

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1372	Press
47-48	Mis.
Dated 12. 11. 1861	ED

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
12th November 1861.*

No. 47. Read the following Proceedings of Government in the Public Works Department, dated 8th August 1861, No. 1,496.

With reference to Government Order, Judicial Department, No. 690, dated 28th May last, communicate letter from the Collector of South Arcot (reporting with explanations the orders issued by him regarding the newly constructed sluice in the Adanapet tank) and Public Works Proceedings of Government, dated 25th October 1860, on the subject, with the observations of Government.

(Vide Proceedings Public Works Department, dated 8th August 1861, Nos. 137 and 138.)

No. 48. ORDER THEREON, 12th November 1861, No. 1,372.

The correspondence transmitted to this Department, will be forwarded to the Secretary of State, in reference to his Despatch of the 16th April last, No. 13, paragraph 5.

(Signed) T. PYCROFT,
Chief Secretary.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from H. WOOD, Esq., Collector of South Arcot, to J. D. SIM, Esq., Secretary to Government, dated Cuddalore, 18th July 1861, No. 19:—

SIR,

- (1) No. 2, 197, dated 25th October 1860, paragraph 6.
(2) No. 1,014, dated 30th May 1861.
1. With reference to the Proceedings of Government noted in the margin, I have the honor to report, with explanations, the orders that I have issued regarding the newly constructed sluice in the Adanapet tank.

2. The question to be decided was, whether the inhabitants of Arien Kuppum should be permitted to make use of the sluice, or whether it should be closed either temporarily or for a permanence, and the Ryots of Adanapet be confirmed in the sole enjoyment of the tank. In reply, I beg to state that I have determined to keep the sluice closed for the present, and to allow the use of the tank to Adanapet alone until the completion of certain improvements which I propose to concert with the District Engineer.

3. In the Proceedings adverted to, I was directed to endeavour to effect an amicable arrangement. This, as I had anticipated, I found to be impossible. I was, therefore, under the necessity of making a somewhat lengthy enquiry into the respective rights of the two villages. These I will now recapitulate briefly for the information of Government.

4. Much stress has been laid on the fact that a large portion of the actual bed of the tank lies within the limits of Arien Kuppum. I am not inclined to allow much weight to this consideration; a similar fact might be predicated of very many other tanks which, as in this case, are, and always have been, solely and undeniably in the exclusive enjoyment of a single village.

5. The lands which the Ryots propose to irrigate from the new sluice are dry lands. They have therefore no claim to water at all, and it is only after all wet lands have been provided for that I should be justified in diverting any water for their use. The wet lands of Arien Kuppum are irrigated from the surplus of another tank.

6. Of a total Nanja area in Adanapet of 184 Cawnies, 140 are dependant on the tank in dispute. Though the village is wealthy and the people industrious they have never yet brought the whole of this area under cultivation. Many fields have remained waste and many have been cultivated with dry crops.* From these two facts, but especially from the latter, we may fairly presume that the ordinary supply of water is insufficient for the whole of their wet lands. On the other hand, it may be urged as shown in the accompanying statement, that wet crops have been raised on certain dry lands. The average of the last seven years, however,

* Fatha.	Cawnies.
1264.....	18-14-1.
1267.....	4-5-1.
1268.....	13-0-0.
1269.....	13-13-1.
1270.....	14-9-1.

shows that whereas only 22 dry Cawnies have been brought under wet cultivation, 46 wet Cawnies have either lain waste or produced only dry crops.

7. The Adanapet Ryots offer to improve the tank at their own expense to such an extent as to provide irrigation for all their wet lands and a considerable tract of dry land. They also express their willingness to cultivate the whole of this tract, and to guarantee the punctual payment of the whole assessment.

8. The financial aspect of the case may then be stated thus: If the Ryots of Arien Kuppum use the sluice they will be able to raise wet crops on 40 dry Cawnies already cultivated. The total possible gain will thus be 200 Rupees (water-tax) subject to remissions which, in the present state of the tank, would be almost inevitable. If, on the other hand, the whole tank is confirmed to the Adanapet cultivators, they offer to guarantee the payment of Rupees 433-2-10 as detailed in the margin,† in excess of the assessment of the Fashi just expired.

	Cawnies.	Rs.	A.	P.
† Nanja	24-4-1	179	2	10
Panja now waste	40-0-0	54	0	0
Water-tax on do.		200	0	0
		433	2	0

9. Adanapet offers to guarantee this amount, but their offer I cannot in fairness accept. I am convinced that they are offering more than they can perform, more than they could be expected to perform, and more than they would offer under any pressure; but the fear of losing what they have so long considered their exclusive privilege.

10. On these grounds I have come to the conclusion previously intimated. I have carefully examined the locality, and though I concur in the District Engineer's opinion that with certain improvements the water may be made to suffice for both villages, I think it very questionable whether the necessary outlay will be met with a commensurate return. This, however, is an

ordinary question which may be settled by the local authorities without any special reference to Government.

11. Paragraph 2 of the Proceedings No. 1,014, dated 30th May 1861, seems to call for a further report on the conduct of the Officers who ordered the cutting of the sluice. This has already been fully reported in Mr. Hutchin's letter under date 27th July 1860, as explained by the correspondence submitted with the Proceedings of the Board, dated 22nd September 1860, No. 4,326. The whole correspondence on the subject was then submitted, and I am unable to add any further information.

Statement showing cultivation on Nanja land in Adanapet Village.

Statement showing Nanja cultivation on Punja land in Adanapet Village.

Faslis.	Wet cultivation.			Waste and dry cultivation.			Faslis.	Cultivation.		
	Cawnies.	As.	P.	Cawnies.	As.	P.		Cawnies.	As.	P.
1264.....	79	0	1	60	15	11	1264.....	27	8	1
1265.....	86	15	3	53	0	9	1265.....	21	14	2
1266.....	93	12	1	46	3	11	1266.....	24	3	0
1267.....	73	0	2	68	15	10	1267.....	23	4	3
1268.....	100	8	1	39	7	11	1268.....	22	11	0
1269.....	108	0	1	31	15	11	1269.....	21	2	0
1270.....	115	11	3	24	4	9	1270.....	17	9	0
				323	1	0		158	3	6
	Average...			46	2	5		Average		
								22	9	7

South Arcot, Collector's Kacheri,
Cuddalore, 18th July 1861.

(Signed) H. WOOD,
Collector.

ORDER THEREON, 8th August 1861, No. 1,496.

1. Ordered that this letter and the Proceedings of Government in the Public Works Department, dated 25th October 1860, No. 2,197, and the correspondence recorded therein, be communicated to the Judicial Department, with reference to Proceedings in that Department, dated 28th May last, No. 690.

2. As to the question in dispute in connection with the Adanapet tank, the Government consider that they have an undoubted right to dispose of the surplus water of any Government tank. In the instance under consideration however, there is reason to doubt whether the Adanapet tank in its present state can generally contain more water than will suffice for the proper and certain irrigation of the lands of that village, and the Government consider it but fair that the tank until improved should be reserved for the exclusive use of that village the inhabitants of which, as regards both dry and wet lands, have certainly a preferable claim to irrigation from it. Whether it is desirable or not so to improve the tank, as to admit of its holding water also for the Arian Kuppam village is a separate question, which must be considered on its own merits. Any works designed with this object should be specially submitted for the orders of Government.

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Chief Engineer.
" Board of Revenue.
" Collector of South Arcot.
" Judicial Department with correspondence.

Exd. S. T. Augustin.

Proceedings of the Madras Government, Public Works Department,
25th October 1860.

Read the following papers:—

No. 327. Proceedings of the Board of Revenue, dated 22nd September 1860, No. 4,326.

Read the following letter from H. WOOD, Esq., Collector of South Arcot, to J. D. SIM, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Cuddalore, 7th September 1860, No. 146.

SIR,

In obedience to the Order of Government, No. 1,773, communicated to me with Board's Proceedings of the 22nd ultimo, I have the honor to forward copies of correspondence which took place between this Office and the District Engineer together with translations of Tākids sent to the Tahsildār, regarding the construction of a Sluice to the Adanapet tank, and to state that having recently made a report* on the subject to Government, I have nothing to add to it.

Submitted for the information of Government with reference to paragraph 2 of the Order, dated 20th August 1860, Public Works Department, Judicial, No. 1,773.

(A true Copy and Extract.)

(Signed) J. D. SIM, Secretary.

No. 328. From Captain E. A. FOORD, District Engineer, South Arcot, to Lieutenant-Colonel W. J. BIRDWOOD, Deputy Chief Engineer, Southern Circle, Department Public Works, dated Cuddalore, 7th September 1860, No. 101.

SIR,

1. I have the honor to inform you, with reference to Extract from the Chief Engineer's Proceedings of the 24th August, No. 4,092, that in the early part of the last official year, Mr. Wright, the Assistant Engineer in charge of the 2nd Range, received a letter from some raiyats of Ariankuppam in the Tindivanam Taluq. In this letter they requested that a sluice might be built for them in the Adanapet tank, to enable them to cultivate land for which they would pay yearly 500 Rupees.

2. Mr. Wright wrote to the Tahsildār about this land, and he reported that he had been to the place and had ascertained that land, paying yearly Rupees 377-1-2, might be cultivated, if an additional sluice were built, and that the work, though so beneficial to Ariankuppam, was not likely to be in any way injurious to the raiyats of Adanapet.

3. Upon this Mr. Wright informed the raiyats of Ariankuppam that an estimate for a sluice would be prepared and forwarded, and that, pending the receipt of sanction, they might, if they pleased, prepare materials. This they at once commenced to do.

4. Meanwhile, the raiyats of Adanapet came to me with a written petition, in which they stated that Mr. Wright, had been 'misinformed, and that all their land would be thrown out of cultivation if any water were given to Ariankuppam. As no estimate for the sluice had been sanctioned, I requested Mr. Wright not to proceed with the work until he had himself visited the tank, and the estimate had been sanctioned.

5. As the Government has called upon the Collector for copies of all correspondence that passed between him and myself respecting the work to the Adanapet tank, it will not be necessary for me to give any extracts from the letters. I forwarded copies of Mr. Wright's reports, written before and after he had inspected the tank, but as the raiyats of Adanapet still continued their opposition to the work, I did not forward an estimate to the Collector during the last official year, and the work was not proceeded with.

6. As I still continued to receive applications for the sluice from the raiyats of Ariankuppam, and as the work seemed likely to be useful and remunerative, at the beginning of the present official year, I forwarded an estimate to the Collector for sanction. No letter was sent

with it, but on the estimate I stated that opposition had been made to the Sluice being built last year, but that it would be the means of bringing a considerable extent of land under cultivation.

7. The estimate was returned to me with the Collector's signature. I did not forward it to Assistant Overseer Campbell (who had succeeded Mr. Wright in charge of the range) with the other estimates, but separately, with a letter, in which I reminded him that opposition had been made to the building of the sluice by the raiyats of Adanapet, and that some arrangement should be come to before the work was commenced.

8. Mr. Campbell misunderstood my instructions, and thought he was to make arrangements to prevent a breach of the peace or the work people from being molested. He directed the Sub-Overseer of the Tálug to carry out the work and then went away to another part of the range, having previously spoken to the Tahsildár, who offered to assist the Sub-Overseer, to carry out the work, with the Police if found necessary. These arrangements Mr. Campbell states were reported to the Head Assistant by the Tahsildár, before the affray took place. The building of the sluice was not stopped until only a few hours work remained to be done to it. Mr. Campbell mentions in his letter that, while in charge of the Tindivanam Tálug under Mr. Wright, he was obliged to stop three times a similarly disputed work, in order to prevent an affray between the villagers, and that he only got it completed by the Collector, while at Tindivanam, sending Peons to the place, and that if the Tahsildár, had stopped this work, until his return from Trinámalai, he has no doubt he could have effected a compromise between the villagers.

9. The papers to which this letter is a reply reached me while I was at Adanapet, and now, having seen the Tank, I can state that the new sluice will be the means of bringing a considerable extent of land under cultivation, and that without causing loss to the raiyats of Adanapet. The cost of the sluice has been one hundred Rupees, and it will produce yearly, according to the Tahsildár's report, more than three times that amount. The Tank has no Kalingal at present, but if one were built, and the bank extended, a greater supply of water would be obtained, and there would not be the loss that must now often occur when the bank is cut to let off the surplus.

10. The opposition made to this work is similar to that so frequently made to any attempt to extend the benefits of an irrigation work, beyond the limits of the village for which it was first constructed. In the present instance, the raiyats of Adanapet have hitherto had all the water of the Tank, but half the Tank is in the limits of Ariankuppam, and land in that village also may be cultivated by its means.

No. 5,297.

Submitted for the information of Government with reference to paragraph 3 of their Order No. 1,773, dated 20th August last.

Central Office of P. W., Chepauk,
29th September 1860.

(Signed) W. H. HORSLEY, Lieut.-Colonel,
Chief Engineer.

No 329.

ORDER THEREON, 25th October 1860, No. 2,197.

1. The papers recorded above are replies to the requisition contained in the order of the 20th August 1860 No. 1,773 for further information both from the Collector and District Engineer regarding the disputed sluice at the Adanapet tank in the South Arcot District.

2. The work had it seems been opposed from the commencement by the Adanapet villagers. Application for the construction of the sluice was made by the Ariankuppam raiyats subsequent to May 1859, and the Tahsildár who was called upon by Mr. Wright, the 2nd Assistant District Engineer, gave it as his opinion that a considerable amount of land belonging to that

village might be cultivated, without any damage to the Adanapet people. The latter however alleged that the water would be insufficient for both parties and urged that no part of the water of the tank had ever yet gone to any lands of Ariankuppam. They refused to enter into any compromise though an arrangement was attempted on more than one occasion, which would have given them a part of the Ariankuppam land situated under the tank. It was ordered by the District Engineer that until the dispute was settled the sluice should not be built; and it is to be regretted that this resolution was not adhered to. The affray could hardly have occurred if a final decision one way or another had been pronounced by competent authority.

3. Instead of this, after the District Engineer had been informed by the Collector on the 17th January 1860 that a compromise was impracticable, he forwarded to the Collector (as soon as the next official year had commenced) the estimate for the sluice, with no letter, but a simple remark, that opposition had been made the previous year, and that it would be an advantageous work. The District Engineer's letter of the 7th September 1860 would give the impression that this was the first occasion of submitting the estimate, but from the Collector's remark it

Paragraph 3 of Mr. Wood's letter of 31st July 1860, recorded in G. O. 9th August 1860, No. 996, J. D. appears that it was "resubmitted" and "again sanctioned" without remark. Upon this transaction the Governor in Council must remark that this submission or resubmission by the District Engineer was under the circumstances improper; and that the sanction of the whole list of estimates by the Collector in a lump seems to show that very little check over the estimates of the Department of Public Works is exercised by the Collector of South Arcot.

4. The remainder of the proceeding were equally irregular, Captain Foord gave an order to the Assistant Overseer which was so vague that he totally misunderstood its meaning. This is the Overseer's own account, but it is difficult to believe how he could have taken such a view of it when he was acting in communication with the Tahsildár who has been well acquainted with what had occurred.

5. Thus much for the past. It remains now to have a definite decision pronounced upon the rights of the contending parties. The District Engineer who has examined the locality has expressed a strong opinion that a large extent of land can be irrigated from the tank without hurting the Adanapet lands; he advocates certain improvements to the tank, and remarks that though the Adanapet raiyats have hitherto had all the water half the tank is in the limits of Ariankuppam.

6. The Collector has already promised* to make a personal enquiry into the merits of the case, and has issued orders that the sluice shall be closed till the question shall be decided. The Governor in Council now directs that Mr. Wood shall go to the spot as soon as possible, and endeavour to effect an amicable arrangement. He will report the result for the information of Government. It seems very probable that the improvements suggested by the District Engineer may be necessary before the water will suffice for both the old and the new cultivation.

(Signed) C. G. MASTER,
Dy. Secretary to Government.

for 1995
1995

Ind. A. C. D. 134
Nov. 22. 23 of 1867

Board of Directors
 January 1861

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1851.
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11-23-60

With reference to the
 other subject of 20-
 Nov. 60, Communication
 letter from the Society
 doubt which regarding with
 disapproval from the members
 of some regarding the
 subject of 20- Nov. 60
 subject, with the
 relations of the

With an Order.

Exhibit of the
Provisions of the
Constitution of the
State of New York

Nov. 13/92 - 12. November 1894.

The correspondence transmitted to this
Bklt. will be forwarded
col to the Secretary of
State, in reference to
his dispatch of the
18th April last - No. 13,
p. 5.



47-48