prepared by the  
Advocate-General. vide Government Order  
N. 241. Political, dated 10<sup>th</sup> April 1894. I

3. An extract of paras 6 and 7 of the Judge's judgment in the case showing the  
nature of defence adopted by the Kumba-  
konam Committee is also enclosed. Z

4. It is thus clear that the Judge does not  
consider the claim to be either fair or  
reasonable.

5. The Civil Rules of Practice do not appear  
to have been supplied to this office, and I  
shall make a separate application for the  
same.

Tanjore Collecting Office } J. S. Muttuswami  
10<sup>th</sup> November 1897 } For Collector.

[ 14. ]  
1,000-14-0-07.

Political DEPARTMENT.

Papers to be read in proceedings:—

|                 |                                      |                                 |
|-----------------|--------------------------------------|---------------------------------|
| Again G.O., No. | dated                                | 189                             |
| Again G.O., No. | dated                                | 189                             |
| Current No. 958 | of 1897, dated 26 <sup>th</sup> July | , from the collector of Tanjore |
| " " 1371        | " 1897, " 10 <sup>th</sup> Nov       | " do do                         |
| " "             | " 189, "                             | " "                             |

ORDER.

C.S.

Submitted that it is  
unnecessary that to state  
the reasons at length as  
proposed in the draft opposite  
and that it will suffice to say:—

ORDER

N. 7578 29-11-97

In

H.R. The Governor in  
Council considers that under  
the circumstances reported in  
the papers read above, a fee  
of Rs 500 will be sufficient.  
Payment of this amount is  
sanctioned. The charge will be  
debited to the same head as  
previous similar charges.

From Orders

Ans.  
22.11.97

24.11.97

C.W. Tanjore (U. & W. H.)

A. S. (H. S. Dept.) - 10/11/97

Anyon  
M. R. R. Saminadasan a  
managing member of the  
Kumbakonam Devasthanam  
Committee and Govt Pleader,  
Tanjore, was employed as pleader  
to defend the suit on behalf of the  
Committee. It is observed that the  
Committee adopted a substantially  
the same line of defence as that  
of the Govt and therefore it  
is clear that very much extra  
work could not have fallen  
on the pleader who appeared  
on behalf of Govt also. In  
these circumstances H.R. the  
Governor in Council considers  
that a fee of Rs 500, instead  
of Rs 1000, the amount claimed  
by the pleader, will be sufficient.

and sanctions the amount

29/11/97

accordingly.

To

The Collector of Tanjore (q to)  
Accountant Genl (p to)

When given for copying  
When copied 26/4/189  
When examined 29/4/189  
When signed

READ AGAIN G.O., No. , DATED  
189

CURRENT No.

ENCLOSURES TO C. No.

ORDER 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.

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

3.

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to

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Tanjo