

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 986	Press
52.53	~~Mis.~~
Dated 10-8-1918	1857

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 11th August 1857.

No. 52. Read the following Extract from the Minutes of Consultation in the Revenue Department, dated 29th July 1857, No. 764.

Read the following letter from the Acting Secretary to the Board of Revenue.

Submitting correspondence with the Offg. Agent at Kurnool, relative to a modification of the Lease granted to Captain Nelson, for the waste lands of Peddacherroo and Siddapoor, with the view of affording him further encouragement; and stating the sentiments of the Board on the question. } (Here enter 23rd June 1857, No. 2145.)

1. Capt. Nelson, rent free leasee for ten years, of Siddapoor and Peddacherroo, in the district of Kurnool, having represented the obstacles experienced by him, in his efforts to clear and bring under the plough those waste and jungle lands, and having requested a more extended period of

tenure on the same liberal terms, the Government called* upon the Board of Revenue to ascertain from the Agent in Kurnool, the state and progress of the

experiment, and to report the modification they would propose in Captain Nelson's lease. The Board now submit their correspondence with the Agent, and at the same time report their own views on the propriety of further encouragement being held out to Captain Nelson. In his first letter, the Agent spoke hopefully of the ultimate success of Captain Nelson's efforts; nor does his second communication tend to remove the impression created by the first; but in his third letter, he is observed to write less hopefully of the experiment; indeed, he states that "no one of a different temperament would either have undertaken such a scheme, or would persevere in it," and that Captain Nelson "neither expects to make a fortune, or money at all;" adding, "I can hardly tell what his object is, but he will do good." From a statement submitted, upwards of eleven thousand Rupees would appear to have been laid out on the farm, in partially clearing about one hundred, out of about forty thousand acres, repairing a tank at an expense of 250 Rs., turning a nullah at 150 Rs., and erecting an indigo vat and other buildings at 1,750 Rs.; but the assets, comprehending as the Board presume, the improved land buildings, cattle, and implements, are after all, estimated at only 3,160 Rupees; the produce hitherto realized hardly sufficing to keep the cattle and provide seed. Notwithstanding these discouraging results, both the Board and the Agent, looking to the moral effect likely to be produced on the people of the country by Captain Nelson's labors, advocate the concession of liberal terms to him.

2. Three points are submitted for the orders of Government; first, the renewal of the lease of Siddapoor and Peddacherroo to Captain Nelson, on the expiration of the rent free tenure, at half assessment for ten years, and full assessment afterwards, thus postponing the collection of full tax until the completion of twenty years; secondly, the farming of the Pollery tax above the ghaut to that officer, at a fixed sum so long as that tax continues; and thirdly, vesting him with magisterial powers, in order that he might have some control over the wild people of the tracts he is civilizing, and administer justice to the Chenchoowars. On the first point, as already observed, both the Board and the Agent are agreed. On the next, they are also in unison. As to the third, the Agent would vest Captain Nelson with Police powers under Section 39, Regulation XI of 1816, conceiving that his possessing some authority over that part of the country would tend to strengthen his position, and be conducive to the benefit of an uncivilized class who worship power, and obey the man invested with it; while the Board on their part deprecate on principle, the arming with full magisterial authority, a private individual prosecuting an undertaking of a speculative nature, and constantly employing the people over whom his authority would extend. They however think that some degree of power may be conceded to him, as in the case of certain Zemindars; and they accordingly suggest that the Agent may be authorized to appoint Captain Nelson, if he deems it proper, an Ameen of Police, under Regulation IV of 1821, and Act XXX of 1837; but with reference to the second Clause of the second Section of the Regulation, they recommend that Captain Nelson should be placed, not under the Tahsildar, but in direct correspondence with the Magistrate.

3. Conceiving that the efforts of Captain Nelson to reclaim the wilds of Siddapoor and Peddacherroo, to bring them under cultivation, and to civilize their inhabitants, are calculated to have a good and enduring effect on the country, even although the speculation may not be profitable in a pecuniary point to him, the Government approve of the first two recommendations of the Board and the Agent; and accordingly grant authority that, at the end of his present ten years' lease, Captain Nelson be allowed to hold the lands for the further period of ten years

Fort St. George, Judicial Consultation, 11th August 1857.

on half assessment, and on full tax afterwards; and that the Pollery contract above the ghaut be continued to him at a fixed sum so long as that tax continues. Para. 13 of the Board's letter, regarding vesting Captain Nelson with Police powers, will be referred to the Judicial Department for consideration and disposal.

4. The Government observe that the Board draw their attention to the mention made by the Agent in para. 12 of his letter of the 26th April last, of the likelihood of the tract of land, extending 65 miles under the Nulla Mulla hills, being soon brought under the plough. By this the Board probably intend to warn the Government that, whatever orders they may pass in Captain Nelson's case, will be quoted as precedents by other parties hereafter, but the Government observe that in the paragraph to which the Board refer, the Agent particularly says that "there are fewer drawbacks" to the cultivation of the land he refers to, than of that which has been undertaken by Captain Nelson. But besides this, there were peculiar features in the case of Captain Nelson's offer which do not apply to ordinary offers to clear forest land for cultivation; he was the first to undertake the difficult task of reclaiming a wild inhospitable region and its no less wild inhabitants; he was required to reside in an unhealthy tract, it was hoped he would civilize a hitherto untamed race, and his project altogether was distinct from those to which the Board probably refer, and may be separately treated.

(A true Extract.)

(Signed) H. FORBES,

Acting Secretary to Government.

Extract from a letter from the Acting Secretary to the Board of Revenue, dated 23rd June 1857, No. 2145.

Para. 13. On full consideration, the Board would beg to recommend that Captain Russell's suggestions may be adopted, except the last. Although it is very desirable that Captain Nelson should have some control over the wild people of the tract which he is labouring to civilize, and important to the Chenchoowars themselves that they should be able to obtain redress for wrongs committed, the one against the other, without recourse to a distant tribunal; the Board are of opinion that it would be very objectionable in principle to arm a private individual prosecuting an enterprise undertaken in part at least with a view to profit, with the full powers of a Magistrate over the people employed by him. It seems only just, however high his character may stand, that the Magistrate should be one independent of both parties, to hold the balance between them. Some degree of power, of the same kind, may however, the Board think, be conceded to him, as is sometimes the case with respect to Zemindars. They would suggest that the officiating Agent may be authorized to appoint Captain Nelson, if he thinks proper, an Ameen of Police under Regulation IV of 1821, and Act XXX of 1837. The only question is whether with reference to Clause 2nd, Section II, Regulation IV of 1821, Captain Nelson will not then be subordinate as a Police officer to the Tahsildar. The Board would however hope that the Foujdaree Udalt would see no objection to the tract of country being considered to be a distinct Police charge, Police Ameens employed in Zemindaries, corresponding at present direct with the Magistrate.

(A true Extract.)

(Signed) J. D. SIM,

Acting Secretary.

(A true Copy.)

(Signed) H. FORBES,

Acting Secretary to Government.

Fort St. George, Judicial Consultation, 11th August 1857.

No. 53.

ORDER THEREON, No. 986; dated 10th August 1857.

Ordered to be communicated to the Court of Foujdaree Udalt for their opinion as to the expediency of vesting Captain Nelson with the power of a Magistrate or of appointing him an Ameen of Police under Regulation IV of 1821, and Act XXX of 1837. The Judges will also state whether there is any objection to Seddapoor and Peddacherroo being considered a distinct Police charge as suggested by the Board of Revenue.

(Signed) E. MALTBY,

Acting Chief Secretary.

Judicial Department.

N^o. 486

Extract from the Minutes of Consultation

Dated 10th August 1857.

Read the following Extract Minutes
Consultation in the Revenue Dept.
(Here enter 29th July 1857/68)

~~passed to be considered~~
to the Court of Seydani Sedalat
for their opinion as to the expedi-
ency of vesting Capt. Nelson
with the power of a Magistrate
or of appointing him an Officer
of Police under Reg. 14 of 1821
and Act XXX of 1857. The Judge
will also state whether there
is any objection to Wedderson
and Weddersons being con-
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charge

Copy to Court of F. Adulter.
with Revenue Officer to S. B.
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Copy to Gen. L. Litten to E.
S. 1857 December 1857. P. 18.
Thurs 17/12/57.
Collection No.

Ind. B. to Gen. 27. Dec.
No 31 of 1857 Pava 37
Report in 1857 of 1857 P. 19

In 1857 Dec. 11 August
Judicial 1857 Department

No. 986

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Dated 10th August 1857.
Feb. 1857.

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