

Public (1895) Department.

ORDINARY MS.

G.O., No. 664

DATED 6th Aug. 1895

INDEXED.

[Despatch Abstract.]

TREASURE TROVE ACT VI OF 1878.

Stating that the Government considers that the decision of the
Collector of Chingleput in regard to the five copper idols found in the
village of Tiruvaniyur is wrong and that the provisions of the---
should have been strictly followed.

A.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	3075		95				

Judgment after inquiry under act II of 1878
(Measure Grove act)

On the 19th November 1894, 5 Copper idols valued at Rs. 100 and said to be 200 years old, were dug up some 30 yards from the temple in the backyard of one, Kannegappa Nayak in the village of Piruvanniyur. A pariah, one Veeraswami, came across them when removing the root of a casuarina tree.

From the evidence of the Bharuakarthar of the temple of that village and of the village Munsif and Kanneau it is proved that at the time of the invasion of Haider Ali (1780) the temple idols some 60 in number, were buried to save them, that one of these was found again some 60 years ago and that the land in which the idols now in question were found, was formerly in, up to some 40 or 50 years ago, the backyard of the guruswals of the temple. The presumption is irresistible that the idols belong to the temple.

Under section 7 of act II of 1878, I therefore

find that the idols were hidden by the *gurunthal* of the Tiruvanniyur temple about the year 1780 to save them from Haider ali's invading forces.

As the hiding took place more than 100 years ago I may declare the treasure to be ownerless.

The temple however exists to this day. The idols found 60 years ago is worshipped in it and all

parties desire that these idols should be restored

to the temple. The ^{section} ~~act~~ does not expressly pro-

vide for declaring some one to be the owner

and for handing over (subject to appeal) the

treasure thence to that person. Section 10 seems

to point to only one declaration being possible

under section 9 viz., a declaration that the

treasure is ownerless; for it enacts that after

a declaration under section 9 the treasure shall

be delivered to the finder thereof and owner of

the place in which it is found. I therefore

think that I must abide by the results of

the finding in section 7. The act does not

expressly provide for the results of any de-

termination under section 7, but ^{surely} ~~must~~ it must

mean that if the representation of the former owner of the treasure be forthcoming, an

order can pass delivering it to that owner.

This order I now pass declaring that the 5

idols be delivered (after the expiry of the appeal

time) to Kandaswami Chetty, Sharmaswartha

of the Tiruvanniyur temple on behalf of the

temple.

I should add that the Sharmaswartha

promises to reward the finder with a suitable

cloth and the owner of the place where the

idols were found wishes them to be placed

in the temple.

(Sd) L. N. Moussey

Ag. Collector

(True copy)

Ag. Collector.

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25/6

Enclosure -

In a letter

From

The Collector of
Chingleput Dist.

The Secretary to the Com-
missioners of Land Revenue,
Madras.

Dated 26 }
Despatched } June 1895.

1st Copy to H. H. H.

Subject

Judgment after inquiry
under act II of 1878 (Treasure
Drove Act).

1/4269

No.

604
J.C.S.

Chingleput Dist. Collector's Office,
Taidapet 16 June 1895.

From

BOARD'S GEN. REG. NO 426 OF 1895
LAND REVENUE.

B. H. Mounsey Esquire

Ag. Collector of Chingleput district,

To

The Secretary to the Commissioners
of Land Revenue,
Madras.

SIR,

I have the honour to forward herewith
1 copy of my judgment in a case under the
Treasure Drove Act (II of 1878) directing
certain idols to be delivered to a temple
darmakarta after the expiry of the appeal
time. As under the act, I might have
declared the treasure to be ownerless, I
think it well to communicate a copy
of my Proceedings to the Board in case
they should wish to advise the chief

controlling authority (the Governor in Council)
to alter my decision.

I have the honour to be

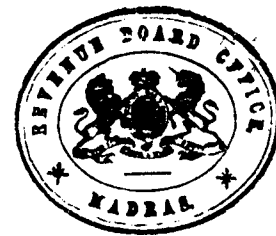
Sir,

Your most obedient servant,

W. Mounsey
Ag. Collector.

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25/6

3,000
8-5-99.



Proceedings of the Board of Revenue

(Land Revenue),

Dated 12 July 1895.

No. 3464 ^{Mis.}
~~Routine.~~

READ Letter from C. H. Mounsey Esq.,
Acting Collector of Chingleput, to the
Secretary to the Commissioners of
Land Revenue, dated 26 June 1895,
Ref. on No. $\frac{604}{81}$ of 95.

Resolution

The Collector's letter and the
Judgment enclosed therein will be sub-
mitted to Government with the remark
that the Board has no jurisdiction in
the matter.

(True Extract,

Ree can

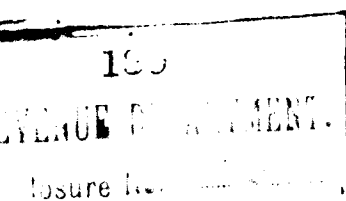
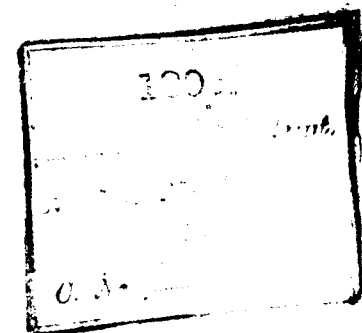
Ag. Secretary.

To The Secretary to Govt.
P. D. with letter and Judgment.
Copy to the Collector of
Chingleput

W. R. H.

2/8/95

3/8/95



Revenue 1895. *Dept*
Board of Revenue
(Land Revenue),
MADRAS.

Revenue

To

The Secretary to
Government R. D.

UNDER SECRETARY
PUBLIC DEPT.

Recd 17 JUL 95
Proceedings, dated 17 JUL 95
No. 3464
Mis. Routine.
1895, Env 2

Subject.

Submitting to Government
Chingleput Collector's letter
and judgment regarding a
case decided under Treas-
ure from Act.

Endorsement No. 1160
Transferred to the Public Dept.

L. Gibson.

Secretary to Government.

offices
19 July '95
18/7
Inc 2.

Public Current 2306

Order

The Collector's
decision is approved
as a special case.

257 75

22/8
25/7/95

To The Collr. of Chingleput.
I agree with the C.S. - The
Ag. Collr's decision seems to me
to be quite wrong - His proper course
would have been, as the idols cannot
well be divided, to have sold them
and divided the proceeds, giving 3/4
to the parish pinder & 1/4 to the owner
of the place in which the find was
made (S. 12, P. 10 (b)) - But I don't
see what we can do in the matter
save say that we think the Collr.
wrong. We can't set aside his order
unless there is an appeal.

M

30/7/95

I do not see why the law should not
be adhered to. If the owner of
the land wishes to give up his
share in the temple well and good:
but the temple should settle with the
pinder and pay him out. That is evidently
intended in "do" the unfortunate pinder
out of what he is fairly entitled to.
To send the act to pinder would
be distinctly illegal. The compensation
allowed is very petty and the temple
is the owner of the land.

25/7/95.

Go. 96th August 1895 No 664
The Govt. considers that
the Collr's decision is wrong.
The provisions of Act VI of
1878 should have been
strictly followed.

from orders

25/8/95

25/8/95

1882

Treasure Book
1882

When given for copying _____
When copied _____
When examined _____
When signed _____

189

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

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

A A A A A A A

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