

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	1457	Press
		Mis.
Dated	6-6-	1863.

Not to be folded or roughly handled

X.

*Proceedings of the Madras Government, Public Works Department,
6th June 1863.*

No. 148. Read the following letter from Lieutenant-Colonel S. O. E. LUDLOW, R. E., Acting Consulting Engineer, Irrigation and Canal Company, to Colonel W. I. BIRD-WOOD, R. E., Secretary to Government, Department Public Works, dated Saint Thomé, 18th May 1863, No. 10 :—

SIR,

1. With reference to paragraph 4 of their Order No. 56, dated 9th January 1863, and the Orders marginally* noted, I have the honor to state for the information of Government that I have, in communication with the Chief Engineer of the Canal Company, considered the question of the provisions requisite for the security of existing rights of irrigation and for the adjudication of disputed claims.

* No. 1,103, dated 21st May 1862.
" 1,057, " 12th July "

2. Correspondence on this subject as per margin† is herewith forwarded, and the whole matter has been fully discussed with Colonel Cotton on his late visit to Madras.

3. There appears to me to be but three cases in which the Canal can interfere with existing rights :—

First.—When the Canal in its course destroys or cuts off partially or wholly any existing source of supply whether tank, stream or artificial channel.

Second.—When it swamps or injures any cultivation by spreading, percolation or interruption of existing drainage.

Third.—When it appropriates in part or whole any supply of water hitherto used for existing irrigation.

4. With respect to the first it appears to me that no special rules are required, as every portion of the Canal and every work on it have to be approved of by Government before their execution is sanctioned, and it is the especial duty both of the District and Consulting Engineer to see that no interference with existing irrigation is allowed, or in cases when it is inevitable that due arrangements be made by the Company for an equivalent supply of water from other sources.

5. The same remark applies pretty equally to the second class of cases. The swamping of land will hereafter be prevented by the order of Government forbidding the single bank mode of construction. It is already the duty of the Government Engineers to see that all existing drainage is properly provided for by culverts or otherwise. There is not much damage to be apprehended from percolation, but this evil would be easy to remedy and it would be to the interest of the Company to do so.

6. As to the third case, the Government have already established a rule to the effect that all existing irrigable land shall be fully supplied before any water can be diverted from existing sources of irrigation for the use of the Company. The extent of existing irrigation must be determined by the Government accounts.

7. Under these circumstances it appears to me that no further provision than those already established are required for the protection of existing rights.

8. It is to be expected, however, that in the course of execution of an extensive and novel project of this kind, and in the carrying out of a system of irrigation by a party distinct from the Government differences will arise, and for the settlement of these some especial tribunal should be appointed.

9. The Chief Engineer concurs with me in thinking that all such differences might be submitted for decision to a Court composed of the District Judge, the Collector and Superintending Engineer, or which would perhaps be better decided by the Judge with the Collector and Engineer as Assessors.

10. In either case an appeal would be to the Board of Revenue, whose decision should be final.

*Proceedings of the Madras Government, Public Works Department,
6th June 1863.*

No. 149.

ORDER THEREON, 6th June 1863, No. 1,451.

The foregoing letter will be submitted to the Secretary of State in continuation of Despatch No. 5, dated 27th January 1863.

(Signed) W. I. BIRDWOOD, Colonel, R. E.,
Secretary to Government.

N^o 10

From

Consulting Engineers Office

29th January 1863

To

Lieut Coll J. O. C. Ludlow R. E.

Ag. Consulting Engineer I & C. B.

Colonel H. B. Cotton

Chief Engineer I & C. B.

Sir,

1. In para^g of their Order N^o 56 dated 9th January the Government of Madras direct me to consider in connection with yourself the subject of provisions to secure the existing rights of irrigation where such are likely to be affected by the operations of the Canal Company to define the different modes in which damage may be done to occupants of land now under irrigation and to eliminate some general principles applicable to all cases. I shall consequently be glad to be favored with your views on the subject.

2. The modes in which damage can be done by the Canal appear to me to be few. The following are all that I am aware of.

1. When the Canal abstracts from any source of a portion of the supply of water at present used for existing irrigation.

2. When the Canal in its course destroys either partially or wholly any Tank or other source of irrigation.

3. When the Canal in its course cuts off the source of supply to any irrigated land.

4. When it cuts off the outlet for drainage so as to swamp any irrigated tract or injure it by prostration discharge or otherwise.

3. I cannot at present think of any other mode in which the Canal can damage the occupants of land but if you from what you know of the proposed course of the Canal are aware of any other you will perhaps be so good as to state them.

4. The 3 last cases mentioned above will be easily dealt with.

5. With respect to the 1st it appears to me but reasonable that the Company should undertake to waive all claim to any supply until the wants of existing irrigated lands are fully met and further that Government as they propose should reserve to itself the power to determine the extent of existing rights especially to define the extent existing irri-

to be supplied & the quantity of water it is to receive and also that it should be competent to them to arrange for the summary adjudication of claims for compensation when injuries are complained of.

I have the honor to be &c.

/s/ J. C. E. Ludlow Esq. Col.

Ag. Consulting Engineer &c.

Madras Irrigation & Canal Co.

Chief Engineer's Office

Kurnool 28th February 1863

N^o 22

From

Colonel H. B. Cotton

Chief Engineer

Kurnool

To

Colonel J. C. E. Ludlow R. E.

Ag. Consulting Engineer

Madras

Sir,

I have the honor to acknowledge the receipt of your Letter of 29 ultimo.

2. In reply I beg to say that as the principle upon which the Company's works are laid out, avoids interference with existing irrigation and any deviation from the principle must be casual & accidental.

I am at a loss to see what general rules could be established to secure the rights referred to.

3 With reference to the 1st & 3rd cases of your 2nd Paragraph I should say, that when it is proposed to lay out a channel as in the case of that crossing the supply channel of the Mundial Tank an explicit arrangement must be made to be by the Government or an agent duly constituted. This case as yet stands quite alone and is merely proposed to the Government as a measure of convenience to all parties. It is not yet decided but I suppose the arrangement proposed will be approved by the Government & so will form a useful precedent. The Company cannot certainly have a claim on any supply of water upon which existing irrigation depends any more than can existing irrigation have a claim upon any source of supply created by the Company's works.

4 I do not quite understand a portion of your 5th Paragraph. The extent of existing irrigation must be clearly defined in the revenue records, & I conceive the rights are best defined by reference to the extent to which they are exercised.

5 With respect to the adjudication of claims for compensation when inquiries are complained of it assuredly is necessary more clearly to define the

Copy in attention to Eng.
of 10 June 1863. No 39

course of adjudication which the Government proposes to adopt. The expression you make use of - "Summary adjudication" requires enlargement. A claim for compensation must need impartial investigation. The Court by which this is to be adjudged should be named and its powers defined, and I scarcely think that the decision of any constituted court for such a purpose should be beyond appeal. Also I consider that counter claims on the part of the Company should be considered by the same court. I conclude that these matters have not been lost sight of in the framing of the Company's Contract at home and in that will be provided rules for the adjustment of claims whether on the part of or against the Company.

6 When the canal in its course destroys either partially or wholly any tank or other source of irrigation

The small tank of Byopgodoor is a case of this kind which has been adjusted by altering the position of the tank & every case must in like manner be arranged on its own merits the principle being adhered to that either existing sources of supply must not be interfered with, or new & equal sources must be provided.

7. When it cuts off the outlet for drainage so
as to "Swamp any irregular tract" drainage by a
culvert under the Canal must be & always is
provided for. Inquiries may be occasioned
by accidental failure of bank or masonry works
which will require to be investigated & their
extent ascertained. Such accidents frequently
occur in all parts of the country & I think the course
pursued by the Government in such cases should
be resorted to in case of damage arising from failure
in the Company's works.

Those who suffer should receive compensa-
tion in proportion to the damage the sustains.
I am not aware what means are taken ordinarily
in such cases to estimate the drainage but I should
think usage a fair guide in the matter.

I have the honor to be
Yr H. C. Cotton
Chief Engineer

N. 1378

Forwarded to the Consulting Engineer
Madras

11th March/63

Yr F. Agnew
Agent

(True Copies)

J. Middleton Esq. Secy to the
Comp. & C.

N^o 10.

From,

Lieut. Col^l S. O. C. Ludlow R. E.
Acting Consulting Engineer W. B. C.

To,

Colonel W. A. Birdwood R. E.
Secretary to Government B. P. W.

Sir,

1. With reference to para 4 of their Order N^o 56 dated 9th January 1863 and the orders marginally noted, I have the honor to state for the information of Government that I have in communication with the Chief Engineer of the Canal Company considered the question of the Provisions requisite for the security of existing rights of irrigation and for the adjudication of disputed claims.

2. Correspondence on this subject as per margin is herewith forwarded and the whole matter has been fully discussed with Colonel Cotton on his late visit to Madras.

3. There appears to me to be but 3 cases in which the Canal can interfere with existing rights.

1. When the Canal in its course, destroys

Consulting Engineer's Office,
Irrigation and Canal Company
St. Thomas 18th May 1863.

Enclosure in a
letter from the
Consulting Engineer
J. A. C. to the Secretary
to Government B. P. W.
dated 18th May 1863
N^o 10.

2497/1468/66

or cut off partially or wholly any existing source of supply whether Tank stream or artificial channel.

2 When it swamps or injures any cultivation by spreading percolation or interruption of existing drainage.

3 When it appropriates in part or whole any supply of water hitherto used for existing irrigation.

4 With respect to the first if appears to me that no special rules are required as every portion of the Canal and every work on it have to be approved of by the Government before their execution is sanctioned and it is the especial duty both of the District and Consulting Engineers to see that no interference with existing irrigation is allowed or in cases when it is inevitable that due arrangements be made by the Company for an equivalent supply of water from other sources.

5 The same remark applies pretty equally to the 2^d Class of Cases. The swamping of land will hereafter be prevented by the order of Government forbidding the single bank mode of construction. It is already the duty of the Government Engineers to see that all existing drainage is properly provided for by Culverts or otherwise. There is not

much damage to be apprehended from percolation but this evil would be easy to remedy and it would be to the interest of the Company to do so.

6 As to the 3rd Case the Government have already established a rule to the effect that all existing irrigable land shall be fully supplied before any water can be diverted from existing sources of irrigation for the use of the Company. The extent of existing irrigation must be determined by the Government Accounts.

7 Under these circumstances it appears to me that no further provision than those already established are required for the protection of existing rights.

8 It is to be expected however that in the course of execution of an extensive and novel project of this kind and in the carrying out of a system of irrigation by a party distinct from the Government differences will arise and for the settlement of these same special tribunal should be appointed.

9 The Chief Engineer concurs with me in thinking that all such differences might be submitted for decision to a Court composed of the

the District Judge the collector and
Superintending Engineer as which
would perhaps be better decided
by the Judge with the collector and
Engineer as referees.

18 In either case an appeal
would be to the Board of Revenue,
whose decision should be final.

I have the honor to be,
Sir,

Your Most Obedient Servant,
J. H. Hall J. H. Hall, R.E.
Acting Consulting Engineer I.R.C.
Comptroller
R. H. Hall

Feb 21 1863 162 10 425-126
12 1863 162 10 425-126
13 1863 162 10 425-126

1863 162 10 425-126
1863 162 10 425-126
1863 162 10 425-126

1863 162 10 425-126
1863 162 10 425-126
1863 162 10 425-126

1863 162 10 425-126
1863 162 10 425-126
1863 162 10 425-126

1863 162 10 425-126
1863 162 10 425-126
1863 162 10 425-126

1863 162 10 425-126
1863 162 10 425-126
1863 162 10 425-126

1863 162 10 425-126
1863 162 10 425-126
1863 162 10 425-126

1863 162 10 425-126
1863 162 10 425-126
1863 162 10 425-126

1863 162 10 425-126
1863 162 10 425-126
1863 162 10 425-126

1863 162 10 425-126
1863 162 10 425-126
1863 162 10 425-126

1863 162 10 425-126
1863 162 10 425-126
1863 162 10 425-126

1863 162 10 425-126
1863 162 10 425-126
1863 162 10 425-126

1863 162 10 425-126
1863 162 10 425-126
1863 162 10 425-126

1863 162 10 425-126
1863 162 10 425-126
1863 162 10 425-126