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 (3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Chief DEPARTMENT.

G.O. No. <u>1786-87</u>	Press -Misr-
Dated <u>2.3.27</u>	18 <u>87</u> .

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

23rd September 1881, No. 1986.

Bills—Legislative.

Read the following papers :—

Proceedings of the Board of Revenue, dated 6th May 1881, No. 780 [Current No. 1521].

Read the following Proceedings of the Madras Government, dated 5th April 1881, No. 687, Judicial Department :—

ABSTRACT.—*Bills—Legislative.*—Forwarding, for expression of opinion by the 15th July 1881, copy of the Bill (No. III) “to define and amend the law relating to alluvion, islands, and abandoned river-beds,” with the further report of the Select Committee thereon.

The Board observe that the Bill now circulated shows that considerable modifications have been made upon the original draft. They would recommend the omission of the word “navigable” which qualifies “rivers” in Clause *e*, Section 8. This clause as well as Clauses *d*, *f*, and *g* are applicable only to navigable streams, whereas many of the large rivers in this Presidency, though needing similar protection, are not navigable except during freshes, and as a fact are not navigated at any time. In the absence of any definition of the expression “navigable river,” such rivers as the Palar, would probably not be held to fall within the meaning of the clause, and the result would be that, as at present, persons occupying one bank might with impunity throw out groins which, at the expense of their opposite neighbours, would produce an accretion to their property after a few freshes.

(A true Extract.)

(Signed) E. GIBSON,
Acting Secretary.

From W. S. FOSTER, Esq., Collector of the Godavari District, to the Chief Secretary to Government, dated Tallapudi, 20th April 1881, No. 35 [Current No. 1343].

With reference to the Proceedings of Government, No. 687, dated April 5th, 1881, forwarding a copy of a Bill (No. III) to define and amend the law relating to alluvion, islands, and abandoned river-beds, I beg to say I have but few remarks to make. The rules for determining the frontage of a holding given in the second schedule, will, I think, take in all the cases that will ever arise; but they are so elaborate, that they would require a professional surveyor to show where the frontage is. I would propose that in the case of islands and lands formed by perceptible degrees, mentioned in Section 6, some power be given to Government to make a survey, if necessary, at the expense of the party claiming it. The frontage may alter, and a suit would be most difficult to decide if the Court had first to decide what was the frontage at the time the island was formed. Any claimant to such land might be required to register his claim in some Government Office, and he might not be allowed to claim any right from possession previous to registration.

From W. WILSON, Esq., Collector of Coimbatore, to the Officiating Chief Secretary to Government, dated Kollegal, 24th June 1881, No. 59 [Current No. 1960].

I have the honor to submit the following remarks on the Bill to define and amend the law relating to alluvion, islands, and abandoned river-beds, communicated with G.O., No. 687, dated 5th April 1881.

Section 3.—I would omit from the definition of "island" the words "and capable of being employed for cultivation, pasture or other useful purpose;" they are mere surplusage.

Section 7.—As the power of declaring the limits of sea and river in a tidal river is vested, and in my opinion very properly vested, in the Local Government, it seems somewhat absurd to provide that the cancellation or alteration of any such declaration should be sanctioned by the Governor-General in Council. It may be very well left to the Government which made the original declaration to alter or rescind it as it may think fit.

Section 8 (c).—This section will in this Presidency make the proposed law inoperative in all purely Ryotwari and all purely Zemindari tracts. It will be applicable only in the case of disputes between Government and the holders of proprietary estates (lands held on the Malabar tenure being included in this term), or between disputing proprietors.

Schedule II.—I have seen in a public print the rules laid down in this schedule for determining the river frontage of an estate quoted to be ridiculed as unintelligible jargon. As a matter of fact nothing could be simpler, more easily intelligible, or more reasonable than the method proposed, which is intended to secure the greatest possible number of points of contact and therefore the nearest possible coincidence of the arbitrary line of frontage with the actual riparian boundary.

From Colonel J. MULLINS, R.E., Chief Engineer for Irrigation, to the Officiating Chief Secretary to Government, dated Chepauk, 8th July 1881, No. 27 W. [Current No. 2022].

With reference to G.O., Judicial Department, No. 687, of the 5th April 1881, I have the honor to say that the Bill, No. III, to define and amend the law relating to alluvion, islands, and abandoned river-beds appears to me to be unobjectionable.

2. The most important matter as regards rivers in this Presidency is their conservancy, with a view to enable them to dispose of flood waters, and Section 8 (g) appears to provide sufficiently for action being taken under the orders of Government to secure this object.

3. It would, in my opinion, be better to limit the rights of private riparian proprietors to accretions to existing properties, and to give to Government all newly-formed islands in the beds of rivers, for it is generally undesirable to give to such islands a permanent character, and for the general good it would be better to vest the property, in such new detached formations, in Government, so as the more effectually to obviate the probability of objectionable formations being rendered permanent. The local River Conservancy Bill, recently published in the *Fort St. George Gazette*, will enable an improper use of any formations to be prevented, but it will not prevent compensation being claimable for island formations which, under the Bill, No. III, under notice, will be deemed private property, which the owner would, unless ousted and compensated, be entitled to cultivate or otherwise turn to profitable account.

From H. SEWELL, Esq., Collector of Trichinopoly, to the Officiating Chief Secretary to Government, dated 12th July 1881, No. 2080 [Current No. 2060].

With reference to G.O., No. 687, dated 5th April 1881, forwarding, for expression of opinion, copy of the Bill "to define and amend the law relating to alluvion, islands,

and abandoned river-beds," with the further report of the Select Committee thereon, I have the honor to submit as follows.

2. Hitherto there has been no law on the subject in this Presidency, nor do I think that one like the Bill in question is required, inasmuch as all formations of lands in rivers, &c., have been all along indisputably held to be the property of Government. No private persons have ever pretended to have any right to them, nor am I aware of any decisions of the Courts conferring any such right on them.

3. Under these circumstances, on the one hand if it is intended to create a right (which has never existed), as provided in Sections 4 and 6 of the Bill, in favor of riparian owners, I fear that the result will simply be to stimulate litigation. On the other hand if the provision in Clause h, Section 8, is considered enough to protect the right of Government the rest of the Bill will be a dead letter so far as this district is concerned.

4. The character of river-beds in this part of the country is peculiar, and I imagine entirely different from that of river-beds in the north of India. A broad shallow sandy-bed is bounded on each side by high artificial flood banks, without which the river in high floods would spread over a wide expanse of cultivation. On the inner side of each flood bank runs a narrow strip of rich alluvial land higher than the ordinary bed of the river, but liable to be submerged in time of flood. The technical name for these strips is "Padugay." In places it has been planted up by the Forest or Public Works Departments, and a valuable growth of small timber is rapidly springing up. As in most cases paddy cultivation comes close up to the outer slope of the flood banks it is of the greatest importance, for conservancy purposes, that this Padugay land should be kept entirely under the control of Government for repair of banks and for guarding against any shifting or altering of the current. In some cases I regret to say portions of this land have been given to ryots on puttah, but I have, as far as possible, set my face against grants of this kind, as I consider them most prejudicial to the interests both of Government and of the ryots who depend upon proper irrigation. Still the river-banks and the Padugays have always been held to be the property of Government, and it would, I consider, be most dangerous to the irrigation of Tanjore, as well as of this district, to admit any other proprietorship in them.

5. In the definition of the word "owner," given in the original Bill of 1879, the ownership of Government in the case of bank or shore held under Ryotwari tenure was recognised. This definition has been struck out in the present Bill for reasons stated in paragraph 9 of the further report of the Select Committee. The Committee leave the determination of the question as to who is the riparian proprietor in a given case to the Courts. This will certainly lead to litigation and conflicting decisions. I, therefore, think if the Bill is to become law the definition as given before should be restored in order to preclude any doubt on the matter.

6. I would also add the words "or other rivers" to Clause e of Section 8 in order that their beds or banks also may be protected from encroachments. This addition will also preclude litigious persons from saying that encroachments on other than navigable rivers are allowed by law.

7. To summarize what I have said above—

1st.—The Bill, in my opinion, is not needed for this part of the country, and if passed into law would lead to much and mischievous litigation.
2nd.—If it is to become law it will, I think, be necessary that the word "owner" be defined as in the original Bill, and the additional word suggested in the preceding paragraph of this letter be included in Clause e, Section 8.

8. In conclusion I would also point out that the rules prescribed for determining the frontage of a riparian holding in Schedule 2 are far too complicated to be intelligible to an ordinary Curnam or Revenue Inspector on whom the duty of marking out and allotting an accretion would ordinarily devolve.

From C. A. BIRD, Esq., Acting Collector of Tanjore, to the Officiating Chief Secretary to Government, dated 13th July 1881, No. 3932 [Current No. 2093].

The draft Bill to define and amend the law relating to alluvion, islands, and abandoned river-beds, was circulated with G.O., No. 687, dated 5th April 1881, and Mr. Webster was by name requested to give his opinion on the provisions of the same. As, however, it seems probable that he was so asked as "Collector of Tanjore," I venture, in his absence, to submit my opinion, regretting that I have not had longer time to study the subject.

2. Mr. Webster before he left had called on the Divisional Officers to report on the matter, and their reports have been received. I gather from them (a) that the want of such a law has not been felt in this district; (b) that they are not satisfied with the provisions of the Bill so far as they relate to this district; and (c) that it would be difficult to work them in practice.

3. With regard to the first objection it is true that no important questions have arisen on the subject, but I believe they may arise and think it well that we should have means to settle them in case they do.

4. As to the Bill generally, I agree with them and consider that, as it now stands, it is unsuited to places where the Ryotwari system is in force.

5. As to the working of the rules, I cannot agree with them that they would be difficult to work if an important omission, which is pointed out by the Assistant Collector, were supplied. This I will call attention to hereafter, when considering the provisions of the Bill in detail.

6. There seems a consensus of opinion in this Presidency that if the Bill is to become law, Madras should be specially excluded from its operation. There is here at present no Act or Regulation on the subject, nor any established custom having the force of law, and hence there is every opportunity for framing a law to suit the actual requirements of the country. There can be no doubt that our institutions are totally different from those of the greater portion of the rest of India, and the chief and essential difference is the land system.

7. The present Bill is based on the old Roman law modified in the first place by English institutions; secondly, to suit the natural and economic peculiarities of the north of India; and, thirdly, to accommodate itself, as much as possible, to existing laws and customs.

8. In framing a law here there would be no need to consider previously existing laws, and no prejudices to overcome; and the chief objects to be aimed at would be to discover what questions would arise out of the peculiar characteristics of the rivers of this part of the country, and how, in consideration of the nature of the tenure of the land, these questions might best be settled so as to give justice to individuals and secure to Government the fullest control over the banks and rivers for the good of the public.

9. In short, the main object would be to combine equity with convenience. It is convenient that the rivers should be under the full control of Government; but it is also convenient and equitable that, when an increment to a man's land arising from natural causes is very small, he should enjoy all the rights over it which he enjoys over his original holding. But I see no reason whatever in justice that he should acquire similar rights where the increase is large and easily determined. It might, therefore, be declared that, when the increase to a revenue field is within a certain percentage of the same, the holder of the said land should have all rights over the increment which he enjoys over the rest free of any additional assessment. But that any increase over and above that limit should be entirely at the disposal of the Government, I can conceive no reason whatever why an island forming in the bed of a river should become the property of any petty landholders on the neighbouring banks, and think such islands should rest entirely with, and belong to, the Government to be disposed of in any way they may see fit in all cases except where the said islands may form in a river flowing through any Zemindari or other such landed estate where both banks of the river are in the holding of the same proprietor, and

the rule should be in no way affected by the fact of the channels between the main land and the island being fordable or otherwise.

10. If the Legislature considers that there should be one law for all India, including Madras, I would suggest that a special section be inserted declaring what rights in land would accrue to a "ryot" if he were the riparian landholder.

11. I would also suggest the following verbal change, viz., that the word "gradual" should be used instead of "imperceptible" in Sections 4 and 6 as less likely to lead to differences of opinion.

12. Section 6 appears vague in one respect. It is not clear what are the rights of a riparian landholder, whose land is separated from an island by an unfordable portion of a channel which must be called fordable, because at some other part there is a ford. It is possible for a channel which at the extremity of an island is fordable to be unfordable for all the rest of its length. Would this give proprietary rights in the island to all the riparian holders?

13. The omission mentioned before as having been noticed by the Assistant Collector, Mr. Twigg, is that no provision has been made in Schedule 2 for determining the frontage where a river makes a double bend. This is not at all an uncommon occurrence. It is quite possible for one-half of a line connecting the extreme points of a riparian boundary to lie altogether outside, and the other half to lie altogether within the said boundary, and it would, therefore, be necessary to add to the schedule a clause providing for this.

14. It seems to me also desirable to fix the time when rights accrue, or are to be considered to have accrued, on account of the undoubted fact that, according to the definition, an alluvial deposit in the middle of a river may be an island one year and not an island the next.

From C. J. KNOX, Esq., Acting Collector of Kistna, to the Chief Secretary to Government, dated Masulipatam, 16th August 1881, No. 1816 [Current No. 2506].

With reference to G.O., No. 687, April 5th, 1881, I have the honor to state that in my opinion the proposed enactment is unsuited to the circumstances of this Presidency, but that, if it is to be introduced, the following alterations should be made in the Bill.

2. Section 4.—There seems no good reason why only land formed by imperceptible degrees should be given over to the riparian owner. The same rule should govern all accretions.

3. Sections 5 and 6.—I think there should be no distinction between fordable and unfordable; all islands should be the property of Government.

4. Moreover, it seems advisable that where a river suddenly abandons its bed, the bed should be considered the property of Government. This would get rid of the complicated definition of frontage and prevent the occurrence of thousands of difficulties arising from change of frontage, growth of islands, &c.

5. Section 8 (b).—It is presumed that under this section Government can assess an accretion to a ryot's land; if this be the meaning, it should be more clearly stated.

6. Section 8 (c).—This section is not very clear; if it means that a proprietor is not entitled to accretions without further payment because the area of his holding has been fixed, it should be more clearly stated.

7. The definition of frontage need only be—

"Draw a right line connecting the extreme points of the riparian boundary of the holding, and take that as the frontage."

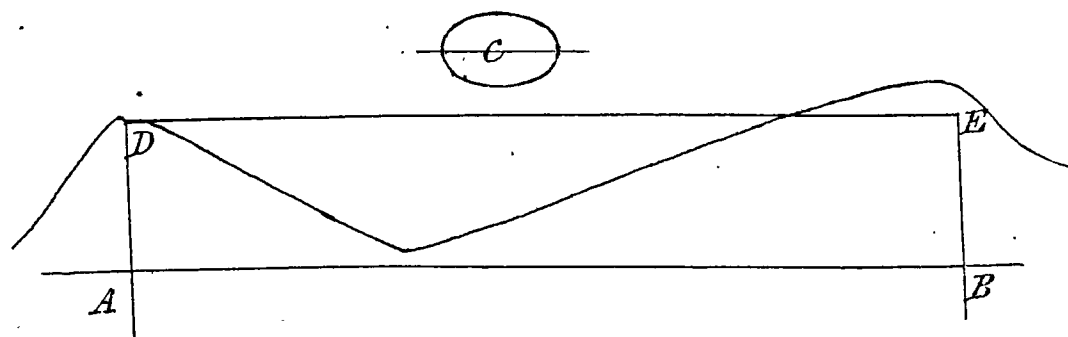
8. I enclose extracts from the Divisional Officers' letters on the subject.

ENCLOSURE No. 1.

From G. MACKENZIE, Esq., Acting Sub-Collector, Kistna District, dated 4th July 1881, No. 208.

"3. Islands or lankas which appear in the middle of the river are sold by us to the highest bidder. But under this Bill we cannot do this unless the channel on both sides of the island is not fordable. I beg to draw your attention to the definition of fordable in this Bill. In the dry season the river Kistna itself is fordable and much more so the channels, and thus no lankas will belong to Government except those in the tidal estuary of the Kistna.

"4. It is not clear from this Bill whether a riparian owner's frontage is to alter as his holding advances or recedes by accretion and diluvion. I illustrate my meaning by a sketch:—



"A ryot's frontage is A B, and according to the rules laid down in the Bill he obtains half of the newly-formed island C. But by accretion his boundary extends to D and E. Is his frontage now D E, and can he remeasure the island C from his new frontage?"

"5. Another question which will arise is this. A riparian owner obtains possession of a small newly-formed island. This island extends down-stream for miles. This was the case referred by me in my letter, No 124, dated 28th April 1881, upon which your predecessor ruled that the whole extension down-stream was the property of the fortunate ryot who had obtained the first 'particle' of island that appeared. I imagine that under this Bill the extension of the island down-stream, if the channels are fordable, becomes the property of the riparian owners opposite whose frontage it comes; but I beg to suggest that it may be worth while to raise the question, what is to be done if the channels are not fordable and the riparian owners cannot claim the extension? The case may be stated thus: a person obtains a small island which, under Section 5, was Government property. Is he entitled to claim as accretion all increment to this island? In other words, can the owner of an island in midstream set up a 'frontage'?"

ENCLOSURE No. 2.

From J. P. FIDDIAN, Esq., Acting Head Assistant Collector, Kistna District, dated 7th July 1881, No. 236.

"The definition of frontage seems very complicated.

"2. So much so that it seems to me it will require considerable intelligence to understand it and considerable honesty to carry it out fairly, as there will be but little check possible (at any rate on the part of the holders of land concerned)."

ENCLOSURE No. 3.

From M.R.Ry. R. SOORIA ROW, Naidu Garu, Acting General Deputy Collector, Kistna, dated 7th July 1881, No. 248.

"It would, in my opinion, be fair if land newly formed on the bank or shore of a river, the sea, or a lake, whether by imperceptible degrees or otherwise, is to be distributed among the owners of the bank or shore in proportion to the extent of their riparian holdings."

ORDER THEREON, 23rd September 1881, No. 1986.

The foregoing papers containing the views of the Board of Revenue and of certain consulted officers on the Alluvion Bill will be forwarded to the Government of India.

(True Extract.)

R. DAVIDSON,
Chief Secretary.

Edw. T. O'Connor.

Gobt. of (1881) Madras.
JUDICIAL.

Dated September, 23rd.

Issued

Recd.

Encl.

G.O., 23rd September 1881, No. 1396.

SEPTEMBER.

Bills—Legislative.—Papers containing the views of the Board of Revenue and of certain consulted officers on the Alluvion Bill, forwarded to the Government of India.

JUDICIAL DEPARTMENT.

Bills—Legislative.

No. 1987.

FROM

THE HON. R. DAVIDSON, C.S.I.,
Chief Secretary to the Government of Fort St. George.

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
LEGISLATIVE DEPARTMENT.

SIR,

In reply to your letter, No. 369, dated 28th March 1881, I am directed to transmit, for submission to His Excellency the Governor-General in Council, the accompanying Proceedings of this Government, embodying the views of the Board of Revenue and of certain consulted officers on the provisions of the Alluvion Bill in its third stage. I am also to submit the following remarks of His Excellency the Governor in Council.

2. *Section 3, "frontage."*—To leave the competing claims of riparian owners to be determined by a reference to the "frontage" of their holdings instead of to the "thread of the stream," as in the previous Bill, will rid the question of much complication, and effect a very desirable change. The rules given in Schedule II, for drawing these lines, when reduced to diagram, do not appear to possess any objectionable difficulty, and are probably as simple as the case will admit.

3. The Governor in Council has no objection to the omission of the definition of the term "owner," nor to its being left to the ordinary Courts of law to determine who in a given case is the riparian proprietor.

4. *Sections 5 and 6.*—The distinction ruled by the term "fordable" presents considerable difficulties. In this Presidency there are few, if any, rivers unfordable, as defined in the Bill, except in the estuaries. Besides, channels, which are fordable or otherwise one season, may have ceased to be so next year, and may also be continually varying throughout the same season. The Governor in Council considers that, at least in this Presidency, islands of whatever description, formed by natural causes, might, without injustice, be awarded to Government.

5. *Section 8 (e).*—It is recommended that the qualifying word "navigable" be omitted.

6. With reference to paragraph 2 of your letter under reply, I am to intimate that the Bill and Further Report were published in the *Fort St. George Gazette* in English on the 6th April 1881, and the Bill alone in the Vernaculars on the dates specified in the margin.

Tamil, 1st June 1881.
Telugu, 5th July 1881.
Malayalam, 30th August 1881.
Hindustani, 7th June 1881.

I have the honor to be,
Sir,

Your most obedient servant,

R. DAVIDSON,
Chief Secretary.

OOTACAMUND,
23rd September 1881.

Exd. T. O'Connor.

1881.
JUDICIAL DEPARTMENT.

From
The Chief Secretary to the Govt. of
Port St. George,
To
The Secy. to the Govt. of India,
Legislative Department.

Dated 23rd September 1881.

Issued

Recd.

No. 1987.

Enclosure.

Bills—Legislative.—Transmitting, with remarks,
Proceedings of Government containing the views
of the Board of Revenue and of certain members
of the Council on the provisions of the Alluvion Bill in
its third stage.

No. 35

Godavari District

Magistrate's Office

Camp Talaspedy 20th April

Despatched Cocanada, April 1881

From

W. S. Foster Esquire

Magistrate Godavari District

To

The Honorable R. Davidson Esq.

Chief Secretary to Government

Port St. George

Sir,

With reference to the Proceedings of Government 1887, dated April 5th, 1881, forwarding a copy of a bill (No. III) to define and amend the Law relating to alluvion, islands, and abandoned river beds, I beg to say I have but few remarks to make. The rules for determining the frontage of a holding given in the second schedule, will, I think, take in all the cases that will ever arise but they are so elaborate, that they would require a professional surveyor to show where the frontage is. I would propose that in the case of islands and lands formed by perceptible degrees,

(Mentioned)

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the expense of the party claiming it. The frontage
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island was formed. Any claimant to such land
ought be required to register his claim in
some Government Office, and he might not
be allowed to claim any right from possession
previous to registration.

I have the honor to be

Sir,

Your Most Obedient Servant.

W. J. Foster

Magistrate

W. J. Foster

Deputy Collector

Judicial (1881) Department

(K. D. C. 116)

From

2 MAY 81

The Magistrate

Godavari District

No 35

Dated 20th April /81

Recd 25

Recd 2nd May /81

CURRENT No. 1343.

Subject

Making certain
remarks about the
Bill No. III relating
to Alluvion Islands.

By
L. J.

15
CURRENT No. 1343

No. 780.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th May 1881.

Read the following Proceedings of the Madras Government, dated 5th April 1881, No. 687, Judicial Department.

ABSTRACT.—*Bills—Legislative.*—Forwarding, for expression of opinion by the 15th July 1881, copy of the Bill (No. III) "to define and amend the law relating to alluvion, islands, and abandoned river-beds," with the Further Report of the Select Committee thereon.

THE Board observe that the Bill now circulated shows that considerable modifications have been made upon the original draft. They would recommend the omission of the word "navigable" which qualifies "rivers" in Clause e, Section 8. This Clause as well as Clauses d, f, and g are applicable only to navigable streams, whereas many of the large rivers in this Presidency, though needing similar protection, are not navigable except during freshes, and as a fact are not navigated at any time. In the absence of any definition of the expression "navigable river," such rivers as the Palar, would probably not be held to fall within the meaning of the clause, and the result would be that, as at present, persons occupying one bank might with impunity throw out groins which, at the expense of their opposite neighbours, would produce an accretion to their property after a few freshes.

2. The Board take this opportunity to suggest that the present is a fitting occasion for passing the River Conservancy Bill, which modified in the manner suggested in their Proceedings, dated 24th February 1879, No. 494, might very properly become law at the same time as the enactment under reference.

(A true Extract.)

L. J. C.
Acting Secretary.

To the Chief Secretary to Government, Judicial Department.

Ed. A. Grubert.

DISPOSED
23 SEP 81
BY G. O. M.

1881.
Board of Revenue,
R. MADRAS.
MAY 81

THE CHIEF SECY. TO GOVT.,
JUDICIAL DEPARTMENT.

CURRENT No.

Dated May 6th.

Printed th.

Received — 18

PROCEEDINGS, 6TH MAY 1881, No. 780.

May 14/81

M A Y.
No. 780.

Bill — to define and amend the law relating
to alluvion, islands, and abandoned river-beds.
— Making observations on —

Cum gratia Collector's office
Camp College 22 June 1881.
Deaf 14 July 1881.

No 59

CURRENT No. 1960

From W. Wilson Esquire
Collector of Combalone

To C. C. Master Esquire
Off. Chief Secretary to the Govt. of Madras
Obtained

Sir

I have the honor to submit the
following remarks on the bill to
define and amend the law relating
to alluvion, islands, and abandoned
riverbeds communicated with Govern-
ment Order, No 687, dated 5th April
1881.

Section 3. I would omit from the
definition of 'island' the words
"and capable of being employed for
cultivation, pasture or other useful
purpose" — they are mere surplusage.

Section 4. As to the power of declaring the
limits of sea and river in a tidal river

is vested, and in my opinion very properly vested, in the Local Government, it seems somewhat absurd to provide that the cancellation or alteration of any such declaration should be sanctioned by the Governor-General in Council: it may be very well left to the Government which made the original declaration to alter or rescind it as it may think fit.

Section 8(C) This section will in the Presidency make the proposed law inoperative in all purely ryotwary and all purely Zemindari tracts. It will be applicable only in the case of disputes between Government and the holders of proprietary estates (lands held in the Malabar tenure being included in this term), or between disputing proprietors.

Schedule II I have seen in a public print the rules laid down in this schedule for determining the river frontage of an estate quoted to be ridiculed as unintelligible jargon. As a matter of fact, nothing

19 3P
nothing could be simpler, more easily intelligible, or more reasonable than the method proposed, which is intended to secure the greatest possible number of points of contact and therefore the nearest possible coincidence of the arbitrary line of frontage with the actual riparian boundary.

I have the honor to be
Sir
Your most obedient servant

L. Wilson
Collector.

Judicial (1881) Deptt
(alluvion islands)
From bill 1

The Collector of
Cannabatom
To The Chief Secretary
to Government
Cotacommund.

1459.
Dated 24 }
Recd 2 } June 1881
Desp 2 14 July - 80 -

CURRENT No. 1960

Submitting remarks
on the bill to define
and amend the law
relating to alluvion
islands and abandoned
river beds Communicated
with Govt order No. 687
of 5 April 1881. —
JW

Office of Chief Engr to Engr
Chepauk, 8th July 1881.

No. 27. W.

CURRENT No. 2022

From
The Chief Engineer of Irrigation
To The Chief Secretary to Govt
Judicial Department.

Sir, With reference to G.O. Judicial
Department No. 187 of the 5th April 1881,
I have the honour to say that the
Bill No. III to define and amend the
law relating to alluvion islands
and abandoned river-beds appears
to me to be unobjectionable.
2. The most important matter
as regards rivers in this Presidency
is their Conservancy, with a view
to enable them to dispose of flood
waters, and Section 8 (g) appears
to provide sufficiently for action
being taken under the orders of
Government to secure this object.
3. It would, in my opinion, be

better to limit the rights of private
riparian proprietors to accretions
to existing properties, and to give
to Government all newly formed
islands in the beds of rivers, for it
is generally undesirable to give to
such islands a permanent character,
and for the general good it would
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to obviate the probability of objec-
tionable formations being rendered
permanent. The local River Conser-
vancy bill recently published in
the Fort Saint George Gazette will
enable an improper use of any forma-
tions to be prevented, but it will
not prevent compensation being
claimable for island formations which,
under the Bill, No. II, under notice,
will be deemed private property,
which

3-P
which the owner would, unless
ousted and compensated, be
entitled to cultivate or otherwise
turn to profitable account.

I have the honour to be
Sir

Yours most Obedient Servt.

Underlings Colonel R.
Chief Engineer for Irrigation

Robert
H.
Call

With reference to
Government Order No: 687 dated 5th
April 1881 forwarding for expression
of opinion Copy of the Bill to define
and amend the Law relating to
"Alluvion islands, and abandoned
river beds" with the further report
of the select Committee thereon,
I have the honor to submit as follows.

2. Hitherto there has been
no law on the subject in the
Presidency nor do I think that

one like the Bill in question is
required in as much as all
formations of lands in rivers &c
have been all along indisputably
held to be the property of Govern-
ment - No private persons have
ever pretended to have any right
to them nor am I aware of any
decisions of the Courts conferring
any such right on them.

3. Under these circumstances
on the one hand if it is intended
to create a right (which has never
existed) as provided in Section 4
and 6 of the Bill in favor of
riparian owners I fear that the
result will simply be to stimulate
litigation - On the other hand
if the provision in clause 6
Section 8 is considered enough
to

21 78
to protect the right of Government
the rest of the Bill will be a
dead letter so far as the District
is concerned.

4. The character of river beds
in this part of the Country is peculiar
and I imagine entirely different
from that of river beds in the
north of India. A broad shallow
sandy bed is bounded on each
side by high artificial flood
banks, without which the river
in high floods would spread
over a wide expanse of cultivation
On the inner side of such floods
bank runs a narrow strip of
rich alluvial land higher than
the ordinary beds of the river, but
liable to be submerged in time of
flood. The technical name for
these strips is "Padregay" - In places
it

it has been planted up by the
Forest or Public Works Departments
and a valuable growth
of small timber is rapidly
springing up - As in most cases
paddy cultivation comes close
up to the outer slope of the flood
banks it is of the greatest im-
portance for Conservancy purposes
that this Paddy land should
be kept entirely under the control
of Government for repair of banks
and for guarding against any
shifting or alteration of the current.
In some cases I regret to say
portions of the land have been
given to ryots on patti, but
I have as far as possible set
my face against grants of the
kind, as I consider them most
prejudicial to the interests both
of

of

81
of Government and of the ryots who
depend upon proper irrigation.
Still the river banks and the
Paddy lands have always been held
to be the property of Government
and it would I consider be most
dangerous to the irrigation of
any one as well as the District
to admit any other proprietorship
in them. In the definition of the
word "owner" given in the original
Bill of 1879 the ownership of
Government in the case of banks
or shore lands under ryotwari
tenure was recognized. This
definition has been struck out in
the present Bill for reasons stated
in para 9 of the Further Report
of the select Committee. The
Committee leave the determination
of

of the question as to who is the
riparian proprietor in a given case
to the Courts - This will certainly
lead to litigation and conflicting
decisions. I therefore think if the
Bill is to become law the definition
as given before should be restored
in order to preclude any doubt
in the matter.

6. I would also add the
words "or other rivers" to clause
"scope of section 8" in order that
their beds or banks also may be
protected from encroachment.
This addition will also preclude
litigious persons from saying
that encroachments on other
than navigable rivers are
allowed by law.

7. To summarize what I
have

33 9P
have said, ~~about~~ ^{in my opinion}
The Bill, in my opinion, is
not needed for the part of the
Country and if passed into Law
would lead to much and mis-
chievous litigation.

2. If it is to become law it
will I think be necessary that
the word "creeper" be defined as
in the Original Bill and the
additional word suggested
in the preceding part of the
letter be included in clause
Section 8.

8. In conclusion I would
also point out that the rules
prescribed for determining the
frontage of a riparian holding
in Schedule II are far too
complicated to be intelligible.

to

Full. (1881) Dept.
(Bills)

From

The Collector of
Trichinopoly.

To CURRENT No. 2060

The Chief Secretary to
Government
Revenue Deptt.
Coimbatore.

Dated 12th
Rec 13 } July 1881.

No 2080.
Enclosure (1)

Submitting his
opinion regarding
the Bill defining
amending the law relating
to alluvial islands and
abandoned river beds.
and the further report
of the Select Committee thereon.

BILLS—LEGISLATIVE.

From W. S. FOSTER, Esq., ^{Collector} of the Godavari District, to the Chief Secretary to Government, dated Tallapudi, 20th April 1881, No. 35 [Current No. 1343].

With reference to the Proceedings of Government, No. 687, dated April 5th, 1881, forwarding a copy of a Bill (No. III) to define and amend the law relating to alluvion, islands, and abandoned river-beds, I beg to say I have but few remarks to make. The rules for determining the frontage of a holding given in the second schedule, will, I think, take in all the cases that will ever arise; but they are so elaborate, that they would require a professional surveyor to show where the frontage is. I would propose that in the case of islands and lands formed by perceptible degrees, mentioned in Section 6, some power be given to Government to make a survey, if necessary, at the expense of the party claiming it. The frontage may alter, and a suit would be most difficult to decide if the Court had first to decide what was the frontage at the time the island was formed. Any claimant to such land might be required to register his claim in some Government Office, and he might not be allowed to claim any right from possession previous to registration.

From W. WILSON, Esq., Collector of Coimbatore, to the Officiating Chief Secretary to Government, dated Kollegal, 24th June 1881, No. 59 [Current No. 1960].

I have the honor to submit the following remarks on the Bill to define and amend the law relating to alluvion, islands, and abandoned river-beds, communicated with G.O., No. 687, dated 5th April 1881.

Section 3.—I would omit from the definition of "island" the words "and capable of being employed for cultivation, pasture or other useful purpose;" they are mere surplusage.

Section 7.—As the power of declaring the limits of sea and river in a tidal river is vested, and in my opinion very properly vested, in the Local Government, it seems somewhat absurd to provide that the cancellation or alteration of any such declaration should be sanctioned by the Governor-General in Council. It may be very well left to the Government which made the original declaration to alter or rescind it as it may think fit.

Section 8 (c).—This section will in this Presidency make the proposed law inoperative in all purely Ryotwari and all purely Zemindari tracts. It will be applicable only in the case of disputes between Government and the holders of proprietary estates (lands held on the Malabar tenure being included in this term), or between disputing proprietors.

Schedule II.—I have seen in a public print the rules laid down in this schedule for determining the river frontage of an estate quoted to be ridiculed as unintelligible jargon. As a matter of fact nothing could be simpler, more easily intelligible, or more reasonable than the method proposed, which is intended to secure the greatest possible number of points of contact and therefore the nearest possible coincidence of the arbitrary line of frontage with the actual riparian boundary.

From Colonel J. MULLINS, R.E., Chief Engineer for Irrigation, to the Officiating Chief Secretary to Government, dated Chepauk, 8th July 1881, No. 27 W. [Current No. 2022].

With reference to G.O., Judicial Department, No. 687, of the 5th April 1881, I have the honor to say that the Bill, No. III, to define and amend the law relating to alluvion, islands, and abandoned river-beds appears to me to be unobjectionable.

2. The most important matter as regards rivers in this Presidency is their conservancy, with a view to enable them to dispose of flood waters, and Section 8 (g) appears to provide sufficiently for action being taken under the orders of Government to secure this object.

3. It would, in my opinion, be better to limit the rights of private riparian proprietors to accretions to existing properties, and to give to Government all newly-formed islands in the beds of rivers, for it is generally undesirable to give to such islands a permanent character, and for the general good it would be better to vest the property, in such new detached formations, in Government, so as the more effectually to obviate the probability of objectionable formations being rendered permanent. The local River Conservancy Bill, recently published in the *Fort St. George Gazette*, will enable an improper use of any formations to be prevented, but it will not prevent compensation being claimable for island formations which, under the Bill, No. III, under notice, will be deemed private property, which the owner would, unless ousted and compensated, be entitled to cultivate or otherwise turn to profitable account.

From H. SEWELL, Esq., Collector of Trichinopoly, to the Officiating Chief Secretary to Government, dated 12th July 1881, No. 2080 [Current No. 2060].

With reference to G.O., No. 687, dated 5th April 1881, forwarding, for expression of opinion, copy of the Bill "to define and amend the law relating to alluvion, islands, and abandoned river-beds," with the further report of the Select Committee thereon, I have the honor to submit as follows.

2. Hitherto there has been no law on the subject in this Presidency, nor do I think that one like the Bill in question is required, inasmuch as all formations of lands in rivers, &c., have been all along indisputably held to be the property of Government. No private persons have ever pretended to have any right to them, nor am I aware of any decisions of the Courts conferring any such right on them.

3. Under these circumstances, on the one hand if it is intended to create a right (which has never existed), as provided in Sections 4 and 6 of the Bill, in favor of riparian owners, I fear that the result will simply be to stimulate litigation. On the other hand if the provision in Clause h, Section 8, is considered enough to protect the right of Government the rest of the Bill will be a dead letter so far as this district is concerned.

4. The character of river-beds in this part of the country is peculiar, and I imagine entirely different from that of river-beds in the north of India. A broad shallow sandy-bed is bounded on each side by high artificial flood banks, without which the river in high floods would spread over a wide expanse of cultivation. On the inner side of each flood bank runs a narrow strip of rich alluvial land higher than the ordinary bed of the river, but liable to be submerged in time of flood. The technical name for these strips is "Padugay." In places it has been planted up by the Forest or Public Works Departments, and a valuable growth of small timber is rapidly springing up. As in most cases paddy cultivation comes close up to the outer slope of the flood banks it is of the greatest importance, for conservancy purposes, that this Padugay land should be kept entirely under the control of Government for repair of banks and for guarding against any shifting or altering of the current. In some cases I regret to say portions of this land have been given to ryots on puttah, but I have, as far as possible, set my face against grants of this kind, as I consider them most prejudicial to the interests both of Government and of the ryots who depend upon proper irrigation. Still the river-banks and the Padugays have always been held to be the property of Government, and it would, I consider, be most dangerous to the irrigation of Tanjore, as well as of this district, to admit any other proprietorship in them.

5. In the definition of the word "owner," given in the original Bill of 1879, the ownership of Government in the case of bank or shore held under Ryotwari tenure was recognised. This definition has been struck out in the present Bill for reasons stated in paragraph 9 of the further report of the Select Committee. The Committee leave the determination of the question as to who is the riparian proprietor in a given

case to the Courts. This will certainly lead to litigation and conflicting decisions. I, therefore, think if the Bill is to become law the definition as given before should be restored in order to preclude any doubt on the matter.

6. I would also add the words "or other rivers" to Clause e of Section 8 in order that their beds or banks also may be protected from encroachments. This addition will also preclude litigious persons from saying that encroachments on other than navigable rivers are allowed by law.

7. To summarize what I have said above—

1st.—The Bill, in my opinion, is not needed for this part of the country, and if passed into law would lead to much and mischievous litigation.

2nd.—If it is to become law it will, I think, be necessary that the word "owner" be defined as in the original Bill, and the additional word suggested in the preceding paragraph of this letter be included in Clause e, Section 8.

8. In conclusion I would also point out that the rules prescribed for determining the frontage of a riparian holding in Schedule 2 are far too complicated to be intelligible to an ordinary Curnam or Revenue Inspector on whom the duty of marking out and allotting an accretion would ordinarily devolve.

From C. A. BIRD, Esq., Acting Collector of Tanjore, to the Officiating Chief Secretary to Government, dated 13th July 1881, No. 3932 [Current No. 2093].

The draft Bill to define and amend the law relating to alluvion, islands, and abandoned river-beds, was circulated with G.O., No. 687, dated 5th April 1881, and Mr. Webster was by name requested to give his opinion on the provisions of the same. As, however, it seems probable that he was so asked as "Collector of Tanjore," I venture, in his absence, to submit my opinion, regretting that I have not had longer time to study the subject.

2. Mr. Webster before he left had called on the Divisional Officers to report on the matter, and their reports have been received. I gather from them (a) that the want of such a law has not been felt in this district; (b) that they are not satisfied with the provisions of the Bill so far as they relate to this district; and (c) that it would be difficult to work them in practice.

3. With regard to the first objection it is true that no important questions have arisen on the subject, but I believe they may arise and think it well that we should have means to settle them in case they do.

4. As to the Bill generally, I agree with them and consider that, as it now stands, it is unsuited to places where the Ryotwari system is in force.

5. As to the working of the rules, I cannot agree with them that they would be difficult to work, if an important omission, which is pointed out by the Assistant Collector, were supplied. This I will call attention to hereafter, when considering the provisions of the Bill in detail.

6. There seems a consensus of opinion in this Presidency that if the Bill is to become law, Madras should be specially excluded from its operation. There is here at present no Act or Regulation on the subject, nor any established custom having the force of law, and hence there is every opportunity for framing a law to suit the actual requirements of the country. There can be no doubt that our institutions are totally different from those of the greater portion of the rest of India, and the chief and essential difference is the land system.

7. The present Bill is based on the old Roman law modified in the first place by English institutions; secondly, to suit the natural and economic peculiarities of the north of India; and, thirdly, to accommodate itself, as much as possible, to existing laws and customs.

8. In framing a law here there would be no need to consider previously existing laws, and no prejudices to overcome; and the chief objects to be aimed at would be

to discover what questions would arise out of the peculiar characteristics of the rivers of this part of the country, and how, in consideration of the nature of the tenure of the land, these questions might best be settled so as to give justice to individuals and secure to Government the fullest control over the banks and rivers for the good of the public.

9. In short, the main object would be to combine equity with convenience. It is convenient that the rivers should be under the full control of Government; but it is also convenient and equitable that, when an increment to a man's land arising from natural causes is very small, he should enjoy all the rights over it which he enjoys over his original holding. But I see no reason whatever in justice that he should acquire similar rights where the increase is large and easily determined. It might, therefore, be declared that, when the increase to a revenue field is within a certain percentage of the same, the holder of the said land should have all rights over the increment which he enjoys over the rest free of any additional assessment. But that any increase over and above that limit should be entirely at the disposal of the Government, I can conceive no reason whatever why an island forming in the bed of a river should become the property of any petty landholders on the neighbouring banks, and think such islands should rest entirely with, and belong to, the Government to be disposed of in any way they may see fit in all cases except where the said islands may form in a river flowing through any Zemindari or other such landed estate where both banks of the river are in the holding of the same proprietor, and the rule should be in no way affected by the fact of the channels between the main land and the island being fordable or otherwise.

10. If the Legislature considers that there should be one law for all India, including Madras, I would suggest that a special section be inserted declaring what rights in land would accrue to a "ryot" if he were the riparian landholder.

11. I would also suggest the following verbal change, viz., that the word "gradual" should be used instead of "imperceptible" in Sections 4 and 6 as less likely to lead to differences of opinion.

12. Section 6 appears vague in one respect. It is not clear what are the rights of a riparian landholder, whose land is separated from an island by an unfordable portion of a channel which must be called fordable, because at some other part there is a ford. It is possible for a channel which at the extremity of an island is fordable to be unfordable for all the rest of its length. Would this give proprietary rights in the island to all the riparian holders?

13. The omission mentioned before as having been noticed by the Assistant Collector, Mr. Twigg, is that no provision has been made in Schedule 2 for determining the frontage where a river makes a double bend. This is not at all an uncommon occurrence. It is quite possible for one-half of a line connecting the extreme points of a riparian boundary to lie altogether outside, and the other half to lie altogether within the said boundary, and it would, therefore, be necessary to add to the schedule a clause providing for this.

14. It seems to me also desirable to fix the time when rights accrue, or are to be considered to have accrued, on account of the undoubted fact that, according to the definition, an alluvial deposit in the middle of a river may be an island one year and not an island the next.

125 Sept 1879
Read from
Dat. Justice Godavari d 20th/11/81 no 55
In. B. & C. 6th/12/81 no 280
Collector of Pimpri d 24th/June/81 no 59
Chief Engineer for Irrigation 8/11/81 no 276
Colr of Trichinopoly 22/11/81 no 280
Colr of Tanjore 13/11/81 no 293
Colr of Kistna 16/11/81 no 296

From

From the list of papers noticed
in the margin of the vol. (bound)
Report (dated 11th March/81) on the
Bill as further revised, it appears
that the last revised opinion
of this part on the Bill was not before them
the most important alterations
are as follows.

"Threat of Steam": in the Bill
1879 this was defined: & the
new definition was to be in certain cases de-

No. 19710/81 no 289.

terminated by geometrical con-
structions referred to the line
of the thread.

The definition is now omit-
ted & the rights in question
are now to be fixed with
reference solely to the river & the
banks, or 'frontage' as found
by rules. This in view of the
almost practical impossibility
of ascertaining the trend of an
Indian river, this change
will effect much greater sim-
plicity.

In the def. of 'land' the
Wilson original omission of
limitation to land capable of
being employed for cultivation,
pasture, or other useful purpose.

It is observed that, where
the condition is not fulfilled,
section 100, without more
also, vests the land in govt.

Def. of 'owner' is omitted
from this Bill: the reason

I retain. The effect is to
allow all land not bearing within
the definition. & this is the
important of the
River Commission
in some cases. altho they
are likely to be extremely few.
(S)

no objection

as if the line
is not

In lieu of "unfordable channel"
would say "ordinarily depe-
nded by water from the mainland"
H. H.
Imagine that this is the
water & decisions of the
right of riparian owners
formations & can be reached
by finding. In our view

considering that it should
be left to the Courts.

Section 5 gives to govt. all new
islands separated from the main-
land by an unfordable channel
it gives to the riparian
owners

- (a) natural islands separated
by a fordable channel:
- (b) riparian formations
formed otherwise than by in-
terruptible degrees:
- (c) abandoned river beds.

Difficulties are pointed out
with regard to the distinction
made by the term fordable:
in this Presidency there are few
if any rivers unfordable, i.e.
over 5 ft deep, in the dry
season: ~~where~~ that even if
the channel between the
new formation & mainland
were generally unfordable,
there would probably be
always one or two points
where the same should be
fordable.

Members of Govt transmitted to India, last February, on the former bill.

This clause (8(b)) will apparently work in this way: that a ryotwari proprietor will be practically given an analogous ~~the same~~ right of preference in respect of an accretion, which of course will be unaccrued waste, as he now has in respect of an adjoining piece of accrued waste. Whenever he enters on the accretion, he will be liable to acc. & will be bound to take a putter. [Subject to the 10 p.c. rule (2050)].

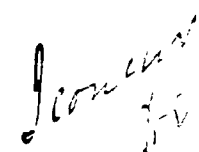
The rule in S. 8(c) is probably the Roman law regarding "agri limitati": their rules applied only to lands whose boundaries were natural objects: when...

+ But a Ryot is out of S (c) - 2
Admitted. but then (b) conflicts with (c) - for (b) includes a ryot - I think these two clauses might be recast with advantage.

I don't see the conflict or admit that a ryot is out of 8(c) 

Ex-gra - a ryot who has estate in DC, whose natural boundary is River W.

But I think I should not be awarded Govt. to think in justice but I admit that this would be done in India

 The difficulty that occurs here is that channels etc. are probably or otherwise one cannot say how caused the water to flow.



I don't admit that it is excluded by the Act. It is not limited or established by his estate. It is not a proprietary title. It is only an evidence of holding 

The consensus of opinion (Col. Mullins; the Cotton of 'Tricky' anyone, Kistner) is in favor of making all new islands, salt new formations formed by other than unperceptible degrees, the property of Govt. as now: leaving only gradual accretions to become the property of riparian owners.

A curious commentary on the provisions of the Act is clause 8(c), which declares that nothing in the Act shall enlarge any holding rented by Govt., the area of which has been fixed by Canal or other Govt. As Mr. Wilson points out this will render the Act practically inoperative in this way:

And section 8(b) draws attention to committee with the opinions of Hon.

was held in specified plots
(apud assignati, or, limitati) given
away by the state, the accession
belonged to the state.

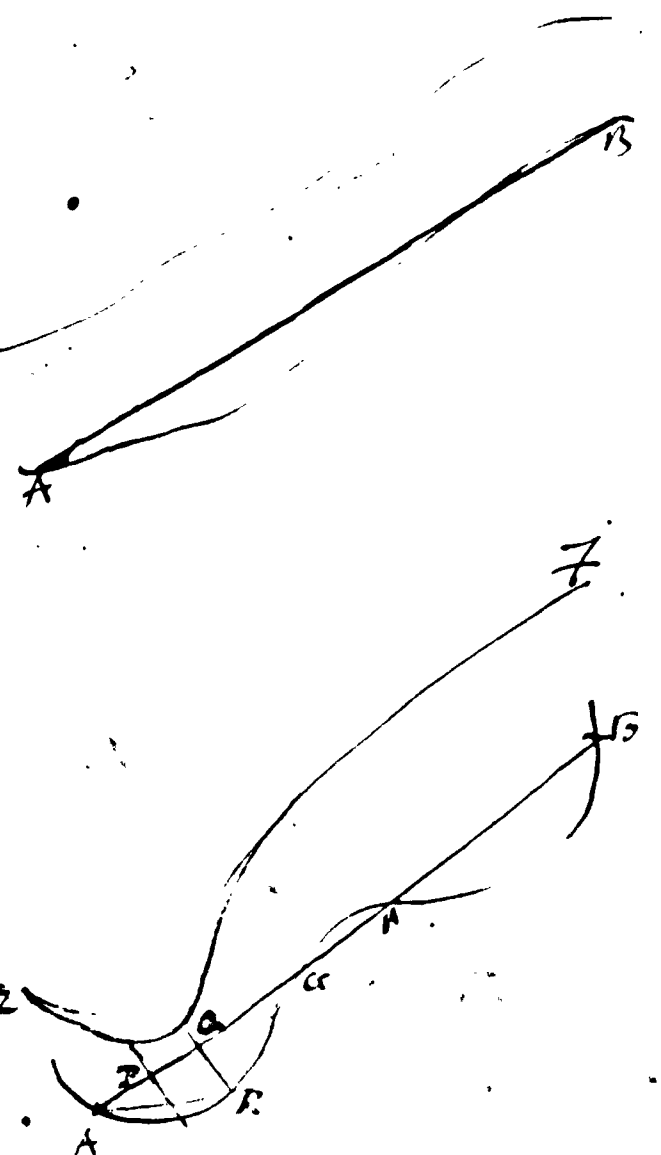
For a long time
the state's land was
the state's land.

In 8(e) it is suggested that the
word navigable be omitted.

Continued by the
state.

The rule in 8(h) is the law
declared by the Privy Council
in Moramat Imam Basha
v. the Crown (1910 Moore
403) - this land was inundated
remained covered for 14
years when it reappeared
it was held that the owner
before inundation remained
the owner while the land was
covered & after it became
dry.

All reference to divulsion
is omitted from the
Bill: The Law Commission
it is rare: but there is



The diagram is a sketch of the frontage.

Ordinarily the frontage is
the line connecting the extreme
points of the riparian boundary
of the holding - A B.

Exception (a) may be that it
be illustrated

A B, C D are the two banks;
A + B are the two extreme points
of the riparian owner.
Draw A B; A B will be the
ordinary frontage.

A B with the bank is A + B.
Consider the portion A C which lies
altogether outside the riparian
boundary.

Consider the point P on
the line A C. By measurement
P is found to be nearer the
opposite boundary, than the
boundary of which A B will be
the ordinary frontage.

This being so the rule in 2
has to be applied to it.
Project A C in a, erect a L.
meeting the bank at P.

Then ARG is the new
frontage for that portion
under consideration.

And the same operation ^{also} be repeated for any other portion of AB, found the in similar circumstances: and the operation ^{also} be repeated on AB, were it found that any point were nearer the opposite bank.

The ordinary frontage line cuts
his within the 2 per cent boundary
within these limits

Take point B on the bank,
by measurement with the theodolite
 $\angle GPH$ is less than 160°

bisect GH in Q , erect a $\perp^r QR$
 join QR, RH , then QRH is
 the new position of the front
 to be substituted for GH

The operation being repeated on G.R. or R.H.,
should these portions being again found to fall within
either of the exceptional rules.

2000

1. The first part of the document is a list of names and dates, which appears to be a record of some kind. The names are written in a cursive script, and the dates are written in a more formal, printed style. The list is organized into two columns, with names on the left and dates on the right.

2. The second part of the document is a series of handwritten notes or entries. These are written in a cursive script and are organized into a list format. The notes are written on a piece of paper that has been folded, and the handwriting is somewhat difficult to read.

3. The third part of the document is a series of handwritten notes or entries. These are written in a cursive script and are organized into a list format. The notes are written on a piece of paper that has been folded, and the handwriting is somewhat difficult to read.

4. The fourth part of the document is a series of handwritten notes or entries. These are written in a cursive script and are organized into a list format. The notes are written on a piece of paper that has been folded, and the handwriting is somewhat difficult to read.

5. The fifth part of the document is a series of handwritten notes or entries. These are written in a cursive script and are organized into a list format. The notes are written on a piece of paper that has been folded, and the handwriting is somewhat difficult to read.

6. The sixth part of the document is a series of handwritten notes or entries. These are written in a cursive script and are organized into a list format. The notes are written on a piece of paper that has been folded, and the handwriting is somewhat difficult to read.

7. The seventh part of the document is a series of handwritten notes or entries. These are written in a cursive script and are organized into a list format. The notes are written on a piece of paper that has been folded, and the handwriting is somewhat difficult to read.

8. The eighth part of the document is a series of handwritten notes or entries. These are written in a cursive script and are organized into a list format. The notes are written on a piece of paper that has been folded, and the handwriting is somewhat difficult to read.

9. The ninth part of the document is a series of handwritten notes or entries. These are written in a cursive script and are organized into a list format. The notes are written on a piece of paper that has been folded, and the handwriting is somewhat difficult to read.

10. The tenth part of the document is a series of handwritten notes or entries. These are written in a cursive script and are organized into a list format. The notes are written on a piece of paper that has been folded, and the handwriting is somewhat difficult to read.

a case in Moore's reports
Ex. Moore 136 Sri Ekouari
Sun V. Keralath Seal, which
 seems to have been such an
 instance. ?

The rules in Schedule II though appearing complicated in expression, are exceedingly simple when reduced to diagram and separate paper

72 Mrs

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following letter

Pro. Board of Rev. d 6 Dec 81 no 780 ✓
Dist. my. Sudhawan d 20 Apr. 81 no 35 ✓
COW- Coimbatore ✓
Chief Supt. Irrigation ✓
COW- Trichy ✓
COW- Tanjore ✓
COW- Kistna ✓

Order 23rd Sept. 1881, no 1936.

The foregoing papers con-
taining the views of the
Board of Rev. & of certain
consulted officers on the
Alluvion Bill will be
forwarded to the Govt
of India

J. P. 1915

10 (Jan 9) 1986-1987 p. 1

25 + 10 - 100

Despatched P. 6/10/81.
will be 24/1.

No 1957-

To Mr. J. I. Leg Dept.

Sir,

In reply to your letter No. 369, dated 28 March 1881

I am directed to transmit
for ~~the submission to~~ H.E.

the Govt. info, the accompanying Proceedings of this Govt. embodying the views of the Board of Revs, of certain consulted officers on the provisions of the Alluvion Bill in its third stage. I am also to submit the following remarks of H.E. therefor.

2. Section 3 "frontage": To leave the competing claims of riparian owners to be determined by a reference to the "frontage" of their holdings instead of to the "throat of the stream" as in the previous Bill, will rid the question of much complication, & effect a very desirable change. The rules given in Sch. II, for drawing these lines, when reduced to a diagram, do not appear to possess any objectionable difficulty, & are probably as simple as the case will admit.

3. The Govt. info has no objection to the omission of the definition of the term "owner", nor to its being left to the ordinary Courts

How to determine who in
a given case is the
Indian proprietor.

5. Sections 5 & 6. The desig-
nation ruled by the term
'fordable' presents considerable
difficulties. In this Presidency
there are few, if any, rivers
unfordable, as defined in
the Bill, except in the
estuaries. Besides channels,
which are fordable or other-
wise one season, may have
ceased to be so. ~~At the next~~
~~season~~ year, and may
also be continually vary-
ing throughout the same
season. The ^{govt} inf. con-
siders that, at least in this
Presidency, islands of whatever
dimension formed by natural
causes, ^{might, without injustice,} ~~should~~ be awarded
to Govt.

6. Section 8(c): it is recom-
mended that the qualifying

Govt. of {188 } Madras.

Dated	}	188 , No.
Recd.		
Nos.		

word 'navigable' be omitted.

(P.R.)
(From order)
7 In reference to para 2
your letter under reply,
I am to intimate that
the Bill of the Report
was published in the
Fort St George Gazette in
English on the 6th April 1881,
& the Bill alone in the
vernaculars on the date
specified in the margin.

Please fill up the
order below.

Tamil - 100
Telugu - 50
Malay - 30
Hindi - 7
Cotacamund
23rd Sept. 1881

110
15
H. R.

Almanac 1844

1
2

To C. S.

From P. H. S.

28.10.91

Govt. of 1881 Madras.

DISPOSED OF

23 SEP 81

BY G.O. No. 1986 & 1987.

25

Under Legislative:

Reports containing the views
of the 18th of Revenue and of
certain consulted officers
on the Alluvial Bill, for
the 17th of J.