Read the following :—

No. 27. Proceedings of the Board of Revenue, dated 26th November 1872, Miscellaneous No. 7,845.

Read Petition No. 2,655 of 1872 from the Mahomedan Inhabitants of Nellore Town, complaining of the imposition of tax on certain piece of ground used by Petitioners as a place of worship.

This petition is accompanied by copies (unattested) of documents which, if authentic (and this the Board presume them to be), go far to show that the ground alluded to in the petition has been admitted for many years to be the customary place of assemblage for the Nellore Mahomedans for public worship. Mr. Elton's order and that of the President of the Municipal Board, and the subsequent notice by the same authority, all seem to prove this to be the case.

2. The Petitioners have addressed the Collector several times protesting against the diversion of the ground from its ancient purpose. Copies of these petitions accompanying their appeal and the Collector's reply to them is also before the Board. They regret to observe the tenor of Mr. Agnew's endorsement which simply stigmatizes the claims and assertions of Petitioners as false, but neither notices the grounds of the claims, nor affords any explanation of the circumstances under which it is negatived. Mr. Agnew will at once report on the case, explaining the imposition of a penal assessment, and the grounds on which the admission of Petitioners' right to the ground by Messrs. Elton and Boswell has been apparently set aside.

No. 28. Proceedings of the Board of Revenue, dated 29th January 1873, Miscellaneous No. 509.

Read the following letter from the Collector of Nellore, to the Secretary to the Board of Revenue, dated 18th December 1872, No. 2,986 :—

I have the honour to return Petition No. 2,655 of 1872, received with the Proceedings of the Board, dated 26th ultimo, Miscellaneous No. 7,845, and to enclose copy of a Memorandum by the Acting Tahsildar, dated 31st May last, with an original plan* of the ground in question.

* To be returned.

2. It is true that I was so disgusted with the audacity and falsehood of the Petitioners, the leaders of whom set up to be respectable people, that I would not condescend to enter into discussion with them or do otherwise than stigmatize, as it deserves, their disreputable attempt to filch a right which they well know they have not a shadow of a claim to, and consequently the Board derived no assistance from my order on the petition addressed to me. The Board have, however, entirely misapprehended the effect of the documents on which they comment.

3. When in 1857 some Komities applied for the land in question to build houses upon, Mr. Elton, at the instance of the Mahomedans, simply negatived the

proposal after inquiry, and ordered that the land should remain, as it had hitherto been, free to all classes of the community including the Mahomedans.

4. With this order, which had in itself no particular authority, and merely confirmed the long existing state of things, no one has ever attempted to interfere except the Municipal Commissioners under the Vice-Presidency of the Board's Acting Sub-Secretary, who signs the Proceedings under notice, and more recently the Board's Petitioners; and the former had no more right to attempt to acquire the exclusive possession of the land than the latter had.

5. The proceedings of the Commissioners betray complete ignorance of their rights relatively to those of the Government in respect to waste lands. Until I came here, two years ago, it seems to have been assumed by the Executive Municipal Officers that every bit of open ground was Municipal property. The land in question is the property of the State, and the Municipal Commissioners had not the smallest right to meddle with it. But although it is the property of Government in one sense, it is subject to the long-existing rights of the community in general. On one part of it there is a Mussulman place of worship, and the Mussulmans have a right of assemblage on the ground on particular occasions—a right which I have not dreamt of obstructing. Similarly, the other sections of the public have from time immemorial had free use of the ground with access to a well in it.

6. Suddenly, however, backed up by the influence of the powerful Mahomedan Diwan of the Rajah of Venkatagherry, the Petitioners, in conspiracy with the Village Officers, proceeded in the most audacious manner to take exclusive possession of the land by raising a mud wall all round it (even including part of the site of the old Travellers' bungalow, and encroaching on the public road), by erecting masonry gate posts, making a road, planting trees, and enclosing a bit in the middle with a hedge, and cultivating it as a garden.

7. Not knowing the history of the ground—my attention never having been particularly drawn to it—I was not at first aware of the meaning of the changes I observed occasionally in passing; and by the time complaints were made by the neighbours whose rights were infringed, and the matter was brought officially to my notice, upwards of three months had elapsed, and summary action under Section 320, Chapter XXII. of the Criminal Procedure Code was, therefore, barred.

8. Meanwhile, the Curnams, doubtless having learnt that notice was being taken of the encroachment, entered it in the regular Sevoy Jamma Account as "unrecorded occupation," and this having been submitted to me by the Tahsildar, I treated it, as Collector, precisely as other similar instances of unrecorded occupation are treated by me in this district. I charged the land with a prohibitive assessment, at the rate of 1 Rupee per cent., and ordered the Tahsildar to collect it from the person who rightly or wrongly had occupied the ground. The Tahsildar thought the Kazi was the responsible party; but when asked to pay, this worthy declared it was not his doing. The Village Officers when called on to point out the responsible person or persons, declared their inability to do so. I suspended them, and told them that, until they either pointed out the person from whom the assessment was due, or removed every trace of the encroachment at

their own expense, they would not get back their appointments. They accordingly elected to remove the encroachment, and did so, not a soul objecting. Had any one claimed a right to object, I would at once have proceeded against him for the prohibitive assessment.

9. The land in question is grass land, clean, and pleasant to look upon. It has streets of houses on two sides of it and on part of the third, and its exclusive possession by any person or sect would cause very great inconvenience to the occupants of these houses. These people are now on the alert, and would resort to the Magistracy on any future attempt being made by any person to take exclusive possession of the ground, and the Magistracy would, under the circumstances, be bound to interfere in protection of their prescriptive rights.

10. I request that this letter, together with the Proceedings to which it is a reply, may be laid before the Board, by which I mean the Member of the Board. The Board will know whether they ever authorized their Acting Sub-Secretary to pen and issue these Proceedings, and, supposing that they did give a general authority, I would ask them whether they approve of the terms and tone in which a Collector of my standing has, in their name, been addressed by their Acting Sub-Secretary, who extends the curtness of his style even to the curtailment of my name.

It is clear from the Collector's letter and its enclosure that the open space alluded to by the Petitioners and claimed by them should not have been enclosed, seeing that although the Mahomedan community of Nellore have been accustomed to avail themselves of this open space when assembled for worship at the Doorga which abuts upon it, yet the ground has been also free to others is crossed by thoroughfares and has on it a public well.

2. But these facts clearly point out that the land should be declared Government waste, unsuitable for cultivation, and required for general use, and that even the payment of the assessment put upon it by the Collector will not confer a right of occupancy upon the Petitioners or others. The petition will be endorsed accordingly.

3. Adverting to the tenor of that part of the Collector's letter which constitutes a personal attack on the Board's Acting Sub-Secretary, Mr. Stokes, whose name was appended to the Board's Proceedings of the 26th November 1872, Miscellaneous No. 7,845, the Board feel compelled to submit these Proceedings to Government and to call their attention to what they can only characterise as gross insubordination on the part of Mr. VansAgnew, who must be well aware that all Proceedings signed and issued by their Secretaries have received the Board's previous approval.

No. 29. Order thereon, 5th February 1873, No. 147.

Miscellaneous.

The Board of Revenue will inform Mr. VansAgnew that the Government view with the strongest disapproval this

his last presumptuous exhibition of insubordinate temper. They resolve to warn him that they will fully uphold the respect due by Collectors to the Board of Revenue, and will not hesitate to remove him from office, should the present intimation be lost upon him.

(True Extract.)
D. F. CARMICHAEL,
Secretary to Government.

REVENUE DEPARTMENT.

No. 265

From—Rev. B. Rev.

Dated 29. Jany 1873.

FOR ORDERS.

The Board is glad to conclude
the Agency or Peons Agency
which Ewa is correct shall
I think be summarily ca-
shiered for his insubordina-
tion - and informed that
the pte will be withheld by
Board's authority fully - Ewa

thought it should entail
his removal from there

L.O.S.

I quite agree. but that agreement, as the
agreement to be despatched, is impossible.

[illegible]

FOR ORDERS.

The Bd. Rev. will inform Mr. Vans Agnew that the Govt. view with the strongest disapprobation this last presumptuous exhibition of insubordinate temper. They resolve to warn him that they will fully uphold the respect due by Collectors to the Bd. of Rev., and will not hesitate to remove him from office, should his present intemperance be followed by any other.

DK 2/2.

In the Board of Revenue 5th Feb

C-31 29 Jany 73. R3 7th

Revenue Department

No. 147

PROCEEDINGS of the MADRAS GOVERNMENT.

5th February 1773

Read the following Ro: of the Board of Revenue.

H. E. 29 Jany 73. Mem. 119 Sep.

The Board of Revenue will inform Mr. Vans Agnew that the Govt. view with the strongest disapproval this last presumptuous exhibition of insubordinate temper. They resolve to warn him that they will fully uphold the respect due by Collectors to the Board of Revenue, and will not hesitate to

hesitate to remove him
from office, should the
present information be lost
upon him.

Govt. of [1873] Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated February 5th.

Read

G. O., 5th February 1873, No. 147.

FEBRUARY.

Nos 27—29.

Mr. VanArsdale's insubordinate conduct towards the Board of Revenue—Proceedings, Board of Revenue, on this subject, with orders thereon.

B5