# Revenue (1899) Department.

PRESS SERIES.

G.O., No. 869-870

DATED 26-12-1899.

[Despatch Abstract.]

Passing orders on papers relating to the management of the Sivasamudram Estate in the Mysore territory

## BACK PAPERS.

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

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| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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# Government {1899} of Madras.

## REVENUE.

*Recd.* } 1899. *Enclosures*

*Regd.* *Spare copies*

**G.O., No. 869, 26th December 1899.**

**DECEMBER.**

**Sivasamudram Estate.**

Passing orders on papers relating to the management of the — in the Mysore territory.

GOVERNMENT OF MADRAS.

## REVENUE DEPARTMENT.

Read—the following Proceedings of the Court of Wards, Mis. No. 739, dated 6th June 1899 :—

*Read*—G.O., Mis. No. 4672, Revenue, dated 28th November 1898.

*Read*—letter from J. A. CUMMING, Esq., I.C.S., Acting Collector of Coimbatore, dated 12th December 1898, Ref. on Cur. No. 3 (*a-d*)-C.W. of 1897 and Reference thereon, No. 121, dated 27th December 1898.

*Read*—letter from C. H. MOUNSEY, Esq., I.C.S., Acting Collector of Coimbatore, dated 7th February 1899, R. Dis. No. 80, Rev. of 1899.

*Read*—letter from C. H. MOUNSEY, Esq., I.C.S., Acting Collector of Coimbatore, dated 24th February 1899, R.O.C. No. 11 (*n*)-C.W. of 1898.

*Read*—also letter from C. H. MOUNSEY, Esq., I.C.S., Acting Collector of Coimbatore, dated 29th April 1899, R.O.C. No. 11 (*s*)-C.W. of 1898.

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*Resolution*—Mis. No. 739, dated 6th June 1899.

In reply to G.O., No. 4672, Revenue, dated 28th November 1898, the Court of Wards submits the following remarks on Colonel Robertson's letter, dated 24th September 1898, regarding the future management of the Sivasamudram estate.

2. With reference to the first subject dealt with therein, namely, *the jaghirdar's obligation to maintain the bridge over the western branch of the Cauvery*, the Court is at one with Colonel Robertson in considering that so far as the Mysore grant is concerned such obligation depends solely on the exercise of the right to collect tolls which was conferred in the sanad of 1829 and can be enforced only to the extent of the income so realized. Tolls have in fact been collected, and as the Darbar and the Court of Wards are in agreement as to the expedience of enforcing the jaghirdar's liability to the full extent, there should be no difficulty in making satisfactory arrangements for the repair and maintenance of the bridge. A scrutiny of the past accounts will be necessary in order to ascertain by what amount the net receipts from tolls exceed the expenditure incurred in keeping the bridge in proper order; the excess should be made available for such further outlay as may be necessary, and for the future as the Coimbatore Collector has pointed out, the toll-revenue must be treated as a separate fund, the only charges debitable to which are the cost of collection and the outlay on the maintenance and repair of the bridge. Should it prove to be the case that proper accounts have not been maintained in the past, the estate will be liable to make good the estimated difference between receipts and expenditure, and it will be for the Court of Wards and the Darbar, to make their best endeavours to ascertain the amount due and to make arrangements for the expenditure of such portion as may be necessary and the safe investment of the balance as a reserve fund to meet future requirements. As the jaghirdar is a minor, these arrangements can be amicably carried out; were he a major and averse from discharging his obligations, he could be coerced by the institution of a suit in the Mysore Courts and by the revocation of the permission to collect tolls.



3. As to the present state of the Sivasamudram bridges, the Court observes that an estimate for Rs. 25,750, for putting them in proper order has recently been sanctioned * by Government and transferred to the Public Works Department for execution. The estimate is not now before the Court and the exact proportion of the total outlay which appertains to the "Rangasetu" bridge across the western branch of the Cauvery is thus not known. The Mysore tolls do not form, however, the sole source from which the requisite expenditure can be met, for the Kollegal Deputy Collector reports that, under the sanad issued by the Court of Directors in 1836, the revenue of the British village of Sategal and the tolls levied from passengers passing over both bridges, viz., the Rangasetu or Mysore bridge and the Ramasetu or British bridge—are to be utilized for keeping the bridges "in perpetual repair." As the toll collections are said to average Rs. 1,000 per annum and the land revenue alone of the Sategal village exceeds Rs. 5,000, there is no excuse for failure to keep both bridges in proper repair. This fact appears at last to have been grasped even by the Ward's mother, Unnamulai Ammal, for she has recently promised the Court of Wards a contribution of Rs. 10,000 towards the expenditure now being incurred by the Public Works Department. That the Jaghirdar's obligations were either not appreciated or deliberately disregarded by the responsible Managers of the estate during the Ward's minority is made clear by the disgraceful and dangerous condition of the bridges a year ago, and by the Kollegal Deputy Collector's local enquiries which fix the probable outlay on the bridges during the past twelve years at about Rs. 260 per annum.

* G.O., No. 261 W., dated 26th January 1899.

4. The next question alluded to in the Resident's letter is the management of *the marginally-noted six Mysore villages.* Colonel Robertson is averse from disturbing existing arrangements as no change is desired either by the Darbar or by the minor's mother and the present Manager is "said to be quite capable of conducting the duties of his office satisfactorily." The Court itself would share these views, were there no question as to the capacity and integrity of the Manager, but this is by no means the case and the Court can only suppose that both the Resident and the Darbar have been misled by incorrect representations emanating from the minor's mother, her brother and late Agent Raju Mudaliyar or the Manager, Ramaswami Aiyar.

| | |
|---|---|
| Belakavadi. | Hanchipura (or Maligathan Halli). |
| Dasanadoddi. | Devapatna. |
| Hosahalli. | |
| Kanchagahalli. | |

5. The Collector of Coimbatore and his Deputy at Kollegal have made repeated enquiries regarding the management of the estate, and their reports go to show that Ramaswami Aiyar is a mere tool in the hands of Raju Mudaliyar, of whom it was reported in 1895 that he had carried on "a wholesale system of spoliation" during the preceding ten years when he was in practical control of the whole estate. Numerous specific † charges of fraud and maladministration were made against this man by the Mysore Amildar, Krishna Singh, whose services were temporarily placed at the disposal of the minor's mother and guardian in June 1894. These were accepted as substantially accurate by the Collector, and in consequence the Board of Revenue made the specific recommendation that the Civil Courts should be moved to interfere under the provisions of the Guardians' and Wards' Act VIII of 1890 and the Resident in Mysore was at the same time addressed on the subject by the Madras Government. The Darbar to which a reference was made admitted that there had been mismanagement on the part of the guardian's Agent, Raju Mudaliyar, but considered that it was not so excessive as to call for institution of proceedings in the Civil Courts, and undertook to induce the guardian to carry out the necessary reforms in the management of the minor's property. It was at the same time intimated that the statements made by the Amildar, Krishna Singh to the Collector of Coimbatore were "not quite accurate"—though in what respects his allegations were inaccurate was not indicated—and that it might become necessary to remove him from his post in consequence of differences of opinion which

† For details please see enclosure (1).

had arisen between him and the guardian, Unnamulai Ammal, resulting in an application for his removal by the latter. The Resident forwarded these remarks to the Madras Government without comment, save an expression of surprise at the wasteful destruction of trees which had recently attracted his attention when on a visit to the Mysore portion of the estate. In the circumstances stated, the Madras Government considered* that no interference was necessary and resolved to leave the British villages in the management of the Mysore agent, Krishna Singh.

* G.O., No. 4127, Revenue, dated 18th October 1895.

6. In the following March, however, the Collector of Coimbatore reported that he had received intimation from the District Court that Unnamulai Ammal had applied to be appointed as guardian of the minor under section 11 (2) of Act VIII of 1890. Regarding this as a measure preliminary to the removal of the Mysore agent, Mr. Bradley apprehended that, if the lady were appointed guardian, her brother Raju Mudaliyar would without doubt regain the full control of the property situated in the Kollegal taluk. He accordingly recommended that steps should be taken to prevent this and to carry out the wishes of the Madras Government by making a formal application to the District Court for the appointment of the Mysore Agent as guardian. The Board of Revenue approved this proposal and authorized the Collector to oppose Unnamulai Ammal's application on the ground that she has had abused her trust and was incapable of performing the duties of a guardian of property. The District Court passed orders accordingly and the post of guardian in respect of the Kollegal villages vested by law in "the officer who might be appointed by the Mysore State to manage the minor's property in Mysore."

7. Almost immediately afterwards, however, Unnamulai Ammal in open defiance of the Court's order registered a power of attorney appointing her brother Raju Mudaliyar to manage the whole estate for her, and the last obstacle preventing this individual from regaining control over the property, which there was reason to suppose he had grossly mismanaged in the period 1884—95, was removed by the promotion of the Mysore agent, Krishna Singh, to a more important charge and the appointment by the Darbar of the pensioned Amildar, Ramaswami Aiyar, as manager of the Sivasamudram jaghir. This personage, it should be noted, was selected by the guardian's mother herself, and the Diwan of Mysore, with whom Mr. Bradley had conversation on the subject, described him as an "elderly, somewhat effete, man of the old school with practically no knowledge of English," and "not at all the sort of man to be entrusted with the management of the property on the Kollegal side of the river." In the circumstances, Mr. Bradley considered that it would be most impolitic to allow Ramaswami Aiyar to occupy the post of guardian in respect of the British property and strongly advocated that immediate steps should be taken to remove the management of that portion of the estate from the control of Raju Mudaliyar. He pointed out that the ryots concerned had themselves opposed Unnamulai Ammal's application to the District Court to be appointed guardian and entertained strong objections to being placed at the mercy of her brother of whom they evidently stood in great fear. As glaring instances of that individual's maladministration, Mr. Bradley reported that the forests on the Sivasamudram Island were being rapidly destroyed under cover of passes granted by Raju Mudaliyar, that the temples and other public buildings were neglected and in some cases almost falling to pieces, that the bridge itself had been seriously damaged and wanted overhauling by a competent engineer, while it was with the utmost difficulty that the jaghirdar's agent could be made to understand that he was in any way responsible for the duty of repairing it. These matters, it should be observed, were within Mr. Bradley's personal knowledge.

8. On receipt of this report the Board of Revenue concluded that the arrangement of entrusting the management of the British villages to the Mysore Government agent had conspicuously failed and resolved that it was necessary, in the interests of the minor, for the Court of Wards to intervene and take charge of the estate. A recommendation to this effect was accordingly made to Government and accepted in G.O., No. 5273, Revenue, dated 15th September 1896.



9. When detailed proposals for the management were received from the Collector further evidence of the necessity of this intervention came to light. As an indication of the attitude assumed by the Mysore agent, Ramaswami Aiyar, it may be mentioned that the Deputy Collector received no response from this person to a civil request for information as to the correct figures of the income derived from the Mysore villages and could not prevail on him to hand over the accounts relating to the British villages, cash balance or other property to the custody of which the local agent of the Court of Wards had a right. It appeared further that Ramaswami Aiyar had recently given on contract to the nephew of Raju Mudaliyar the right to collect the toll-revenue and that the circumstances relating to this transaction were such as to require careful scrutiny. He was also reported to have made improper payments aggregating Rs. 2,500 to Unnamulai Ammal in addition to the large monthly allowances drawn by her for the maintenance of the minor and his household. These payments were regarded by the Collector with suspicion as having been made almost immediately before the Court of Wards actually took possession of the Kollegal villages, the recipient being, it was understood, Raju Mudaliyar himself.

As to the general condition of the estate it was reported that there was much confusion in the accounts, that the collection of revenue had been so neglected that the arrears due to the estate by the ryots of the British villages alone amounted to no less than Rs. 9,500 and dated back from fasli 1290 (1881), while complaints were general on the ground that the exchange of pattas and muchalkas had been neglected, and the various religious and charitable institutions at Sivasamudram were in a most unsatisfactory condition.

10. A further report received in May 1897 showed that notwithstanding a formal call for the delivery of property and records relating to the British portion of this estate on penalty of the institution of coercive proceedings under the guardians' and Wards' Act, the Mysore agent, Ramaswami Aiyar, had produced practically no property and no accounts or vouchers of expenditure, his allegation being that almost everything was in the hands of the minor's mother, Unnamulai Ammal. Mr. Bradley reported that he had spoken to the Mysore Diwan on this subject and had received a promise that a warning should be sent to Ramaswami Aiyar. The warning administered having proved fruitless, the Collector subsequently made a formal application to the District Court under sections 41 and 45 of Act VIII of 1890 in order to compel the proper delivery of property and accounts. As the Court of Wards understands the District Judge had not yet passed final orders on that application and the want of the old accounts withheld by Ramaswami Aiyar or Unnamulai Ammal has consequently given rise to great difficulty in realizing the arrears of rent owing to the want of detailed particulars of the outstandings.

11. Having regard, therefore, to the past history of the estate and its present condition, the Court of Wards is compelled, in the interests of its ward, to urge most strongly that the existing arrangements cannot be regarded as satisfactory, and that it is essential to replace Ramaswami Aiyar by a manager who can be thoroughly relied upon to act independently of Raju Mudaliyar and Unnamulai Ammal and to bring the administration of the estate into proper order. The local situation of the estate villages, forming as they do a compact block in the immediate neighbourhood of Kollegal, renders it desirable that they should be administered by one and the same manager with an establishment available for employment throughout the estate. If, as the Court would desire, the Mysore Darbar will consent to the administration being left in its own hands, adequate supervision by a responsible local officer will be readily available at the hands of the Deputy Collector of the Kollegal division. The present dual system of administration is clearly the reverse of economical, and should, if possible, be put an end to; but in the interests of its ward, the Court cannot consent to allowing Unnamulai Ammal and Raju Mudaliyar to control the management of the British villages. The experience of 14 years has shown that such a course is clearly inimical to the well-being of the minor and his estate. An additional reason in favour of following, in regard to this estate, the plan accepted by His Highness the Nizam in regard to the Munagala property situated within His Highness' dominions is that, as the Court understands, there is no law in Mysore corresponding to the Court

of Wards Regulation and that in consequence of its thus being necessary to file a Civil Suit for every act of malfeasance by a guardian, maladministration and the perpetration of frauds are much more difficult to prevent in Mysore than in British territory. The Court may also observe that it understands from the Collector that the supervision exercised by the Darbar in regard to such matters is little more than nominal. This, indeed, would appear to be the case from the fact that in the original order recognizing Unnamulai Ammal as guardian and Raju Mudaliyar as her agent, the Mysore Darbar has imposed no stipulation other than the requirement that accounts of the management should be annually submitted. In what form such accounts are prepared the Court is not aware, but to this subject it will recur later on.

12. The Court has next to discuss the question of *the management of the two endowment villages Kaglipuram and Purigal.* It notes and concurs in the Mysore Resident's comment that the Darbar is itself in part responsible for the state of neglect into which the religious and charitable institutions at Sivasamudram have been allowed to fall. It cannot, however, accept Colonel Robertson's view that these two villages should, as a matter of course, remain under attachment during the minority of the Court's ward. The condition of the original loan advanced by the Mysore Darbar was that on repayment of the amount advanced with interest, the villages should be surrendered to the Jaghirdar. During the period 1885—89, so far as the Court is aware, the Darbar raised no objection to the management of these villages by Unnamulai Ammal and her agents. It was in the latter year that the loan was advanced and now that it has been repaid, the Court can see no reason why the management of the villages should not be allowed again to vest in the legal representative of the minor. It is clear that the Darbar cannot base its position on the terms of the mortgage deed and the Court is not aware whether there is anything in the Mysore Regulations which justifies such intervention nor does it understand the reason why such intervention is considered necessary. From the wording of Colonel Robertson's letter it may be inferred that the management by the State of these villages is considered necessary in order to ensure that the revenue shall be expended in the manner intended. Now the institutions themselves are under the direct management of the Kollegal Deputy Collector, an arrangement which meets with the approval of the Mysore Darbar, and the Court cannot understand what objection there is to permitting the same officer to supervise the administration of the endowment villages more especially as this course will tend to economy if the Darbar will consent to the Court's proposal to place the administration of the rest of the Jaghirdar's estate under the control of a manager appointed by the Court of Wards and directly supervised by the Deputy Collector. The Court freely admits that there are valid objections to a revival of the system of management followed prior to the mortgage of the villages in 1889, namely, that Unnamulai Ammal and her agent, Raju Mudaliyar, have proved unworthy of the trust and the pensioned Amildar, Ramaswami Aiyar, cannot be relied upon to act independently of their control. These objections apply with equal force, however, to the case of the remaining six Mysore villages, but as the Darbar considers the arrangements relating to those villages to be satisfactory, the Court is at a loss to understand why the same body should consider it necessary to retain the endowment villages under attachment. If the sole object in view is to ensure that the revenue is expended in the manner intended, all that is necessary is to require the manager of the endowment villages to submit proper accounts of the receipts and expenditure accompanied by vouchers evidencing that the net income has been properly expended on the upkeep of the endowed institutions. The Mysore Darbar, as the representative in interest of the original grantor of the endowment, is clearly interested in the matter, and the Court need hardly say that it would always be ready to transmit for the perusal of the Darbar duly authenticated copies of all material accounts relating to the management of the endowment villages and the outlay on the endowed institutions.

13. If, however, the Darbar is not willing to consent to such an arrangement but considers the intervention of the Muzrai Department to be essential, and such intervention can be legally enforced under the Mysore Regulations, the Court must still demur to the proposal merely to remit to the Deputy Collector all sums necessary for the upkeep of the temples and charities. It considers that in such a case the whole net



income should be handed over to the Deputy Collector as the manager of the endowed institutions. It advocates this course on two grounds, firstly, that the interest of the Mysore Darbar is confined to one point, viz., the proper expenditure of the income available for outlay. All that is necessary to ensure this is, as already stated, the regular transmission of proper accounts. The second ground referred to is that the present state of the endowed institutions is such that the entire income will for some years to come be required for outlay thereon. As requested by Government in G.O., No. 1088, Revenue, dated 4th March 1898, the Court has ascertained that during the period when, to quote Colonel Robertson's words, the institutions were being "starved" in order to provide for the repayment of the mortgage advance in large instalments, the revenues of the estate proper were drawn upon to the extent of Rs. 23,175 in order to provide for the maintenance of the requisite charities. The estate is entitled to the immediate repayment of this sum; and it will be necessary to incur further heavy expenditure in order to place the existing buildings in proper order. The Collector writes that they have been much damaged by the late heavy rains and that in the absence of funds he has found it necessary to postpone the necessary repairs, "pending the rendition of the endowment villages." The Court may add that as the Resident and the Darbar appear to attach considerable importance to the wishes of the minor's mother, Unnamulai Ammal, it is relevant to point out that this lady has herself expressly petitioned both the Darbar and the Court of Wards to make arrangements for the management of the endowment villages by the Court and its officials.

The Government will observe that, in the circumstances set out above, there is no necessity for the Muzrai Superintendent and the Deputy Collector to meet and discuss the question of the financing of these endowed institutions as suggested in paragraph 5 of the Resident's letter.

14. Paragraph 6 of Colonel Robertson's letter refers to *the temple jewellery.* The bulk of this has now been satisfactorily accounted for and is lodged in a safe in the jaghirdar's house at Belakavadi under the direct lock and key of the Muzrai Superintendent and the jaghirdar's mother. It appears all along to have been in the custody of Unnamalai Ammal notwithstanding her positive denial that this was the case when she was first interrogated on the subject; the Collector considers her disingenuous attitude to be attributable to the evil advice of Raju Mudaliyar. He has since reported that the custody of the jewellery should be transferred to the Kollegal Deputy Collector as they are frequently required for use in the temples at Sivasamudram and can be secured in the taluk treasury at Kollegal. He states that the Mysore authorities have signified their assent to this course but complains that the actual surrender of the ornaments has been deferred in consequence of a dispute as to the ownership of certain individual items which are claimed by Unnamulai Ammal as forming her private property. Mr. Mounsey presses for the immediate surrender of all the jewellery and proposes to intimate to Unnamulai Ammal that she must establish by resorting to the civil courts her claims in cases where doubt exists. The Court concurs with Mr. Mounsey in considering it desirable to transfer the custody of these ornaments to the Deputy Collector and recommends that this should be done at once, the Collector being instructed himself to decide upon claims which Unnamulai Ammal puts forward to individual items. Should she be unable to adduce satisfactory evidence of ownership, the Court considers that she should then be referred to the Civil Courts for redress. The Deputy Collector will merely play the part of a stake-holder, the rival litigants being the temple officials and Unnamulai Ammal.

15. The Resident's letter closes by referring to *the education of the minor jaghirdar.* He states that the Diwan promises to make proper arrangements in regard to this matter and that he does not himself propose to press for the boy's removal to Madras, as, though unfortunately dull and backward, he is of no political importance. Colonel Robertson, however, has desired that the boy should be sent for inspection by him occasionally in order that he might satisfy himself that his education is not being neglected. The Court understands that the Resident and Diwan have since seen reason to change their mind in the matter, and would itself strongly urge that

immediate steps be taken for the boy's transfer to the Newington establishment. The past history of his education and the correspondence relating thereto appears to be as follows:—

He was born in 1884 and up to August 1894 was being educated at Mysore in Mari Mallappa's school, the Royal school, and the Wesleyan Mission High school. From the Royal school he was compulsorily removed, because he was found to be hindering the education of other boys besides making no progress himself, and when he left the Mission school he was practically at the bottom of the lowest class but one. His education was then entrusted to two assistant teachers in the Maharaja's school, Mysore, in receipt of monthly salaries of Rs. 30 and Rs. 20, respectively. The senior of these two was a graduate named Adolphus, under whose care the ward was reported to have done better notwithstanding irregularities in attendance due to his mother's indulgence which on one occasion resulted in a break of $4\frac{1}{2}$ months in his work. On another occasion Mr. Adolphus threw up his appointment as tutor owing, it is stated, to the indifference shown by the boy's relations to his education. The lad was subsequently sent to Mari Mallappa's school again and was a pupil of that institution in May 1897 when the Collector reported that his progress had been extremely unsatisfactory. The Mysore Diwan had suggested that the boy should be re-admitted to the Royal school, but the Maharaja's guardian, Mr. Fraser, declined to receive him on any conditions, and the Collector accordingly recommended the boy's removal to Newington. In the following month (June 1897), he received a protest from Unnamalai Ammal on the ground that the removal of the ward to Madras at that time would be attended with much inconvenience and discomfort, the nature of which, however, she did not detail. With her petition she sent a report procured from Mr. Adolphus describing the boy's progress and expressing the opinion that the earliest date at which it would be possible to send him to Madras to study there with advantage to himself would be January 1899: this recommendation was devoid of any value, for, apart from Mr. Adolphus' capacity to form an opinion on the matter and his personal interest in the question involved, his sole reason was that the boy still required private tuition and was unfit to be left to his own devices in a regular class. The Court need hardly observe that private tuition is exactly what he would get at Newington and of a quality much superior to that which he has hitherto received, for besides the European tutor in charge of the establishment the Court's wards enjoy the services of special assistant tutors appointed as occasion requires with reference to the needs of individual pupils. In passing orders on the Collector's report the Court in its Proceedings, No. 1022, dated 29th June 1897, authorized him to make immediate arrangements for the transfer of the minor to Newington and instructed him to seek the co-operation of the Mysore authorities in the event of any objections being raised by the minor's relatives. The Collector addressed the Diwan or Resident on more than one occasion in regard to the matter, but it was not until July 1898 that he received intimation that Colonel Robertson proposed shortly to make personal enquiries regarding the minor's education but would not be prepared to urge the desirability of sending the boy to Newington, if the arrangements which the Mysore Diwan proposed for his education proved to be fairly satisfactory.

16. The Court considers that there can be little doubt that satisfactory arrangements have hitherto not been made in regard to the boy's education and desires strongly to urge that in his interests and for the sake of the future of the estate, immediate steps should be taken to procure his removal to the Newington establishment where he will associate with other lads of similar standing and position and enjoy the advantages of that private tuition and special training which are especially necessary in the case of dull and backward lads who have been spoilt by their relatives and allowed to grow up without due regard to disciplinary requirements.

17. The only other subject to which the Court need advert is one left unnoticed by Colonel Robertson and that is *the necessity of securing a thorough scrutiny of the accounts relating to the past management of the whole estate.* As already stated the condition of Unnamalai Ammal's recognition as guardian and the approval of her appointment of Raju Mudaliyar as her agent was the submission of an annual statement



showing the jaghir income and expenditure and duly signed by the lady and countersigned by her agent. The specific allegations made in the appendix of these proceedings on information supplied by the Amildar, Krishna Singh, show that there is *primâ facie* reason for the belief that Raju Mudaliyar has been guilty of gross maladministration. The Court of Wards has for nearly three years been unsuccessfully endeavouring to obtain detailed accounts from the Mysore agent, Ramaswami Aiyar, who, as already stated, now stands as defendant in proceedings instituted for this purpose before the District Court at Coimbatore. There is a large sum deposited to the credit of Unnamalai Ammal with the Mysore branch of the Bank of Madras amounting on the 4th of January 1897 to Rs. 31,832–4–9, in regard to which there is in the absence of proper accounts no evidence to show whether or not it constitutes property belonging to the estate, though there is no moral doubt that it includes the whole or a portion of the cash balance of Rs. 24,250–14–4 which was in hand on the late jaghirdar's death, less a deduction of Rs. 1,510–10–1, which appears to have been made without due authority by Raju Mudaliyar. Since the advent of Ramaswami Aiyar, another questionable transaction is stated to have taken place in the shape of the sale of certain tank-bed lands at Balakavadi for Rs. 8,525, the whole of which as the Collector understood had probably reached the hands of Raju Mudaliyar. The Court has already alluded in paragraph 4 above to the suspicious payment to the same individual of Rs. 2,500 immediately before the intervention of the Kollegal Deputy Collector; and it is clearly necessary to make a thorough scrutiny of those cases in which Raju Mudaliyar has been permitted to make advances for business purposes or on promissory notes running in his own name. The Court was so convinced of the necessity of taking preventive measures and conducting a searching investigation in regard to these matters that in its Proceedings, No. 6, Press, of the 20th March 1897, the Collector of Coimbatore was requested to address the Mysore authorities with a view to preventing any payments being made to Unnamalai Ammal or her brother from the income of the Mysore property except of course so much as was reasonably required for the maintenance of the minor's household. The Collector reported in May 1897, however, that no action had been taken with reference to his request and that all the ordinary revenue of the Mysore portion of the estate and the various extraordinary receipts such as those arising from the sale of the tank-bed lands were going into the pockets of Unnamalai Ammal and Raju Mudaliyar. Communications addressed to the Mysore authorities on more than one occasion have failed to elicit any detailed statement of the income and expenditure of the Mysore villages. The only figures given in fact by the Sub-Divisional-officer, French Rocks, were the gross totals of receipts and expenditure of the several villages during the five years ending 1896–97 as shown in the margin. The Court is not aware whether these figures have been duly verified, but they no doubt include expenditure in connection with the British villages and also items of repayment on account of the mortgage debt. The Deputy Collector was instructed to ask for more detailed information but none has yet reached the Court of Wards.

| | Rs. | A. | P. |
|---|---|---|---|
| Endowment villages— | | | |
| Receipts ... ... | 49,777 | 11 | 5 |
| Expenditure ... ... | 43,591 | 9 | 11 |
| Other villages— | | | |
| Receipts ... ... | 43,393 | 13 | 0 |
| Expenditure ... ... | 1,17,043 | 13 | 4 |

18. When last addressing Government on the subject in its Proceedings, No. 878, dated 6th December 1897, the Court expressly requested that the Mysore Darbar should be asked to furnish a statement of the receipts and charges, but as already observed Colonel Robertson is silent on this subject. There is so much *primâ facie* evidence for the belief that the income of the estate had been frittered away or misapplied during the past 14 years and the amount of money involved is so large that the Court considers it of paramount importance to investigate the past accounts in the most thorough possible manner. During the minority of the jaghirdar the expenditure should have been far less than in his father's life-time, but the net result of 14 years' management would seem to be that, with the exception of the works constructed with the aid of the loan advanced by the Mysore Durbar, there has been a general retrogression in the condition of the estate. The forests are reported to have been

wilfully destroyed, irrigation works to have fallen into disrepair, the temples and other endowed buildings are but little removed from a condition of ruin, and the bridges have been neglected to such an extent that an expenditure of over five and twenty thousand rupees is considered necessary to put them in anything like proper order; while a further sum of Rs. 23,000 is due to the estate proper from the income of the endowed villages. With the estate in such a condition as this, the Court fears that there is every reason to suppose that great malpractices have been committed and to insist upon the submission and thorough scrutiny of the accounts maintained.

(True Extract.)

(Signed) LIONEL DAVIDSON,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with one enclosure and with two original enclosures returned.

Copy to the Collector of Coimbatore.

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APPENDIX.

The Amildar's investigations went to show that the agent had drawn during the preceding ten years a sum of some Rs. 71,000 from the estate revenues, of which only Rs. 36,000 had in any way been accounted for, the latter sum being the amount believed to have been spent on the minor's household at the rate of Rs. 300 per mensem. As instances of misconduct alleged against the agent the following may be cited :—

(1) Having appointed relations to manage the toll-gate on the Sivasamudram bridge, he permitted them to exact unauthorized tolls with the result that complaints were from time to time preferred to the Kollegal Deputy Collector.

(2) No detailed account of the expenditure shown under repairs aggregating a sum of over Rs. 18,000 had been maintained, and there was reason to question whether the expenditure had really been properly incurred.

(3) During his tenure of management the agent had succeeded in obtaining possession of all the best lands in the Sivasamudram Island and had regularly remitted his own assessment.

(4) The agent had been in the habit of making large advances on promissory notes running in his own name for the most part to his relations, but in one case to a Bangalore merchant for business purposes.

(5) Under the heading of household expenditure for the year 1893–94 was included a sum of Rs. 900 for printing forest passes, the payment being due to a Madras printer who is the agent's father-in-law. On scrutiny by the Amildar the proper charge was found to be Rs. 300.

(6) The agent had sold all the sandalwood trees growing on the jaghir to a Kollegal trader for Rs. 1,000, their real value being estimated at not less than Rs. 10,000.

(7) The agent had entirely neglected the exchange of pattas and muchilikas with the estate tenants which had been usual in the late jaghirdar's time and is necessary to secure to the proprietor the most effectual means of recovering the rents due to him as without the exchange of such documents no proceedings can be taken under the Madras Act VIII of 1865.

The Collector also reported that a sum of Rs. 30,000, being the estate balance, was said to have been deposited in the Madras Bank in the agent's name and expressed apprehensions as to whether the agent might not withdraw and misappropriate that amount.

(Signed) LIONEL DAVIDSON,
Acting Secretary.

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Read—Proceedings of the Court of Wards, Routine, No. 608, dated 14th August 1899.

Abstract.—Enquiring whether a final decision has yet been arrived at with reference to Court's Proceedings, No. 739, dated 6th June 1899, regarding the education of the Sivasamudram minor and the administration of his properties in the Mysore Province.



Read—the following Proceedings of the Court of Wards, Mis. No. 1322, dated 20th September 1899 :—

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The Hon'ble Mr. J. Sturrock.
" Mr. J. Thomson.
" Mr. F. A. Nicholson.

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Read—the following letter from C. H. MOUNSEY, Esq., I.C.S., Acting Collector and Agent to the Court of Wards, Coimbatore, to the Secretary to the Court of Wards, dated Camp, Sivasamudram, 17th August 1899, R. Dis. No. 438-Rev. :—

I have the honour to state that on the 26th July last, the First Assistant to the Resident in Mysore wrote to me saying he was directed to state that the Muzrai Superintendent under the Mysore Darbar would meet the Deputy Collector, Kollegal, to discuss matters connected with the temple management and other charities at Sivasamudram if I could fix a convenient date. I suggested the 14th instant, as I knew I would be in Sivasamudram then and on that date the Muzrai Superintendent, the Sub-divisional officer, French Rocks, the Deputy Collector, Kollegal, and myself had a long and friendly discussion on the various points connected with the estate. Yesterday I also saw Raju Mudaliar, the minor's uncle, and heard his views and had a further interchange of views with the Mysore officials. I embody below the result of the interview. Under the circumstances under which the interview was arranged, the views of the Muzrai Superintendent may be considered to be official ones.

2. *Endowed villages—Management of Purigal and Kaglipuram.*—(*a*) The Court is aware that it claims that, as the Mysore Darbar raises no objection to the management of the temples and charities in Sivasamudram being under the Deputy Collector, and as the loan for which the villages were taken as security by the Darbar has been paid off, the management of the villages may also be given to the Deputy Collector or the whole net proceeds of the endowments handed to him for the purpose for which they are intended (*vide* paragraph 12 of Court's Proceedings, Mis. No. 739, dated 6th June 1899).

(*b*) It has been assumed that these villages were mortgaged to the Darbar, but the facts appear to be that on a petition of 1889, Unnamalai Ammal (and of her manager, her brother probably) a loan was sought for on the security of the villages. This was granted by an order on the petition, dated 6th June 1889, which provided for the assumption of the management of the villages and recites among other things conditions for the maintenance of the temples and says that the villages shall be restored when the loan is paid off.

(*c*) To avoid repetition I now enclose the proceedings of the Mysore Government, dated 17th October 1896, and 22nd January 1897, which explain better than I could explain it why the two villages have not been restored since the loan has been paid off.

(*d*) The Muzrai Superintendent, in short, stated that the management of the villages is an act of State on the part of the Darbar. It may be permitted to me to point out that if the mismanagement refers to the deeds of Unnamalai Ammal and her brother, *ipso facto*, their management of the jaghire villages must be open to question.

(*e*) In regard to the funds I had a glance at an abstract of the accounts from 1889 to 1897 and may get a copy of it, this gives a total receipt about Rs. 72,350 including Rs. 11,013 said to be in hand to start with. Raju Mudaliar denied to me that he had that money in hand saying that until the irrigation works were put in repairs it was not possible to have had a balance. But he seems to have admitted to the Muzrai Superintendent that this amount of Rs. 11,013 was made up mostly of decree-debts (of which he had been able to realize only some Rs. 2,000 or 3,000, the

Superintendent seems to accept this) and other irrecoverable assets. The expenditure was mostly for the repayment of the debt Rs. 43,910 and odd, but it included Rs. 3,538-13-0 given to the jaghirdar's agent. The annual establishment was paid in 1890 at Rs. 3,430-13-10. If the villages had paid all of this annually, the total expenditure would have exceeded the assets by many thousands of rupees. As it did not, funds must have come from the general revenues though whether quite as much as Rs. 23,175-1-6 came from them is a matter of doubt, the Superintendent says, considering the condition Mr. Bradley reported the temples to be in. The temple people told me that by deductions here and there the manager saved about Rs. 100 a month from the establishment charges. I have no proof of this. The balance was about Rs. 6,000, which added to surplus revenues since collected (Rs. 13,000 on 30th June 1899 and Rs. 1,000 collected after that date) leaves about Rs. 20,000 in hand. The Muzrai Superintendent proposes that Rs. 10,000 of this should be spent for recoupment of the advance, Rs. 4,000 kept for expenditure till the next collection season and Rs. 6,000 for repairs to the temple buildings for which estimates should be prepared. He assured me that if the Mysore Darbar were addressed for the funds, they would hand them over at once. He accepted the present expenditure on establishment which he considered should be revised when all the repairs were executed. As a beginning the proposal seems acceptable.

(*f*) At the same time he was fully of opinion that as the Mysore Darbar was the grantor of the inams, even if the Kollegal Deputy Collector should be given the net surplus to expend upon them, the Mysore Government, in its inherent right to see that the charities were properly administered, should be given a voice in—

(i) the scale of establishment;

(ii) the expenditure on—

(*a*) daily ceremonies,

(*b*) extraordinary ceremonies;

(iii) On repairs except petty ones.

How far the Darbar can be justified in demanding their share of control can be determined by the terms of the original sanad and by the fact that from 1830 to 1896 the Darbar do not ever seem to have interfered in the management of the jaghirdar. An extract from the sanad is given below:—

"We have granted you as sarvamanyam these two villages for the perpetual maintenance of the charities made by your grandfather Ramasami Mudaliar . . . you and your sons and grandsons in hereditary succession are to realize from this Virodhi year all proprietary rights (which are enumerated in detail) appertaining to these villages and to realize whatever increased income you can in whatsoever item and by making tanks, channels and anes and to use (the said realizations) so as to maintain perpetually the said restoration charities and cause prayers to be offered for the prosperity of the Sirkar before Sri Ranganathaswami.

Purigal.
Kaglipuram.

The title to minerals and natural products within the lands in question will rest in you, as also the right of alienation by sale, mortgage, gift, &c."

(*g*) In reference to the sanad the Muzrai Superintendent argues that its terms have been merged in the inam settlement deed. In reference to non-interference the Muzrai Superintendent does not admit it. He referred me to an order of the Mysore Government, dated 10th December 1894, to prove that the Darbar had really been mindful of the charities. In this it is stated that the tasdik allowances were incapable of reduction; therefore the temples must be kept up on the existing basis and the liquidation of the Government debt must be postponed to the requirements of the temples; and also says in regard to the temples "whose affairs should always be subject to the supervision of the Muzrai department." Again I was referred to an office-note of the Diwan's, dated 10th September 1896, drawn up after a conversation with Mr. Bradley, in which he says that as these villages were for the temples and bridges the Muzrai Secretary should do the needful regarding the complaints as to



want of repairs and services. The Muzrai department defends itself from a possible charge of not looking after the temples by a reference to these orders, by the fact that the whole of 1896 was taken up with correspondence in regard to the resumption of the villages, by the jaghirdar refusing to give possession and finally by the Court of Wards stepping in. At the same time it is fair to state that from a paper shown to me I found the Diwan considered that though it was true that the failure to spend the money properly was due to the agent's failure to apply for it, the local officers were also held to blame though on their behalf it was admitted that they had only the revenue management of the villages and that the temples were in British territory. It was also pointed out to me—

(1) that, as far back as 1857 and again in 1875, the neglect of the management of the endowment had been brought to the notice of the Mysore authorities for action which does not seem to have been taken;

(2) that the loan of 1889 was an attempt on behalf of the Government to remedy affairs;

(3) that the Darbar would have advanced money if it had been asked for it by the manager and that it did advance Rs. 3,539-13-0 in 1890; and

(4) finally, that the Muzrai Superintendent brings to notice that the claims to have a voice in the expenditure is not an exceptional claim in regard to Sivasamudram temples, but merely an endeavour to carry out the general practice of the province whereby all religious endowments are subject to the general conduct of the estate.

Perhaps if the Darbar were asked to waive their claims, an annual account being forwarded to them, under the special circumstances, that now for the first time for 70 years there is the prospect of an honest and capable management, they might be inclined to do so. I can give no opinion on this but certainly the power of interference seem only to be rightly exercisable when there is maladministration or a prospect thereof, as stated by the Mysore Government themselves in paragraph 3 of their order, dated 22nd January 1897, and perhaps is not applicable at all to institutions outside Mysore.

(*h*) The question of the management of these villages may be considered with that of the management of the jaghir villages. The Superintendent says that if there is a surplus after all the necessary expenditure is provided for and they are managing them it is credited to the Muzrai surplus fund and is always available when wanted.

3. *Mysore Jaghir Villages.*—The next point that was discussed was the management of the six jaghire villages in Mysore territory. The Sub-divisional officer stated that he was certainly of opinion that the present management by Unnamalai Ammal and her brother should cease, as his inquiries made him believe that they were quite incapable of managing the villages satisfactorily. This is a great advance—*vide* the statement (paragraph 4, Court's Proceedings, Mis. No. 739, dated 6th June 1899), that the "present manager was quite capable of conducting the duties of his office satisfactorily." The Sub-divisional officer raised no personal objection to the management by the Court of Wards, but declared that if the villages were taken under the management of the Mysore Government, the cost thereof would be nothing, as they would become practically Government villages, wanting no separate establishment. He added that though a police station that used to be kept up at the cost of the estate has recently been abolished, the management was still far too costly in proportion to the results. If such a management can be secured as efficient and cheaper than the one under the British rule (as was asserted), there seems to be no objection to it. The Sub-divisional officer considered that revenue arrears could easily be recovered by the ordinary Mysore processes if the estate was in their charge, and would require civil suits to realize if the management was under the Court of Wards, although there is provision for the Mysore Government having power to authorize a person appointed by us as manager to collect rent under the Revenue Code without having recourse to civil courts. If this authorization is not given to an Agent of the Court of Wards there can be no question as to the advisability of the management

as Government villages by Mysore. The great thing is to have the alternative effected as speedily as possible. The Sub-Divisional Officer assures me that he is about to apply to have the ward's mother and Raju Mudaliar removed and the management taken over by the Government. I understand that the ground on which the transfer of management will be asked is merely that Raju Mudaliar has become incapable through old age. It is obvious that such a reason will be put forward not to stultify the Darbar in regard to its former opinions; but as long as a change is effected, the grounds therefor should be a matter of perfect indifference to us. It would be worse than useless to point out inconsistency when evidently there is now a desire to meet our views. These remarks apply also to the reasons given for showing that the Mysore Darbar has interfered in the temple management. As a fact they have not done so, but it would be useless to point this out if they will accept our management and be given a nominal control to save their dignity by copies of the accounts annually being sent to them. As the jaghir villages are managed so may the endowed villages be managed.

4. *Minor's Education.*—This subject has been reported on separately in this office letter, dated 16th August 1899. Raju Mudaliar pretended there would be difficulties about caste and language if the ward went to Newington. On these points I corrected him. He wanted the ward to be educated in Mysore under his superintendence and he also wanted to manage the estate, but was quite willing to give that up to the Court of Wards or Mysore if he was allowed Rs. 10,000 per annum for the purpose. He said he was only spending Rs. 500 a month or so now as household expenditure, but thought if he had to educate the ward at Mysore, Rs. 10,000 a year at least was necessary.

5. *Temple jewels.*—(*a*) On the 31st July 1899, the First Assistant to the Resident was directed to write to me on the subject. He forwarded a memorandum giving a list of eight jewels set with precious stones—one gold jewel and thirteen silver jewels—altogether valued at Rs. 4,394 claimed, respectively, by the Temple authorities and by Unnamalai Ammal. He says "after prolonged enquiry it has been found impossible to discover any proof of the validity of the temple claims. Under these circumstances the only possible course would seem to be to leave the jewels in the ward's possession until the temple management can establish its claim."

(*b*) As far as I made out, Unnamalai Ammal says that these jewels were the private property of the Jaghirdar and were used sometimes to adorn the God, but the temples were never endowed with them. I cannot ascertain that the lady's claims have anything more solid to rest on and gathered that if she had not refused to give them up to the Mysore authorities when demanded, they would have been handed over by them to the temples. On the other hand the temples claims may be briefly summarised as follows:—

(i) They are entered in the list of temple jewels prepared by the late Jaghirdar's clerk Krishna Aiyangar about a year before the Jaghirdar's death in July 1885.

(ii) They are entered in a list of temple jewels prepared by Rai Bahadur Ratnasabhapati Mudaliar, Councillor to the Maharaja of Mysore in November 1885.

(iii) Mr. Ratnasabhapati Mudaliar, who is now alive, has deposed before the Muzrai Secretary to the Mysore Darbar that the list was prepared by him from the one mentioned in clause (i), and his evidence is now available.

(iv) They have been used in the temple and have been seen by temple servants, whose evidence is also available.

(v) It is asserted that some of them are such as are only prepared in the form they are prepared for use in temples and never so prepared for private use.

(*c*) If the Mysore authorities consider after their prolonged enquiry that the temples can put forth no proof of the right to the jewels what must they think of Unnamalai Ammal's claim unless there is something more in it than the Muzrai Superintendent knows of. Raju Mudaliar admitted to me that personally he knows



nothing of the jewels. Possession is nine points of the law, it is said, and Unnamalai Ammal has a sort of quasi-possession over them as they are under the lock of herself and the seal of the Deputy Commissioner of Mysore. They seem to be safe enough and personally I think even though the Court of Wards is trustee for the temples all we should do, should be to see that the temple claim is not barred and leave the minor when he comes of age to settle the matter as he likes. At any rate until the temples are properly repaired and establishment and services put on a proper basis, I think it would be wise not to mix oursleves up in legal proceedings about these jewels.

(*d*) There are certain other jewels which Unnamalai Ammal admits should be in use in the temples on certain festivals. These she proposes to keep with her in Mysore and promises to send for the occasions that they are wanted, if a guard be supplied. This demand seems to be untenable. These jewels used to be kept at Sivasamudrum and when the Jaghirdar removed to Belakavadi, four miles off, they were kept there and always ready when wanted. Now it seems only natural that these jewels should be kept in the treasury at Kollegal under the joint lock and key of the Manager and Tahsildar, to be sent to Sivasamudram when necessary. Raju Mudaliar fully admitted that this was reasonable. I suggest that if Unnamalai Ammal refuses to accept this view of this matter, the Mysore Darbar be asked to bring pressure on her by stopping all allowances as I presume from what has passed that they will take the management of the jaghir villages on themselves and make her an allowance consistent with her position.

6. *Manager Ramasami Iyer.*—The District Court ordered on the 25th October 1898 (Civil Mis. Petition No. 297 of 1898) that the accounts and cash held by this man should be given up and that the necessary order should be served on him. In accordance with this order the necessary action will be taken. Ramasami Iyer has, during the pendency of the application, handed over some accounts but the remaining records and the cash have not been received. Ramasami Iyer was called in at the interview and he strenuously denied he had any of these accounts or any cash belonging to the estate in his hand. Most of the accounts are, I believe, in his office at Belakavadi and if he examines them the remaining accounts can be easily furnished. Of the cash which came into his hands while managing the British part of the estate he has not rendered any satisfactory account. He is bound to render the same and to surrender any balance remaining with him. His plea is that all the cash excepting Rs. 50 was handed over from time to time according to Unnamalai Ammal's direction and that he is not sure whether this amount (Rs. 50) appertains to the British or Mysore portion of the estate. I have now exhausted the subjects that were discussed (fortunately there is no dispute about the repairs to the bridges) and I trust that the additional information as to the reasons which have actuated the Mysore Durbar in certain of its acts and as to the opinion of their officers on certain questions concerning the estate may be of use to the Court of Wards as a help to the final decision as to the action that they may direct me as their agent to take upon the various points that have been in issue. These matters are now before Government (*vide* Court's Proceedings, Mis. No. 739, dated 6th June 1899), and if orders have not yet been passed, I respectfully suggest that the latest development of affairs as represented in this report be also considered in disposing of the Sivasamudram questions.

*P.S.*—Since writing the above I have received the enclosed demi-official from the Muzrai Superintendent with the Diwan's memorandum I have referred to in my report. The fact of these being sent shows a desire to give us every information, the memorandum is valuable as giving an authoritative opinion of the Diwan's view, and the demi-official in reference to its last paragraph.

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*Read*—the following letter from C. H. MOUNSEY, Esq., I.C.S., Collector and Agent to the Court of Wards, Coimbatore, to the Secretary to the Court of Wards, Madras, dated Sivasamudram, 16th August 1899, R. Dis. No. 439-Rev. of 1899:—

In forwarding, herewith, a copy of a letter from the First Assistant Resident in Mysore to me asking if I see any objection to defraying the whole expense of the

Read—Proceedings of the Court of Wards, Mis. No. 1404, dated 5th October 1899.

Abstract.—Submitting to Government, in continuation of Court's Proceedings, No. 739, dated 6th June 1899, petition from Unnamulai Ammal requesting that the Sivasamudram villages in Mysore may be managed by the Court of Wards.

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Read—Proceedings of the Court of Wards, Mis. No. 1459, dated 10th October 1899.

Abstract.—Submitting, with remark, to Government, in continuation of Court of Wards' Proceedings, Mis. No. 6322, dated 20th September 1899, letter from the Collector of Coimbatore reporting on the petition from the mother of the Sivasamudram minor regarding temple jewels.

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Read—the following Proceedings of the Court of Wards, Mis. No. 1672, dated 20th November 1899 :—

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The Hon'ble Mr. F. A. Nicholson.

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*Read*—the following letter from C. H. MOUNSEY, Esq., Acting Collector of Coimbatore, to the Secretary to the Court of Wards, Madras, dated 3rd November 1899, R.O.C. Nos. 116-(*a*) C.W. and 2002-(*a*) Petn. :—

In continuation of this office R. Dis. No. 517-Rev., dated 29th September 1899, I have the honour to submit, for the perusal of the Court, copy of another petition received from Unnamulai Ammal, mother of the Sivasamudram ward, praying that the management of the Mysore portion of the estate may be taken charge of by the Court of Wards as early as possible. She states that the Mysore villages of the estate are now without any manager in consequence of the death of Ramasami Aiyar, who was Manager till the 16th ultimo. This is the very man who was lately Manager of Sivasamudram and against whom a suit was filed for restitution of accounts and cash belonging to the Sivasamudram estate. I also enclose herein Managers' report, R.O.C. No. 242-Supr., dated 30th October 1899, with the Kollegal Deputy Collector's endorsement thereon, R.O.C. No. 518-C.W., dated 1st November 1899, on the subject. The circumstances detailed in the Manager's report with regard to the state of the Mysore portion of the estate after the death of Ramasami Aiyar are quite true, and I fully endorse the opinion of the Deputy Collector.

2. The death of Ramasami Aiyar, coupled with the illness of Raju Mudaliar, has left the Mysore portion of the estate in confusion.

3. As the mother of the minor Jaghiredar who is now in actual possession of it expresses her inability to look after it, I think that early steps should be taken to take possession of the property. I think myself that unless the lady transfers the property to British territory, we cannot interfere.

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*Read*—petition from the mother of the Sivasamudram ward, dated 5th November 1899, No. 48.

*Read*—also endorsement of C. H. MOUNSEY, Esq., Acting Collector of Coimbatore, dated 13th November 1899, R.O.C. No. 124-C. W. of 1899.

*Read*—the following letter from M.R.Ry. V. CHAPPAN MENON, Deputy Collector, Kollegal, to the Collector of Coimbatore, dated 11th November 1899 :—

I have the honour to report that Sir K. Seshadri Iyer, K.C.S.I., Diwan of Mysore, visited Sivasamudram in connection with the Electric Installation project on the 10th and 11th instant.

2. He had a conference with me in connection with the Sivasamudram temple management and the endowment villages of Purigal and Kaglipuram, and he has authorised me to say that he is ready to hand over at once the surplus revenues of



the endowment villages which are now in the Mysore treasury in view to their being spent in the improvement of the temples and charities at Sivasamudram which are now in a deplorable condition.

3. He informed me that the attempt made by the Jaghirdar's mother to treat the endowment villages as their *private* property prevented any favourable consideration being accorded to the matter, and that if the property is admitted to be *trust-property* (which it has all along been and as to which there was no doubt hitherto), he was willing to hand over the villages on this express condition for our management. I told him that so far as I was aware no one had seriously entertained the proposal that the endowment villages formed the private property of the Jaghirdar and that the villages had been given for the fulfilment of the terms of the trust and were therefore trust-property. He then answered that if this was so, there was no difference of opinion on the matter and that he would write on the subject through the Resident as soon as he returned to Bangalore. He said he was unable to show me the file of papers as they were in his office at Bangalore.

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Endt. R.O.C. No. 124-C.W.

Forwarded to the Secretary to the Court of Wards. The information herein contained seems very satisfactory.

(Signed) C. H. MOUNSEY,
Acting Collector.

13th November 1899.

To the Secretary to the Court of Wards, Madras.

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*Resolution*—Mis. No. 1672, dated 20th November 1899.

In the first two communications read above, the mother of the Sivasamudram ward reports the death of the retired Mysore official, Ramaswami Aiyar by name, who was looking after her property in Mysore, and the illness of Raju Mudaliar, her brother and agent, and requests that the Court of Wards may assume charge of her Mysore property as well as that in British India.

2. In the third communication, the Collector of Coimbatore brings to notice that on a recent visit to Sivasamudram the Diwan of Mysore has expressed his readiness to hand over at once the surplus revenue (now in the Mysore treasury) of the two endowment villages in view to its being spent on the temples and charities at Sivasamudram which are now in a deplorable condition. The Diwan has also added that, if the two villages be admitted to be *trust* property, he would hand them over to the Madras Court of Wards on that express understanding. He has promised to send a formal communication on the subject through the Resident on his return to Bangalore.

3. These papers will be submitted to Government in continuation of the correspondence ending with Court's Proceedings, No. 1459, dated 10th October 1899, and with the request that early orders may be passed on the matter.

4. The Collector of Coimbatore is requested to make temporary arrangements to look after the minor's property in Mysore. The Sivasamudram manager or some local agent should be directed to take the necessary steps in this behalf (and given the necessary power of attorney) until some definite arrangement is made with the Mysore Durbar in the matter of the administration of the minor's property in that state.

(True Extract.)

(Signed) W. FRANCIS,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with three letters and their enclosures.

" Collector of Coimbatore.

Order—No. 869, Revenue, dated 26th December 1899.

Miscellaneous.

The papers read above relate to the management of the Sivasamudram estate, a portion of which lies in Mysore territory. The part of the estate in this Presidency is under the management of the Court of Wards. After a full consideration of the subject, His Excellency the Governor in Council considers that it would be inexpedient, even if the question of legal authority were satisfactorily settled, for the Court to attempt to undertake the management of any portion of the estate in Mysore, or to concern itself in the management of the temples of Sivasamudram which are endowed with the revenues of the two Mysore villages.

2. As regards the residence and education of the minor, His Excellency the Governor in Council considers that it would be greatly to his advantage if he were educated under the Court's care at Madras. As the revenues of the British portion of the estate are reported to be sufficient to bear the cost of the minor's education at Madras, the Government sees no objection to the cost being defrayed from such revenues. But should these revenues prove inadequate, the Mysore Durbar may be requested to make good the deficiency.

3. The Government understands that the property of the estate in this Presidency comprises: (1) the two shrotriem villages of Mulloor and Agniam granted to Ramaswami Mudaliar for his public services; (2) the village of Sattigal granted as a jaghir to Ramaswami Mudaliar for having constructed the western bridge at Sivasamudram; (3) the island of Sivasamudram and an adjoining tract of land granted to the same person partly in view of his having constructed the bridges and partly in consideration of his maintaining the bridges in repair; and (4) the right to levy tolls on the bridges, the proceeds of which should be devoted to keeping them in repair.

4. From paragraph 3 of the Court's Proceedings, No. 739, dated 6th June 1899, it would appear that the Court holds that the village of Sattigal was also granted for keeping the bridges in repair. The terms of the cowle submitted by the Board of Revenue in 1836 and approved in E.M.C. No. 311, dated 15th March 1836, do not, however, seem to support this view. The Court is requested to verify the matter further. The Court is also requested to consider and report whether any practical difficulty is likely to arise in realizing or apportioning the tolls on the two bridges.

5. The following letter will be addressed to the Resident in Mysore.

(True Extract.)

(Signed) G. S. FORBES,
Secretary to Government.

To the Court of Wards.

Exd. T. K. Narayana Aiyangar.

35 Copies.

1899.

*From*

*The Government of Fort St. George.*

*Recd.* } 1899. *Enclosures*

*Regd.* } *Spare copies*

Letter, No. 870, 26th December 1899.

DECEMBER.

Addressing the Resident in Mysore regarding the management of the Sivasamudram estate and the education of the minor.

## REVENUE DEPARTMENT.

From

G. S. FORBES, Esq., I.C.S.,
Secretary to the Government of Madras,

To

The RESIDENT in MYSORE.

*Dated Fort St. George, 26th December* 1899.

Sir,

I am directed to reply to your letter, No. 4995/238–95, dated 24th September 1898, on the subject of the management of the Sivasamudram estate.

Miscellaneous.

2. After a full consideration of the matter, His Excellency the Governor in Council is of opinion that the Madras Court of Wards should not attempt the management of any part of the estate in Mysore territory, nor concern itself with the management of temples endowed by the Mysore State.

3. As regards the residence and education of the minor, His Excellency the Governor in Council considers that it would be greatly to his advantage if he were educated under the Court's control in Madras. Should the Durbar be willing to entrust the boy to the Court's care, the cost of his living and education will be defrayed from the revenues of the portion of the estate in this Presidency, so far as they may be adequate. In the event of a deficiency I am to request that it may be met from the revenue of the portion of the estate situated within the Mysore territory.

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

(Signed) G. S. FORBES,
Secretary to Government.

Ex.l. T. K. Narayana Aiyangar.

20 Copies.

Rev 9/2
Cil 9/6.

REVENUE DEPARTMENT.

## NOTES CONNECTED WITH G.O., Nos. 869-70, REVENUE, DATED 26TH DECEMBER 1899.

[SUBJECT.—*Regarding management of the Sivasamudram estate.*]

*Proceedings of the Court of Wards, Madras, Mis. No.* 739, *dated 6th June* 1899.

*To Secretary—*

In the paper read above the Court of Wards offers its remarks on the letter from the Resident in Mysore, dated 24th September 1898, regarding the future management of the Sivasamudram estate. The various subjects dealt with by the Court of Wards will be noticed below.

G.O., No. 4672, dated 28th November 1898. Attached to this Government order will be found a full note on this jagir.

N.E.M.
4-7-99.

2. *The Jagirdar's obligation to maintain the bridges over the Cauvery.*—The Sivasamudram bridges were long neglected. An estimate of Rs. 25,750 for putting them in order has recently been transferred to the Public Works Department for execution on behalf of the Court of Wards. The Resident in Mysore stated that the Jagirdar's obligation to maintain the bridge over the western branch of the Cauvery Rangasetu could be enforced only to the extent of the tolls realized by him. The Court of Wards agrees with the Resident. It, however, observes as follows:—

"A scrutiny of the past accounts will be necessary in order to ascertain by "what amount the net receipts from tolls exceed the expenditure incurred in keeping "the bridge in proper order; the excess should be made available for such further "outlay as may be necessary, and for the future, as the Coimbatore Collector has "pointed out, the toll revenue must be treated as a separate fund, the only charges "debitable to which are the cost of collection and the outlay on the maintenance and "repair of the bridge. Should it prove to be the case that proper accounts have not "been maintained in the past, the estate will be liable to make good the estimated "difference between receipts and expenditure, and it will be for the Court of Wards "and the Darbar to make their best endeavours to ascertain the amount due and to "make arrangements for the expenditure of such portion as may be necessary and the "safe investment of the balance as a reserve fund to meet future requirements."

N.E.M.
4-7-99.

Submitted that the Court's views may be concurred in and the Resident informed accordingly.

The Court of Wards also observes that the Mysore tolls do not form the sole source from which the requisite expenditure can be met and that under the sanad issued in 1836 the revenue of the British village of Sategal and the tolls levied from passengers passing over both bridges—the Rangasetu or Mysore bridge and the Ramasetu or British bridge—are to be utilized for keeping the bridges in perpetual repair. Attention is however invited to pages 15 to 20 of précis stitched with G.O., No. 4672, dated 28th November 1898, from which it would appear that the village of Sategal was granted to the original grantee as the contribution of Government to the second bridge which was built at a cost of about a lakh of rupees and the tolls which he was permitted to collect on both the bridges were intended solely for the repairs of the bridges The ward's mother appears to have recognized her responsibility in the matter and promised a contribution of Rs. 10,000 towards the repairs of the bridges apparently from the funds of the Mysore portion of the estate.

3. *The management of the six inam villages * in Mysore.*—These villages were granted as the contribution of the Mysore Darbar to the bridge constructed over the western branch of the Cauvery by the original grantee. The Resident stated that no change need be made in the present arrangement under which these villages are in the possession of the minor Jagirdar's mother but are managed by a retired Mysore official. The Court calls in question the capacity and integrity of the Manager Ramaswami Aiyar. It was his mismanagement of the property in the British territory that led to the intervention of the Court of Wards in 1896.

*1. Belakavadi.
2. Desanadoddi.
3. Hosahalli.
4. Kenchagahalli.
5. Hanchipura or Malligattanhalli.
6. Devapatna.

G.O, No. 5273, dated 19th December 1896.

After recapitulating the past history of the estate and its present condition the Court of Wards urges very strongly that the existing arrangements cannot be regarded as satisfactory and that it is essential to replace Ramaswami Aiyar by a manager who can be thoroughly relied upon to act independently of the minor's mother and her brother and to bring the administration of the estate into proper order. It observes "the local situation of the estate villages, "forming as they do a compact block in "the immediate neighbourhood of Kolle- "gal, renders it desirable that they should "be administered by one and the same "manager with an establishment available "for employment throughout the estate. If, as the Court would desire, the Mysore "Darbar will consent to the administration being left in its own hands, adequate "supervision by a responsible local officer will be readily available at the hands of the "Deputy Collector of the Kollegal division. The present dual system of administra- "tion is clearly the reverse of economical, and should, if possible, be put an end to; "but in the interests of its ward the Court cannot consent to allowing Unnamulai "Ammal and Raju Mudaliyar to control the management of the British villages. "The experience of 14 years has shown that such a course is clearly inimical to "the well-being of the minor and his estate. An additional reason in favour of "following, in regard to this estate, the plan accepted by His Highness the Nizam in "regard to the Munagala † property "situated within His Highness' dominions "is that, as the Court understands, there "is no law in Mysore corresponding to "the Court of Wards Regulation and that "in consequence of its thus being neces- "sary to file a civil suit for every act of "malfeasance by a guardian, maladminis- "tration and the perpetration of frauds are much more difficult to prevent in Mysore "than in British territory. The Court may also observe that it understands from the "Collector that the supervision exercised by the Darbar in regard to such matters is "little more than nominal." It is doubtful whether the Darbar would agree to the transfer of the management of the Mysore portion of the estate to the Court of Wards. The Resident may however be requested to move the Darbar either to place the Mysore portion of the estate also under the management of the Madras Court of Wards or to replace the present manager by a more competent person.

Without a map I am not clear what this means.

The Mysore villages are, I suppose, on the Mysore side of the Cauvery?

H.W.

† G.O., No. 4361, dated 10th November 1894.

This is not clear. How can the Court of Wards under a Madras Regulation have any power of management in a Native State?

H.W.

*To the Honourable Member—*

There seems no objection to placing the Court's views before the Resident and requesting him to induce the Darbar to accede to the Court's representations. If they still prove stubborn then they may be asked to replace the present manager.

N.E.M.
4-7-99.

4. *The management of the two endowed villages of Kaglipuram and Purigal.*—These villages were granted in 1829 by the Mysore Darbar for the upkeep of the temples and charities in Sivasamudram. In 1889, a loan of Rs. 35,000 was obtained from the Darbar for the repair of certain irrigation work and the management of both the villages was taken over by the Darbar to enable them to recover the debt from the revenues. It would appear that the loan has been repaid and that according to the terms of the mortgage deed the villages should be surrendered to the jagirdar on



the repayment of the amount advanced with interest. But the Resident states that these villages should be under attachment during the minority of the jagirdar as a means of ensuring that the revenue shall be expended in the manner intended, that the Darbar would be averse to the management by the Madras Court of Wards and that the Darbar agree to remit to the Deputy Collector of Kollegal all sums necessary for the upkeep of the temples and charities. The Court of Wards does not agree to this arrangement. It observes as follows:—

"The Court is not aware whether there is anything in the Mysore Regulations "which justifies such intervention, nor does it understand the reason why such inter- "vention is considered necessary. From the wording of Colonel Robertson's letter it "may be inferred that the management by the State of these villages is considered neces- "sary in order to ensure that the revenue shall be expended in the manner intended. "Now the institutions themselves are under the direct management of the Kollegal "Deputy Collector—an arrangement which meets with the approval of the Mysore "Darbar—and the Court cannot understand what objection there is to permitting the "same officer to supervise the administration of the endowment villages, more especially "as this course will tend to economy if the Darbar will consent to the Court's proposal "to place the administration of the rest of the Jagirdar's estate under the control of "a manager appointed by the Court of Wards and directly supervised by the Deputy "Collector. The Court freely admits that there are valid objections to a revival of "the system of management followed prior to the mortgage of the villages in 1889, "namely, that Unnamalai Ammal and her agent Raju Mudaliar have proved "unworthy of the trust, and the pensioned Amildar Ramaswami Aiyar cannot be "relied upon to act independently of their control. These objections apply with "equal force, however, to the case of the remaining six Mysore villages; but as the "Darbar considers the arrangements relating to those villages to be satisfactory, the "Court is at a loss to understand why the same body should consider it necessary to "retain the endowment villages under attachment. If the sole object in view is to "ensure that the revenue is expended in the manner intended, all that is necessary is "to require the manager of the endowment villages to submit proper accounts of the "receipts and expenditure accompanied by vouchers evidencing that the net incomes "have been properly expended on the upkeep of the endowed institutions. The "Mysore Darbar, as the representative in interest of the original grantor of the "endowment, is clearly interested in the matter, and the Court need hardly say that "it would always be ready to transmit for the perusal of the Darbar duly authenti- "cated copies of all material accounts relating to the management of the endowment "villages and the outlay on the endowed institutions. If, however, the Darbar is "not willing to consent to such an arrangement but considers the intervention of "the Muzrai department to be essential, and such intervention can be legally enforced "under the Mysore Regulations, the Court must still demur to the proposal merely "to remit to the Deputy Collector all sums necessary for the upkeep of the temples "and charities. It considers that in such a case the whole net income should be "handed over to the Deputy Collector as the manager of the endowed institutions. "It advocates this course on two grounds: "firstly, that the interest of the Mysore "Darbar is confined to one point, viz., "the proper expenditure of the income "available for outlay. All that is neces- "sary to ensure this is, as already stated, "the regular transmission of proper "accounts. The second ground referred "to is that the present state of the "endowed institutions is such that the "entire income will, for some years to come, be required for outlay thereon."

These long extracts are what the Viceroy in his minute so strongly deprecates. They presuppose that the Court of Wards' Proceedings will not be referred to by the Members of Government.

A.T.A.
16-12-99.

Yes.

A.E.H.
21-12-99.

A sum of Rs. 23,175 has already been spent from the revenues of the estate proper on the maintenance of the requisite charities. The Court states that this sum should be repaid immediately and that it will be necessary to incur further heavy expenditure in order to place the existing buildings in proper order. It adds that the minor's mother herself has expressly petitioned both the Darbar and the Court of

Wards te make arrangements for the management of the endowment villages by the Court of Wards. The Resident may, it is submitted, be addressed to move the Darbar either to transfer the management of the endowment villages to the Court of Wards or to remit to the Kollegal Deputy Collector the whole net income subject to the condition proposed by the Court, viz., submission of proper accounts to the Darbar.

*To the Honourable Member—*

Submitted that this may be done.

N.E.M.
4-7-99.

5. *The temple jewellery.*—From paragraph 6 of the Resident's letter, dated 24th September 1898, it appears that the temple jewellery has been satisfactorily accounted for and is lodged in a safe under the direct lock and key of the Muzrai superintendent and the jagirdar's mother. It is urged that the custody of the jewellery should be transferred to the Kollegal Deputy Collector as they are frequently required for use in the temples at Sivasamudram and can be secured in the taluk treasury at Kollegal. There seems to be some disputes as to the ownership of certain items which are claimed by the minor's mother as her private property. The Court considers that the custody of the ornaments should be transferred to the Deputy Collector at once, that the Collector should decide upon claims which the minor's mother puts forward and that, if she is unable to adduce satisfactory evidence of ownership, she should be referred to the civil court for redress.

N.E.M.
4-7-99.

It is submitted that the Court's proposals may be approved and the Resident addressed accordingly.

6. *The education of the Minor Jagirdar.*—The Resident stated that the Diwan had promised to make proper arrangements in regard to the education of the minor and that, in his own opinion, the boy's removal to Madras need not be pressed for as, though unfortunately dull and backward, he was of no political importance. It would appear that the Resident and Diwan have since seen reason to change their mind on the matter. The Court urges strongly that immediate steps be taken for the boy's transfer to Madras as satisfactory arrangements have not been made hitherto in regard to his education. The Resident may, it is submitted, be addressed to move the Darbar in the matter.

N.E.M.
4-7-99.

7. *The scrutiny of the accounts relating to the past management of the whole estate.*—The Court of Wards considers that there is much *primâ facie* evidence for the belief that the income of the estate had been frittered away or misapplied during the past fourteen years and that the amount involved is so large that it is of paramount importance to investigate the past accounts in the most thorough possible manner. The Resident may be asked to request the Darbar to obtain and furnish a detailed statement of receipts and charges.

*To the Honourable Member—*

It does not look, I submit, as if the Darbar would comply but they might be asked.

N.E.M.
4-7-99.

C.R.
1-7-99.

*To the Honourable Member—*

The position seems to me a very difficult one. I don't quite see on what we can base a request that the management of a number of villages in Mysore should be made over to our Court of Wards.

2. "The estate villages form a compact block in the immediate vicinity of Kollegal." Without a map I can't understand this. I suppose the Mysore villages are on the Mysore side of the Cauvery?

N. E. MARJORIBANKS.
4-7-99.



3. How can the fact that there is no Court of Wards law in Mysore be urged as a reason for putting Mysore villages under our Court of Wards? Paragraph 11 of Board's Proceedings.

I don't understand the argument.

I should like to discuss this matter with Secretary and will see him to-morrow afternoon at Stonehouse Hill.

H. W[INTERBOTHAM].
6-7-99.

*To Secretary—*

Please see note with G.O., No. 4672, dated 28th November 1898, which communicated to the Court of Wards a letter from the Resident in Mysore on the subject of the management of that part of the property of the Sivasamudram minor jagirdar which lies in Mysore. The office-note above, pages 1 to 4, summarises the Court's * reply.

* Court's Proceedings, Mis. No. 739, dated 6th June 1899.

The Acting Secretary instructed me in August last that the general decision was to confine the operations and charge of the Court of Wards to the property in British territory, and, as regards the minor, to take charge of him and his education, if Mysore sent him to Madras and not otherwise.

At this stage Mr. Mounsey wrote (*vide* D.O., dated 15th August 1899) that he had met the Mysore officials at Sivasamudram and was writing to the Court of Wards officially: so action was deferred.

Mr. Mounsey's reports will be found in the subsequent papers—

(1) C.P. No. 1322, dated 20th September 1899;
(2) C.P. No. 1459, dated 10th October 1899;
(3) C.P. No. 1672, dated 20th November 1899.

There is also a Court's Proceedings reporting that the minor's mother wishes the Mysore property to be placed under the Madras Court of Wards (C.P. No. 1404, dated 5th October 1899).

To show what modifications in the position are made by these papers it will be convenient to deal separately and briefly with each item of the Mysore property:—

(1) *Tolls on the Mysore side.*—The Darbar admitted that these were to be devoted to the upkeep of the bridge over the western branch of the Cauvery. The Court, however, wanted a scrutiny of past accounts to show whether there was any difference between receipts and expenditure; and, if receipts had been greater than expenditure to make good the amount from other funds of the estate and keep it as a reserve for repairs.

Nothing further has been reported on this point. Under the decision of Government, it will be for the Mysore Government to look into the matter and devote the toll proceeds to the repairs of the bridge and it will be for that Government also to decide whether any scrutiny of past accounts is wanted.

(2) *Management of the six inam villages in Mysore.*—These were conferred on the builder of the western bridge for having built it.

When the present correspondence began, these villages were in the possession of the minor's mother but were being managed by a retired Mysore official. The Court of Wards contended that they were being mismanaged. But the Resident reported that the Darbar desired no change. It appears now that the Darbar is dissatisfied with the management and proposes to take the villages under its own control. The Court, however, deprecates divided management of the property and urges that its agent should be given the necessary powers under the Mysore law and be entrusted with the management.

The decision to leave the Mysore property to Mysore to look after will solve this difficulty.

(3) *Management of the two villages granted by Mysore as an endowment for certain temples at Sivasamudram; and question of ownership of certain jewels now in possession of minor's mother.*—These two villages were under the management of the Darbar. The

Court contended that they should be under its own management (by permission of the Darbar). The Darbar at first, while adhering to its own management, expressed its willingness to consider applications from the Court of Wards for funds for expenditure on the temples. The Court will not consent to any detailed control by the Darbar. It now appears that the Darbar is willing to hand over the villages to the management of the Court of Wards if they are admitted to be trust property.

Submitted that this change need not alter the decision stated above. It is the business of the Darbar, I submit, to see to the proper appropriation of their own endowment. It seems undesirable for the Court of Wards to enter into the trouble-some business of managing a big temple or temples. The question of the jewels said to be temple jewels but claimed by the minor's mother as her own though she is willing to allow them to be used in the temple will also be one for the Mysore Government to settle.

(4) *The minor jagirdar and his education.*—At first the Darbar were apparently unwilling to send the boy to Madras. Now they would appear to be willing provided the cost of his education and living in Madras is defrayed out of the funds of the British part of the estate. This portion of the estate seems rich enough to be able to bear the charge. The Court, however, would hold that the Mysore portion should contribute.

Why! if British estate funds suffice ?
G.S.F.

Submitted that it would be to the boy's advantage if he were sent to Newington and that therefore his education may be undertaken by the Court with the funds at its command from the British portion of the estate. This seems to be Mr. Mounsey's view.

G.S.F.

There seems therefore to be nothing newly reported which might influence the decision of last August. The minor's mother's willingness to have the Mysore property managed by the Court of Wards is no doubt due to the fact that she is now aware that the Mysore Government intend to assume management of the Mysore property and she hopes doubtless to be able to play off the Court of Wards against the Mysore Darbar.

The portion of the property in this Presidency consists of—

(1) The villages of Mulloor and Ugniam granted to Ramasami Mudali as a shrotriem for his public services (unconnected with the bridge).

(2) The village of Sattigal granted to him as a jagir for the building of the bridges. The grant, however, does not appear to be saddled with any condition as regards repairing the bridges. Here the Board seems to be wrong.

Please see copy of cowle (or sannad) sent up by Board and approved by Government in E.M.C. No. 311, dated 15th March 1836.

(3) The island of Sivasamudram and a piece of land adjoining granted after the construction of the southern (British side) bridge and for keeping both bridges in repair.

(4) Right of levying tolls at certain specified rates, which tolls are to be devoted for the repairs of the bridges.

About these tolls, there may be a difficulty. It is not known whether the tolls are levied both at the British and at the Mysore side or at one place somewhere between. If the former there will be no trouble: the Court of Wards must see to the realization of the tolls at the British end and devote them to the repairs of the bridges in British territory; and the Mysore management must see to the tolls at the Mysore end. The Court may, however, be asked to report on this matter separately.

Please see draft Government Order and letter to the Resident below.

N.E.M.
28-11-99.

*To the Honourable Member—*

Please see drafts below for approval.

G. S. FORBES.
9-12-99.



I approve the drafts, but I think they should be seen by His Excellency and Hon'ble Mr. Arundel before issue.

Part of the property of a minor under the Court of Wards lies in Mysore, and has (it is believed) been the subject of extensive malversation.

The Government Order proposes to rule that the matter is one in which the Court of Wards should not interfere as the property is out of jurisdiction.

H.W.
13-12-99.

*To the Hon'ble Mr. Arundel.*
„ *His Excellency the Governor.*

G.S.F.
14-12-99.

I agree to the general position. I do not see how the Court could manage the villages in Mysore. The Collector might have to file suits in the Mysore courts, conduct jammabundy outside the Presidency, etc. But see two additions I have proposed to draft Government Order and letter.

A. T. A[RUNDEL].
18-12-99.

*Paragraph 2 of G.O.*

As regards the residence and education of the minor, His Excellency the Governor in Council considers that it would be greatly to his advantage if he were educated under the Court's care at Madras. As the revenues of the British portion of the estate are reported to be sufficient to bear the cost of the minor's education at Madras, the Government sees no objection to the cost being defrayed from such revenues. *But should these revenues prove inadequate, the Mysore Darbar may be requested to make good the deficiency.*

*Paragraph 3 of Letter.*

As regards the residence and education of the minor, His Excellency the Governor in Council considers that it would be greatly to his advantage if he were educated under the Court's control in Madras. Should the Darbar be willing to entrust the boy to the Court's care, the cost of his living and education will be defrayed from the revenues of the portion of the estate in this presidency *so far as they may be adequate. In the event of a deficiency I am to request that it may be met from the revenue of the portion of the estate situated within the Mysore territory.*

I accept the views of Honourable Members.

A. E. H[AVELOCK].
21-12-99.

[Issued as G.O., No. 869, Revenue, dated 26th December 1899, and letter to the Resident in Mysore, No 870 of the same date.]

# Revenue (1899) Department.

CURRENT No. 3757

*From*

The Secretary to the Court of Wards, Madras.

*Order*

119

No. 739 Misc.

*Dated* 6th June 1899.

*Received* 11th June

*Registered* 12th do

*Enclosures* 3

*Spare copies*

SUBJECT.

Submitting Court's remarks on the letter from the Resident in Mysore regarding the administration of the Sivasamudram properties in that province and the education of the minor.

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| Go | 4672 | Rev — Govt. | 28.11.98 Proc. |
| Go | 166 Mis | Rev | 10.1.99 |
| Go | 493 Mis | — | 3.2.99 |
| Ent. Board Proc. | | | 23-6-99 |

## FURTHER PAPERS.

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

1,000
16-5-99.

REVENUE BOARD OFFICE MADRAS.

Court of Wards.

# Proceedings of the ~~Board of Revenue~~

(~~Land Revenue~~)

NO.739 Misc,dated 6th June 1899.

Read the following :--

(1) Government Order,Revenue Department,NO.4672,Mis,dated 28th November 1898.

(2)Letter from J.A.Cumming Esquire,Acting Collector of Coimbatore,dated 12th December 1898,Ref on Cur NO.3(a.d)/C.W of 1897 and Reference thereon NO.121,dated 27th December 1898.

(3) Letter from C.H.Mounsey Esquire,Acting Collector of Coimbatore,dated 7th February 1899,R.Dis.NO.80/Rev of 1899.

(4) Letter from C.H.Mounsey Esquire,Acting Collector of Coimbatore,dated 24th February 1899,R o C NO.11(n)/C.W of 1898.

(5) Also letter from C.H.Mounsey Esquire,Acting Collector of Coimbatore,dated 29th April 1899,R o C NO.11(s)/C.W of 1898.

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Resolution.

In reply to Government Order NO.4672 Revenue,dated 28th November 1898,the Court of Wards submits the following remarks on Col.Robertson's letter dated 24th September 1898 regarding the future management of the Sivasamudram estate.

2. With reference to the first subject dealt with therein, namely,the jaghirdar's obligation to maintain the bridge over the western branch of the Cauvery,the Court is at one with Col. Robertson in considering that so far as the Mysore grant is concerned such obligation depends solely on the exercise of the right to collect tolls which was conferred in the sanad of 1829, and can be enforced only to the extent of the income so realized. Tolls have in fact been collected,and as the Durbar and the

Court

Court of Wards are in agreement as to the expedience of enforcing the Jagirdar's liability to the full extent, there should be no difficulty in making satisfactory arrangements for the repair and maintenance of the bridge. A scrutiny of the past accounts will be necessary in order to ascertain by what amount the net receipts from tolls exceed the expenditure incurred in keeping the bridge in proper order; the excess should be made available for such further outlay as may be necessary, and for the future as the Coimbatore Collector has pointed out, the toll-revenue must be treated as a separate fund, the only charges debitable to which are the cost of collection and the outlay on the maintenance and repair of the bridge. Should it prove to be the case that proper accounts have not been maintained in the past, the estate will be liable to make good the estimated difference between receipts and expenditure, and it will be for the Court of Wards and the Durbar to make their best endeavours to ascertain the amount due and to make arrangements for the expenditure of such portion as may be necessary and the safe investment of the balance as a reserve fund to meet future requirements. As the Jagirdar is a minor, these arrangements can be amicably carried out; were he a major and averse from discharging his obligations, he could be coerced by the institution of a suit in the Mysore Courts and by the revocation of the permission to collect tolls.

3. As to the present state of the Sivasamudram bridges, the Court observes that an estimate for Rs.25,750/- for putting them in proper order has recently been sanctioned by Government and transferred to the Public Works Department for execution. The estimate is not now before the Court and the exact proportion of the total outlay which appertains to the "Rangasetu" bridge across the western branch of the Cauvery is thus not known. The Mysore tolls do not form, however, the sole source from which the requisite expenditure can be met, for the Kollegal Deputy Collector reports that under the sanad issued by the Court of Directors in 1836 the revenue of the British village of Sategal and the tolls levied from passengers passing over both bridges viz., the Rangasetu or Mysore bridge and the Ramasetu or British bridge-are to be utilized for keeping the bridges " in perpetual repair ". As the toll collections are said to average Rs.1000/- per annum and the land revenue alone of the Sategal village exceeds Rs.5000/- there is no excuse for failure to keep both bridges in proper repair. This fact appears at last to have been grasped even by the Ward's mother, Unnamulai ammal, for she has recently promised the Court of Wards a contribution of Rs.10,000 towards the expenditure now being incurred by the Public Works Department. That the Jagirdar's obligations were either not appreciated or deliberately disregarded by the responsible managers of the estate during the Ward's minority is made clear by the disgraceful and dangerous condition of the bridges a year ago, and by the Kollegal Deputy Collector's local enquiries which fix the probable outlay on the bridges during the past twelve years at about Rs.260 per annum.

4. The next question alluded to in the Resident's letter is the management of the marginally-noted six Mysore villages. Col. Robertson is averse from disturbing existing arrangements as no change is desired either by the Durbar or by the Minor's mother and the present manager is "said to be quite capable of conducting the duties of his office satisfactorily". The Court itself would share these views, were there no question as to the capacity and integrity of the manager, but this is by no means the case and the Court can only suppose that both the Resident and the Durbar have been misled by incorrect representations emanating from the minor's mother, her brother and late agent Raju Mudaliyar or the manager, Ramaswami Aiyar.

Belakavadi.
Dasanadoddi
Hosahalli
Kenchagahalli.
Hanchipura (or Maligathan Halli)
Devapatna.

5. The Collector of Coimbatore and his Deputy at Kollegal have made repeated enquiries regarding the management of the estate, and their reports go to show that Ramaswami Aiyar is a mere tool in the hands of Raju Mudaliyar of whom it was reported in 1895 that he had carried on " a wholesale system of spoliation " during the preceding ten years when he was in practical control of the whole estate. Numerous specific charges of fraud and maladministration were made against this man by the Mysore Amildar, Krishna Singh, whose services were temporarily placed at the disposal of the minor's mother and guardian in June 1894. These were accepted as substantially accurate by the Collector, and in consequence the Board of Revenue made the specific recommendation that the

for details please see enclosure (1)

Civil

Civil Courts should be moved to interfere under the provisions of the Guardians' and Wards' Act VIII of 1890,and the Resident in Mysore was at the same time addressed on the subject by the Madras Government.The Durbar to which a reference was made admitted that there had been mismanagement on the part of the guardian's agent Raju Mudaliyar,but considered that it was not so excessive as to call for institution of proceedings in the Civil Courts,and undertook to induce the guardian to carry out the necessary reforms in the management of the minor's property.It was at the same time intimated that the statements made by the Amildar,Krishna Singh to the Collector of Coimbatore were"not quite accurate"-though in what respects his allegations were inaccurate was not indicated-and that it might become necessary to remove him from his post in consequence of differences of opinion which had arisen between him and the guardian, Unnamulai ammal,resulting in an application for his removal by the latter. The Resident forwarded these remarks to the Madras Government without comment,save an expression of surprise at the wasteful destruction of trees which had recently attracted his attention when on a visit to the Mysore portion of the estate.In the circumstances stated, the Madras Government considered that no interference was necessary and resolved to leave the British villages in the management of the Mysore agent,Krishna Singh. *G.O.4127 Rev. 18-10-95.

6. In the following March,however,the Collector of Coimbatore reported that he had received intimation from the District Court that Unnamulai ammal had applied to be appointed as guardian of the minor under Section 11(2) of Act VIII of 1890.Regarding this as a measure preliminary to the removal of the Mysore agent,Mr.Bradley apprehended that,if the lady were appointed guardian,her brother Raju Mudaliyar would without doubt regain the full control of the property situated in the Kollegal Taluk.He accordingly recommended that steps should be taken to prevent this and to carry out the wishes of the Madras Government by making a formal application to the District Court for the appointment of the Mysore agent as guardian. The Board of Revenue approved this proposal and authorized the Collector to oppose Unnamulai ammal's application on the ground that she has had abused her trust and was incapable of performing the duties of a guardian of property.The District Court passed orders accordingly and the post of guardian in respect of the Kollegal villages vested by law in "the officer "who might be appointed by the Mysore State to manage the minor's property "in Mysore".

7. Almost immediately afterwards,however,Unnamulai ammal in open defiance even of the Court's order registered a power of attorney appointing her brother Raju Mudaliyar to manage the whole estate for her,and the last obstacle preventing this individual from regaining control over the property,which there was reason to suppose he had grossly mismanaged in the period 1884-95,was removed by the promotion of the Mysore agent,Krishna Singh,to a more important charge and the appointment by the Durbar of the pensioned Amildar,Ramaswami Aiyar,as manager of the Sivasamudram Jagir.This personage,it should be noted,was selected by the guardian's mother herself,and the Diwan of Mysore with whom Mr.Bradley had conversation on the subject described him as an "elderly,somewhat effete,man of the old school with practically no knowledge of English" and "not at all the sort of man to be "entrusted with the management of the property on the Kollegal "side of the river".In the circumstances,Mr.Bradley considered that it would be most impolitic to allow Ramaswami Aiyar to occupy the post of guardian in respect of the British property and strongly advocated that immediate steps should be taken to remove the management of that portion of the estate from the control of Raju Mudaliyar.He pointed out that the ryots concerned had themselves opposed Unnamulai ammal's application to the District Court to be appointed guardian and entertained strong objections to being placed at the mercy of her brother of whom they evidently stood in great fear.As glaring instances of that individual's maladministration,Mr.Bradley reported that the forests on the Sivasamudram Island were being rapidly destroyed under cover of passes granted by Raju Mudaliyar,that the temples and other public buildings were neglected and in some cases almost falling to pieces,that the bridge itself had been seriously damaged and wanted overhauling by a competent Engineer,while it was with the utmost difficulty that the Jagirdar's agent could be made to understand that he was in any way responsible for the duty of repairing it.These matters,it should be observed were within Mr.Bradley's personal knowledge.

8. On receipt of this report the Board of Revenue concluded that the arrangement of entrusting the management of the British villages to the Mysore Government agent had conspicuously failed

lation and that in consequence of its thus being necessary to

failed and resolved that it was necessary, in the interests of the minor, for the Court of Wards to intervene and take charge of the estate. A recommendation to this effect was accordingly made to Government and accepted in Government Order NO.5273 Revenue, dated 19th September 1896.

9. When detailed proposals for the management were received from the Collector further evidence of the necessity of this intervention came to light. As an indication of the attitude assumed by the Mysore agent, Ramaswami Aiyar, it may be mentioned that the Deputy Collector received no response from this person to a civil request for information as to the correct figures of the income derived from the Mysore villages and could not prevail on him to hand over the accounts relating to the British villages, cash balance or other property to the custody of which the local agent of the Court of Wards had a right. It appeared further that Ramaswami Aiyar had recently given on contract to the nephew of Raju Mudaliyar the right to collect the toll-revenue and that the circumstances relating to this transaction were such as to require careful scrutiny. He was also reported to have made improper payments aggregating Rs.2500 to Unnamalai ammal in addition to the large monthly allowances drawn by her for the maintenance of the minor and his house-hold. These payments were regarded by the Collector with suspicion as having been made almost immediately before the Court of Wards actually took possession of the Kollegal villages, the recipient being, it was understood, Raju Mudaliyar himself.

As to the general condition of the estate it was reported that there was much confusion in the accounts, that the Collection of revenue had been so neglected that the arrears due to the estate by the ryots of the British villages alone amounted to no less than Rs.9500 and dated back from fasli 1290(1881), while complaints were general on the ground that the exchange of pattas and muchilikas had been neglected, and the various religious and charitable institutions at Sivasamudram were in a most unsatisfactory condition.

10. A further report received in May 1897 showed that notwithstanding a formal call for the delivery of property and records relating to the British portion of this estate on penalty of the institution of coercive proceedings under the Guardians' and Wards' Act, the Mysore agent, Ramaswami Aiyar, had produced practically no property and no accounts or vouchers of expenditure, his allegation being that almost everything was in the hands of the minor's mother, Unnamalai ammal. Mr. Bradley reported that he had spoken to the Mysore Diwan on this subject and had received a promise that

Court's

that a warning should be sent to Ramaswami Aiyar. The warning administered having proved fruitless, the Collector subsequently made a formal application to the District Court under sections 41 and 45 of Act VIII of 1890 in order to compel the proper delivery of property and accounts. As the Court of Wards understands the District Judge had not yet passed final orders on that application and the want of the old accounts withheld by Ramaswami Aiyar or Unnamalai ammal has consequently given rise to great difficulty in realizing the arrears of rent owing to the want of detailed particulars of the outstandings.

11. Having regard, therefore, to the past history of the estate and its present condition, the Court of Wards is compelled in the interests of its ward, to urge most strongly that the existing arrangements cannot be regarded as satisfactory, and that it is essential to replace Ramaswami Aiyar by a manager who can be thoroughly relied upon to act independently of Raju Mudaliyar and Unnamalai ammal and to bring the administration of the estate into proper order. The local situation of the estate villages, forming as they do a compact block in the immediate neighbourhood of Kollegal, renders it desirable that they should be administered by one and the same manager with an establishment available for employment throughout the estate. If, as the Court would desire, the Mysore Durbar will consent to the administration being left in its own hands, adequate supervision by a responsible local officer will be readily available at the hands of the Deputy Collector of the Kollegal Division. The present dual system of administration is clearly the reverse of economical, and should, if possible, be put an end to; but in the interests of its ward the Court cannot consent to allowing Unnamalai ammal and Raju Mudaliyar to control the management of the British villages. The experience of 14 years has shown that such a course is clearly inimical to the well-being of the minor and his estate. An additional reason in favour of following, in regard to this estate, the plan accepted by H.H. the Nizam in regard to the Munagala property situated within His Highness' dominions is that, as the Court understands, there is no law in Mysore corresponding to the Court of Wards Regulation and that in consequence of its thus being necessary to

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file a Civil suit for every act of malfeasance by a guardian, maladministration and the perpetration of frauds are much more difficult to prevent in Mysore than in British territory. The Court may also observe that it understands from the Collector that the supervision exercised by the Durbar in regard to such matters is little more than nominal. This indeed would appear to be the case from the fact that in the original order recognizing Unnamalai ammal as guardian and Raju Mudaliyar as her agent the Mysore Durbar has imposed no stipulation other than the requirement that accounts of the management should be annually submitted. In what form such accounts are prepared the Court is not aware, but to this subject it will recur later on.

12. The Court has next to discuss the question of the management of the two endowment villages Kaglipuram and Purigal. It notes, and concurs in, the Mysore Resident's comment that the Durbar is itself in part responsible for the state of neglect into which the religious and charitable institutions at Sivasamudram have been allowed to fall. It cannot, however, accept Col. Robertson's view that these two villages should as a matter of course remain under attachment during the minority of the Court's ward. The condition of the original loan advanced by the Mysore Durbar was that on repayment of the amount advanced with interest the villages should be surrendered to the Jagirdar. During the period 1885-89, so far as the Court is aware, the Durbar raised no objection to the management of these villages by Unnamalai ammal and her agents. It was in the latter year that the loan was advanced and now that it has been repaid the Court can see no reason why the management of the villages should not be allowed again to vest in the legal representative of the minor. It is clear that the Durbar cannot base its position on the terms of the mortgage deed and the Court is not aware whether there is anything in the Mysore Regulations which justifies such intervention nor does it understand the reason why such intervention is considered necessary. From the wording of Col. Robertson's letter it may be inferred that the management by the State of these villages is considered necessary in order to ensure that the revenue shall be expended in the manner intended. Now the institutions themselves are under the direct management of the Kollegal Deputy Collector, an arrangement which meets with the approval of the Mysore Durbar, and the Court cannot understand what objection there is to permitting the same officer to supervise the administration of the endowment villages more especially as this course will tend to economy if the Durbar will consent to the Court's proposal to place the administration of the rest of the Jagirdar's estate under the control of a manager appointed by the Court of Wards and directly supervised by the Deputy Collector. The Court freely admits that there are valid objections to a revival of the system of management followed prior to the mortgage of the villages in 1889, namely, that Unnamalai ammal, and her agent, Raju Mudaliyar, have proved unworthy of the trust and the pensioned Amildar, Ramaswami Aiyar, cannot be relied upon to act independently of their control. These objections apply with equal force however, to the case of the remaining six Mysore villages, but as the Durbar considers the arrangements relating to those villages to be satisfactory, the Court is at a loss to understand why the same body should consider it necessary to retain the endowment villages under attachment. If the sole object in view is to ensure that the revenue is expended in the manner intended, all that is necessary is to require the manager of the endowment villages to submit proper accounts of the receipts and expenditure accompanied by vouchers evidencing that the net income has been properly expended on the upkeep of the endowed institutions. The Mysore Durbar, as the representative in interest of the original grantor of the endowment, is clearly interested in the matter, and the Court need hardly say that it would always be ready to transmit for the perusal of the Durbar duly authenticated copies of all material accounts relating to the management of the endowment villages and the outlay on the endowed institutions.

13. If, however, the Durbar is not willing to consent to such an arrangement but considers the intervention of the Muzrai Department to be essential, and such intervention can be legally enforced under the Mysore Regulations, the Court must still demur to the proposal merely to remit to the Deputy Collector all sums necessary for the upkeep of the temples and charities. It considers that in such a case the whole net income should be handed over to the Deputy Collector as the manager of the endowed institutions. It advocates this course on two grounds, first that the interest of the Mysore Durbar is confined to one

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viz.,the proper expenditure of the income available for outlay.All that is necessary to ensure this is,as already stated,the regular transmission of proper accounts.The second ground referred to is that the present state of the endowed institutions is such that the entire income will for some years to come be required for outlay thereon.As requested by Government in Government Order NO.1088 Revenue,dated 4th March 1898,the Court has - ascertained that during the period when,to quote Col.Robertson's words, the institutions were,being "starved" in order to provide for the repayment of the mortgage advance in large instalments,the revenues of the estate proper were drawn upon to the extent of Rs.23175 in order to provide for the maintenance of the requisite charities .The estate is entitled to the immediate repayment of this sum;and it will be necessary to incur further heavy expenditure inorder to place the existing buildings in proper order.The Collector writes that they have been much damaged by the late heavy rains and that in the absence of funds he has found it necessary to postpone the necessary repairs ,"pending the rendition of the endowment villages".The Court may add that as the Resident and the Durbar appear to attach considerable importance to the wished of the minor's mother,Unnamalai ammal,it is relevant to point out that this lady has herself expressly petitioned both the Durbar and the Court of Wards to make arrangements for the management of the endowment villages by the Court and its officials.

The Government will observe that in the circumstances set out above there is no necessity for the Muzrai Superintendent and the Deputy Collector to meet and discuss the question of the financing of these endowed institutions as suggested in para 5 of the Resident's letter.

Para 6 of Col.Robertson's letter refers to the temple jewellery. The bulk of this has now been satisfactorily accounted for and is lodged in safe in the Jagirdar's house at Belakavadi under the direct lock and key of the Muzrai Superintendent and the Jagirdar's mother.It appears all [illegible] to have been in the custody of Unnamalai ammal notwithstanding her [illegible]ve denial that this was the case when she was first interrogated on [illegible]ject;the Collector considers her disingenuous attitude to be attri[illegible]e to the evil advice of Raju Mudaliyar.He has since reported that [illegible]stody of the jewellery should be transferred to the Kollegal Deputy [illegible]or as they are frequently required for use in the temples at Siva[illegible] and can be secured in the taluk treasury at Kollegal.He states [illegible]ly as this

that the Mysore authorities have signified their assent to this course but complains that the actual surrender of the ornaments has been deferred in consequence of a dispute as to the ownership of certain individual items which are claimed by Unnamalai ammal as forming her private property.Mr.Mounsey presses for the immediate surrender of all the jewellery and proposes to intimate to Unnamalai ammal that she must establish,by resorting to the Civil Courts her claims in cases where doubt exists.The Court concurs with Mr.Mounsey in considering it desirable to transfer the custody of these ornaments to the Deputy Collector and recommends that this should be done at once,the Collector being instructed himself to decide upon claims which Unnamalai ammal puts forward to individual items.Should she be unable to adduce satisfactory evidence of ownership,the Court considers that she should then be referred to the Civil Courts for redress.The Deputy Collector will merely play the part of a stakeholder,the rival litigants being the temple officials and Unnamalai ammal.

15. The Resident's letter closes by referring to the education of the minor Jagirdar.He states that the Diwan promises to make proper arrangements in regard to this matter and that he does not himself propose to press for the boy's removal to Madras,as, though unfortunately dull and backward,he is of no political importance.Col.Robertson,however,has desired that the boy should be sent for inspection by him occasionally in order that he might satisfy himself that his education is not being neglected.The Court understands that the Resident and Diwan have since seen reason to change their mind in the matter,and would itself strongly urge that immediate steps be taken for the boy's transfer to the Newington establishment.The past history of his education and the correspondence relating thereto appears to be as follows:-

He was born in 1884 and up to August 1894 was being educated at Mysore in Mari Mallappa's School,the Royal School,and the Wesleyan Mission High School.From the Royal School he was compulsorily removed,because he was found to be hindering the education of other boys besides making no progress himself,and when he left the Mission School he was practically at the bot[illegible]

of the lowest class but one.His education was then entrusted to two Assistant teachers in the Maharajah's School,Mysore,in receipt of monthly salaries of Rs.30 and 20 respectively.The senior of these two was a graduate named Adolphus,under whose care the ward was reported to have done better notwithstanding ~~the~~ irregularities in attendance due to his mother's indulgence which on one occasion resulted in a break of 4½ months in his work.On another occasion Mr.Adolphus threw up his appointment as tutor owing,it is stated,to the indifference shown by the boy's relations ~~in~~to his education.The lad was subsequently sent to Mari Mallappa's School again and was a pupil of that institution in May 1897 when the Collector reported that his progress had been extremely unsatisfactory.The Mysore Diwan had suggested that the boy should be readmitted to the Royal School but the Maharajah's guardian,Mr.Fraser,declined to receive him on any conditions,and the Collector accordingly recommended the boy's removal to Newington.In the following month(June 1897),he received a protest from Unnamalai ammal on the ground that the removal of the ward to Madras at that time would be attended with much inconvenience and discomfort,the nature of which,however,she did not detail.With her petition she sent a report procured from Mr.Adolphus describing the boy's progress and expressing the opinion that the earliest date at which it would be possible to send him to Madras to study there with advantage to himself would be January 1899:this recommendation was devoid of any value,for,apart from Mr.Adolphus' capacity to form an opinion on the matter and his personal interest in the question involved,his sole reason was that the boy still required private tuition and was unfit to be left to his own devices in a regular class.The Court need hardly observe that private tuition is exactly what he would get at Newington and of a quality much superior to that which he has hitherto received,for besides the European tutor in charge of the establishment the Court's Wards enjoy the services of Special Assistant tutors appointed as occasion requires with reference to the needs of individual pupils.In passing orders on the Collector's report the Court in its Proceedings NO.1022,dated 29th June 1897 authorized him to make immediate arrangements for the transfer of the minor to Newington and instructed him to seek the co-operation of the Mysore authorities in the event of any objections being raised by the minor's relatives.The Collector addressed the Diwan or Resident on more than one occasion in regard to the matter,but it was not until July 1898 that he received



received intimation that Col.Robertson proposed shortly to make personal enquiries regarding the minor's education but would not be prepared to urge the desirability of sending the boy to Newington,if the arrangements which the Mysore Diwan proposed for his education proved to be fairly satisfactory.

16. The Court considers that there can be but little doubt that satisfactory arrangements have hitherto not been made in regard to the boy's education and desires strongly to urge that in his interests and for the sake of the future of the estate, immediate steps should be taken to procure his removal to the Newington establishment,where he will associate with other lads of similar standing and position and enjoy the advantages of that private tuition and special training which are especially necessary in the case of dull and backward lads who have been spoilt by their relatives and allowed to grow up without due regard to disciplinary requirements.

17. The only other subject to which the Court need advert is one left unnoticed by Col.Robertson and that is the necessity of securing a thorough scrutiny of the accounts relating to the past management of the whole estate.As already stated the condition of Unnamulai ammal's recognition as guardian and the approval of her appointment of Raju Mudaliyar as her agent was the submission of an annual statement showing the jagir income and expenditure and duly signed by the lady and countersigned by her agent.The specific allegations made in the appendix of these proceedings on information supplied by the Amildar, Krishna Singh show that there is prima facie reason for the belief that Raju Mudaliyar has been guilty of gross maladministration.The Court of Wards has for nearly three years been unsuccessfully endeavouring to obtain detailed accounts from the Mysore agent,Ramaswami Aiyar,who,as already stated,now stands as Defendant in proceedings instituted for this purpose before the District Court at Coimbatore.There is a large sum deposited to the credit of Unnamulai ammal with the Mysore branch of the Bank of Madras amounting on the 4th of January 1897 to 31,832-4-9,in regard to which there is in the absence of proper accounts no evidence to show whether or not it constitutes property belonging to the estate,though there is no moral doubt that it includes the whol

or a portion of the cash balance of 24,250-14-4 which was in hand on the late Jagirdar's death,less a deduction of Rs.1510-10-1,which appears to have been made without due authority by Raju Mudaliyar.Since the advent of Ramaswami Aiyar,another questionable transaction is stated to have taken place in the shape of the sale of certain tank-bed lands at Belakavadi for Rs.8525 the whole of which as the Collector understood had probably reached the hands of Raju Mudaliyar.The Court has already alluded in para 4 above to the suspicious payment to the same individual of Rs. 2500/-immediately before the intervention of the Kollegal Deputy Collector; and it is clearly necessary to make a thorough scrutiny of those cases in which Raju Mudaliyar has been permitted to make advances for business purposes or on promissory notes running in his own name.The Court was so convinced of the necessity of taking preventive measures and conducting a searching investigation in regard to these matters that in its Proceedings NO.6 Press,of the 20th March 1897 the Collector of Coimbatore was requested to address the Mysore authorities with a view to preventing any payments being made to Unnamulai ammal or her brother from the income of the Mysore property except of course so much as was reasonably required for the maintenance of the minor's household.The Collector reported in May 1897 however that no action had been taken with reference to his request and that all the ordinary revenue of the Mysore portion of the estate and the various extraordinary receipts such as those arising from the sale of the tank-bed lands were going into the pockets of Unnamulai ammal and Raju Mudaliyar.

Communications addressed to the Mysore authorities on more than one occasion have failed to elicit any detailed statement of the income and expenditure of the Mysore villages.The only figures given in fact by the Sub-Divisional Officer,French Rocks,were the gross totals of receipts and Expenditure of the several villages during the five years ending 1896-97 as shown in the margin.The Court is not aware whether these figures have been duly verified,but they no doubt include expenditure in connection with the British villages and also items of repayment on account of the mortgage debt.The puty Collector was instructed to ask for more detailed information,but ne has yet reached the Court of Wards.

Endowment villages.

Receipts--------Rs.49,777-11-5
Expenditure-----Rs.43,591- 9-11

Other villages.

Receipts--------Rs.43,393-13-0
Expenditure---Rs. 1170,43-13-4 ?

When last addressing Government on the subject in its Proceedings

NO.

Appendix to the [illegible]

receipts and charges,but as already observed Col.Robertson is silent on this subject.There is so much prima facie evidence for the belief that the income of the estate had been frittered away or misapplied during the past 14 years and the amount of money involved is so large that the Court considers it of paramount importance to investigate the past accounts in the most thorough possible manner.During the minority of the Jagirdar the expenditure should have been far less than in his father's life time,but the net result of 14 years' management would seem to be that with the exception of the works constructed with the aid of the loan advanced by the Mysore Durbar there has been a general retrogression in the condition of the estate. The forests are reported to have been wilfully destroyed,irrigation works to have fallen into disrepair,the temples and other endowed buildings are but little removed from a condition of ruin,and the bridges have been neglected to such an extent that an expenditure of over five and twenty thousand rupees is considered necessary to put them in anything like proper order; while a further sum of Rs.23,000/-is due to the estate proper from the income of the endowed villages.With the estate in such a condition as this,the Court fears that there is every reason to suppose that great malpractices have been committed and to insist upon the submission and thorough scrutiny of the accounts maintained.

/True Extract/

Lionel Bradshaw

Acting Secretary

To the Secretary to Government,Revenue Department
with one enclo and with2original enclos retd.
Copy to the Collector of Co[illegible]a

.M.N.

[illegible] estate [illegible] usual

[illegible] Jagirdar's tir

or a portion of the cash balance of 24,250-14-4 which was in hand on the late Jagirdar's death,less a deduction of Rs.1510-10-1,which appears to have been made wi[illegible]

Appendix to the Proceedings of the Court of Wards

NO. 739 Misc, dated June 1899.

Re : Sivasamudram Estate.

The Amildar's investigations went to show that the agent had drawn during the preceding ten years a sum of some 71,000 rupees from the estate revenues of which only 36,000 rupees had in any way been accounted for,the latter sum being the amount believed to have been spent on the minor's household at the rate of Rs. 300/- per mensem.As instances of misconduct alleged against the agent the following may be cited :-

(1) Having appointed relations to manage the toll-gate on the Sivasamudram bridge,he permitted them to exact unauthorized tolls with the result that complaints were from time to time preferred to the Kollegal Deputy Collector.

(2) No detailed account of the expenditure shown under repairs aggregating a sum of over Rs.18,000 had been maintained and there was reason to question whether the expenditure had really been properly incurred.

(3) During his tenure of management the agent had succeeded in obtaining possession of all the best lands in the Sivasamudram Island and had regularly remitted his own assessment.

(4) The agent had been in the habit of making large advances on promissory-notes running in his own name for the most part to his relations but in one case to a Bangalore merchant for business purposes.

(5) Under the heading of household expenditure for the year 1893-94 was included a sum of Rs.900 for printing forest passes,the payment being due to a Madras printer who is the agent's father-in-law.On scrutiny by the Amildar the proper charge was found to be Rs.300.

(6) The agent had sold all the sandalwood trees growing on the Jagir to a Kollegal trader for Rs.1000/-,their real value being estimated at not less than Rs.10,000/-.

(7) The agent had entirely neglected the exchange of pattas and muchilikas with the estate tenants which had been usual in the late Jagirdar's tim

proprietor the most effectual means of recovering the rents due to him as without the exchange of such documents no proceedings can be taken under Madras Act VIII of 1865.

The Collector also reported that a sum of Rs.30,000/- being the estate balance, was said to have been deposited in the Madras Bank in the agent's name and expressed apprehensions as to whether the agent might not withdraw and misappropriate that amount.

Lionel Davidson

Acting Secretary

A

Abstract Translation of the Sanad relating to the grant of 6 inam villages by the Mysore Government in 1829 for the construction of the Bridge at Sivasamudram.

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Preamble - 5 Sanskrit Slokas in praise of God.

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Sanad issued by Maharaja Sri Krishnaraja Wodayar of Mysore under date Thursday the 13th of Margasira Bahula of the year Virodhi, Salivahana Era 1750, granting Sarvamanya villages to Tripticane Ramaswami Mudaliar son of Anandraja Mudaliar and grandson of Perumala Mudaliar.

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Whereas, we have perused the Nyadasth dated 19th November 1829 addressed to us by Mr: Cass Major Bahadur, Resident in Mysore under orders of the (British)

Government to the effect that you had petitioned the (British) Government through Mr: Cass Major Bahadur representing that you are constructing at a heavy cost a substantial Stone bridge under the designation of Runga Setheve (Runga Bridge) on the Western branch of the Kaveri River near Sivansamudrum which would be of great use to the merchants and others passing over it and also advantageous both to the Company's and the Mysore Sirkars, and praying that in consideration thereof you might be granted Jaghirs to the value of 2000 Puli Pagodas from the Company's and Mysore Government, and further permitted to levy from the merchants and others passing over the bridge after its construction, ferry fees at half the rates now in force (which presses rather heavily upon the people) as detailed below:-

| | Existing rate - Fanams | - pies | Reduced Rate Fanams | - pies |
|---|---|---|---|---|
| Per cart load ... | 4 | - " | 2 | - " |
| " Bullock load ... | 2 | - " | 1 | - " |
| " Man load ... | 1 | - " | " | - 4 |
| " Horse ... | 1 | - " | " | - 4 |
| " Cattle ... | " | - 4 | " | - 2 |
| " Man ... | " | - 4 | " | - 2 |

he subject in ...

NC

and appropriate the collections towards the annual repairs of the bridge, and that accordingly the (British) Government have been pleased to grant you a Jaghir to the value of 1000 Puli Pagodas, and also agreed to your levying ferry fees at half the prevailing rates, and have further expressed a wish that the Mysore Sirkar may likewise confer on you a Jaghir worth 1000 Pagodas and authorize you to levy similar fees at half rates from the merchants and others coming from the Mysore Side.

Whereas, Mr: Cass Major Bahadur has in a personal interview explained to us the whole matter in detail, and whereas the construction of the bridge will be useful to the merchants and others, and also advantageous to both the Sirkars, we are of opinion that the construction of the bridge at such a heavy outlay deserves liberal encouragement from the Sirkar.

In these circumstances, the grant of

of a Jaghir to the value of 1000 Puli Pagodas applied for by you is not excessive, and we are pleased to confer on you a Jaghir worth 1200 Kantiroyi Pagodas equivalent to 1000 Puli Pagodas. Accordingly, in compliance with your present request, that (1) the villages of Belakavadi, Dasana Doddi, Hosahalli and Kenchagahalli granted as Sarvamanya under a Sanad dated Monday the 1st ~ Vaisakha Suddha of the year Vijaya, corresponding to 8th May 1826, issued in the name of your grandson Seshachella Moodaliar in consideration of your having restored Sivasamudram and constructed a bridge and Agrahar therein, (2) the village of Kyatanhalli (Dodda Bhoomi Site for cattle) assessed at 5 Varahas 5/4 Fanams, granted under a Sanad dated Tuesday the 10th of Magha Suddha of the year Vyaya corresponding to the 6th February 1827, (3) the villages of ~ Dyavapatna and Hanchipura in Boppagowdanapura Sammath granted under

a Sanad dated Friday the 10th of Sravana Bahula of the year Sarvajithu corresponding to the 17th August 1827 and (4) the hamlet of Ankarayanakoppalu attached to Kirangallu village and granted under a Sanad dated Friday the 13th of Ashadha of the year Sarvadhari corresponding to the 25th July 1828 - that all these Sarvamanyam villages may now be granted in your name as Jaghir worth 1000 Pagodas Soleby for the construction of the bridge, we have been pleased to recall all the aforesaid previous Sanads and grant this fresh Sanad in your name, and have further issued another Sanad in the name of your grandson Seshachella Moodaliar granting in lieu of Belakvadi and other villages aforesaid, the two villages of Purigal and Kaglipur as Sarvamanya for the support of the ~ charities established at Sivasamudram.

Accordingly, the villages

of:-

of:-

1. Belakavadi - with its 7 Dakalas
Attigarapura, Javanigahalli
Sasarikalakoppalu, Bhanga-
-vadi, Basavanna Waderapura,
Venkatayyana Doddi, Malliga-
halli and 2 tanks,
2. Dasana Doddi - with its 1 Dakhala and 1 tank.
3. Hosahalli;
4. Kenchagahalli - with its 2 Dakhalas,
5. Hanchipura
6. Dyavapatna:

and bearing a Beriz of 1545 Varahas 6 Fanams exclusive of Jari Inams as per accounts furnished by your grandson Seshachela Mudaliar, having been hereby assigned to you as Sarvamanya in consideration of the construction of the bridge; and we having further issued, a sanad to the Taluk Amildar directing him to demarcate the lands and fix their boundaries on all sides, you are to enjoy in hereditary succession

* A long statement of the lands - waste and under cultivation - their extent, Beriz and different items of Revenue are given in the original.

all the benefits arising out of the lands -wet, dry &c - and also such additional Revenue as may accrue by the construction of new tanks, anicuts, canals and other works of improvement within the boundaries fixed.

You are further authorized to levy hereafter, after the completion of the bridge, ferry fees from merchants and others passing over it at half the rates now in force. The right to all minerals and other natural products of the lands in question will vest in you together with all the rights of alienation such as, mortgage, sale, gift, exchange &c.

Here follow 5 Sanskrit Slokas in conclusion of the Sanad.

—

"Copy"

N.S.

By Clerk
Registrar

1898
REVENUE DEPT.
Encl. No. 1
Dis. No. 6644

1
Encl 24/6/98

2
3753

B

Abstract Translation of Sannad B

Sannad issued by Maharaja Sri Krishnaraja Wodayar of Mysore under date Thursday Tr. 13 of Margasara Bahula of the year Virodhi to Sohachella Mudaliar, grandson of Ramasawmi Mudaliar.

In accordance with yadast dated 19th November 1829 addressed to Hunzur by Mr Cass Major, Resident in Mysore, we have in consideration of the advantages to Government and benefits to merchants and others granted to your grandfather Ramasawmy Moodaliar for the Construction of the Bridge (Rangasathuru) a jaghir worth 1200 Kantiroy Varahas

× × × × ×

With reference to this your grandfather having petitioned the

the Huzur that × × × × ×
in lieu of Belakvadi &c other villages
may now be granted for the purpose
of perpetually maintaining the said
charities × × × ×
we have granted you as Sarvamanyam
these two villages* for the perpetual
maintenance of the charities made
by your grandfather Ramasawmy
mudaliar × × × ×
you and your sons and grandsons
in hereditary succession are to
realize from this Viradhi year all
proprietary rights (which are enumerated
in detail) appertaining to these
villages and to realize whatever
increased income you can in
whatsoever item and by making
tanks, channels and aines and
to use (the said realizations) so as
to maintain perpetually the said
Restoration Charities and cause
prayers to be offered for the

* Purigai Kaflipaur

the prosperity of the Sirkar before
Sri Ranganathaswami.

The title to minerals and
natural products within the lands
in question will rest in you as
also the right of alienation by sale,
mortgage, gift &c × × × ×

"Copy"

by Clarke
Registrar
A.S.

# Revenue (189[9]) Department.

**CURRENT No.** 5330



***From***

***Order***
***To*** *Under Secretary.*

*The file re the administration of Sivasamudram estate was circulated on 5.7.99 and is shown in the Circn Regr to have returned on the 7th idem. It has not, however, come into the office.*

*RM 5/8.99*

The Secretary to the Court of Wards,
Madras.

No. 608 Routine.

***Dated*** 14th August 1899
***Received*** 17th —do—
***Registered*** —do—
***Enclosures***
***Spare copies***

*This is typed over pencil & I have retyped & have noted in the margin last para & reminder*
*RM 5/8.99*

SUBJECT.

14/8/99

Enquiring whether a final decision has yet been arrived at with reference to Court's Proceedings 739, dated 6th June 1899 regarding the education of the Sivasamudram minor and the administration of his properties in the Mysore Provinces.

1898
REVENUE DEPT.
Encl. No. 2
Con. 6644

Cir. 2476/98

555
REVENUE DEPT.
3
375

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | cno 3757 99. | | |

## FURTHER PAPERS.

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

*N.B.—The reply to this communication should be addressed to the Secretary, Court of Wards.*

200—11-4-99.

COURT OF WARD'S OFFICE MADRAS

# Memorandum.

*Dated the 14th August* 1899.

No. 608 R

cno 3757 99.

The undersigned is directed to enquire whether a final decision has yet been arrived at with reference to Court's Proceedings NO.739 of the 6th June last, submitting certain remarks on the letter from the Resident in Mysore regarding the administration of the Sivasamudram minor's properties in that State and the education of the minor.

Lionel Davidson

Acting Secretary

To the Secretary to Government, Revenue Department.

# Revenue (1899) Department.

D.O. CURRENT No. 185-
Confidential No 139

*From* C.W. Mounsey Esq: I.C.S
A. Collector of Coimbatore

*Order*

No.

*Dated* 15th
*Received* 20th } August 1899
*Registered* 22nd

*Enclosures*

*Spare copies*

## SUBJECT.

Reporting on the results of his visiting the Suva-Samudram Estate and stating that he is submitting a formal report to the Court of Wards.

BACK PAPERS.

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

FURTHER PAPERS.

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

(Copy)

Collector's Office,
Sivasamudram. Coimbatore, 15.8.'99

My dear Tremenheere,

As I am writing to you on other matters, I think I ought to let you know the results of my seeing the Mysore officials* in the Sivasamudram Estate.

1. Endowed villages.- They say they have ~~reserved~~ resumed these as an act of State for gross mismanagement on the part of the Jaghirdar and have ------- Rs.20,000 in hand ready to hand over to temples and institutions, but want a voice in the spending thereof. At present an application from us for --- funds will be acceded to.

Mysore Jaghir villages.- They - the local officials- admit that the management of the minor's mother and her brother is so bad that it should be put a stop to and propose simply assuming the management and treating the village like ordinary Mysore Government villages with no cost to the --- estate, the surplus going to the Jag

The Sub-Divisional Officer, French Rocks is officially proposing this to the Darbar.

Minor's Education.- They wish that all to be paid for, if he goes to Newington, out of funds of British Revenue. I quite agreed. If I did not, we can't get funds from Mysore.

Jewels in dispute.- Practically they admit they only have the minor's mother's word, that the jewels are hers against the oral and documentary evidence on behalf of the temple.

I have drafted a report at length to the Court of Wards to-day, and if orders have not been passed on Court's Proceedings 795 d/6th June - perhaps it would be well to wait for my report. I don't think there is any longer any strained situation.

Yours sincerely,

Sd/ C.H.Mounsey.

Collector's Office,
Coimbatore.
15 f 1895.

Sivasamudram

My dear Thumboo,

As I am writing to you on other matters I think I ought to let you know the result of my seeing the Mysore officials at the Sivasamudram Falls.

1. Sindwadi villages - They say they have resumed them as a cul de sac for the present management on the part

of the Jaghirdar & here
Rs. 20.000 is handed yearly
to Chandra Chamba Temples &
institutions, but want a
voice in the spending thereof.
At present an application for
funds will be acceded to by Govt
Mysore Jaghir villages Govt. admit.

that the management of
the minors Institution
here & Bangalore is so
bad that it should be
put a stop to & purpose

simply assuming the ma-
nagement & treating the
villages like ordinary Mysore
Government villages with no
cost to the estate. The surplus
I presume going to the Jaghir.
The Subdiv. Officer, Female Relative, is officially
supposing this to be the Legal position
Minors Education. They wish their
all to be paid for. If he
goes to Bangalore out of
funds of which Revenue. I
guess agreed. If I did not-
we can't get funds here
Mysore.
Funds is difficult - practically

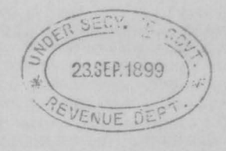
they admit- they say him
the minors mother's word
that the pinks are her
against the and I dismissed
evidence on behalf of the
Temple-

I have drafted a
report at length to
the Court of Wards
today, & if orders have
not been passed on Counts'
petn. 793 of 6th June -
perhaps it would be well
to wait for my report.
I don't think there is any longer
any pressing situation -

Yours sincerely
CH Monsey.

# Revenue (189 9 ) Department.

**CURRENT No.** 6151




***From***

***Order*** The Secretary to the Court of Wards,
Madras.

No. 1322 Misc.

***Dated*** 20th September 1899.
***Received*** 23rd do
***Registered*** —
***Enclosures*** 7.
***Spare copies***

## SUBJECT.

Submitting with remarks to Government certain communications from Mr. Mounsey regarding the Sivasamudram minor's education and the management of his properties in Mysore.

## BACK PAPERS.

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

## FURTHER PAPERS.

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

Proceedings of the Court of Wards.

NO. 1322 Misc,dated 20th September 1899

The Hon.Mr.J.Sturrock.

The Hon.Mr.J.Thomson.

The Hon.Mr.F.A.Nicholson.

Read letter from C.H.Mounsey Esquire,I.C.S.,Acting Collector of Coimbatore,dated 17th August 1899,R.Dis.NO.438/Rev of 99.

Read also letter from the Collector of Coimbatore,dated 16th August 1899,R.Dis.NO.439/Rev of 1899.

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Resolution.

The two letters received from the Collector,Mr.Mounsey, will be submitted with the following remarks to Government for consideration along with Court's Proceedings,739,dated 6th June 1899:-

(1) Management of the Jaghir villages in Mysore.

It now appears that the Mysore authorities are dissatisfied with the present management by Unnamulai Ammal and her brother and proposes to take the villages under their own control. The Court deprecates such divided management,and for the reasons set forth in para 11 of Court's Proceedings 739,dated 6th June 1899,desires to reiterate its conviction that the best interests of the estate and the minor require that the Mysore villages should be entrusted to the Manager already appointed by the Court of Wards who should be empowered,as suggested by Mr. - Mounsey,to collect the rents under the Mysore Revenue Code. Otherwise there will inevitably be a perpetual conflict of interests between the two Managers,each trying to devote the revenue,which he collects,to the exclusive benefit of the property under his charge.This view of the case is sufficiently illustrated by the fact that the Mysore Durbar itself has already raised the question which portion of the estate shall bear the cost of the minor's education at Newington.Where such is the

(True Extract)

conceive to what lengths

loan for which the villages were taken as

mere subordinates would carry the same policy,and how prejudicially the estate as a whole would be affected by administration on such lines.

(2) Management of the endowment villages in Mysore.

It is obviously desirable that these villages should be managed together with the Jaghir villages referred to in clause (1) supra:and if the Mysore Durbar is to manage them,it should clearly make over to the Court of Wards the entire net revenue for expenditure on the temples which are situated in the British territory.The Court will,however,readily furnish the Durbar with an annual statement of receipts and disbursements which is all that is requisite to enable the grantor of the endowment to satisfy himself that it is properly applied.The Court could not consent to detailed control by the Durbar such as was never exercised in the late Jaghirdar's time and is quite uncalled for,unless there is reasonable apprehension of mismanagement.

(3) Temple jewellery.

The Court understands that Unnamulai Ammal's mere word is the only evidence in support of her claim to the jewellery in dispute,whereas Mr.Mounsey adduces documentary evidence of value which goes to show that it belongs to the temple,and clearly outweighs the bare assertion of an interested ~~property~~ party.In these circumstances,the Court sees no reason to accept Mr.Mounsey's suggestion that the question of the ownership of the disputed jewellery may be left for the minor to deal with ~~him~~ later on,and adheres to the recommendation made in para 14 of its Proceedings NO.739,dated 6th June 1899,that the entire temple jewellery now in the custody of Unnamulai Ammal should be immediately transferred to the Deputy Collector,Kollegal,the lady being left to establish her claim to individual items in a competent Court of law.The onus of proof clearly lies upon her.

(4) Minor's education.

The Court understands that the Mysore Durbar have now decided to send the Sivasamudram minor very shortly to Newington for education .The Collector of Coimbatore is requested to inform the Mysore authorities that "Newington" is now under repairs and that the minor should not be sent there before October or without previous communication with Mr.Morrison.

As to the proposal of the Durbar that the entire cost-about Rs.4000/ per annum-of the minor's

such an arrangement to be radically unsound in principle & calculated to prejudice the interests of the minor.It is the clear duty of the Court of Wards or other authority entrusted with the administration of the estate to administer it as a whole.If the proprietor were himself of full age and capable of managing his affairs,it is absurd to suppose that he would rigorously devote the income accruing from particular villages to the education of his children or to any other specific object.No prudent man would place any such restriction on the expenditure of his income,and the Court of Wards would not be justified in consenting to an arrangement which would render it impossible to carry out improvements in the British portion of the estate without the aid of a contribution from the surplus revenues of the Mysore villages,which might or might not be granted.For with heavy outlay to be incurred on the Sivasamudram bridges and a large annual expenditure on the minor's education there would be no surplus revenue from the British villages with which to effect any improvement in their agricultural condition. The net surplus of the whole estate should be devoted to its improvement as a whole,and the first charge upon that surplus is the maintenance and education of the minor proprietor;the balance should be extended on improving those portions which are in most need of improvement,whether or not the income accruing therefrom is sufficient to effect such improvement,and whether or not they are situated in Mysore or British territory. This is the attitude which any prudent proprietor would assume, but it would be idle to expect similar breadth of view from two Managers,each interested in one portion of the estate and responsible,the one to the Durbar, and the other to the Court of Wards.It is for this reason that the Court of Wards lays such stress on the importance of placing the entire estate under the control of one Manager.

(5) In regard to Ramaswami Aiyar, the former Manager,the Court of Wards awaits the result of the proceedings instituted in the District Court.

(True Extract)

villages were taken as

R.Dis., No.438/Rev.'99.

Coimbatore Collector's Office,
17th August, 1899.

(Camp) Sivasamudrum.

From

C. H. MOUNSEY., Esq., I.C.S.,
Ag Collector & Agent to
the Court of Wards,
COIMBATORE.

COURT OF WARDS. 1696

To

The Secretary to the Court of Wards,

*Madras.*

Sir,

I have the honour to state that on the 26th July last, the First Assistant to the Resident in Mysore wrote to me saying he was directed to state that the Muzrai Superintendent under the Mysore Durbar would meet the Deputy Collector Kollegal to discuss matters connected with the Temples management & other charities at Sivasamudrum, if I could fix a convenient date. I suggested the 14th Instant, as I knew I would be in Sivasamudrum then & on that date the Muzrai Superintendent, the Sub-Divisional Officer, French Rocks, the Deputy Collector, Kollegal, & myself had a long & friendly discussion on the various points connected with the estate. Yesterday I also saw Raju Mudaliar, the Minor's uncle, & heard his views & had a further interchange of views with the Mysore officials. I embody below the results of the interview. Under the circumstances under which the interview was arranged the views of the Muzrai Superintendent may be considered to be official ones.

2. ENDOWED VILLAGES-- Management of Purigal & Kaglipuram.

(a) The Court is aware that it claims that as the Mysore Durbar raises no objection to the management of the temples & charities in Sivasamudrum being under the Deputy Col-

loan for which the villages were taken as

security by the Durbar has been paid off, the management of the villages may also be given to the Deputy Collector or the whole net proceeds of the endowments handed to him for the purpose for which they are intended (vide para 12 Court's Proceedings dated 6th June 1899, No. 739 Mis.)

(b) It has been assumed that these villages were mortgaged to the Durbar, but the facts appear to be that on a petition of 1889, Unnamalai ammal (& of her Manager, her brother probably) a loan was sought for on the security of the villages. This was granted by an order on the petition dated 6th June 1889 which provided for the assumption of the management of the villages & recites among other things conditions for the maintenance of the Temples & says that the villages shall be restored when the loan is paid off.

(c) To avoid repetition I now enclose the Proceedings of the Mysore Government dated 17th October, 1896 & 22nd January, 1897, which explain better than I could explain it why the two villages have not been restored since the loan has been paid off.

(d) The Muzrai Superintendent in short stated that the manage ment of the villages is an act of State on the part of the Durbar. It may be permitted to me to point out that if the mismanagement refers to the deeds of Unnamalai ammal & her brother, ipso facto, their management of the Jagir villages must be open to question.

(e) In regard to the funds I had a glance at an abstract of the accounts from 1889 to 1897 & may get a copy of it-- this gives a total receipt about Rs. 72350 including Rs. 11013 said to be in hand to start with. Raju Mudaliar denied to me that he had that money in hand saying that until the irrigation works were put in repairs it was not possible to have had a balance. But he seems to have admitted to the Muzrai Superintendent that this amount of Rs. 11013 was made up mostly of decree-debts (of which he had been able to realize only some Rs. 2000 or 3000- the Superintendent seems to accept this) & other irrecoverable assets. The expenditure was mostly for the repayment of the debt Rs. 43910 odd, but it excluded Rs. 3538-13-0 given to the Jagirdar's agent. The annual establishment was paid in 1890 at Rs. 3430-13-10. If the villages had paid all of this annually the total expenditure would have exceeded the assets by many thousands of Rs.



funds must have come from the general revenues though whether quite as much as Rs. 23175-1-6 came from them is a matter of doubt, the Superintendent says, considering the condition Mr. Bradley reported the temples to be in. The Temple-people told me that by deductions here and there the Manager saved about Rs. 100 a month from the Establishment charges. I have no proof of this. The balance was about Rs. 6000, which added to surplus revenues since collected (Rs. 13000 on 30-6-99 & Rs. 1000 collected after that date) leaves about Rs. 20000 in hand. The Muzrai Superintendent proposes that Rs. 10,000 of this should be spent for recoupment of the advance, Rs. 4000 kept for expenditure till the next collection season & Rs. 6000 for repairs to the Temple Buildings for which estimates should be prepared. He assured me that if the Mysore Durbar were addressed for the funds they would hand them over at once. He accepted the present expenditure on establishment which he considered should be revised when all the repairs were executed. As a beginning the proposal seems acceptable.

(f) At the same time he was fully of opinion that as the Mysore Durbar was the grantor of the Inams, even if the Kollegal Deputy Collector should be given the net surplus to expend uponthem, the Mysore Government in its inherent right to see that the charities were properly administered, should be given a voice in

I. the scale of establishment,

II. the expenditure on

(a) daily ceremonies

(b) extraordinary ceremonies

III. on repairs except petty ones.

How far the Durbar can be justified in demanding their share of control can be determined by the terms of the original sunnad & by the fact that from 1830 to 1896 the Durbar do not ever seem to have interfered in the management of the Jaghirdar. An extract from the sunnad is given below.

" We have granted you a Nirvamanyam these two villages for the perpetual maintenance of the charities made by

Purigal
Kaglipuram

your grandfather Ramasami Mudaliar x x x you & your sons & grand sons in hereditory succession are to realize from this Virodhi year all proprietory rights (which are enumerated in detail) appertaining to these villages & to realize whatever increased income you can in whatsoever item & by making tanks channels & anēs & to use ( the said realizations) so as to maintain perpetually the said Restoration charities & cause prayers to be offered for the prosperity of the sirkar before Sri Ranganathaswami.

The title to minerals & natural products within the lands in question will rest in you, as also the right of alienation by sale, mortgage gift &c."

(g) In reference to the sanad the Muzrai Superintendent argues that its terms have been merged in the inam settlement deed. In reference to non-interference the Muzrai Superintendent does not admit it. He referred me to an order of the Mysore Government dated 10th December 1894 to prove that the Durbar had really been mindful of the charities. In this it is stated that the tasdik allowances were incapable of reduction; therefore the temples must be kept up on the existing basis & the liquidation of the Government debt must be postponed to the requirements of the temples; & also says in regard to the temples "whose affairs should always be subject to the supervision of the Muzrai Department." Again I was referred to an office-note of the Dewan's dated 10th September, 1896, drawn up after a conversation with Mr. Bradley in which he says that as these villages were for the temples & bridges the Muzrai Secretary should do the needful regarding the complaints as to want of repairs & services. The Muzrai Department defends itself from a possible charge of not looking after the temples by a reference to these orders, by the fact that the whole of 1896 was taken up with correspondence in regard to the resumption of the villages, by the ~~grandfather~~- Jaghirdar refusing to give possession & finally by the Court of Wards stepping in. At the same time it is fair to state that from a paper shown to me I found the Dewan considered that though it was true that the failure to spend the money properly was due to the agent's failure to apply for it: the local officers were also held to blame, though on their behalf it was admitted that they had only the revenue management of the villages, & that the temples were in British Territory. It was also pointed out to me

I that as far back as 1857 & again in 1875 the neglect of the management of the endowment had been brought to the notice of the Mysore authorities for action- which does not seem to have been taken

II. That the loan of 1889 was an attempt on behalf of the Government to remedy affairs,

III. That the Durbar would have advanced money if it had been asked for it by the Manager & that it did advance Rs. 3539-13-0 in 1890, &

IV. Finally that the Muzrai Superintendent brings to notice that the claims to have a voice in the expenditure is not an exceptional claim in regard to Sivasamudrum Temples but merely an endeavour to carry out the general practice of the Province whereby all religious endowments are subject to the general conduct of the estate.

Perhaps if the Durbar were asked to waive their claims, an annual account being forwarded to them, – Under the special circumstances, that now for the first time for 70 years there is the prospect of an honest & capable management, they might be inclined to do so. I can give no opinion on this but certainly the power of interference seem only to be rightly exercisable when there is maladministration or a prospect thereof- as stated by the Mysore Government themselves in para 3 of their order dated 22-1-1897- & perhaps is not applicable at all to Institutions outside Mysore.

(h) The question of the management of these villages may be considered with that of the management of the Jaghir villages The Superintendent says that if there is a surplus after all the necessary expenditure is provided for & they are managing them it is credited to the Muzrai surplus fund & is always available when wanted.

3. MYSORE JAGHIR VILLAGES.

The next point that was discussed was the management

of the 6 Jaghir villages in Mysore Territory. The Sub-Divisional offi cer stated that he was certainly of opinion that the present management by Unnamalai ammal & her brother should cease as his enquiries made him believe that they were quite incapable of managing the villages satisfactorily. This is a great advance, Vide the statement (para 4 Court's Proceedings dated 6th June 1899 No. 739 Mis) that the "present manager was quite capable of conducting the duties of his office satisfactorily." The Sub-Divisional officer raised no personal objection to the management by the Court of Wards but declared that if the villages were taken under the management of the Mysore Government the cost thereof would be nothing, as they would become practically Government villages, wanting no separate establishment. He added that though a Police station that used to be kept up at the cost of the Estate has recently been abolished the management was still far too costly in proportion to the results. If such a management can be secured as efficient & cheaper than the one under the British rule (as was asserted) there seems to be no objection to it. The Sub-Divisional officer considered that revenue arrears could easily be recovered by the ordinary Mysore processes if the Estate was in their charge, & would require Civil suits to realize if the management was under the Court of Wards, although there is provision for the Mysore Government having power to authorise a person appointed by us as manager to collect rent under the Revenue Code without having recourse to Civil Courts. If this authorization is not given to an agent of the Court of Wards there can be no question as to the advisability of the management as Government villages by Mysore. The great thing is to have the alternative effected as speedily as possible. The Sub Divisional Officer assures me that he is about to apply to have the Ward's mother & Raju Mudaliar removed & the management taken over by the Government.

I understand that the ground on which the transfer of management will be asked is merely that Raju Mudaliar has become incapable through old age. It is put forward not to stultify the Durbar in regard to its former opinions; but as long as a change is effected the grounds therefor should be a matter of perfect indifference to us. It would be worse than useless to point out inconsistency when evidently there is now a desire to meet our views. These remarks apply also to the reasons given for showing that the Mysore Durbar has interfered in the

: is obvious that such a reason will be



temple management. As a fact they have not done so but it would be useless to point this out if they will accept our management & be given a nominal control to save their dignity by copies of the accounts annually being sent to them. As the Jaghir villages are managed so may the endowed villages be managed.

4. MINOR'S EDUCATION

This subject has been reported on sepatately in this office letter dated 16th August, 1899. Raju Mudaliar pretended there would be difficulties about caste & language if the Ward went to Newington. On these points I corrected him. He wanted the Ward to be educated in Mysore under his superintendence & he also wanted to manage the Estate, but was quite willing to give that up to the Court of Wards or Mysore if he was allowed Rs. 10,000 per annum for the purpose He said he was only spending Rs. 500 a month or so now as household expenditure, but thought if he had to educate the Ward at Mysore Rs. 10,000 a year at least was necessary.

5. TEMPLE JEWELS

(a) On the 31st July 1899 the First Assistant to the Resident was directed to write to me on the subject. He forwarded a memorandum giving a list of 8 jewels set with precious stones, 1 gold jewel & 13 silver jewels, altogether valued at Rs. 4394-0-0 claimed respectively by the Temple authorities & by Unnamalai ammal. He says "after prolonged enquiry it has been found impossible to discover any proof of the validity of the temple claims. Under these circumstances the only possible course would seem to be to leave the jewels in the Ward's possession until the temple management can establish its claim."

(b) As far as I made out Unnamalai ammal says that these jewels were the private property of the Jaghirdar & were used sometimes to adorn the god, but the temples were never endowed with them. I cannot ascertain that the lady's claims have anything more solid to rest on & gathered that if she had not refused to give them up to the Mysore authorities when demanded, they would have been handed over by

them to the Temples. On the other hand the Templexs claims may b briefly summarised as follows:-

(i) They are entered in the list of temple jewels prepared by the late Jaghirdar's clerk Krishna aiyangar about a year before the Jaghirdar's death in July, 1885.

(ii) They are entered in a list of templexjewels prepared by Rai Bahadur Ratnasabapathi Mudaliar Coucillor to the Maharajah of Mysore in November, 1885.

(iii) Mr. Ratnasabapathi Mudaliar who is now alive has deposed before the Muzrai Secretary to the Mysore Durbar that the list was prepared by him from the one mentioned in clause i, & his evidence is now available.

(iv) They have been used in the temple & have been seen by temple servants whose evidence is also available.

(v) It is asserted that some of them are such as are only pre pared in the form they are prepared for use in temples & never so prepared for private use.

C. If the Mysore authorities consider after their prolonged enquiry that the temples can put forth no proof of the right to the jewels what must they think of Unnamalai ammal's claim unless there is something more in it than the Muzrai Superuntendent knows of. Raju Mudaliar admitted to me that personally he knows nothing of the jewels. Possession is nine points of the law, it is said, & Unnamalai ammal has a sort of quasi-possession over them as they are under the lock of herself & the seal of the Deputy Commissioner of Mysore. They seem to be safe enough & personally I think even though the Court of Wards is trustee for the temples all we should do , should be to see that the temple claimx is not barred & leave the Minor when he comes of age to settle the matter as he likes. At any rate until the temples are properly repaired & establishment & services put on a proper basis I think it would be wise not to mix ourselves up in legal proceedings about these jewels.

(d) There are certain other jewels which Unnamalai ammal admits should be in use in the temples on certain festivals. These she proposes to keep with her in Mysore & promises to send for the occasions that they are wanted, if a guard be supplied. Thisxxdemand seems to be untenable. These jewels used to be kept at Sivasamudrum & when the Jaghirdar removed to Belakavadi 4 miles off they were kept there & always ready when wanted. Now it seems only natural that these jewels should be kept in the Treasury at Kollegal under the joint lock & key of the Manager & Tashildar, to be sent to Sivasamudrum when necessary. Raju Mudaliar fully admitted that this was reasonable. I suggest that if Unnamalai ammal refuses to accept this view of this matter the Mysore Durbar be asked to bring pressure on her by stopping allx allowances as I presume from what has passed that they will take the management of the Jaghir villages on themselves & make her an allowance consistent with her position.

6. MANAGER RAMASAMI IYER

The District Court ordered on the 25th October 1898, (Civil Mis , Petn No. 297 of 98) that the accounts & cash held by this man should be given up & that the necessaryorder should be served on him. In accordance with this order the necessary action will be taken. Ramasami Iyer has during the pendency of the application, handed over some accounts but the remaining records & the cash have not been received. Ramasami Iyer was called in at the interview & he strenuously denied he had any of these accounts or any cash belonging to the estate in his hand. Most of the accounts are, I believe, in his office at Belakavadi & if he examines them the remaining accounts can be easily furnished. Of the cash which came into his hands while managing the British part of the estate, he has not rendered any satisfactory account. He is bound to render the same & to surrender any balance remaining with him. His xxxxxxx plea is that all the cash excepting Rs. 50 was handed over from time to time according to Unnamalai ammal's direction & that he is not sure whether this amount(Rs.50) appertains to the British or Mysore portion of the Estate. I have now exhausted the subjects that were discussed (fortunately there is no dispute about the repairs to the Bridges) & I trust that the additionalinformation as to the reasons which have actuated the Mysore Durbar in certain of its acts & as to the opinion of their officers

on certain questions concerning the Estate may be of use to the Court of Wards as a help to the final decision as to the action that they may direct me as their agent to take upon the various points that have been in issue. These matters are now before Government(Vide Courts Proceedings dated 6th June 1899 No. 739. Mis), & if orders have not yet been passed I resfectfullsuggest that the latest development of affairs as represented in this report be also considered in disposing of the Sivasamudrum questions.

I have the honour to be,

Sir,

Your most obedient servant,

C. A. Mounsey

ACTING COLLECTOR.

Copy to the Deputy Collector, Kollegal.

P.S Since writing the above I have received the enclosed Demi-official from the Mysore Superintendent with the Dewan's memo I have referred to in my report. Re fact of these being sent shows a desire to give us every information, the memo is valuable as giving the authoritative opinion of the Dewan's views & the Demi-official is reference to the last paras.

C. A. Mounsey

Coimbatore Collector's Office.
16th August 1899.
Sivasamudram

12-Dec. No. 439- Rev. '99.

From C. A. Mounsey Esquire I.C.S.,
Collector and Agent to the Court of Wards, Coimbatore.

To
The Secretary to the Court of Wards,
Madras.

Sir,

In forwarding herewith a copy of a letter from the First Assistant Resident in Mysore to me asking if I see any objection to defraying the whole expense of the Sivasamudram Ward's education in Mysore ~~Madras~~ from the revenues of his Estate in British Territory, I have the honour to report as follows. I request that the Resident be informed of the views of the Court.

2. I came here yesterday and found ~~that~~ the Subdivisional officer, French Rocks, here & ~~we~~ discussed the question together. At present the Management of the Taghir villages in Mysore is in the hands of the Ward's mother and uncle. To attempt to get any money from them for the education of the Ward in Madras would, in my opinion, be futile. It would simply lead, if we depended upon it as a condition of the Ward going to Madras, to the Ward not going there at all

3- From the current budget of the Estate it will be seen that there is a balance of Rs. 13803, available for general expenses. It was intended to be utilized for irrigation purposes but Rs. 3000 or more can be conveniently appropriated therefrom without dislocating the budget for the minor's expenditure Nevington, say, from the 1st October 1899 to 30th June 1900.

As the question of the surrender (not of management) of the funds from the Endowment villages is practically settled (vide my report to follow) Rs. 4900 provided for religious and — charitable institutions will also be set free. Therefore want of funds from the British villages will not stand in the way of sending the minor to Madras.

4. There seems to be a reasonable prospect from what I heard yesterday (on this I am reporting separately) of the management of the Mysore Taglis villages being taken away from Ward's mother and uncle. If so, there is every prospect of any surplus derived from them being available for the benefit of the Estate and the minor and this if necessary might be used for education. — However for some time past the Mysore villages have paid for all charges for the Ward's mother and the mother Ward and I see no reason why for some time to come the British villages should not pay for his education.

5. If we think it worthwhile to educate the minor in Madras out of the general funds of the estate, it is a matter of perfect indifference which villages supply the funds. As long as the — British villages do, there is sufficient surplus available for carrying on efficiently the general administration of the Estate, and as I have shown above the funds permit of this.

I have the honour to be,
Sir,
your most obedient Servant.
(Sd) C. H Mowsey.
Ag. Collector.

Copy to the Deputy Collector, Kollegal, for information.

(True Copy)
Lionel Archer
Ag Secretary

Copy of petition from Unnamalai Ammal mother of the minor Jagirdar of Sivasamudrum dated 26th September, 99 to the Collector of Coimbatore.

-x-x-x-x-x-x-x-

The humble petition of Unnamal[illegible]mal mother of the Minor Jagirdar of Sivasamudrum.

2. The petitioner begs to state that the jewels now under the joint key & seal of the petitioner & that of the Deputy Commssioner in Mysore are the property acquired by the original Jagirdars Some of the above jewels have been given for use in the Temples at Sivasamudrum & taken back & placed in the petitioner's custody This practice has been in existence for several years past.

3. The above jewels have been made by the original Jagirdars & were not given by the Mysore Government.

~~Pedi~~ Petitioner has no objection to hand over the jewels ordinarily used for the temples at Sivasamudrum to the possession of the Madras Court of Wards.

5. Petitioner requests that the Court of Wards will be pleased to move the Mysore Government to have their seal removed & to place the jewels in the sole possession of the petitioner.

6. Petitioner is now prepared to hand over the ordinary temple jewels to the Madras Court of Wards if an officer is sent to Mysore to take possession of them.

(True Copy)

C H Mowsey

Acting Collector.

COPY of letter from the FIRST ASSISTANT to the RESIDENT in MYSORE, No. 3251---23895, dated 26th July, 1899, to the Collector of Coimbatore.

----:::----

Reverting to this office letter No. 3138 dated the 28th June 1898, & your letter No. 1423 of the 23rd May 1899 to the address of the Tutor & Guardian, Court of Wards, Madras, I am directed to state that shortly before his departure on leave Colonel Robertson had an opportunity of seeing the Minor Jagirdar, & then came to the conclusion that the Ward might with much advantage be sent to Madras for his education. In this view the Durbar agrees, though they are of opinion that the Court of Wards should meet his education out of the revenues of the Jagir estate in British India. They have now been asked to take very early steps to have the Ward sent to Madras & placed under the charge of Mr. Morrison, & have been told that the question of the apportionment of the expense will be settled as soon as possible. I am to ask whether you see any objection to the whole expense of the Ward's education in Madras being borne by that portion of the estate which is in British territory & paid by the Court of Wards.

(Signed) J. DOBBS.
1st Asst Resident.

(True Copy)

C. J. Thornley

ACTING COLLECTOR.

Encl. / C.No. 2025/29

1899
REVENUE DEPT.
Encl. No. 2
6615

Encl 1
C. Dis. R. 1697/99

*Proceedings of the Government of Mysore, Muzrai, dated 17th October 1896.*

READ :—

Correspondence ending with the Muzrai Superintendent's Memo, dated 1st October 1896, regarding the Muzrai temples and other charities at Sivanasamudram.

No. C. 10-12, DATED, CAMP MYSORE, 17TH OCTOBER 1896.

ORDER THEREON.—The villages of Purigal and Kaglipura in the Malvalli taluk were granted in 1829 to the Jahgirdar of Sivanasamudram for the maintenance of the temples and other charities established by him at Sivanasamudram. These villages have also been subsequently confirmed during the inam settlement as devadaya grants.

2. But from reports received, the Government find that these institutions are all now in a much neglected condition, the temple buildings being out of repair and the services therein not performed regularly; while the other charities have altogether ceased to be maintained.

3. The revenues from the two inam villages in question are not applied for the purposes of the institutions to which they have been granted; and it has further been brought to the notice of Government that certain culturable waste lands of these villages have been given away to certain private individuals by Raju Mudaliar, the Jahgirdar's agent, without malki sale, while such sale would have fetched about 3 or 4 thousand rupees to the temples.

4. Shortly after the demise of the late Jahgirdar in 1885 and at the time the Jahgir estates, inclusive of the two inam villages above referred to, passed into the hands of his widow Unnamalai Ammal, as mother and guardian of the present Jahgirdar, who is a minor, a detailed inventory of the movable properties left by the deceased Jahgirdar, inclusive of the jewels belonging to the temples, was prepared and signed by the guardian and also by her brother Raju Mudaliar who was then appointed as the Jahgirdar's agent. According to this inventory, a copy of which is in the records, the temples should possess jewels to the value of Rs. 16,898-8-0 as detailed below :—

| | | | | Rs. | a. | p. |
|---|---|---|---|---|---|---|
| Jewels set with precious stones | | | | 5,985 | 0 | 0 |
| Gold jewels | ... | ... | ... | 1,853 | 0 | 0 |
| Silver jewels | ... | ... | ... | 9,060 | 8 | 0 |
| | | | | 16,898 | 8 | 0 |

But these jewels are not now forthcoming in the temple. The agent Raju Mudaliar states that all the valuable properties left by the late Jahgirdar are secured at the Jahgirdar's house, but that he could not single out the jewels belonging to the temple from the family jewels belonging to the Jahgirdar personally.

5. In these circumstances the Government consider it best in the interests of the temples to take away their management from the hands of the Jahgirdar's guardian and agent, and accordingly direct that the institutions and inam villages attached thereto be taken over and maintained until further orders by the Muzrai Department. All property, both movable and immovable, belonging to the temples should be formally taken charge of by an officer deputed for the purpose by the Deputy Commissioner, Mysore district, who will also submit for the further orders of Government a detailed report explaining the extent and value of the properties so taken charge of with a note of any deficit that might be found in the temple properties and not properly accounted for by the Jahgirdar.

A. SREENIVASSACHARLU,
*Muzrai Secretary.*

To—The Deputy Commissioner, Mysore district.
The Comptroller to the Government of Mysore.
Unnamalai Ammal, mother and guardian of Anandaraya Mudaliar, minor Jahgirdar of Sivanasamudram.

Exd.—H.A.E.

1896-97

# GOVERNMENT OF MYSORE

MUZRAI

PROCEEDINGS

*Dated 17th October 1896*

No. C. 10-12

Directing that the temples at Sivanasamudram and the inam villages endowed thereto be taken over under the direct management of Government in the Muzrai Department.

Encl. to G.O. No. 169/99

M.G.C.P.B.—20-11-96—120

*Proceedings of the Government of Mysore, Muzrai, dated 22nd January 1897.*

READ:—

Petition of Unnamalai Ammal, mother of the minor Jahgirdar of Sivanasamudram, dated 10th November 1896, praying for a review of the orders of Government No. C. 10—12, dated 17th October 1896, directing that the management of the Sivanasamudram temples and of inam villages forming the endowment therefor be assumed by the Government in the Muzrai Department.

No. 802-3—Muz. F. 28-96, DATED, BANGALORE, 22ND JANUARY 1897.

ORDER THEREON.—The petitioner's contention against the assumption of the management by the Government is based chiefly upon two grounds, namely:—

1st, that under the terms of the Sannad granting the inam villages in question, the Jahgirdar is entitled to those villages as his absolute property;

and 2ndly, that there has been no mismanagement of the temples or of the villages by the Jahgirdar and his representatives and that therefore no grounds exist for any interference on the part of the Government.

2. Upon the first of these grounds, it is only necessary to refer to the Sannad of 24th December 1829. This Sannad expressly stated that the object of the grant was the perpetual maintenance of the Temples, Agrahars and other Charities restored and established by Ramaswami Mudaliar, the ancestor of the minor Jahgirdar. In referring to any possible improved future revenue of the inam villages through the exertions of the grantee or his descendants, the Sannad expressly declared that all such increased revenue should be used by them "so as to cause the abovementioned restored charities to be maintained "in perpetuity and so as to cause the prosperity of the Sirkar to be prayed for "in Sri Ranganathaswami's presence". No words can more clearly express that the intention of His Highness Krishnaraj Wodeyar III in granting the inam villages was to make them and their revenues from whatever source the absolute inalienable property of the temples and charities in question and that no residuary right of any kind was intended to be reserved or granted to the Jahgirdar. The Sannad towards the end contains the usual clauses regarding alienation and rights of property in favor of the grantee, but these clauses cannot, from the nature of the case, be construed as vesting in the grantee any powers of alienation or rights of property as *against the temples and charities* and can only be regarded as indicative of the Maharaja's desire, that the grant was absolute and contained no reservation of any kind in favor of *himself* and *his successors*. Under such circumstances, the Jahgirdar has every right and power to deal with the inam villages subject to the one paramount condition, that all his acts must be for the use and benefit of the temples and other charities named. In short, he is in the position of a Trustee for the temple and the charities, and he is bound by all the principles and rules which govern the conduct of a Trustee as regards Trust property.

3. The Inam Title-Deed granted for the villages during the Inam Settlement, also declares the inam to be a Devadaya one and the holder of the inam as the manager for the time being of the Devadaya institutions. Under such circumstances, there can be no doubt of the right of the Government to interfere whenever the institutions are not properly managed.

4. After the most careful enquiry the Government are satisfied that the Jahgirdar has been guilty of gross mismanagement of the institutions in question and of the property belonging thereto; and the Government therefore see no grounds whatever for any modification of the orders of the 17th October 1896, directing the assumption by the Muzrai Department of the direct management of these institutions and of the villages and other property belonging thereto.

5. Unnamalai Ammal's petition, praying for a revision of the orders of 17th October 1896, is accordingly rejected; and the Deputy Commissioner will be directed to give due effect to these orders forthwith.

A. SREENIVASSACHARLU,
*Muzrai Secretary.*

To—The Deputy Commissioner, Mysore district.
Unnamalai Ammal, mother and guardian of Arandaraya Mudaliar, minor Jahgirdar of Sivanasamudram.

Exd.—H.A.E.

1896-97

GOVERNMENT OF MYSORE

MUZRAI

PROCEEDINGS

*Dated 22nd January* 1897

No. 802-3 / Muz.F.28-96

Rejecting the petition of Unnamalai Ammal, mother of the minor Jahgirdar of Sivanasamudram, praying for a review of the Orders of Government No. C. 10—12, dated 17th October 1896, directing that the management of the Sivanasamudram temples and of inam villages forming the endowment therefor be assumed by the Government in the Muzrai Department.

Encl. 2 C.No. 1696/89

M.G.C.P.B.—8-2-97—120

1896 Review petition

Mysore government
order of 1896 & 1897
relating to the Sivasamudram
Estate

Ver 20 Encl

8 GOVERNMENT OF MYSORE

Bangalore
18th August 1897

Dear Sir

I returned to
Bangalore from my
Sivanasamudram trip last
evening - I let the
Dewan the nothing and
explained to him all
that transpired at
Sivana Samudram -

1946
REVENUE DEPT.

In the Course of the Conversation I mentioned to him that I have shown to you some portions of his (Dewan's) private memo; when he remarked that I might have given you an entire copy of it for your information as it

gives a Complete history of the temple Endowment. I therefore beg to enclose herein a Copy of the printed memo

with regard to the amount now at the credit of the temple it will be remitted as soon

at an official explanation
thereof is received
through the Resident.

Your
obedient
& humble Servt

Encl. 3
Cmd 1696/99

1844
REVENUE DEPT.
6
657

# MEMORANDUM.

## SIVANSAMUDRAM JAGHIR.

I have carefully studied the questions connected with the Sivansamudram Jaghir raised in the Resident's Note dated Ootacamund, 5th June 1898, copy of which was forwarded to me with his D. O. of the same date. In studying these questions, I have derived much help from the papers marked A to K appended as enclosures to this Memo.

2. The original sannads have now been sent for and examined. There is no doubt regarding their genuineness, and enclosures A and B are true copies in Kanarese of the original sannads. The abstract English translations of these sannads previously forwarded to the Resident may now be marked $A^1$ and $B^1$ to distinguish them from the Kanarese copies (enclosures A and B). The former copies from which abstracts $A^1$ and $B^1$ were prepared, correspond with the original sannads barring a few unimportant clerical errors.

3. In regard to the Mysore Bridge sannad (copy A and abstract $A^1$), I agree with the Resident that the grant contains no condition for the maintenance of the bridge. The intention may have been different, but the Mysore sannad, granted when the bridge was under construction, failed to express that intention, and we cannot therefore now enforce the condition of maintenance as a part of the tenure of the Mysore villages (Belakawadi and others). The Jaghirdar's obligation to maintain can therefore be enforced by the Mysore Government only with reference to the Tolls which that Government has authorized him to collect. As regards the villages of Sivansamudram and Sattyagul granted by the Madras Government under sannad dated 15th March 1836 (*vide* enclosure D), I believe the perpetual maintenance of the two bridges seems enforceable as a condition of the tenure on which the Jaghirdar holds these villages from the Madras Government.

4. Turning next to the terms upon which the villages of Purigul and Kaglipur were granted by the Mysore State (*vide* sannad B), I have no doubt that the obligation to maintain the Sivansamudram Temple and other charities attaches to the Jaghirdar as the express condition upon which he holds those villages. The sannad, no doubt, is loosely worded, but the grant was intended for the benefit of the charities, and this intention is expressed in very distinct terms in the sannad. The sannad first recites the grantee's prayer for a Jaghir as follows:— "Your grandfather having petitioned the Huzur that, in lieu of Belakawadi &c., other villages may now be granted for the purpose of perpetually maintaining the said charities." Then follows the grant in the following terms:— "We have granted you as Sarvamanyam these two villages for the perpetual maintenance of the charities made by your grandfather Ramaswami Moodeliar." Then comes the following direction in very clear terms:—"You and your sons and grandsons in hereditary succession are to realize from this Virodhi year all proprietary rights" (which are enumerated in detail) "appertaining to these villages, and to realize whatever increased income you can, in whatsoever item, and by making tanks, channels and *anes* and to use (the said realizations) so as to maintain perpetually the said Restoration Charities and cause prayers to be offered for the prosperity of the Sirkar before Sri Ranganathaswami." I append for convenience of reference a revised abstract $B^1$ of the sannad.

5. Under such circumstances, the obligation to maintain the charities must be regarded as the paramount condition of the grant, and all powers conferred on the grantee must be construed as subordinate to it and as governed by it. Powers of alienation have been expressly conferred upon the grantee, but it would be unreasonable to contend that the Jaghirdar can exercise these powers for his personal benefit. Occasions for the exercise of these powers *for the benefit of the charities* can be conceived as capable of arising, and it is only on such occasions that the

grantee can be permitted to exercise them. The grant of alienation powers and full rights of ownership, including the eight rights known as *Ashta Bhoga Samyas*, only indicates that the State reserved for itself no residue of right, but conveyed the whole *corpus* of the right to the grantee for the benefit of the charities.

6. The charitable nature of the grant not only flows from the ordinary construction of the terms of the sannad, but is abundantly clear from the subsequent conduct of the grantee and of the Government. When the British Government assumed the administration of the State in 1830 on grounds of mismanagement, one charge of mismanagement advanced against His Highness Krishnaraja Wadayar III was the granting away of villages in Sarvamanyam to favorites for unworthy objects. Pending investigation of this charge, Inams granted by Krishnaraja Wadayar III were placed under attachment. The Inam villages in question were excluded from such attachment in consideration of their charitable character. The correspondence relating to this matter must be among the State records transferred to the Residency upon the Rendition in 1881, but some information regarding it is to be found in enclosures H and G. H is apparently a memo submitted by Ramaswami Moodelliar pleading exemption from attachment for the villages in question, on the ground that the grant was not for his "personal enjoyment," but for the purpose of "the particularly remarkable charity," and on this memo there is a pencil note (probably in Sir Mark Cubbon's own hand). G is the draft of the Mysore Commissioner's letter to Secretary to the Governor General dated 27th May 183 4.

7. Again, what can be more conclusive than the terms of the title-deed (enclosure I) granted for the villages at the Inam Settlement? This title-deed, dated 1st July 1880, was granted in favor of "Ranganathaswami and Agrahar &c., at Sivasamudram," Mr. T. Anandaraya Moodeliar (the Jaghirdar) being registered as merely "manager for the time being." The Jaghirdar cannot now be allowed to get behind the settlement made eighteen years ago, or to claim any personal benefit to himself from the villages which the Inam Settlement confirmed to the charities, recognising the Jaghirdar as a mere manager, and therefore as a Trustee.

8. The Government has always the power to resume absolutely, or to assume temporary management of, a "Devadaya" Inam if the object of the grant is not duly maintained. Purigul and Kaglipur are clearly "Devadaya" Inams, both under the terms of the original sannad and the Inam Settlement of 1880. There undoubtedly was gross neglect of the charities on the part of the Jaghirdar, and owing to such neglect the Mysore Government felt compelled to exercise its right of assuming temporary management of the village by its Order of 17th October 1896.

9. The original assumption of management in February 1890 was for a totally different purpose, namely, the recoupment of the cost of restoring the channel irrigating the lands of Purigul. The circumstances which led to this work being undertaken and carried out by the Darbar are fully explained in the orders of Government issued from time to time, and in the Memo dated 9th May 1898 forwarded to the Resident with my D. O. of same date. The assumption of management in February 1890 in the Revenue Department for the recovery of the cost of channel restoration and the assumption of management in October 1896 in the Muzrai Department were two totally distinct acts, and the Government management which commenced under the first came to be continued under the second.

10. When I decided in 1889-90 to advance the cost of channel restoration, and to recover it from the revenues of the village in a series of years, and when afterwards for the purpose of carrying out this decision the management of the village was taken over by the Government, I had not the faintest notion that it would be found necessary at some later time to attach the village on the ground of mismanagement of the charities. The charities were then under the management of the Jaghirdar's mother through her brother and agent, and the Government had no intention of disturbing this arrangement, but offered to apply the annual revenues of the village *first* to pay the expenditure on the charities as incurred by Jaghirdar, and secondly to pay the balance, if any, towards the Government loan. This plan of application of the revenues of the village has not been carried out (except as regards Rs. 3,538-13-10 paid for temple expenditure in 1892-93 and 1893-94), because the agent for some



reason of his own preferred not to apply to the Government for the funds required for temple expenditure. His allegation is that he found the money required from the Jaghirdar's personal estate and spent the full amount according to the sanctioned scale upon the temple and connected charities. How far this allegation is true, and what actual amount he really spent upon the temple, are matters which can only be satisfactorily investigated by the authorities in Coimbatore where the temple is situated. But the point on which I wish to lay particular stress for the purpose of the present enquiry is, that the non-payment of the village revenue for temple expenditure to the extent sanctioned by Government was *not* due to any unwillingness on the part of the Durbar or its officers to make such payments or to any desire on their part for the speedy repayment of the Government loan. It was solely due to the Agent's failure to apply to the Government for the funds wanted for temple expenditure. If he had applied for funds (in the same way as managers of similar institutions), the required payments would have forthwith been made to him from the Taluk Treasury, within the limits both of the Tusdik (sanctioned scale) and of the amount of the village revenue already realized and in the Treasury. But he was apparently anxious that the Government management should cease and the village should come back to his own management as speedily as possible, and as this could happen only after liquidation of the Government loan, he chose not to ask for any part of the village revenue for temple expenditure. It may be asked why the local Revenue authorities did not notice this omission on the Agent's part, and why they did not enquire whether the temple and connected charities were being maintained and how any expenditure was being met. No doubt for this non-action they are to blame, as indicating the absence of zeal on their part in a matter in which the public are interested, but at the same time some allowance must be made for the fact that the proceedings so far were only in the Revenue Department, and the duties of this Department were confined to the revenue management of the village, to recovering its revenue and paying therefrom towards temple expenditure, reduction of Government loan, &c., in accordance with the recorded sanctions. It must also be remembered that the Jaghirdar and his Agent had always been sole managers of the temple and had not been subject to any supervision by the Mysore Government officers. The temple moreover was outside Mysore limits.

11. The non-payment of the village revenue for the purpose of temple expenditure cannot be pleaded by the Agent as an excuse for any neglect of charities. He himself does not advance any such plea. He rather says he spent the full amount according to the sanctioned scale, but obtained the money not from the village revenue which was available for the purpose but from the Jaghirdar's private estate. The sanctioned scale of annual expenditure on the temple and connected charities is Rs. 3,430-13-10. According to the Jaghirdar's Muzrai Accounts, the actual expenditure incurred during the 7 years from 1889-90 to 1895-96 (both inclusive) is Rs. 24,303-2-2, which gives an average annual expenditure of Rs. 3,471-14-0, showing a slight increase over the sanctioned scale. During the 8th year up to 31st January 1897 the expenditure by the Agent is given as Rs. 2,410-13-2. The total expenditure by the Agent up to 31st January 1897 is thus Rs. 26,713-15-4. Towards this expenditure a sum of Rs. 3,538-13-10 was paid out of the village revenues under Government management in 1892-93 and 1893-94, and the balance Rs. 23,175-1-6 is the amount claimed as due to the Jaghirdar's personal estate. This claim omits to give credit for Rs. 11,017-6-6 which the Jaghirdar's mother is shown to have collected and to have had in hand on the transfer of management to Government in February 1890. What became of this amount will be enquired into in settling the Jaghirdar's account with the temple.

12. The charities have been neglected during a long series of years, and no part of the neglect for which the villages were placed under attachment can be attributed to the Agent getting the funds for temple expenditure from the Jaghirdar's personal estate instead of from the village revenue. A lack of sufficient attention to the affairs of the charity on the part of the Jaghirdar was observable ever since 1857. So far back as 1875, Colonel Hay found the village in a miserable state, the Agrahar houses deserted and in ruins, the streets overgrown with vegetation, the temples all much neglected, and not more than Rs. 100 per month

being spent upon them. This condition of things has doubtless been growing worse, year after year, but until quite recently no practical steps to effect an improvement were taken either by the British Government in whose jurisdiction the charities are situated, or by the Mysore Government which had made valuable grants for the maintenance of the charities. The first step towards effecting an improvement was taken in 1889-90, when the Durbar restored the channel and thereby placed the charities on a very satisfactory footing as regards income. No control of the expenditure was attempted till October 1896, when the Durbar resolved to assume, in the Muzrai Department, the management of the charities and of the villages forming their endowment. The villages were already under Government management, in the Revenue Department, but not for the purpose of controlling the expenditure on the charities, and it was deemed advisable to place both the income and expenditure under the control of the Muzrai Department. Till October 1896, that department had no recognised function as regards the institutions, which, being situated outside Mysore and not receiving money payments included in the Muzrai Budget, did not in any way come within the control of that department. Under such circumstances, the Muzrai Department cannot be charged with any inattention to these institutions. Indeed, even after the orders of 17th October 1896 it had not been able to attend to them, as on the 9th January 1897 (that is, between the orders of the Mysore Government dated 17th October 1896 directing assumption of management by Muzrai Department, and those of 22nd January 1897 rejecting the application of the Jaghirdar's mother for a revision of the orders of 17th October 1896) the British authorities assumed the management on behalf of the minor, and the Durbar officers could not assume and have not assumed the management. I don't think the Mysore Government has any valid *locus standi* in the matter of managing the institutions, though it has a right to see that the income of the endowment villages is spent in due fulfilment of the object of the grant, and when it is not so spent, to place the villages under attachment or special management.

13. In the matter of the temple jewels, the Mysore authorities could not take action except under the ordinary criminal law or on behalf of the temple concerned. The possession of the jewels necessarily goes with the management, and when on a previous occasion the mother of the minor Jaghirdar (and her brother and agent) showed an unwillingness to produce them for inspection, I saw therein no reason to apprehend that they had been lost or misappropriated. I saw in it only some resentment at Government interference with the affairs of the temple which, according to their view, was quite a private concern with which no one had a right to interfere. Her contention regarding the jewels always was that there were no temple jewels as separate from the family jewels, and that some of the family jewels were from time to time used in the temple, and she could not differentiate between family and temple jewels. This contention is much the same as the one that the Inam villages are personal property of the family and that the Jaghirdar had been maintaining the temple from the income of these villages and from other personal property. Until a legal demand could be made for the production or delivery of temple jewels, she could not as the *de facto* manager entitled to their possession be proceeded against, and until she could be legally divested of the management no such demand could be made. In the matter of these jewels, and in that of the temple affairs generally, it was impossible to take any useful action until she was divested of the management; and the orders of the Government dated 17th October 1896 endeavoured to effect such divesture by the transfer of the management to the State Muzrai Department. But her divesture was effected in quite another way, namely, by the Madras authorities assuming, on 9th January 1897, the management on behalf of the minor as already stated. The requisition* in the matter of temple jewels from the Madras authorities after their assumption of the temple management, strengthened the position of the Mysore officers, and they (the Muzrai Superintendent and the District Magistrate) accordingly experienced no difficulty in inducing the minor's mother to produce the jewels for inspection as reported in the Officiating Dewan's letter to Resident No. 50 D, dated 12th March 1898. A further examination of the jewels has since been made, and the Assistant Commissioner's report of this examination, No 222, dated 5th May 1898, will be forwarded to the Resident separately.

*As per the First Assistant Resident's D. O. dated 23rd February 1898.



14. With reference to para 11 of the Resident's Note dated 5th June 1898, I beg to state that the Darbar gladly accede to the management of the temple and charitable institutions at Sivansamudram by the British authorities during the minority of the Jaghirdar. The Inam villages of Purigul and Kaglipur will continue under attachment and Government management during the said minority, and the money required for the upkeep of the temple and charities will be remitted by the Deputy Commissioner of Mysore to the Deputy Collector of Kollegal upon requisitions from the latter. I shall be very glad to depute the Muzrai Superintendent to meet the Deputy Collector of Kollegal at Sivansamudram and settle a definite programme for—

(a) the establishment required for the service of the temple and the upkeep of the charities; and

(b) the repair and renewal works.

I agree to their being entrusted with the settlement of the Jaghirdar's account with the temple &c., referred to in para 11 of this Memo, and any amount found to be due to the minor's estate from the temple will, if desired, be paid by the State, which will recoup itself for such payment from the surplus income of the villages after meeting the reasonable requirements of the temple and charities in accordance with the intention of the Government as contained in Government Proceedings dated 7th—10th December 1894.

15. Mr. Bhabha, the Inspector General of Education, will be instructed to do what he can to ensure that the minor's training is not neglected.

K. SHESHADRI IYER,
*Dewan of Mysore.*

BANGALORE, 5TH AUGUST 1898.

Encl. 4
CNo 1696/99

# Revenue (189 ) Department.

CURRENT No. 6469

UNDER SECY. TO GOVT.
7-OCT.1899
REVENUE DEPT.

*From*

*Order*

The Secretary to the Court of Wards,
Madras.

No. 1404 Misc.

*Dated* 5th October 1899
*Received* 7th do
*Registered* 9th do
*Enclosures*
*Spare copies*

## SUBJECT.

Submitting to Government in continuation of Court's Proceedings 739, dated 6th June 1899 petition from Unnamulai Ammal requesting that the Sivasamudram villages in Mysore may be managed by the Court of Wards.

1899
REVENUE DEPT.

... mother are very anxious

## BACK PAPERS.

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

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
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Proceedings of the Court of Wards

NO.1404 Misc,dated 5th October 1899

The Hon.Mr.J.Sturrock

Resolution.

The Court resolves to submit to Government in continuation of its Proceedings NO.739,dated 6th June last the following copy of a petition from Unnamulai Ammal the mother of the minor Jaghirdar of Sivasamudram in which she prays the Court to assume the management of the eight Mysore villages which form part of the estate in addition to the three villages in the Kollegal Taluk.

D Copy of letter from Unnamulai Ammal, mother of the minor Jaghirdar at Sivasamudram, dated 26th September 1899 to the Collector of Coimbatore & Agent to the Court of Wards.

The humble petition of Unnamulai Ammal mother of the minor Jaghirdar of Sivasamudram.

Since the assumption of the management of the 3 British villages of the estate by the Madras Court of Wards petitioner is glad to find that matters have been improving.

But there are eight more villages in the Mysore Province belonging to the same estate.These were granted to the petitioner's ancestor in accordance with a sannad of 1829 by the Maharajah of Mysore and have been in uninterrupted possession and enjoyment of the petitioner's family ever since their grant.

Petitioner learns from her brother Raju Mudaliyar that the Collector and the Deputy Collector,Kollegal Division visited Belakavadi on the 16th ultimo and questioned him as to the petitioner's wishes regarding the management of the Mysore villages and that he informed them that the Madras Court of Wards should manage the above villages in the Mysore Province along with the British villages.Petitioner accordingly desires that the marginally noted 6 villages and the endowment villages may be taken over for management by the Court of Wards.

1.Belakavadi.2.Hassalli.3.Dasandoddi.
4.Davapatna.5.Kunchigahalli.6.Mullikathanahalli.7.Poorigal.8.Kaglipur.

If all the villages comprising

as mother are very anxious

its being greatly advantageous to the minor Jaghirdar in various ways besides preventing increased expenditure from the estate.

An estimate for Rs.35,000/- was framed under the orders of the Mysore Government for improving the irrigation of the Ramaswami Channel and for this purpose a loan was sought for from the Mysore Durbar who in complying with the petitioner's request took up the endowment villages on condition that they will be surrendered when the debt was fully discharged.But they have not been done so as yet though the debt was fully satisfied about 2½ years ago.

Petitioner has previously petitioned the Collector that the Court of Wards should be requested to assume the management of the endowment villages of Poorigal and Kaglipuram;she therefore now requests that the Court of Wards will be pleased to take up all the villages above named and manage them in the same way as the 3 British villages are being managed.

Petitioner learns that the Mysore Government is anxious to keep the management of the above 2 villages in their management contrary to the Proceedings of the Dewan of Mysore dated 22nd January 1897.Petitioner is not willing to give up the management to the Mysore Government as she is not satisfied with their interference in the matter.Further they now seem to act against their own orders passed previously.Petitioner therefore requests that the Madras Court of Wards may take the whole estate under their own control in the same way as they have been managing the Munagala estate in the Nizam's Territory.Moreover the temples are situated in the British portion of the estate and ever since the grant of the villages they have been in the uninterrupted possession and enjoyment of the Jaghirdar.The Mysore Government have nothing to do either in the management of the villages or in the matter of expenses connected with the temples at Sivasamudram and there is no reason why the present intervention is necessary on their part while they have not at all interfered in the management for the past 70 years.

Besides the rules of the Muzrai Department will apply only to the temples in the Mysore Territory and not to those situated in the British portion of the estate.

The two villages of Poorigal and Kaglipuram were granted to the original Jaghirdar Ramaswami Mudaliyar by the Mysore Government as Sarvamanyam in

When the Mysore Government passed their Proceedings proposing to take up the management of the temples and charities at Sivasamudram the petitioner protested against it by presenting objection petitions and the matter was under correspondence with the Mysore Government until the Madras Court of Wards assumed the management of the temples and charities at Sivasamudram.

A perusal of the correspondence will convince that the procedure adopted by the Mysore Durbar with respect to the above two villages is in contravention of the original sannad and justice.For they have not raised any objection or claimed interference until after the debt was discharged and until the petitioner asked them for the surrender of the villages in terms of the condition.Petitioner has absolute right over the villages viz.,for sale, mortgage or gift etc.

Petitioner therefore prays that the Madras Court of Wards acting as trustee to the minor Jaghirdar be pleased to take the management of all the villages belonging to the estate in the Mysore Province and condescend to do all acts necessary for assuming the management thereof in the interest and future well-being of the minor ward.

(True Copy and Extract)

Lionel Thornton

Acting Secretary

To the Secretary to Government,Revenue Department.

C.M.N

# Revenue (1899) Department.

CURRENT No. 6625

*From*

The Court of Wards.

*Order*

No. 1459 Misc.

*Dated* 10th October 1899.

*Received* 14th —do—

*Registered* 16th —do—

*Enclosures* 2

*Spare copies*

UNDER SECY. TO GOVT. * 14 OCT. 1899 * REVENUE DEPT.

SUBJECT.

Submitting with remark to Govern
ment in continuation of C. P. N
1322 Misc. dated 20th September 18
letter from the Collector of Coimbo
tore reporting on the petition fro
the mother of the Sivasamudram
minor regarding temple Jewel

Rej/110

are matter are very anxious

BACK PAPERS.

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

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

Proceedings of the Court of Wards
No.1459 Misc., dated 10th October
1899.

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Read letter from C.H.Mounsey Esquire, Collector of Coimbatore,R.Dis.No.517-Rev.,'99, dated 29th September 1899.

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Resolution

Submitted for the orders of Government in continuation of Court's Proceedings No.1322 of the 20th ultimo.

The Court would prefer the adoption of Mr.Mounsey's first suggestion which i.e. that embodied in the second sentence of para 2 of his letter. is in accordance with the course already recommended in clause (3) of the Court's Proceedings quoted above.

(True Extract)

Lovell Saunders

Ag. Secretary.

To

The Secretary to Government, Revenue Department with letter + enclosure in original

The Collector of Coimbatore.

R.Dis., No. 517-Rev., '99.

Coimbatore Collector's Office,
29th September, 99. 189 .

From

C.H. Mounsey., Esq., I.C.S.,
Collector of
Coimbatore.

COURT OF WARDS. 2025

To

The Secretary to the ~~Commissioner~~ Court of Wards
*Madras.*

Sir,

Sug. Win C.P. 1322 20/9/99

In continuation of my letter dated 17th ~~September~~ August 1899 R.Dis. No. 438-Rev of 99, I have the honour to submit for the information of the Court a copy of the petition from Unnamalai Ammal, mother of the minor Jagirdar of the Sivasamudrum Estate re jewels under the joint lock & seal of herself & the Mysore Government.

2. Her promise of delivery of the jewels in ordinary use in the temples at Sivasamudrum is in my opinion not sufficient. She might be informed, if the Court approves, that all such jewels which she may adduce proper evidence before me as belonging to her as her personal property, will be handed over to her, the others being placed in safe custody in the Taluk Treasury Kollegal under the joint lock & seal of the Treasury officer & the manager of the Estate. As however she is most unlikely to agree to this & asking her to do so may prevent us getting possession of the jewels undoubtedly belonging to the Temple it might be wiser to accept her offer simply, without prejudice to the Temple claims on other jewels she also claims.

DESPATCHED
2-OCT.1899

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

C Mounsey

# Revenue (189 ) Department.

CURRENT No. 4518.

*From*

*Order*

The Secretary to the Court of Wards,
Madras.

No. 1672 Misc.

*Dated* 20th November 1895

*Received* 22/11

*Registered*

*Enclosures* Letter

*Spare copies*

SECRETARIAT TOCCUMENTS
23-NOV-1895
REVENUE DEPARTMENT

SUBJECT.

Passing orders on communications from the mother of the Sivasamudram ward and the Collector of Coimbatore regarding the assumption of the two endowment villages in Mysore.

Rep 15 Nov

## BACK PAPERS.

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

| G.O. | No. | Department. | Date. |
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500
20-10-99.

COURT OF WARDS. MADRAS.

# Proceedings of the Court of Wards.

NO.1672 Misc,dated 20th November 1899.

The Hon.Mr.P.A.Nicholson

Read letter from C.H.Mounsey Esquire,Acting Collector of Coimbatore,dated 3rd November 1899,R o C NOs.116(a)and 2002(a) C.W Petn of 1899.

Read petition from the mother of the Sivasamudram ward, dated 5th November 1899,NO.48.

Read also endorsement of C.H.Mounsey Esquire,Acting Collector of Coimbatore,dated 13th November 1899,R o C NO.124/1899. C.W

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Resolution.

In the first two communications read above,the mother of the Sivasamudram ward reports the death of the retired Mysore official,Ramaswami Aiyar by name,who was looking after her property in Mysore and the illness of Raju Mudaliyar,her brother and Agent,and requests that the Court of Wards may assume charge of her Mysore property as well as that in British India.

2. In the 3rd communication,the Collector of Coimbatore brings to notice that on a recent visit to Sivasamudram the Dewan of Mysore has expressed his readiness to hand over at once the surplus revenue(now in the Mysore treasury) of the two endowment villages in view to its being spent on the temples and charities at Sivasamudram which are now in a deplorable condition.The Dewan has also added that if the two villages be admitted to be trust property,he would hand them over to the Madras Court of Wards on that express understanding.He has promised

president to send a formal communication on the subject through the Resident on his return to Bangalore.

3. These papers will be submitted to Government in continuation of the correspondence ending with Court's Proceedings NO.1459,dated 10th October 1899 and with the request that early orders may be passed on the matter.

4. The Collector of Coimbatore is requested to make temporary arrangements to look after the minor's property in Mysore.The Sivasamudram Manager or some local Agent should be directed to take the necessary steps in this behalf(and given the necessary power of attorney)until some definite arrangement is made with the Mysore Durbar in the matter of the administration of the minor's property in that State.

(True Extract)

Acting Secretary

To the Secretary to Government,Revenue Department with 3 letters and their enclosures.

To the Collector of Coimbatore.

Camp Sivasamudram

Estate manager's office

30th October 1899.

R.O.C No 242 of 99
Supdt

From,

The Manager of the
Sivasamudram Estate

To,

The Deputy Collector
Kollegal Division

Sir

In my report dated 19th instant I have stated that Ramasami Aiyar manager of the estate villages in the Mysore Province belonging to the minor Jagiredar of Sivasamudram died on the 16th instant.

2. In consequence of this, the property at Bellakkavadi is now left without a competent person to look after it and it is likely that the said property may be lost to the Jagiredars.

3. The Jagiredars uncle Rajee Mudaliar is sick at Mysore and is totally unable to attend to any duties and you must have noticed during your recent visit to Mysore that he was hardly able to rise from his bed. The Jagiredars mother are very anxious (to go and see him in person) that no time

be lost by the Court of Wards in taking charge of the property in the mysore Province and this desire has been expressed in the letters submitted to you and the Collector

4. In these circumstances I beg respectfully to submit suggest that the Collector may be moved by wire to authorize taking of such measures as may be necessary to protect the minor Jaghiredar's property

5. The Jaghiredar's mother who is now in the legal possession and enjoyment of the mysore property having authorized the Court of Wards to assume the management of the portion of the estate lying in the mysore Province and as the Court of Wards is already in possession of the property in the British territory there is, I submit, nothing to prevent us taking possession from the Jaghiredar's mother irrespective of the orders that may be passed hereafter in communication with the mysore Durbar. If we take possession from the Jaghiredar's mother such possession, I submit, would be legal irrespective of the consent of the mysore Durbar, the consent of the latter being required only in case we take possession in opposition to the mother's wishes.

I beg &c
(Sd) B. S. Venkata Rau
manager

Roc 518/CW of 1899

(True Copy)

Submitted to the Collector and agent to the Court of Wards for early orders in continuation of this office endorsement dated 21.10.99 D Dis No 209 C.W. of 99.

Kollegal Deputy Collector's Office 1st November 99

(Sd) V Chappamenon
Dy Collector

(True Copy)

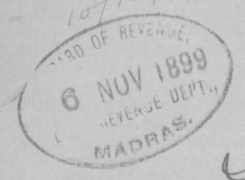
4.11.99

Huyavadana Rao
Asst Collector

Encl 2
C.W. 232/99

No 68
stamps punched
10/11/99




To

The Court of Wards at Madras.

The humble petition of Annamalay Ammal mother of the minor zamindar of Sivasamudrum.

Mr. Ramaswamiah manager of the 6 zamin villages in the Mysore portion of the Sivasamudrum Estate died last month. The petitioner submitted two petitions to the Collector & agent to the Court of Wards to assume the management of those villages, but the petitioner received no reply as yet.

The petitioner therefore requests that the Court of Wards may be pleased to assume the management of those villages on behalf of the minor zamindar as early as possible.

5-11-99
Mysore

The petitioner keeps Co Rem.

Mother of the minor zamindar
of Sivasamudrum.

COURT OF WARDS. 2333

1899
REVENUE DEPT.
3
7518.

Roc — Nos 116 (C) & 2002 (A) of 99

Coimbatore Collector's Office,
3rd November 1899.

From C. H. Mounsey Esq.,
Acting Collector of
Coimbatore.

COURT OF WARDS
2327

To

The Secretary to the ~~Commissioner of~~ Court of Wards
Madras.

Sir,

In continuation of this office R Dis No 517/Rev of 1899 dated 29th September 1899, I have the honour to submit for the perusal of the Court copy of another petition received from Annamalai Ammal, mother of the Sivasamudram ward, praying that the management of the Mysore portion of the estate may be taken charge of by the Court of Wards as early as possible. She states that the Mysore villages of the estate are now without any manager in consequence of the death of Ramasami Aijar who was manager till the 16th Ultimo. This is the very man who was lately manager of Sivasamudram and against whom a suit was

CP 1404
5/10/99
518

filed

filed for realisation of accounts and cash belonging to the Sivasamudram estate.

I also enclose herein manager's report R.o.c no 242/Supt dated 30th October 1899 with the Kollegal Deputy Collector's endorsement thereon R.o.c no 518/C.W dated 1st November 1899 on the subject. The circumstances detailed in the manager's report with regard to the state of the Mysore portion of the Estate after the death of Ramasami Aujavu are quite true and I fully endorse the opinion of the Deputy Collector.

2 The death of Ramasami Aujavu coupled with the illness of Raju Mudaliar has left the Mysore portion of the estate in confusion.

3 As the mother of the minor Jaghiredar who is now in actual possession of it expresses her inability to look after it, I think that early steps should be taken to take possession of the property. I think myself that unless the lady transfers the property to British territory, we cannot interfere.

I have the honor to be,
Sir
your most obedt servant

Huzur
for a Collector

1899
1518.

8

Coimbatore Collector's office.

R. O. C. No. 124- C. W of 99. 13th November., 99.

Copy of letter from the Deputy Collector Kollegal, dated 11th November, 99 to the Collector of Coimbatore.

- - - - - - - - - - -

I have the honour to report that Sir K. Seshadri Iyer, K. C. S. I, Dewan of Mysore, visited Sivasamuarum in connection with the Electric Installation project on the 10th & 11th Instant.

2. He had a conference with me in connection with the Sivasamuarum temple management & the Endowment villages of Purigal & Kaglipuram & he has authorised me to say that he is ready to hand over at once the surplus (a) revenues of the Endowment villages which are now in the ~~XXXXX~~ Mysore ~~XXXXXXXXXXXX~~ treasury in view to their being spent in the improvement of the temples and charities at Sivasamuarum which are now in a deplorable condition.

3. He informed me that the attempt made by the Jaghiraar's mother to treat the Endowment villages as their private property prevented any favourable consideration being accorded to the matter & that if the property is admitted to be trust property (which it has all along been & as to which there was no doubt hitherto ) he was willing to hand over the villages on this express condition for our management. I told him that so far as I was awraaware no one had seriously entertained the propasal that the Endowment villages formed the private property of the Jaghiraar & that the villages had been given for the fulfilments of the terms of the trust & were therefore trust-property. He then answered that if this was so there was no difference of opinion on the matter & that he would write on the subject through the Resident as soon as he returned to Bangalore. He said He was unable to show me the file of papers as they were in his office at Bangalore.

(Sd) V. Chappan Menon,

(a) This is what the Court has been urging — vide paras 12 & 13 of C.P. 739 (Rev N) of 6-6-99

(a) Vide

(True Copy)

Forwarded to the Secretary to the Court of Wards.

The information herein contained seems very satisfactory.

COURT OF WARDS. 2430

ACTING COLLECTOR.

To 565 / 13/11/99

The Secretary to the Court of Wards,

MADRAS.

899

5

1518.

Notes connected with G.O. 869-870 24-12-99.

Subject. Re. Management of the Sivasamudram estate.

Print

Cdi 17/12

D 4 1,920—14-3-99.

REVENUE DEPARTMENT

6 No. 3757

From the Secretary to the Court of Wards, Madras.

No. 739 bis Dated 6th June 1899.

FOR ORDERS.

To the Secretary.

In the paper read above the Court of Wards offers its remarks on the letter from the Resident in Mysore dt 24th Sept. 1898 regarding the future management of the Sivasamudram Estate. The various subjects dealt with by the Court of Wards will be noticed below.

2. The Jagirdar's obligation to maintain the ~~bridges~~ over the Cauvery.

The Sivasamudram bridges were long neglected. An estimate of Rs 25,750 for putting them in order has recently been transferred to the P. W. Deptt. for execution on behalf of the Court of Wards. The Resident in Mysore stated that the Jagirdar's obligation to maintain the bridge over the western branch of the Cauvery - Rangasetu, could be enforce

I f.p 4672 28-11-98 attached to this G.O. with a ground for note re this subject

11/7/81

Para 3 of the comment

Para 3 of the Resident's letter in f.p 4672 28-11-98

I

FOR ORDERS.

enforced only to the extent of the tolls realized by him. The Board of Wards agrees with the Resident. It however observes as follows:—

"A scrutiny of the past accounts will "be necessary in order to ascertain "by what amount the net receipts from "tolls exceed the expenditure incurred "in keeping the bridge in proper order; "the excess should be made available "for such further outlay as may be "necessary, and for the future as the "Coimbatore Collector has provided, "the toll-revenue must be treated as a "separate fund, the only charges "debitable to which are the cost of "Collection and the outlay on the "maintenance and repair of the bridge. "Should it prove to be the case that "proper accounts have not been "maintained in the past, the estate "will be liable to make good the estima- "ted difference between receipts and "expenditure, and it will be for the "Board of Wards and the Durbar to "make their best endeavours to "ascertain the amount due and to "make arrangements for the expen- "diture of such portion as may be necessary

para 2 of the comment.



3.

"necessary and the safe investment "of the balance as a reserve fund "to meet future requirements".

Submitted that the Court's views may be concurred in and the Resident informed accordingly.

The Board of Wards also observes that the Bangalore tolls do not form the sole source from which the requisite expenditure can be met and that under the Sanad issued in 1836 the revenue of the British village of Sakegal and the tolls levied from passengers passing over both bridges — the Rangasetta or Mysore bridge and the Ramasetta or British bridge — are to be utilized for keeping the bridges in perpetual repair. attention is however invited to pages 15 to 20 of precis stitched with G.O. 4672 of 26-11-98 from which it would appear that the village of Sakegal was granted to the original grantee as the contribution of Govt. to the second bridge which was built at a cost of about a lakh of Rupees and the to[ll] which he was permitted to collect on both the bridges were intended solely for

para 3 of the current.

G.

× Rangasetti.

for the repairs of the bridges. The Ward's mother appears to have recognized her responsibility in the matter and promised a contribution of Rs 10,000 towards the repairs of the bridges apparently from the funds of the Mysore portion of the estate.

3. The management of the six inam villages in Mysore.

These villages were granted as the contribution of the Mysore Durbar to the bridge constructed over the Western branch of the Cauvery by the original grantee. The Resident stated that no change need be made in the present arrangement under which these villages are in the possession of the minor Jagirdar's mother but are managed by a retired Mysore official. The Court calls in question the capacity and integrity of the manager Ramaswami Aiyar. It was his mismanagement of the property in the British territory that led to the intervention of the Court of Wards in 1896. After recapitulating the past history of the estate and its present condition the Court of Wards urges very strongly

under I Para 2 of the Resident's letter M/P 4672/28-11-98
1 Belakavadi 4. Kenchagahalli
2. Devanadoddi 5. Hanchipura or Mahallejattanahelli
3. Hosahalli 6 Devapatna.

Para 4 of the Resident's letter M/P 4672/28-11-98 I

para 4 of the current et seqq.

f.p. No 5273 & 19.12.96. D

Paras 5 & 18 of the current



para 11 of the current

that the existing arrangements cannot be regarded as satisfactory and that it is essential to replace Ramaswami Aiyar by a manager who can be thoroughly relied upon to act independently of the minor's mother and her brother and to bring the administration of the estate into proper order. It observes " The local "situation of the estate villages, forming "as they do a compact block in the "immediate neighbourhood of Kollegal, "renders it desirable that they should "be administered by one and the "same manager with an establishment "available for employment throughout "the estate. If, as the Court would "desire, the Mysore Durbar will consent "to the administration being left in "its own hands, adequate supervision "by a responsible local officer will be "readily available at the hands of the "Deputy Collector of the Kollegal "division. The present dual system "of administration is clearly the "reverse of economical, and should, "if possible, be put an end to; but "in the interests of its ward the "Court cannot consent to allowing

Without a map I am not clear what this means — The Mysore villages are I suppose on the Mysore side of the Cauvery ? MD

"following Sennamulai Ammal
"and Raju Mudaliyar to control
"the management of the British
"villages. The experience of 14 years
"has shown that such a course
"is clearly inimical to the well-being
"of the minor and his estate. An
"additional reason in favour
"of following, in regard to this estate,
"the plan accepted by H.H. the Nizam
"in regard to the Munagala× property
"situated within His Highness'
"dominions is that, as the Court
"understands, there is no law
"in Mysore corresponding to the
"Court of Wards Regulation and that
"in consequence of its thus being
"necessary to file a civil suit
"for every act of malfeasance
"by a guardian, maladministration
"and the perpetration of frauds
"are much more difficult to pre-
"vent in Mysore than in British
"territory. The Court may also
"observe that it understands from
"the Collector that the supervision
"exercised by the Durbar in regard
"to such matters is little more than
"nominal." It is doubtful
whether

× G.O. 4361 / 10-11-94 T

This is not clear — How can the C. of W. under a Native Reg. have any power of management in a Native State — ?
HD



whether the Durbar would agree to the transfer of the management of the Mysore portion of the estate to the Court of Wards. The Resident may however be requested to move the Durbar either to place the Mysore portion of the estate also under the management of the Madras Court of Wards or to replace the present manager by a more competent person.

4. The management of the two endowed villages of Thaliparamba and Purigal. These villages were granted in 1829 by the Mysore Durbar for the upkeep of the temples and charities in Sivasamudram. In 1869 a loan of Rs 35,000 was obtained from the Durbar for the repair of certain irrigation work and the management of both the villages was taken over by the Durbar to enable them to recover the debt from the revenues. It would appear that the loan has been repaid and that according to the terms of the mortgage deed the villages should be surrendered to the Jagirdar on the repayment of the amount

advanced

Under I para 5 of the Resident's letter in P.O. 4672 / 28-11-98 & para 12 of the current

H—m.
There seems no objection to placing the Court of Wards before the Resident & urging reasons why he should induce the Durbar to accede to the representations. If they still prove stubborn then they may be asked to replace the present manager
HHH
4/12/99

advanced with interest. But the
Resident states that these villages
should be under attachment
during the minority of the Jagirdar
as a means of ensuring that the
revenue shall be expended in the
manner intended, that the Durbar
would be averse to the management
by the Madras Court of Wards and
that the Durbar agree to remit
to the Deputy Collector of Kollegal
all sums necessary for the upkeep
of the temples and charities. The
Court of Wards does not agree to this
arrangement. It observes as follows:—

"The Court is not aware whether
"there is anything in the Mysore
"regulations which justifies such
"intervention nor does it understand
"the reason why such intervention
"is considered necessary. From the
"wording of Col. Robertson's letter
"it may be inferred that the manage-
"ment by the State of these villages
"is considered necessary in order
"to ensure that the revenue shall be
"expended in the manner intended.
"Now the institutions themselves
"are under the direct management
of

Paras 12 & 13 of the current.



"of the Kollegal Deputy Collector,
"an arrangement which meets
"with the approval of the Mysore
"Durbar, and the Court cannot
"understand what objection there
"is to permitting the same officer
"to supervise the administration
"of the endowment villages more
"especially as this course will tend
"to economy if the Durbar will consent
"to the Court's proposal to place the
"administration of the rest of the
"Jagirdar's estate under the control
"of a manager appointed by the
"Courts of Wards and directly
"supervised by the Deputy Collector.
"The Court freely admits that there
"are valid objections to a revival
"of the system of management followed
"prior to the mortgage of the villages
"in 1889, namely, that Annamalai
"Ammal and her agent, Rajia
"have proved unworthy of the trust & the pensioned Amildar Rama-
Bradaliyar cannot be relied
"upon to act independently of their
"control. These objections apply with
"equal force, however, to the case
"of the remaining six Mysore
"villages, but as the Durbar considers
"the arrangements relating to those
villages

"villages to be satisfactory, the
"Board is at a loss to understand
"why the same body should consider
"it necessary to retain the endowment
"villages under attachment. If the
"sole object in view is to ensure
"that the revenue is expended in
"the manner ~~intended~~ intended,
"all that is necessary is to require
"the manager of the endowment
"villages to submit proper accounts
"of the receipts and expenditure
"accompanied by vouchers evi-
"dencing that the net incomes
"has been properly expended on the
"upkeep of the endowed institutions.
"The Mysore Durbar, as the repre-
"sentative in interest of the
"original grantor of the endowment,
"is clearly interested in the
"matter, and the Board need
"hardly say that it would always
"be ready to transmit for the
"perusal of the Durbar duly
"authenticated copies of all
"material accounts relating
"to the management of the endow-
"ment villages and the outlay
"on the endowed institutions.
"If



"If, however, the Durbar is not
"willing to consent to such an
"arrangement but considers
"the intervention of the Inspl
"Department to be essential, and
"such intervention can be legally
"enforced under the Mysore Regu-
"lations, the Board must still
"demur to the proposal merely
"to remit to the Deputy Collector
"all sums necessary for the
"upkeep of the temples and
"charities. It considers that
"in such a case the whole
"net income should be handed
"over to the Deputy Collector
"as the manager of the endowed
"institutions. It advocates this
"course on two grounds, firstly
"that the interest of the Mysore
"Durbar is confined to one point,
"viz., the proper expenditure of the
"income available for outlay.
"All that is necessary to ensure
"this is, as already stated, the
"regular transmission of
"proper accounts. The second
"ground referred to is that the
"present state of the endowed
institutions

These long extracts are
what the Viceroy in his minute
so strongly deprecates. They
presuppose that the
Mysore Govt's Propos. will not
be referred to by the
Members of Govt.

Mk 16.12.99.

Hm. H.S.H 21.12.99

"institutions is such that the
"entire income will for some
"years to come be required for
"outlay thereon."

A sum of Rupees 23,175 has
already been spent from the
revenues of the estate proper
on the maintenance of the requi-
site charities. The Board states
that this sum should be repaid
immediately and that it will be
necessary to incur further
heavy expenditure in order to
place the existing buildings in
proper order. It adds that the
minor's mother herself has expressly
petitioned both the Durbar and
the Board of Wards to make arrange-
ments for the management of the
endowment villages by the Board
of Wards. The Resident may, it is
submitted, be addressed to
move the Durbar either to transfer
the management of the endowment
villages to the ~~Board of Revenue~~ Court of Wards
~~Collector~~ or to remit to the Kollegal Dy Collector the
whole net income subject to the
condition proposed by the Board.
Viz submission of proper accounts to the Durbar.

para 13 of the current

5. The temple Jewellery.

Submitted that this may
be done

Yrs
4/7/28



under I f/p 4672
28-11-98

5. The temple Jewellery. From
para 6 of the Resident's letter d/24-9-
98, it appears that the ~~[illegible]~~
temple jewellery has been correspondingly
accounted for and is lodged in a
safe ~~[illegible]~~ under the direct lock &
key of the Huzdai Superintendent
and the Jogirdar's mother. It is
urged that the custody of the
jewellery should be transferred
to the Kollegal deputy Collector
as they are frequently required for
use in the temples at Sivasamudram
and can be secured in the taluk
treasury at Kollegal. There seems
to be some disputes as to the ownership
of certain items which are claimed
by the minor's mother as her
private property. The Board consi-
ders that the custody of the
ornaments should be transferred
to the deputy Collector at once,
that the Collector should decide
upon claims which the minor's
mother puts forward and that
if she is unable to advance satis-
factory evidence of ownership
she should be referred to the
Civil

para 14 of the current

civil Court for redress. It is submitted that the Court's proposals may be approved and the Resident addressed accordingly.

6. The Education of the minor Jagirdar. The Resident stated that the Dewan had promised to make proper arrangements in regard to the education of the minor and that in his own opinion the boy's removal to Madras need not be pressed for as though unfortunately dull and backward he was of no political importance. It would appear that the Resident and Dewan have since seen reason to change their mind on the matter. The Court urges strongly that immediate steps be taken for the boy's transfer to Madras as satisfactory arrangements have not been made hitherto in regard to his education. The Resident may, it is submitted, be addressed to move the Durbar in the matter.

7. The scrutiny of the accounts relating to the past management of the whole estate.

The Court

Para 7 of the Resident's letter No 1/P 4672 / 28-11-98 under I

para 15 of the current.

para 16 of the current.



paras 17 & 18 of the current.

The Court of Wards considers that there is much prima facie evidence for the belief that the income of the estate has been frittered away or misapplied during the past 14 years and that the amount involved is so large that it is of paramount importance to investigate the past accounts in the most thorough possible manner.

The Resident may be asked to request the Durbar to obtain and furnish a detailed statement of receipts and charges.

H. M.

C.R.
1/7/99.

H. M.

H. M.
It does not look Unbrotherly as if the Durbar wd comply but they might be asked

The position seems to me a very difficult one - I don't quite see on what we can base a request that the management of a number of villages in Mysore should be made out to our C. of Wards -

2. "The totals villages form a compact block" in the immediate vicinity of Kollegal - Without a map I cant understand this - I suppose the Mysore villages are on the Mysore side of the Cauvery?

answer + put up map

3. How can the fact that there is no C.P.V. Law in Mysore be urged as a reason for putting Mysore villages under C.P.V. ? Para 11 of B.P.

I don't understand the argument —

I should like to discuss this matter with Sec. & will see him tomorrow afternoon at Stonehouse Hill

W.S.-
6-7-98

Secy

Please see note with E.O. 4672 d 28 Nov 98: which comms to the Ct of Wards a letter from the Resident of Mysore on the subject of the management of that part of the property of the Sivasamudram Amir Jaghirdar which lies in Mysore. The office note above summarises pp 14 & 15 the Cts reply.

The Ag Secy instructed me in August last that the General decision was to confine the operations & charge of the Ct of Wards to the

I

× Comts Pro. No 739 Mis 86 Jan 99
C. No 3757 II



property in ~~Mysore~~ British territory, & as regards the minor, to take charge of him & his Education, if Mysore sent him to Madras & not otherwise.

At this stage Mr Mounsey wrote (vide D.O. Current No 185 of 1899 d 15 August 98) that he had met the Mysore Officials at Sivasamudram & was writing to the Court of Wards officially: & action was deferred.

Mr Mounseys reports will be found in the subsequent currents —

III

IV 1. Cur No 6151 of 98 - C.P. 1322 d 20.9.98

V 2. Cur No 6625 of 98 - C.P. 1459 d 10.10.98

VI 3 Cur No 7518 of 98 - C.P. 1672 d 20.11.98

There is also a C.P. reporting that the minor mother wishes the Mysore property to be placed under the Madras Ct of Wards - Current No 6265 of 1898 C.P. 1404 d 5.10.98.

VII

To show
what modifications in the

portion are made by these papers it will be convenient to deal separately & briefly with each item of the Mysore property.

(1) Tolls on the Mysore side.

The Darbar admitted that these were to be devoted to the upkeep of the bridge over the western branch of the Cauvery. The Court however wanted a scrutiny of past accounts to show whether there was any difference between receipts & expenditure; & if receipts had been greater than expenditure to make good the amount from State ~~State~~ funds of the estate & keep it as a reserve for repairs.

Para 3 of the Resident's letter of 24 September 98 M

Para 2 of the Comte Pro. No 739 of 6 June 1899. (C. No 3757.) II

Nothing further has been reported on this point. Under the decision of Govt, it will be for the Mysore Govt to look into the matter & devote the toll proceeds to the repairs of the bridge



and it will be for them Govt also to decide whether any scrutiny of past accounts is wanted.

(2). Management of the six main villages in Mysore. These were conferred on the builder of the western bridge for having built it.

When the present correspondence began these villages were in the possession of the minor minister but were being managed by a retired Mysore official. The Court of Wards contended that they were being mismanaged. But the Resident reported that the Darbar desired no change. It appears now that the Darbar is dissatisfied with the management & proposes to take the villages under its own control. The Court however deprecates divided management of the property & urges that its agent should be given

Para 2 of the Resident's letter of 24 September 1898. M

Para 2 of the Comte Pro. No 4493 Mis of 2 October 96. N

Para 2 of the Comte Pro. No 1878 of 6 December 97 O

Para 4 of the Resident's letter of 24 September 98 M

Para 11 of the Comte Pro No 1322 of 20 September 99. (C. No 6151.) IV.

10

the necessary powers under the Mysore Law & be entrusted with the management.

The decision by Rao the Mysore property to Mysore to look after, will solve this difficulty.

(3) Management of the 2 villages handed by Mysore as an endowment for certain temples at Srirangapatnam; a Question Ownership of certain jewels now in possession of minors mother.

These 2 villages ~~were~~ were under the management of the Darbar. The Court contended that they should be under its own management (by permission of the Darbar) The Darbar at first while adhering to its own management, expressed its willingness to consider applications (for funds from the C of W and) for expenditure on the temples

Paras 4 to 11 of the Comts Pro. No 739 Mis dy 6 June 1899. (C. No 3757). II
Para (1) of the Comts Pro. No 1322 Mis dy 20 September 1899. (C. No 6151) IV

Para 12 of the Comts Pro. No 739 Mis dy 6 June 1899 (C No 3757) II

Para 5 of the Residents letter dy 24 Sept 98 M
Para 2 of the Collectors letter dy 17 Sept 99 B



Para (2) of the Comts Pro. No 1322 Mis dy 20th September 1899. (C. No 6151). IV.

Para 2 of the Comts Pro. No 1672 Mis dy 20th Nov 99 (C No 7518). VI.

Para (3) of the Comts Pro. No 1322 Mis dy 20 Sept 99 (C No 6151) IV

Para 2 of Annamalai Ammals petition dy 26 Sept 99. P

Para 3 of do- do.

the Court will not interfere to any detailed control by the Darbar. It now appears that the Darbar is willing to hand over the place to the management of the Court provided if they are admitted to be trust property.

Submitted that this clause need not affect the decision stated above. It is the business of the Darbar to submit to see to the proper appropriation of their own endowment. It seems undesirable for the C of W to enter into the troublesome business of managing a big temple or temples. ~~The~~ The C of W of the jewels said to be temple jewels but claimed by the minors mother as her own tho' she is willing to allow them to be used in the temple will also be one for the Mysore Govt

to settle.

(4) The minor jaghirdar & his Education

At first the Darbar were apparently unwilling to send the boy to Madras. Now they would appear to be willing provided the cost of his Education & living in Madras is defrayed out of the funds of the British part of the Estate. This portion of the Estate seems rich enough to be able to bear the charge. The Court however would hold that the Mysore portion also contribute.

Submitted that it would be to the boys advantage if he were sent to Kerangalai & that therefore his Education may be undertaken by the Court with the funds at its command from the British portion of the Estate. This seems to be Mr Thomsey's views.

Para 7 of the Resident's letter of 24th September 98. M

Letter from the First Asstt ~~Resident~~ to the Resident in Mysore of 26th July 99 Q

Collector's letter of 16th August 99 E.

Para (4) of the Court's Pro. No 1322 Mis of 20 September 99. (C. No 6151) IV

Why! if British estate funds office?

Collector's letter of 16th August 99 E. (Para 5)



There seems therefore to be nothing newly reported which might influence the decision of last August: The mere unwillingness to have the Mysore portion managed by the Court of Wards is no doubt due to the fact that she is now aware that the Mysore Govt intend to resume management of the Mysore property: & she hopes doubtless to be able plead if the Ct of Wards against the Mysore Darbar.

The portion of the property in this Presy consists of

(1) the villages of Mullur & Ulgiam granted to Ramasami Mudali as a Shrotriem for his public services (unconnected with the bridge)

(2) the village of Sattigal granted to him as a jaghir for the building of the bridges. The grant however does not appear to be saddled with any condition as regards repairing the bridges. Here the Board seems to be wrong

P.P. with the last current C.P. 1672 of 20-11-88 flag VI

E.M.C. No 3248 of 1st April 1828 J.

Relevant copy of cowle (to Samaud) sent up by Bd & approved by Govt in Secl. No 311 of 15 Mar 1836. K

Para 3 of Court's Pro. No 739 Mis of 6 June 1879. (C. No 3757) II

(3) the island of Sivasamudram & a piece of land adjoining parallel to the ~~south~~ (British side) of the bridge & for keeping both bridges in repair.

(4) Right of levying tolls at certain specified rates ~~on the bridges~~ which tolls are to be devoted for the repairs of the bridges.

About these tolls, there may be a difficulty. It is not known whether the tolls are levied both at the British & at the Mysore side or at one place somewhere between. If the former there will be no trouble: the Govt must see to the realisation of the tolls at the British end & devote them to the repairs of the bridges in British territory; & the Mysore management must see to the tolls at the Mysore end. The Comit may however be asked to report on this matter separately.

Please see draft G.O. & letter to the Resident below. MK 11.12.99

Let cords.

Let cords.

Legals to this general.
I doubt see how the Court could manage the "village" position. I doubt see how the Govt might have to file suits in the Mysore Courts, conduct in Mysore. Nor other suits, &c. &c. outside the Bdry. &c. But the draft appears I have suggested a draft G.O. & letter. MK 18.12.99

I approve the drafts but I think they shd. be seen by H.E. & Hole, before issue. Part of the property of a minor under the C. of W. lies in Mysore, & has (it is believed) been the subject of collusive malversation. The G.O. proposes to rule that the matter is one in wh. the C. of W. shd not interfere as the property is out of jurisdiction. H.S. 13-12-99.

To
for Mr Arundel
H.E. the Governor
S.R. 14/12/99
Drafts below
Hon. Please see drafts below & approve.
SR 14/12/99

I accept the views of Hon. Members.
H.E.H.
21.12.99

Rev. dept.

Read the following papers:-

A. (1) Pro. of the Court of Wards No 739 Misc
of 6th June 1899. (C. No 3757 of 1899).

P (2) Pro. of the Court of Wards No 608 Rent
of 14th August 1899 (C. No 5330 of 1899)

A (3) Pro. of the Court of Wards No 1322 Misc
of 20th September 1899. (C. No 6151 of 1899).

P (4) Pro. of the Court of Wards No 1404 Misc
of 5th October 1899. (C. No 6469 of 1899).

P. (5) Pro: of the Court of Wards No 1459 Misc
of 10th October 1899 (C. No. 6625 of 1899).

A (6) Pro. of the Court of Wards No 1672 Misc
of 20th November 1899 (C. No 7518 of 1899)

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Sent up from 9/11/99

H.W. 13-12-99.

E.C. Prem. No 869 dy 26th Dec 1899

The papers read above relate to the management of the Erasammadam estate a portion of which lies in Mysore territory. The part of the estate in this Presy is under the management of the Court of Wards. After a full consideration of the subject H.E. the Govt. consider that it will be inexpedient except for the Court to attempt to moderate the management

A even if the question of legal authority were satisfactorily settled

The Resident below: 5/11/1899

of any portion of the State in Mysore, or to concern itself in the management of the temples of Srirasamudram which are endowed with the revenues of the two Mysore villages.

2. As regards the residence & education of the Minor, H.E. the Gn C considers that it would be greatly to his advantage if he were educated under the Consti care at Madras. As the revenues of the ~~State~~ British portion of the State are reported to be sufficient to meet the cost of the minor education at Madras ~~&c &c~~ the Govt sees no objection to the cost being defrayed from such revenues.

3. The Govt understand that the property of the Estate in this Pargt comprises; ~~first~~ (1) the two Shrotriem villages of Mullur & Ugniam granted to Ramasami Mudaliyar for his public services; ~~second~~ (2) the village of Sattigal granted as a jaghir to Ramasami Mudaliyar for having constructed the ~~two~~ western bridges at Srirasamudram;

Cowle under E.M.C No 3115 of 15 March 1836. K.

(3) the Island of Srirasamudram & an adjoining tract of land granted to the same person ~~partly in view of his~~ having constructed the bridges & partly in consideration of his maintaining the bridges in ~~rep~~ repair; &

Do - do.

(4) the right to levy tolls on the bridges, the proceeds of which should be devoted to keeping them in ~~rep~~ repair.

C. No 3757 II

3. From para 3 of the Court's Proc No 735 d 6 June 99 it would appear that the Court holds that the village of Sattigal was also granted for keeping the bridges in repair. The terms of the Cowle submitted by the Bd of Revr in 1836 & approved in E.M.C No 311 d 15 March 1836 do not seem to support however this view. The Court is requested to verify the matter further. The Court is also requested to consider

K

But in the event of a deficiency should these revenues prove inadequate the Mysore Durbar may be requested to make good the deficiency.

K 8.12.99.

E.M.C No 324 d 1 April 1828 J

H.H 21.12.99

Cowle under E.M.C No 311 d 15 March 1836 K

2/4

& report whether any practical difficulty is likely to arise in apportioning the tolls ~~collected~~ realising or on the two bridges

4. The Policy letter both h adressed to the Resident in Mysore.

28/11/84

To the City wards.

35/2

Print - and first
to C.W.& President
26-12-95

M.S. despatched.
S.R.
28.12.95.

Hd
13-12 Pg
F.E.H.
21.12.95

No. 870 d 26th Dec. 1895

To the Resident in Mysore.

Sir

I am directed to reply to ~~Col Bowring~~ letter No 4995-238-95 d 24 Sept 1895 on the subject of the management of the Srirasamudram Estate.

2 After a full consideration of the matter HE the Gov C is of opinion that the Madras Govt should not attempt the management of any part of the estate in Mysore Territory ~~concerning itself~~ nor ~~with~~ the management of Temples endowed by the Mysore State.

3. As regards the residence & education of the minor, HE the Gov C. considers that it would be greatly to his advantage if he were educated under the Govts ~~Control~~ in Madras. Should the Darbar be willing to entrust the boy to the Govts

care, the cost of his living & Education will be defrayed from the revenues of the portion of the estate in ~~British~~ this District,

HRK
28/11/99

I would add

so far as they may be adequate. In the event of a deficiency I am to request that it may be met from the revenues of the portion of the estate situated within the Imperial territory.

HRK 18.12.99

A.H. 21.12.99

The revenue from the villages may fall short from famine or other unforeseen cause, or the expenses may increase — as for instance if the minor is made to travel to other parts of India.

HRK

First copy sent to Press.

Returned for signature.

Despatched in print.

Number of copies required. { Order complete. / Letter only. / Order complete with Letter.

Read again G.O., No. 189 , dated

Current No.

Enclosures to C. No.

Order of Government.

Letter of Government.

Statement with ditto.

Papers not filed up, being meant for despatch in original.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.