M.R.O. 1—38,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1111 Press ~~Mis.~~

235-236

235-236

Dated 31. 8. 1860 ~~19~~ .

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,
31st August 1860.

No. 235. Read the following Proceedings of Government, in the Public Works Department, dated 25th August 1860, No. 1,808.

Communicating the Order passed on a letter from the Chief Engineer, forwarding 2 letters from the District Engineers, Krishna, Godavari, regarding the expediency of fencing in the banks of channels in those Districts to prevent trespass. } (Vide Proceedings, Public Works Department, dated 25th August 1860, Nos. 334 and 335.)

No. 236. ORDER THEREON, 31st August 1860, No. 1,111.

Communicated to the Magistrates of the Krishna and Godavari Districts.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. S. T. Augustin.

PUBLIC WORKS DEPARTMENT.

Judicial.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from Lieutenant-Colonel W. H. HORSLEY, Chief Engineer, to J. D. BOURDILLON, Esq., Secretary to Government, dated Chepauk, 1st August 1860, No. 3,276:—

SIR,

1 Letter from District Engineer, Krishna, dated 10th July 1860, No. 59, with 1 enclosure.
1 Do. do. Godavery, 14th July 1860, No. 173.

* 10th July 1860, No. 59.
† 14th „ „ „ 173.

1. With reference to the Proceedings of Government, dated 11th June 1860, No. 1,219, I have the honor to forward herewith letters from the District Engineers,* Krishna and Godavery,† expressing their concurrence in the expediency of fencing in the banks of channels in those Districts to prevent trespass. The District Engineer, Krishna, is of opinion, and so I think, that it would be premature to take any steps for carrying out the proposition in that District until the directions and width of the channels, and generally the whole scheme for the Irrigation of the Delta by the Krishna anicut, has been finally settled.

2. The District Engineer, Krishna, also considers that the proposition is liable to objection on the score of its expense, as it would cost about Rupees 200 to Rupees 250 per mile for fencing; but the District Engineer, Godavery, proposes to meet this difficulty, by planting along the banks "thorny trees of quick growth," several descriptions of which grow largely in the Delta. He considers that the first cost of fences of timber rails would not only be heavy, but that they would be liable to destruction by the ravages of white ants and to be stolen by the villagers.

3. Captain Stoddard agrees with the Magistrate of the Godavery District in the expediency of appropriating the fund derived from the sale of grass on the canal banks of berms to fencework (of whatever character it may be); and concurring with these Officers, I request permission for the District Engineers to apply the money so realized to the planting of thorny hedgerows at the foot of the channel banks in both the Godavery and Krishna Districts, as occasion requires.

4. Captain Ryves' view of Act No. III of 1857, appears to be so far correct that all cattle found straying can certainly be impounded, but only *by the village and other Police Officers;* it is where the cattle are "doing damage" that the subordinates of the Public Works Department may convey them to the pound.

Section 16.
Section 15.

5. It appears to me that Captain Ryves has misunderstood the meaning of the Magistrate of the Krishna District in the 11th paragraph of his letter dated 23rd April 1860. Mr. Knox does not say that the seizor must prove the damage done to Public Works prior to the impounding of the cattle, but simply that he must prove the damage, that is, I fancy, in case the seizure should be complained against under Section 14 of the Act.

ORDER THEREON, 25th August 1860, No. 1,808.

P. W. Procs. 11th June 1860, No. 1,219.

1. In communicating* to the Chief Engineer the Proceedings of Government in the Judicial Department, ated 4th June last, No. 705, on the working of Act III of 1857, relating to cattle trespasses nd the appropriation of the funds arising from cattle fines, the Government called on the Chief ngineer to report on the suggestion of the Magistrate of the Godavery District as to fencing the banks of canals. In reply, the Chief Engineer now sends up two letters, one from the istrict Engineer of the Krishna, and the other from the District Engineer of the Godavery istrict, both agreeing in the proposition, in order to protect embankments against cattle espasses.

2. The Government desire to call attention to the correspondence which took place between the years 1855 and 1859 on this subject, which seems to have been since lost sight of.

3. That correspondence originated[a] with a complaint from Lieutenant Moberly, Assistant Engineer in the Krishna Division, of the unfair and injurious manner in which water was taken by the Raiyats from the new anicut channels. This was followed[b] by a proposal of the Civil Engineer to plant the banks of the channels in the Krishna Division; but as his calculation of expense was too high, and there were difficulties in the way of correct estimation, the Chief Engineer suggested that ten miles of channel might be experimentally planted in order to ascertain the cost. The Government thought[c] the plan of fencing channels well worthy of adoption; but as the mode of doing so seemed to require careful consideration, they consulted the Conservator of Forests as to the plants best adapted to the purpose, in the various soils not only in the Krishna Division, but also in the other Districts of the Presidency. Dr. Cleghorn furnished,[d] in reply, the names of various plants and trees, the selection of which he said depended on the soil and other peculiarities of each locality. For hedges, however, he seemed to recommend the various kinds of Aloe, wherever they would thrive, as the best and most economical kind of fence; but he quite condemned the Prickly-Pear. He also furnished a collection of notes on this subject. In communicating this letter for the information of the Chief Engineer, and of the Officers of his Department generally, the Government intimated[e] their readiness to consider any application for grants of money to plant trees or hedges along channel banks, timber trees being by no means neglected; and they requested Dr. Cleghorn to revise and enlarge his notes, in order to be printed at the Public charge, and generally circulated if agreeable to him. Nothing seems, however, to have been done in pursuance of this Order.

a Procs. of Govt., 22nd September 1855, No. 576.

b From Chief Engineer, 19th June 1856, No. 4,187.

c Procs. of Govt., 18th July 1856, No. 1,211.

d From Conservator of Forests, 19th September 1856, No. 2,063.

e Procs. of Govt., 13th October 1856, No. 1,855.

4. The matter was revived, however, in reviewing a Memorandum by the Conservator on Fueland Firewood Jungles; on which occasion,[f] Government called on the Chief Engineer to report what had been done in the way of planting along the north and south canals, and with what effect, remarking that the important subject should be everywhere attended to. The Deputy Chief Engineer in charge of the Central Office sent[g] up, in reply, two letters from the District Engineers of Nellore and Chingleput, stating the number and names of trees that had been planted on the sides of the northern and southern canals; and as it was noticed that a great number had died in Chingleput, in consequence, as it was supposed, of the saline nature of the soil, Dr. Cleghorn was again referred to,[h] and his opinion obtained as to the description of trees which were most likely to thrive in the different soils occurring along the northern and southern canal banks. This correspondence closed with the information thus obtained being ordered[i] to be communicated to the District Engineers of Nellore and Chingleput.

f Proceedings of Government, 4th June 1859, No. 744.

g From Deputy Chief Engineer, in charge of Central Office, 6th August 1859, No. 3,554.

h Proceedings of Government, 12th August 1859, No. 1,932.

i Proceedings of Government, 8th October 1859, No. 2,396.

5. The Government are now desirous that the Chief Engineer should follow up the subject practically. With reference to paragraph 1 of his present letter, that it would be premature to plant the channel banks until the plan of the whole irrigation scheme is first determined, the Government believe that there are many channel banks in the Godavery District, and some even in the Krishna, which might properly be fenced and planted without delay on one side at least; while there are many channels in other Districts to which the objection does not apply.

6. With respect to paragraph 2, the Government are quite of opinion that timber rails would not do at all. They are not only expensive, but perishable. Hedges of Aloe are certainly the best where the soil suits; and most soils do appear to suit the plant. Hedges of this description are both cheap and durable: the Aloe does not spread out like the Prickly-Pear; neither does it grow high and become open below, like many hedge shrubs.

7. The Government fully assent to the recommendation in paragraph 3 that the fund derived from the sale of grass on the canal berms should be expended in fencing the banks against trespass. The money should be paid into the Collector's Treasury, and brought to account as a separate fund; disbursements being made from it from time to time under the Orders of Government. Where such funds are not available, the Governor in Council will be prepared to make grants of Public money for the purpose.

8. The Chief Engineer will be good enough to report the amount of collections from the above-mentioned source in both the Godavery and Krishna Districts. He will also state what has been done in planting trees in those Districts, in Nellore, and elsewhere.

9. Colonel Horsley's opinion, as stated in paragraphs 4 and 5, of the meaning of Sections 14, 15 and 16, of Act III of 1857, appears to the Government to be correct.

(True Extract.)

Secretary to Government.

To the Chief Engineer.
" Conservator of Forsets.
" Accountant General.
" Judicial Department.
" Board of Revenue, for information.

P10th June 1860 Nos 38 @ 40

Pros of Augt
Judicial 1860 Dept

Pros: of Govt in the
P. W. Dt Augt 1808.

Df - 25th
Kf - 27th } Augt 1860.
3 Enclosures

Augt 1414.

Copy the order passed on a letter from the Chief Engineer, forwarding 2 letters from the District Engineers, Krishna, Godavari regarding the expediency of fencing in the banks & Channels in those Districts to prevent trespass.

With an Order.

235 to 236

94/67

Nos. 334 to 338

Chief

No. 1111 - 31 August 1860 -

Communicated to the Magistrates of the Krishna & Godavari Districts.

JP

The Magistrates of the
Krishna & Godavari
Districts. Pasd 31 Augt