

(1) Number of pages 66(2) Date of repair 27-4-33

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.**Government of Madras.***Public Works* **DEPARTMENT.**

G.O. No. 229

442-443

Press
Mis.

Dated

22-1-

1868.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
22nd, January 1867.*

No. 442. Read the following letter from Messrs. PARRY & Co., to the Secretary to Government, Irrigation Department, Fort St. George, dated Madras, 21st December 1867 :—

1. We have the honor to submit to you some papers connected with a dispute respecting water supply arrangements which is now going on between the Collector of South Arcot and the ryots of the Nellicoopum villages in that district.

2. Our object in placing this matter before you is to bring to your notice the advantages which would result from a larger supply of water such as would be obtained by the carrying out of a project which is referred to in the letter of Mr. G. N. Taylor, formerly Collector of South Arcot, to Mr. A. F. Brown, dated 9th March 1858, or from some other source. Our interest in the matter arises from the circumstance that we have expended considerable sums in machinery for the manufacture of sugar, and in advances to the ryots for the cultivation of cane, on the strength of the arrangements being upheld, which were originally made for supplying the Nellicoopum villages with water from the Trivady Anicut. Our operations in that part of the district for upwards of twenty years past have done much to enrich the people and to increase the revenues of Government; but we have reason to apprehend that the measures now being taken by the Collector and the Engineer of the district to distribute the water from the Trivady Anicut, and which have for their avowed object to give a larger supply to the Paloor villages, and to diminish the supply to the Nellicoopum lands, will act most prejudicially on our interests.

3. The present Trivady Anicut was built and the arrangements for the water distribution were made, avowedly to encourage the cultivation of cane, and the records of the period show clearly that the project owed much to our connection with the place, and to the assurance this was calculated to afford to the Government, that the ryots would be able to carry out their obligations to extend their cultivation and that the revenues of Government would be benefited. The Government in exacting an obligation from the ryots on the one hand to extend their cultivation, themselves came under an obligation on the other hand to maintain the supply of water undiminished by any subsequent experiments or arrangements at the hands of succeeding officials.

4. The measures now taken by the Collector and Engineer appear to be opposed to the objects of the original arrangements, and it is most vexatious to us, after having so materially aided in raising that part of the district to its present prosperity, by the capital spent by us among the ryots, to have now to face the probability of seeing the industry created by us, extinguished by the withdrawal of the water which we had every reason to consider guaranteed to the Nellicoopum villages.

5. The Collector and Engineer of South Arcot were well aware that their new measures would raise strong objections and lead to disagreeable results. We should have expected that these gentlemen would have preferred the execution of a scheme which would have added to the supply of water, to proceedings which are merely intended to change the distribution of that which already existed, in opposition to the engagements made by Government with the ryots.

*Proceedings of the Madras Government, Public Works Department,
22nd January 1868*

6. The lands of Paloor are mainly held by Brahmins in the employ of Government or their relatives.

7. In connection with the unpleasant proceedings which have followed on the measures of the Government Officers, we regret to have to state that the Collector of South Arcot arraigned the chief ryot of the Nellicoopum villages who had a contract with the Department of Public Works for the cleaning of the channels and the repair of the anicut shutters, on a criminal charge under the Penal Code for unlawfully and fraudulently abstracting water. The charge would have been heard by the Collector himself, but for the High Court having removed it for trial by the Sub-Collector who acquitted the accused. The Collector has accused the Nellicoopum ryots of deepening their channels and so lessening the quantity of water running to Paloor, though it is obvious that the object of cleaning the channels is to remove weeds and silt and so deepen the bed, but the depth of the flow into the channels is regulated by the masonry bed of the regulating dam.

8. It is a great object with the Department of Public Works to induce the ryots to take an interest in the maintenance of their village channels, and such influence as we possessed aided by a small expenditure of money, has been used in the same direction. It is therefore with no little concern that we regard such proceedings as we have just mentioned, as the result of them, whatever was the intention of the Collector, must be to deter respectable subjects from coming forward for the important purpose of repairing the channels in the proper season, and the neglect on the Nellicoopum side while giving increased supplies to the Paloor villages will greatly diminish those to Nellicoopum. Every detail of the steps which have been taken is opposed to the interests of the Nellicoopum cultivators, and we trust we have given sufficient reasons to prove how desirable it is that additional supplies of water should be found for the lands of Paloor and Nellicoopum.

9. At a time when, as we are aware, Government are anxiously urging the execution of irrigation schemes, we would plead for the attention of your Department to the locality we have pointed out. We may without presumption mention, as giving us some title to be heard on matters of this kind, in addition to the instance afforded by the construction of the Trivady Anicut already alluded to, that through communications made by us Government was moved to construct an anicut on the Pooniar river which has proved of the utmost utility. We trust, therefore, that our representations on this occasion will meet with consideration.

No. 443.

ORDER THEREON, 22nd January 1868, No. 229.

IRRIGATION, No. 22.

1. As the object of Messrs. Parry & Co. in bringing to the notice of Government the disputes which have prevailed for a number of years between the ryots of Nellicoopum and Palur villages, with regard to the distribution of the water under the Trivady Anicut in South Arcot, is to bring forward a proposal for drawing a supply from another source, which, in their opinion, would give the means of satisfying both parties, their letter will be forwarded to the Superintending Engineer of the 5th Division, who will

*Proceedings of the Madras Government, Public Works Department,
22nd January 1868.*

report on the project referred to, and, if it appears at all likely to answer Messrs.

Paragraph 2.

Parry & Co.'s expectations, will submit an estimate of the probable cost for the consideration of Government.

2. An extract of the letter referred to by Messrs. Parry & Co. from which it appears that the project in question was originally proposed by Colonel Foord himself, when District Engineer of South Arcot, will be forwarded to the Superintending Engineer for information.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 5th Division.
To Messrs. Parry & Co.

Ed. T. Cartledge.

Madras, 21 December 1867

Colonel J. C. Anderson, R. E.
Secretary to Government
Irrigation Department
Fort St. George.

Sir,

We have the honor to submit to you some papers connected with a dispute respecting water supply arrangements which is now going on between the Collector of South Arcot and the ryots of the Tellicoopur Villages in that District.

Our object in placing this matter before you is to bring to your notice the advantages which would result from a larger supply of water such as would be obtained by the carrying out of a project which is referred to in the letter of Mr. G. T. Taylor, formerly Collector of South Arcot, to Mr. A. F. Brown dated 9th March 1858, or from some other source. Our interest in the matter arises from the circumstances that we have expended considerable sums in machinery for the manufacture of Sugar, and in advances to the ryots for the cultivation of
Cane

canal, on the strength of the arrangements being upheld, which were originally made for supplying the Kallacoppum ~~Villages~~ with water from the Trivady Annicut. Our operations in that part of the district for upwards of twenty years past have done much to enrich the people and to increase the revenues of Government, but we have reason to apprehend that the measures now being taken by the Collector, and the Engineer of the district to distribute the water from the Trivady Annicut, and which have for their avowed object to give a larger supply to the Paloor Villages, and to diminish the supply to the Kallacoppum lands, will act most prejudicially on our interests.

The present Trivady Annicut was built and the arrangements for the water distribution were made, avowedly, to encourage the cultivation of cane, and the records of the period show clearly that the project owed much to our connection with the place, and the assurance this was calculated to afford to the Government, that the Ryots would be able to carry out their obligations to extend their cultivation, and that the Revenues of Government would be benefited. The Government in exacting an obligation from the Ryots

on the one hand to extend their cultivation, themselves came under an obligation on the other hand to maintain the supply of water undiminished by any subsequent experiments or arrangements at the hands of succeeding officials.

The measures now taken by the Collector and Engineer appear to be opposed to the objects of the original arrangements, and it is most vexatious to us, after having so materially aided in raising that part of the district to its present prosperity, by the Capital & spirit by us among the Ryots, to have now to face the probability of seeing the industry created by us, extinguished by the withdrawal of the water which we had every reason to consider guaranteed to the Kallacoppum Villages.

The Collector and Engineer of South Arcot were well aware that their new measures would raise strong objections and lead to disagreeable results. We should have expected that their gentlemen would have preferred the execution of a scheme which would have added to the supply of water, to proceedings which are merely intended to change the distribution of that which already existed, in opposition to the engagements made by Government with the Ryots.

The lands of Paloor are mainly held by

by Brahmins in the employ of Government or their relatives.

In connection with the unpleasant proceedings which have followed on the measures of the Government Officers, we regret to have to state that the Collector of South Arcot arraigned the chief pyot of the Tellicoopun villages who had a contract with the Department of Public Works for the cleaning of the channels and the repair of the ancient shutters, on a criminal charge under the Penal Code for unlawfully and fraudulently abstracting water. The charge would have been heard by the Collector himself, but for the High Court having removed it for trial by the Sub Collector who acquitted the accused. The Collector has accused the Tellicoopun pyots of deepening their channels and so lessening the quantity of water running to Paloor, though it is obvious that the object of cleaning the channels is to remove weeds and silt and so deepen the bed, but the depth of the flow into the channels is regulated by the masonry bed of the regulating dam.

It is a great object with the Department of Public Works to induce the pyots to take an interest

3
interest in the maintenance of their village channels, and such influence as we possessed aided by a small expenditure of money, has been used in the same direction. It is therefore with no little concern that we regard such proceedings as we have just mentioned, as the result of them, whatever was the intention of the Collector, must be to deter respectable subjects from coming forward for the important purpose of repairing the channels in the proper season, and the neglect on the Tellicoopun side while giving increased supplies to the Paloor villages will greatly diminish those to Tellicoopun. Every detail of the steps which have been taken is opposed to the interests of the Tellicoopun cultivators, and we trust we have given sufficient reasons to prove how desirable it is that additional supplies of water should be found for the lands of Paloor and Tellicoopun.

At a time when as we are aware, Government are anxiously urging the execution of irrigation schemes, we would plead for the attention of your Department to the locality we have pointed out. We may without presumption mention, as giving us

6
us some title to be heard on matters of this
kind, in addition to the instance afforded by
the construction of the Shivady Aunika
already alluded to, that through commu-
nications made by us Government was
moved to construct an Aunika on the
Pooniar River which has proved of the
utmost utility. We trust therefore that
our representations on this occasion will
meet with consideration.

We have the honor to be

Sir,

Your obedient Servants.

Ameyo

Principal Sadr Ameen's Court.

ORIGINAL SUIT No 43 OF 1866.

Plaintiffs.

1. Lutchmana Reddy.
 2. Linga Reddy of Mooligrampet.
 3. Kuppu Reddy.
 4. Linga Reddy of Kulpady.
 5. Singiri Mootoosawmy Mudaliar.
 6. Subba Reddy.
 7. Vengata Rama Reddy.
 8. Mootoolinga Reddy.
 9. Balakristna Reddy.
 10. Subba Reddy.
 11. Davanayaga Reddy.
 12. Appavoo Pillai.
 13. Vengata Rama Reddy.
 14. Mootoosawmy Nynar.
 15. Sreenivasa Reddy of Nellicoopum.
 16. Sreenivasa Reddy of Vellappakum.
 17. Purushottama Reddy.
 18. Davanayaga Pillai.
- By Vakil Janakiram Puntulu.

Defendants.

1. W. S. Harington, Esquire, Executive Engineer South Arcot.
2. Lieut.-Colonel E. A. Foord, R. E., Superintending Engineer, 5th Division.
3. C. W. Reade, Esquire, Collector of South Arcot.
4. Venkatrayer.
5. Gopala Kristnier.
6. Agharum Venkatarama Reddy.
7. Narasa Reddy.
8. Subba Reddy.

Kakara Subba Row Vakil for 2nd and 3rd Defendants, Combaconum Subba Row and Narasimma Charyar Vakil for 4th, 5th, 7th, 8th Defendants.

TRANSLATION FROM TAMIL.

Original Suit No. 43 of 1866 in the file of the Principal Sadr Ameen's Court Cuddalore.

1. The lands of the Keelpattambaukum &c. 18 villages of the Plaintiffs are dependent and are entitled to the spring water taking its rise from Trivady annicut across the Gadelum river.

2. Formerly there was a mud dam. In the year 1836 corresponding to Fusly 1246 when Colonel Cotton built a brick dam in front of the Trivady Temple he got a channel cut, called Rajavoykal, for the purpose of supplying water from the annicut to the 18 villages and from the Rajavoykal he cut a branch channel and built a Sluice for Paloor and Pullavarayanuthum, the villages of the 4th 5th 6th 7th and 8th Defendants but as the spring water of the said annicut was insufficient for the 18 villages, the branch channel and the Sluice were never opened and remained useless.

3. The said annicut was breached after sometime. In 1848 the Collector obtained from the 18 villagers a Muchelika that they would extend their cultivation so as to yield a larger Revenue to Government, and built the present brick annicut close to where formerly the mud dam used to be. From this annicut he cut a main channel which he connected with Rajavoykal. By means of this the Plaintiffs, 18 villagers use the said water for their lands and have brought considerable waste lands under cultivation thereby enhancing the Revenue to Government.

4. In 1854 Engineer Mr. Wilkieson, instructed by the Board, inspected the state of the said annicut, and reported to the Board that the spring water rising from the annicut should be utilized by the Plaintiffs' 18 villagers, and on their sanction, he constructed a masonry regulating dam across the head of the branch channels so that water may not flow to Paloor and Palavarayanuthum villages excepting at the time of freshes, when the water flowing over the dam may go to them, and entered this in his diary, his adjustment of water was confirmed by late Collector Mr. Hall.

5. In 1856 the 2nd Defendant, contrary to the above diary reduced the dam by 3 inches, in view to facilitate the flowing of water to Paloor and Palavarayanuthum villages. The Plaintiffs &c. raised objections to this, when the 2nd Defendant and their Collector Mr. Hall,

2108 June 1868 O. 175

1868/1/1/1/1/1

1868-229-22-1/1/1/1/1

Submittung Balance
Kopas connected with
a strip of land between the
Collector of South Arcot
and the Agent of the
Keelpattambaukum Village
respecting water supply
annicut.

1868/1/1/1/1/1

1868/1/1/1/1/1

1868/1/1/1/1/1

having considered the matter duly, have passed an order which has hitherto been acted up to, that the Plaintiffs from the 1st of March to the 30th of June every year (being the time that there is a scarcity of water) should build up over the regulating dam with earth &c., so that no water flows to Paloor and Palavarayanuthum villages and to utilize the water for the 18 villages.

6. In the month of March 1862 on the application of the 4th, 5th, 6th, 7th and 8th Defendants contrary to mamul and the previous orders, the 2nd and 3rd Defendants have removed the mound which the Plaintiffs had built over the regulating dam. This having entailed loss on the Plaintiffs, 18 villagers, they made known their rights to the 3rd Deft. and laid their complaint before him. He thereupon decided on the 5th April 1862, and issued a Takeed to the Sub Magistrate of Trivady that the 1st right to the annicut water belongs, to the Plaintiffs, 18 villagers, alone, and only when there is enough of water for them that water may be allowed for the 2 villages of the 4th 5th 6th 7th and 8th Defendants.

7. The previous Collectors and Engineers have often established that the water of the annicut in dispute belongs to the Plaintiffs, 18 villages alone, and this right of the Plaintiffs alluded to in the above paras. has also been established by the 2nd and 3rd Defendants. When the matter is thus settled the 4th, 5th, 6th, 7th, and 8th, Defendants have again Petitioned to the 2nd and 3rd Defendants to the effect that the spring water of the annicut in dispute may be allowed for their villages. The 2nd & 3rd Defendants according to their assent to this and contrary to the clear and well established rights of the Plaintiffs, ordered the entire removal of the said regulating dam and this they communicated to the Plaintiffs, 18 villagers, by means of a notice on the 3rd July 1866, while at the same time the 1st Defendant together with his subordinates united with 4th, 5th, 6th, 7th and 8th Defendants and their men intended to remove the structure.

8. In consequence of the removal of the said structure as above alluded to, not only that the Plaintiffs lose their peculiar rights and privileges but also their lands on which relying on the spring water of the annicut, they have laid out an enormous outlay by way of cutting the wood, cleaning waste so as to bring them to a state of cultivation are likely to be thrown away and thus a heavy loss awaited Plaintiffs, the Government and Messrs. PARRY AND Co., who has made large advances to the ryots for raising cane cultivation, excepting the said spring water, the said 18 villagers have no other resources such as tank &c.

9. The Plaintiffs' 18 villages contain a total area of 3,300 cawnies. The spring and fresh water which the plaintiffs now enjoy not being enough for the cultivation of the whole extent, a good deal remains a waste for which they are paying assessment to Government. Of the Nunjah lands of the said Plaintiffs, in the 18 villages the water tax per cawny per year is Rs. 5 and on 1,000 cawnies it comes to Rs. 5,000. The regulating dam which secures the spring water worth that value, the 1st 2nd and 3rd Defendants have ordered to remove in order to meet the wishes of the 4th, 5th, 6th, 7th and 8th Defendants.

The Plaintiffs therefore pray that the said order be reversed, the regulating dam not to be removed but left in the state in which it now is, the Plaintiffs &c., 18 villagers right to the said spring water be established and that the Defendants have no interference in it.

28th August, 1866.

TRANSLATION FROM TAMIL.

PRINCIPAL SADR AMEEN'S COURT.

Original Suit No. 43 of 1866.

The Plaintiffs present a Petition that 1st 2nd, and 3rd Defendants by whom the Plaintiffs' right to the spring water under Trivady annicut, yielding 5,000 Rs. worth per year, has been established, have given orders to remove the regulating dam in view to meet the wishes of 4th, 5th, 6th, 7th, and 8th Defendants. Plaintiffs pray that the order be reversed but left in the state in which it now is, and that Defendants have no interference in it.

The 1st Defendant, besides giving notice to Plaintiffs that the regulating dam is to be removed, is prepared to do so, having strengthened himself with 4th, 5th 6th 7th, and 8th Defendants and other men.

If Plaintiffs should obtain a Decree in their favor in this suit it will be rendered futile, if the dam be removed now. The present condition, size, and advantages of the regulating dam, it would be important that the Court should enquire into and inspect, when hearing the suit. Therefore Plaintiffs pray that Court will grant an injunction restraining the Defendants from removing or tampering with the regulating dam and to allow it remain as it now is until decision in the Civil suit pending before the Court appertaining to the said regulating dam is given.

As Plaintiffs learn that 1st Defendant is proceeding to Trivady for the purpose of removing the regulating dam, they pray that the Court will be pleased to grant the injunction soon.

28th August, 1866.

Note.—As solicited. Injunction was granted on 30th August 1866.

TRANSLATION FROM TAMIL.

TO THE PRINCIPAL SADR AMEEN'S COURT, CUDDALORE.

Plaintiffs.

Defendants.

Lutchumana Reddy &c. 18 persons.

Mr. Harington &c. 8 persons.

List of Documents in the Plaintiffs' side

Documents.

1. An extract of a Takeed to Trivady Tahsildar by the late Collector Mr. Davis, regarding the maramut of annicut, dated 29th May 1846, No. 316.
2. An extract of a Takeed to Trivady Tahsildar by Collector Mr. Davis, dated 15th June 1847, No. 374, containing instructions that because the Paloor people instead of throwing up the dam, are taking away the water from the annicut channel, there is a less supply for the Plaintiffs: and hence there crops are drying, he should therefore take proper measures about it.
3. An extract of a Takeed to Trivady Tahsildar by Collector Mr. Davis, dated 22nd June 1847, No. 382, stating that there is no necessity for allowing water to Paloor villagers, they should construct the mud dam as usual, and water should be allowed for the 18 villages as usual according to their shares.
4. An extract of a Takeed by Collector Mr. Davis, dated 23rd June 1847, No. 384, stating that Paloor people should construct the mud dam, that the 18 villagers should irrigate their villages by means of the main channel, and that the said main channel should be repaired by the Plaintiffs.
5. An extract of a Takeed by Collector Mr. Davis, dated 1st July 1848, No. 404, stating that he would suspend the Paloor manigar, if the people refused to construct the mud dam.
6. An extract of Proceedings passed by Mr. Smyth, the Engineer of the 5th Division dated 24th November 1852, in his diary of General Observations, that the Paloor head Sluice be opened and water be allowed for the Paloor Tank, during freshes.
7. An extract of a Takeed by Collector Mr. Maltby, dated 26th November 1852, No. 155, that water might be let for the Paloor Tank, and that the head Sluice which was closed on account of some dispute should be opened agreeably to what was said by the Engineer of the 5th Division, in his Diary of General Observation.
8. An extract of a Takeed to Trivady Tahsildar by Collector Mr. Maltby, dated 22nd December 1853, No. 102, as to whether the Paloor and Palavarayanuthum ryots have kept the annicut in proper order from the allowance made on account of the annicut, and if they have, not done so, whether the villagers, actually entitled to water, would sustain loss if any water be allowed from the masonry dam.

9. An extract of a Takeed to Trivady Tahsildar by Collector Mr. Maltby, dated 28th December 1853, No. 106, Ordering him to repair the Paloor mud dam.

10. An extract of a Takeed to Trivady Tahsildar by Collector Mr. Maltby, dated 14th January 1854, No. 118, instructing him to allow for Paloor the 1½ inches of water now flowing over the annicut, provided the Plaintiffs have no objections to doing so.

11. An extract of a Takeed by Collector Mr. Maltby, dated 16th January 1854, No. 121, that water as much as possible may be allowed for Paloor villagers through the Chittarasoor channel.

12. A copy of a Takeed to Trivady Tahsildar by Collector Mr. Maltby, dated 18th March 1854 No. 196, that no order has been issued from the Huzzur to allow water for Paloor from the Trivady annicut channel.

13. An extract of a Takeed to Trivady Tahsildar by Collector Mr. Maltby, dated 19th January 1854, No. 126, that the Paloor ryots have not repaired their mud dam, notwithstanding that allowance is made for it.

14. An extract of a Takeed to Trivady Tahsildar by Collector Mr. Hall, dated 9th April 1855, No. 430, regarding the construction of the dam.

15. An extract of a Takeed to Trivady Tahsildar by Collector Mr. Hall, dated 23rd April 1855 No. 450, regarding the above matter.

16. An extract of a Takeed to Trivady Tahsildar by Collector Mr. Hall, dated 26th July 1855, No. 44, that the villagers dependent on the Trivady annicut should make the usual payment for repairs of the channel.

17. An extract of Takeed to Trivady Tahsildar by Collector Mr. Hall, dated 7th February 1856, No. 426, that the height of the dam should be reduced 3 inches according to the Engineer's letter.

18. An extract of a Takeed to Trivady Tahsildar by Collector Mr. Hall, dated 5th March 1856, No. 491, that Paloor villagers must not take water after February, and that the channel should be cleansed, out of the money, realized from the Plaintiffs.

19. An extract of a Takeed to Trivady Tahsildar by Collector Mr. Wood, dated 15th March 1860, No. 297, that the Tahsildar has been fined Rs. 2 for allowing water to Paloor people up to 9th March, while he was already instructed by Mr. Hall's Takeed that water should not be allowed after February; and that Mr. Hall's order had reference to that of Mr. Ratcliffe.

20. An extract of a Takeed by Collector Mr. Ratcliffe, dated 16th April 1859 No. 353, that as per Takeed by Mr. Hall, no water should be allowed to flow into the Paloor channel.

21. An extract of a Takeed to Trivady Tahsildar by the late Collector, dated 7th March 1856, No. 497, that water should not on any account be allowed for Paloor village from the Trivady annicut after February.

22. An extract of a Takeed to Trivady Sub Magistrate by Collector Mr. Reade, dated 5th April 1862, No. 281, that the Plaintiffs are the lawful owners of the annicut water.

23. An extract of a Takeed to Trivady Tahsildar by Collector Mr. Hall, dated 14th November 1854, No. 234, that the Paloor villagers be prevented from cultivating their Nunjah crops by the help of the annicut channel; and to warn them that if they transgress this order, they will make themselves liable to punishment.

24. Two Documents one an application from Plaintiffs to Colonel Foord, 2nd Defendant, for a copy of Engineer Lieutenant Wilkieson's diary, of October 23rd 1854, regarding the annicut, and also a copy of his report to the Secretary of the Board, and which applications, Colonel Foord's endorsement refusing to give the copies, and the other a certificate of the Court given for obtaining the said copies.

25. An original letter from Mr. Taylor the late Collector, to Mr. Brown of Messrs. PARRY AND Co., dated 9th March 1858, No. 109, regarding the annicut in question.

26. A copy of a letter addressed by Mr. Wilkieson the Engineer to the Secretary of the Board, dated 2nd February 1855 No. 76, regarding the Trivady annicut.

27. An original letter addressed to the 5th Plaintiff by the 3rd Defendant dated 2nd July 1864 regarding the above annicut water.

28. A drawing which shows the position of the 18 villages, the Paloor village, the regulating dam, head Sluice, &c. 24th June 1867.

29. An extract of a Takeed to Trivady Tahsildar by Mr. Hall, then Collector dated 6th November 1854 No. 213, ordering that it was his intention to allow water for the Paloor cultivation after the month of Thy.

This was filed on the 13th September 1867.

TRANSLATION FROM TAMIL.

No. 45.

NOTICE.

Notice the 18 villagers who have the irrigation of Trivady annicut channel, from Mr. Harrington the Executive Engineer of the first range in the District of South Arcot.

As I am ordered by the Superintending Engineer of the division on the consent of the Collector to remove the regulating dam, which is built across the branch channel of the Paloor and put up shutters to the head Sluice of the channel, I have ordered the Overseer of the Taluk to remove the regulating dam.

1866 July 3rd, Munjacoopum.

(Signed) W. S. HARRINGTON,
Executive Engineer No. 1, Range South Arcot.
(Signed) F. C. CARR, P. S. A.

1866 August 29th filed.

TRANSLATION FROM TAMIL.

TO

C. W. READE, Esq.,

Collector of South Arcot.

The undersigned inhabitants of the 18 villages of Nellicoopum &c., depending on the irrigation of the Trivady annicut humbly beg to bring to your notice, that Mr. Harrington the Executive Engineer 1st Range of the District sent us a notice on the 3rd Instant in No. 45, that he has given instructions to the Taluk Overseer on the order of the Superintending Engineer with your consent to remove the regulating dam placed across the Paloor branch channel, for the purpose of conveying the surplus water from 1st July to the 28th February following in each year to Paloor and Palavarayanuthum from the annicut main channel to which we have exclusive right, and put up shutters to the head Sluice of the Paloor channel. This regulating dam across the branch channel was built on our consent by Engineer Mr. Wilkieson upon due consideration and on the sanction of Government in view that it may cause no interruption to the privilege we have ever been enjoying. Since then Mr. Foord has reduced the dam by taking off 3 inches. We therefore beg that you will be pleased to take the matter into your favourable re-consideration and issue orders that the regulating dam built across the branch channel be not removed and that the said Paloor and Palavarayanuthum people may have as usual the surplus water flowing over the dam from 1st July to 28th February following in each year, but if you have any objections to issue such orders, we beg you will be pleased to give us a final endorsement to that effect.

1866 July 6th.

(Signed) KEELAPUTTAMBAUKUM LUTCHUMANA REDDY,
and 33 others.

No. 17.

The Petitioners are informed that what is being done at the Paloor channel is ordered in connection with the consent of the Collector and Superintending Engineer and that no damage or injury will be done to the Petitioners interests when such damage or injury arises it will be time enough to complain. Petition is dismissed. 6-7-1866.

(Signed) C. W. READE, *Collector.*

TRANSLATION FROM TAMIL.

To

STREENEVASA PUNDIT, *Tahsildar of Trivady.*

No. 316.

In your Urzee No. 419 of May 21st, you state that you called the villagers enjoying water under Trivady annicut, across the Guddelum river, to attend personally, and ordered them to supply for the annicut, men and straw according to their shares and to clean out the weed and deposit in the channel and also you say that you have given them to understand that if they should not do so, you will employ men and carry out the work, and charge the cost to them at 2 annas a cooly, and 2 annas a bundle of straw, and to distribute the water fairly in accordance to their shares, you say you will employ a person to attend to it and charge his salary to the villages.

If they refuse to act up to your orders, you must do the work departmentally, employing men, and straw, and after the work is done, if you render an account of the cost to the Huzur, instructions will be issued at once as to recovering from the villagers the charges thus incurred.

1846 May 29th Camp Valaycolly

(Signed) W. D. DAVIS,
Collector.

(True Copy.)

(Signed) VARDACHARRY,
Deputy Collector.

TRANSLATION FROM TAMIL.

To

STREENEVASA PUNDIT, *Tahsildar of Trivady.*

No. 374.

I am informed that the cane cultivations in the Nellicoopum; Puttambaukum &c., villages under the Trivady annicut are drying for want of water because they (Paloor people) have not turned the water by throwing up the Paloor dam. What is the cause of such an occurrence after several orders given to you to take care not to allow the cultivation under Trivady annicut to suffer for want of water. Now the Trivady annicut work is stopped, and why they should not throw up the Paloor dam and turn the water. Not only you have to inform me immediately to the state of irrigation for cane cultivation, you have also to take proper measures that there may be no deficiency of water for them and in the event of there being a deficiency you will be responsible for any loss that may occur.

1847 June 15th.

(Signed) W. D. DAVIS,
Collector.

(Signed) VARDACHARRY,
Deputy Collector.

TRANSLATION FROM TAMIL.

No. 328.

To

STREENEVASA PUNDIT, *Tahsildar of Trivady.*

I am informed that the canes cultivated in the Nellicoopum &c., Villages are in want of water and this deficiency is especially owing to giving water for the second crop cultivations of Paloor and Palavarayanuthum also from the annicut channel. By the progress made in the cane cultivation as there is much prospects for the Ryots, it is necessary that Government should afford every encouragement. Besides as it was determined to erect the masonry dam in this year, it was ordered to allow water to the second crop of Paloor and Palavarayanuthum through the head Sluice of the annicut channel. The erection of the annicut being postponed now there is no necessity of allowing water through this Sluice. As the usual allowance of building annicut given to the above villages in (Jainabundy) annual settlement in every year you should inform them that they should build their usual mud dam in 5 days and at the expiration of 5 days you should shut up the head Sluice without delay and order to irrigate the 18 Villages as usual through the large Sluice. In this water case you should pay your particular attention and carry out the orders with due care. Moreover the 18 Villages should receive their supply of water according to their due shares; but I am informed that the Villagers who are at the upper part of the channel carry away the water so much so that those down below do not get their proper supply they ought not do so. Therefore there being a scanty supply of water you must see that the Villagers enjoy the water fairly according to their shares.

1847 June 22nd Munjacoopum.

(Signed) W. D. DAVIS,

Collector.

True Copy.

(Signed) VARDACHARRY,
Deputy Collector.

(Signed) KISTNASAWMY, A. P. S.

TRANSLATION FROM TAMIL.

No. 384.

To

STREENEVASA PUNDIT, *Tahsildar of Trivady.*

Your Urzee of 21st Instant No. 54 come to hand. Your order to the Paloor and Palavarayanuthum Villagers to erect their usual mud dam is correct, however as mentioned in the order sent to you on the 22nd Instant on this subject separately, you should give 5 days time to the Paloor and Palavarayanuthum villagers to erect their mud dam; and at the expiration of the time, you should shut up the head Sluice of the Paloor channel as the 18 villages should be irrigated by the main channel. You also state that the channel is choked up with weeds and deposit and that because the Ryots do not clean them out, the water does not flow uninterruptedly. As the Ryots should clean the above channel in these days, you should give strict orders that they alone clean out the channel. In the event of their not doing it within 8 days, if you will prepare an estimate and forward it, the work will be executed by the Government and the cost will be recovered from villagers according to their respective shares; so send the estimate account soon. Besides you should inform the above villagers that the order has been issued to execute the work by the Government and recover the cost from them.

1847 June 23rd Munjacoopum.

(Signed) W. D. DAVIS, *Collector.*

True Copy.

(Signed) VARDACHARRY,
Deputy Collector.

(Signed) KISTNASAWMY, Ag. P. S. A.

TRANSLATION FROM TAMIL.

To

No. 404

VENKATA ROW *Tahsildar of Trivady.*

Your Urzee of the 27th of last Month, No. 414, was received. I have understood from it that you have, on the instruction of the Engineer, closed the Sluice of the Hiasa channel which admits water from the Geroodanathe to the Paloor Village, and ordered that those Villagers should water their lands by raising a mud dam as usual and that they said it was not in their power to construct the mud dam. You should now warn them that they should, as was usual with them for a long time past, to put up the mud dam, and if they do not do so, that the Manigars of Paloor and Palavarayanuthum will be suspended, and other proper parties will be appointed by the Circar in their stead, by whom the Circar work will be carried out. If they do not act accordingly you should suspend them without further reference, and report it to me, when suitable parties will be nominated as substitutes. Should they completely disregard these orders, you should not allow them to draw their pay or allowances for the remaining six months of this Fusly until further orders; but keep them in Deposit.

1st July 1848, *Munjacoopum.*(Signed) W. D. DAVIS,
Collector.(Signed) VARDACHARRY,
Deputy Collector.

Extract from the General Observation for the Month of October 1852, by Captain S. Smyth Civil Engineer fifth Division.

Received 10th November 1852.
B. Paloor dam.*South Arcot District.**Trivady Taluq.*

The ryots are very urgent in demanding a more permanent work, but as I am of opinion that it is not so emergently required, I am anxious to investigate the state of the irrigation in this Delta prior to giving my recommendation. Some of the more distant lands under the channel appear to derive benefit from the Rajavoykal. The Paloor Tank might also be supplied in like manner under the following restrictions.

In the original project, it was intended that the Paloor people should have a supply and a channel and Sluice were accordingly given; but owing to the complaints of the main body of Ryots, this supply was at once denied them. The Trivady channel has no Tank to supply and during freshes more water flows down than there is occasion for in fact it is absolutely injurious, at such times therefore the Paloor head Sluice should be opened for the supply of their Tank, and this should be granted at once, the Maistry Overseer having instructions to open it whenever there is ample supply. At such times, he should note the quantity over the annicut. It is evident that if a sufficiency of water could be brought into the Guddelum an annicut would be unnecessary.

(Signed) S. SMYTH,

*Civil Engineer, 5th Division.*10th November 1852, *Tindivanam.*

True Copy.

KISTNASAWMY, Ag. P. S. A.

TRANSLATION FROM TAMIL.

To

No. 155.

VENKUT ROW, *Tahsildar of Trivady.*

Paloor ryots having requested the Civil Engineer of the 5th Division to erect a masonry dam for the irrigation of their village, he entered into the General Observation Diary of the October

that there is no necessity for erecting an annicut, but as there are no Tanks under the Trivady channel to secure the water, it causes, by more water than required, damages during the freshes. At such times the head Sluice which was built before and closed on account of dispute can be opened and water supplied to the Tank of the above villages. Therefore you should communicate this to those villages who are under the irrigation of the Trivady channel at Paloor villages, and order the annicut maistry to open the Paloor head Sluice, whenever there is much water in the Trivady channel and at such times he (the maistry) should keep an account to shew how much water was flowing over the annicut and send it to the Taluq. For your information a translation of the Engineer's Diary is enclosed herein.

1852 November 26th, *Munjacoopum.*(Signed) E. MALTBY,
Collector.

TRANSLATION FROM TAMIL.

No. 102.

To

G. SOOBA ROW, *Tahsildar of Trivady.*

Herewith sent to you a Petition No. 13, written by the Ryots of Paloor and Palavarayanuthum. You have to inform the Petitioners that no orders will be given now as regards their request to give 1-5th of the water from the Masonry annicut channel to their cultivable lands whether the Ryots keep the dam in order or not from the funds of the (Anny Maray) annicut allowance made to these villages? If they did so, why should there be a deficiency of water for a small patch of land cultivated? You have not only to explain this, but you must also inform me whether it is necessary to give them a supply of water from the annicut channel just enough to mature the crop, provided there was a deficiency of water owing to want of rain in course of time, and also let me know whether by thus giving them a little water, the villages under the irrigation of the annicut will suffer in any way.

1853 December 22nd, *Munjacoopum.*(Signed) E. MALTBY,
Collector.(Signed) VARDACHARRY,
Dy. Collector.

TRANSLATION FROM TAMIL.

No. 10.

To

SOOBA ROW,

Tahsildar of Trivady.

As the Paloor ryots requested the Additional Sub-Collector that they being unable to construct their mud dam this year and the want of water being felt for the cultivation made, the mud dam should be repaired by the Government. The Additional Sub-Collector sent in a memo. stating that it will cost 200 and odd Rupees to repair the mud dam. Therefore you have not only to look at the said dam and send in an estimate prepared by the Maistry so as to have water just enough for the cultivation in hand this year, but you must also begin the work and carry it out. Do not give them the annicut allowance (Anny Maray) during the Jamabundy of this Fusly. 1853 December 28th *Munjacoopum.* From the next Fusly no permission will be given to repair the above dam by the Government.

(Signed) E. MALTBY,
Collector.

True Copy.

(Signed) VARDACHARRY,
Deputy Collector.
(Signed) In Maratah.

TRANSLATION FROM TAMIL.

No. 115

To

SOOBA ROW, *Tahsildar of Trivady.*

The estimate to repair the Paloor mud dam which you sent with your Urzee No. 74, dated 30th December last has been examined. The Huzur Superintendent has seen the said dam and reported on the 13th instant and he states that 62 cawnies of wet cultivation of Paloor which depends on the said dam can be irrigated from the Trivady annicut channel because not only the water from the Trivady annicut flows into the above channel quite full of the arches of head Sluice, but there is also 1½ inches of water flowing over the annicut. You can give the water accordingly if there is no objection and report it to me, but if there is an objection, you must inform me as early as possible.

1854 January 14th, *Munjacoopum.*(Signed) E. MALTBY,
Collector.

(True Copy.)

(Signed) VARDACHARRY,
Dy. Collector.

TRANSLATION FROM TAMIL.

No. 121.

To

SOOBA ROW, *Tahsildar of Trivady.*

I have seen and considered your Urzee No. 74, dated 30th ultimo, enclosing an Estimate regarding the Paloor annicut, and the Yadast or Memo. sent about it to me by the additional Sub Collector dated 9th instant. As the explanation in your Urzee is not complete, the Huzur Maramut Superintendent has, according to my order, sent in an additional estimate for Rupees 311-1-0 after an inspection of the annicut. He has also stated that it will cost some time to carry out the works according to the above estimate, and that, in the meanwhile, the Nunjey cultivation will wither or become shavey. A separate Takeed will be sent to you about the estimate. For the present you are specially ordered by this that such cultivation as is being injured above village should be supplied with water as much as possible in this Fusly from the Main channel, through the Chittarasoor channel, according as was the case in Fusly 1259. You should therefore, immediately go to the head of the Chittarasoor Sluice, place a watchman at the head of Chittarasoor and direct him to take care that, as much water as is required, should be allowed to the Paloor Nunjey cultivation, without any wastage of the water. Moreover, it has come to my knowledge that the bank of the Yeshoomodoo Tank has breached by heavy rain and that thereby much mud and sand have choked up the main channel of the annicut for some distance, by which the water cannot flow freely to the villages which should be watered by the channel in question. Is it true that the channel is choked up? If so, why did you not report the fact immediately. However, how much will it now cost to remove the accumulations in the channel? You should inspect these, and send in a correct report with the estimate.

Munjacoopum, 16th January 1854.(Signed) E. MALTBY,
Collector.

TRANSLATION FROM TAMIL.

No. 196.

To

SOOBA ROW, *Tahsildar of Trivady.*

Your Urzee of the 14th Instant, No. 173, has come to hand. The letter of Mr. Pugh, your address which you sent with your Urzee is returned. Inform to Mr. Pugh, that there is neither any diary of Civil Engineer, nor order of Huzur to give 1-5th of the water from the annicut channel to the Paloor village. If it is true that what is said that the ryots do not take interest in cleaning the branch channels, you should give orders to the peons and village servants of the each village that if they do not get the branch channels of their respective villages cleaned, strict orders will be issued and inform Mr. Pugh of it.

As regards the last para. of Mr. Pugh's letter offering Rupees 200 to keep the channel clean, you should inform him that it is a thing that he should write direct to the Huzur, from where you should get an order on the subject.

1864 March 18th, *Munjacoopum.*(Signed) E. MALTBY,
Collector.

(True Copy.)

(Signed) VARDACHARRY,
Dy. Collector.

TRANSLATION FROM TAMIL.

No. 126.

To

SOOBA ROW, *Tahsildar of Trivady.*

The estimate which you sent for Rupees 406-11-0 for the repair of Paloor mud dam being too much, Appavoo Moodelly the Huzur Maramut Superintendent has been sent out. And he examined and made out an estimate for Rupees 313-1-0 of which a copy in its details, is here-with sent to you. I find that the ryots are in fault for not having repaired and secured their dam from time to time, out of the allowance made an account of the dam in the yearly annual settlement. Therefore I see no necessity for doing to the said dam any work now under the head of emergency. For this year's cultivation you should see to irrigate according to the orders of 14th and 16th Instant. According to the estimate, you must find out, in the event of our doing the repair to the dam, how much the ryots will agree to cultivate in excess of the maximum Revenue hitherto realized, and include the amount of the above estimate in the ordinary estimate account of the current year; and in the remark column, enter their proposals for larger cultivation.

1864 January 19th *Munjacoopum.*

Besides you shall stop the annicut allowance during the Jamabundy of this Fusly and inform the Additional Sub-Collector of it, and act according to his order on the subject.

1854 January 19th.

(Signed) E. MALTBY,
Collector.(Signed) JAUNKEERAM,
Naib Sheristadar.

(True Copy.)

(Signed) VARDACHARRY,
Dy. Collector.

TRANSLATION FROM TAMIL.

No. 430.

TO

KASAVALOO NAIDOO, *Tahsildar of Trivady.*

The Engineer of the 5th Division has written in this month that there is a dam to be built to irrigate the Paloor and Palavarayanuthum from the Trivady annicut channel and that he has sent in a letter to Lieutenant Moberly on the subject. As soon as you get this order you should write, without any delay, an Urzee to Lieutenant Moberly and get a list of the materials required for the erection of the said dam and get them ready on the spot without any delay and do the work according to the order of the above gentleman. As soon as you get the list of the materials, if you report for the funds required, orders will be issued to meet it. You should send a copy of the list of materials to the Huzur.

1855 April 9th *Munnargoody.*(Signed) A. HALL,
Collector.

True Copy.

(Signed) VARDACHARRY,
Dy. Collector.

TRANSLATION FROM TAMIL.

To KASAVALOO NAIDOO, *Tahsildar of Trivady.* No. 430.

Your Urzee, &c., of 20th Instant, No. 438, has come to hand. To procure the bricks &c. mentioned in the list of Lieutenant Moberly, the Assistant Civil Engineer, which was sent with his Takeed for the erection of the dam across the Paloor and Palavarayanuthum channel you have not only to take Rupees 50 from the collection as an advance under the head of ordinary work and secure sound materials; but you must also enter the above Rupees 50 in the remittance bill of this month. The Huzur Cash-keeper has been ordered to give you credit for it.

1865 April 23rd, *Munjacoopum.*

(Signed) A. HALL,
Collector.

(True Copy.)

(Signed) VARDACHARRY,
Dy. Collector.

TRANSLATION FROM TAMIL.

To KASAVALOO NAIDOO, *Tahsildar.* No. 44.

I learn that the villagers under the irrigation of Trivady annicut formerly used to pay Rs. 2 in the hands of Tahsildar, for every 100 cawnies, and from that fund cleaning &c. of the channel have been done. Whether the ryots now pay accordingly and the funds are appropriated for the cleaning or not? If not, from what time and for what reason have they stopped this payment which they used to make. Not only you have to explain this, but you must also inform me, what the ryots say to pay at 2 Rs. every 100 cawnies, in order to clean the channel as they may get their supply freely.

1855 July 26th, *Munjacoopum.*

(Signed) A. HALL,
Collector.

True Copy.

(Signed) VARDACHARRY,
Deputy Collector.

TRANSLATION FROM TAMIL.

To KASAVALOO NAIDOO, *Tahsildar of Trivady.* No. 426.

On the 12th of last month the Civil Engineer writes to say, that the water flowing over the Masonry dam built for the purpose of irrigating Paloor, wet lands, is not enough for the purpose; and that, therefore, 3 inches should be taken off for the present on the dam. Therefore you must in person repair to the spot where the dam is erected and reduce the dam exactly 3 inches and put it up again by chunam in proper order and report me to about it, and of the little expense attending the work you will render me on account with year report. Besides you have to measure every day the water that flows in the main channel, at the place where the dam is built and keep an account shewing there was so many feet and so many inches of water and inform it to the Engineer.

1856 February 7th, *Munjacoopum.*

(Signed) A. HALL,
True Copy. (Signed) VARDACHARRY.

TRANSLATION FROM TAMIL.

To KASAVALOO NAIDOO, *Tahsildar of Trivady.* No. 491.

The other villagers under the annicut channel complain that the Paloor villagers are still carrying away the water from the Trivady annicut channel. If they carry away the water contrary to the restrictions mentioned in my former instruction that the Paloor villagers should not carry water after the month of February, why don't you take proper care about it. I learn

from the report of Venkatachella Iyer, the head Sumprathy, who, on my instructions, inspected the Main channel &c. that since a few days, no water at all flowing into the Paloor channel. You have to inform the truth of this. Besides, although you have remitted to the Treasury the balance of the money which was collected according to my order, for the purpose of cleaning the channel, yet you have to clean the weeds &c., and report me with an account of the cost.

1856 March 5th *Vilupooram.*

(Signed) A. HALL,
Collector.

(True Copy.)

(Signed) VARDACHARRY.

TRANSLATION FROM TAMIL TAKEED.

No. 297.

FROM THE COLLECTOR OF SOUTH ARCOT,
To THE THASILDAR OF TRIVADY.

Your Urzee No. 211, dated 9th instant has duly reached me.

Mr. Pugh has not only informed me that the Paloor and Pullavarayanuthum ryots are carrying water to their lands after the month of February contrary to the orders issued on the subject, but it also appears from the enclosures of your Urzee that Mr. Pugh's people have requested you on the 1st March (instant) to prevent the water from flowing into the channel in question.

On an inspection of the records it appears from a Takeed issued by Mr. Hall to you under date 7th March 1856 in No. 497, that in reference to his former orders, he has prohibited you, under any circumstances, to allow water to the above villagers after the month of February. Mr. Ratliff, the late Acting Collector has also issued another, on the same subject on the 14th February 1859, No. 353, founded upon those of Mr. Hall. In the above order it was further mentioned that should the District Engineer require you to allow water to the above ryots, you are to inform him of the above orders and request him to communicate to the Huzur on the subject.

In the face of these plain and strict orders you have allowed water up to the 9th instant and only then referred the matter to the Huzur. Your plea that the District Engineer has given you an order against preventing the water flowing in the channel is not at all admissible. The course you should have adopted on such an occasion is clearly mentioned in the above order No. 353. I received no communication whatever hitherto from the District Engineer regarding the matter. Having thus acted yourself contrary to the former orders issued to you, you are fined 2 Rupees, which you should deduct from your current month's pay. You are further enjoined to act forthwith agreeably to the orders of Mr. Hall, dated 7th March 1856, and report to the Huzur after you have done so.

Munjacoopum, 15th March, 1860.

(Signed) H. WOOD,
Collector.

TRANSLATION FROM TAMIL.

No. 353.

To TOLASINGA MOODELLIAR, *Tahsildar of Trivady.*

Your Urzee No. 327 of this month has come to hand. Instead of attending the order given you to stop the water from flowing into Paloor channel. It is not proper at all to write to me that Engineer has ordered you to allow the water. As soon as you get this order, you should prevent the water from flowing into the above channel by throwing a band across. If Engineer orders you again to give the water you should inform him the contents of this order, and tell him that if he has any objections on this, he should inform it to me direct.

1859 April 16th, *Tindivanam.*

(Signed) RATLIFF,
Acting Collector.

(True Copy.)

(Signed) VARDACHARRY,
Deputy Collector.

Extract from the Takeed Volume No. 3 of Fusly 1265, Trivady Taluq, Translation from Tamil.
Order No. 479.

Has not a separate order been issued this day in reply to your Urzee of the 6th Instant, No. 459. In reference to my order of November 6th 1864, that water may be allowed to Paloor till the end of February, and after then that water should not be allowed, you say you could not carry it out because the officers of the Engineer Department, by way of providing water for Paloor have inspected, erected the dam &c. and made arrangements; but you have no reason whatever to presume either from my order or from the dam raised by the Engineer that it has been arranged to supply water for the Paloor after February. Therefore in pursuance of my instructions, you shall not on any account allow water for the said village after the month of February. In accordance to my orders you must clean out the weeds &c. in the channel expeditiously from the head Sluice to the end, and on your submitting the list of the cost incurred each day money will be remitted.

Post Script.—As regards the cleaning out of the weeds &c. in the said channel, the money you may expend should not exceed, Rs. 81-8-8 which you have remitted to February.
1856 March 7th, Chillalingmadam Camp.

As the Tahsildar reported that the original Takeed is not found in his records this Extract is given from the copy of the Takeed in the Huzur record.

(Signed) P. VARADACHARRY,
Deputy Collector.

TRANSLATION FROM TAMIL.

FROM

C. W. READE, Esq.,
Collector of South Arcot.

No. 281.

To

DAVANAYAGA NAIDOO,
Sub-Magistrate of Trivady.

On the 26th March last I and the Engineer of the District, Captain Foord, inspected the Sluice which supplied water to Paloor and Palavarayanuthum villages dependent on the Main channel of the Trivady annicut. We were then satisfied to find that the water supply of the annicut was quite sufficient to feed all the lands belonging to all the ryots in the above 2 villages in addition to the 18 villages on the north. Agreeably to that opinion I removed the insecure or temporary mud dam which was built by the above 18 villages, and with the view that the first said 2 villages may have their supply regularly ordered, that water should be allowed to flow over the regulating dam originally built. Besides it was my intention that the above 2 villages might be allowed just as much water as will be truly requisite to prevent the crop which they had on land at the time from being injured, provided that such a step did not prove prejudicial to the rights and benefits of the 18 villagers who are the proper parties to enjoy the water. In pursuance of my instructions in order to ascertain what quantity of water would be really required for that purpose, the Sub Magistrate accompanied by the Monigars and Curnums inspected the lands of Paloor &c. villages on the evening of the 26th, and reported that it will suffice in order to meet the end in question to allow them water for every alternate 10 days until the ensuing May. To allow them water accordingly I repaired to the spot in person and on enquiring on the subject of the leading men of the 18 villages I was satisfied that the above 18 villagers were of opinion that to allow water to the Paloor &c. villagers will be only tantamount to throwing it away and they also alleged in strong terms that they would sustain a loss by allowing water to the Paloor ryots. But although it may be admitted that it is necessary to allow the Paloor villagers a little water to prevent them sustaining any loss, still they gave me to understand that the loss which will be entailed upon them in consequence of letting the Paloor villagers have the water will be greater than what the latter will sustain by withholding it from them. By removing the mud dam there was less than an inch diminution of water in the Main channel and that result was scarcely appreciable while at the same time the level and the extent of the water remained the same as they were when the dam was removed. It happened that on the 31st of the month I had to repair to the spot in order to inspect some of

the land dependent on the branch channel running close to Mr. Pugh's Sugar Factory. Then I came to understand satisfactorily both by personal inspection and by enquiries on the matter that in the said 18 villages none of the lands sustained any damage; and it is also acknowledged by the parties themselves that this part of the affair is quite correct. In all the branch channels there was not only a full flow of water, but some of them actually overflowed. Hence it is very surprising to find that water overflowed and went to waste contrary to their previous statement that it would be insufficient for them. Although it is known that on whichever lands or wherever there were branch channels of the annicut there existed small springs, still the water continued to flow on the lands and in the channels which did not require it. While I was at Nelli-coopum, I came to understand that the Paloor ryots, learning beforehand that I was about to visit the place, allowed their large supply of water to run to waste through the Sluice, the previous night in order to impress upon me that they had not a sufficient supply. The Nelli-coopum villagers who suspected that the Paloor villagers would play such tricks placed men to watch them and reported the fact to me. I sent the Sub-Magistrate over there together with the village servants and one of Mr. Pugh's officials in order to ascertain and report whether they the Paloor ryots did let out water to waste or not. Accordingly he the Sub-Magistrate submitted to me on the evening of the 31st March his report together with the papers connected with his enquiry on the case and the Mazernamah. By this report it is distinctly established that agreeably to the charge laid against the Paloor people either they or some others who were instigated by them, did in truth let out the water, that even at the time the report was being gone through the water was running to waste, by shutting out the water then there was a sufficient supply to feed for 20 or 25 days all the lands of the said 2 villages, (Paloor and Palavarayanuthum), that all the lands had received a full supply and been in a healthy state, and because there was more than enough of water they undertook to raise a second crop on 2½ Cawnies of Nunjah land.

It has always been my object to establish justice in the case of this water dispute from its very commencement; and it is not my intention to see that the rights of proper parties should suffer in any way in consequence of the pretensions that may be preferred by any one through selfish motives. It is my opinion in the event of there being a sufficient supply for all, that each should have according to his turn, his proportionate quantity required for the maturing of his crop. It is impossible to come to a decision that water can be used up to a certain limited date.

The weather is uncertain. In one year there may be rain at a certain season and in another year it may change to another season. Therefore prior to February it is possible that there may be an abundant supply of water to answer for Paloor &c., together with the 18 villages. This circumstance has been proved by the previous years. Contrary to the principle defined here that the Paloor villagers should have water only until the end of February they have had it up to the end of March and even in April in every year. The District Engineer is fully of opinion that in ordinary times there will be a sufficient supply of water to answer for 20 villages and that it would be impossible to fix a time according to which they (the Paloor people) may appropriate the water. In future in making the arrangement for the appropriation of water in each year, the right that each party may have will be duly considered. There is not the slightest doubt that the 18 villagers have the priority of right. At all times when the 18 villagers have a sufficient supply of water it is then only that the above mentioned 2 villagers can enjoy any. Practically when there is a sufficient and overabundant supply, the District Engineer has it in contemplation to devise a scheme how to apportion the water between the two parties. The District Engineer has been furnished with the particulars of the land of each of the 20 villages dependent on the annicut, in order that he may with ease do justice to the claims of each party and that they may have their requisite supply of water, when there is sufficient water for all it will be decided what portion should be allotted to the Paloor and Palavarayanuthum villagers. But in the mean time it happens that orders should be issued consistent with the present exigency.

The Paloor ryots in consequence of their conduct as reported by the Sub Magistrate have disqualified themselves for the favorable consideration entertained in respect to their claims. They are now in the enjoyment of more water than they were used to do; but though it is an essential point to maintain the rights of the others, yet the Collector finally informed the Paloor ryots that their interests will be duly guarded, and in conformity with this notwithstanding that

the water has been allowed to them in order that their crops may not perish, the Paloor ryots have not been satisfied. Besides they were up to deceitful practices so as to impress upon the mind of the Collector wrong ideas contrary to fact and that it may appear to the Collector that they were in need of more water than what they were in enjoyment. They have in reality not only let the water go to waste but they have also used it for rearing a second crop while they are entitled to use it only for the first. This conduct of theirs (the Paloor people) cannot but be considered as bad and therefore such misconduct may render them unworthy of any favorable consideration.

Under these circumstances the Collector has issued orders that as before the earth dam may be built over the existing brick dam, and that the Paloor ryots should not this year receive any supply of water; but if it is proved to the satisfaction of the Collector that a little supply would be necessary for maturing the crop now on the ground they may perhaps have a small supply in consequence of their having wasted away the water. Even then they will be allowed to have any water only after mature consideration that such a course will not affect the interests of the 18 villagers. If an account of the conduct of the Paloor people any loss should result, it should be borne by them alone, and in that case not the slightest consideration will be shown towards them.

These orders should be carried out immediately.

Camp Perambay, 5th April 1862.

(Signed) C. W. READE, Collector.

TRANSLATION FROM TAMIL.

To

SUBBA ROW, Tahsildar of Trivady.

No. 234.

Is it not that strict orders have been sent to you to prevent wet cultivation by the Paloor villagers by means of the annicut channel of Trivady I hear now that those villagers continue such cultivation you must, therefore, not only go to that village and stop the said cultivation as soon as you see this Takeed; but also, should they have cultivated contrary to such strict orders, you should caution the Pallamanigars and other ryots all, tell them that they will be severely punished, and you should also carefully see that these orders are obeyed.

14th November 1857, Munjacoopum.

Further you are to prevent any water from flowing to the lands of those who have cultivated against the orders.

(Signed) A. HALL, Collector.

True Copy.

Signed VARDACHARRY, Dy. Collector.

TRANSLATION FROM TAMIL.

Small Cause Court of Cuddalore, under Principal Suder Ameen.

Number.	Plaintiff.	Defendants.	Document.
No. 43 of 1866.	Lutchmana Reddy and 18 others. Janakeeram Puntloo, Vakeel.	Engineer Mr. Harrington and 8 others.	This was given to the Vakeel of the Plaintiffs in order to produce the Diary of Lieutenant Wilkieson, the Engineer of 5th Division, as per order the Board dated 23rd October 1854, and his report to Major Bell, the Secretary to the Board about it.

Should be produced within the 12th February of the current year.

(Signed) VARDARAJOOLOO NAIDOO, H. C.

31st January, 1867.

(Signed) W. S. WHITESIDE,

Ag. P. S. A.

TRANSLATION FROM TAMIL.

To

COLONEL FOORD,

Engineer South Arcot.

The humble Petition of Lutchmana Reddy of Kulputtambakum.

As I particularly require the undermentioned documents in the Principal Sadr Ameen's Court file No. 43 of 1866, I enclose herein the certificate granted by the Court, and request to order to give me the extracts of undermentioned documents in stamp paper.

DOCUMENTS.

A diary of Lieutenant Wilkieson the Engineer 5th Division as per order of the Board, dated 23rd October 1854, regarding the Trivady annicut.

A report of Lieutenant Wilkieson to the address of Mr. Bell, the Secretary to the Board, dated 2nd February 1855; about the above subject Total 2.

9th March 1867.

(Signed) LUTCHMANA REDDY,

Returned to the Petitioners with an intimation that the superintending Engineer cannot give Extract from any records in his office on the mere application of a ryot.

(Signed) E. A. FOORD, LIEUT.-COL. R. E.

Superintending Engineer 5th Division.

Supt. Engs. Office, Cuddalore 22nd March, 1867.

Filed on the 10th August 1867.

(Signed) KRISTNASAWMY.

Ag. P. Sadr. Ameen.

No 109.

FROM

G. N. TAYLOR ESQUIRE.

Acting Collector of South Arcot.

To

A. F. BROWN ESQUIRE,
Cuddalore.

SIR,

In reply to your letter of the 6th Instant, I have the honor to state that previous to its receipt intimation was given to me that the ryots of Paloor had cultivated some lands since January contrary to Mr. Hall's order although not for a second crop. That order which had reference however to an ordinary year, has been repeated, and strict injunctions have been issued to prevent in future such late cultivation, but under the peculiarly unfavorable circumstances of the current year the Tahsildar has been instructed, as a special case to allow a small portion of water to Paloor for the standing crops and to stop it altogether when they are repeated, taking care to regulate the supply in a fair proportion between the interested parties.

As regards the settlement of this water dispute, in a permanent and satisfactory manner, the District Engineer has informed me that a project for carrying the surplus water of the Yellamodoo Tank (supplied from the Ponneaur) across the Trivady channel to Paloor, is in contemplation.

plation and when this work is executed, the Paloor Tank will be no longer dependent on the Trivady channel for its supply of water.

I have the honor to be,

Sir

Your Most Obedient Servant,

(Signed) G. N. TAYLOR,

Acting Collector.

Filed on the 10th August 67.

South Arcot C. Ct. Cutchery,
Trinamallay 9th March 1868.

(Signed) KISTNASAWMY,

Ag. P. S. Ameen.

FROM

LIEUTENANT C. V. WILKIESON,

No. 76.

To

Acting Civil Engineer 5th Division.

MAJOR J. H. BELL,

Secretary Board of Revenue D. P. W.

Camp Cuddalore 2nd February 1855.

Sir

Agreeably to extract of the proceedings of the Board of Revenue in the D. P. W. under date 23rd October 1854, I have the honor to report that I have visited the Trivady annicut and the Paloor Sluice, and the following is a statement of the case.

2. Formerly there existed a rough stone Calingula (annicut) at Trivady, just opposite the pagoda with a channel which watered some 18 villages, *about two miles below this there was a mud dam* near the village of Paloor, which was re-made every year, the channel from which dam watered lands occupied by ryots living at Paloor and Palavarayanuthum.

3. About 16 years ago a Sluice (with a channel) was made in the Trivady Rajavoykal banks for the purpose of giving an extra supply of water to the Paloor and Palavarayanuthum villages, but this Sluice does not appear to have been opened after the season following its constructions, until it was opened this year by Mr. Hall.

4. The rough stone calingula at Trivady was breached, and in 1848 a new masonry annicut was built about a mile below the old site, and only a mile above the Paloor dam. A new head Sluice and main channel were also made which joined the old Rajavoykal above the Paloor Sluice. The Paloor ryots since the masonry dam was built, have not thought it worth while to build up their mud dam but trusted to water coming in their channel from freshes, as well as the surplus water from the certain villages laying above Paloor.

5. The 18 villages under the Trivady channel have been increasing their cultivation with the increase of water by the masonry dam so much so, that except in good seasons there would not be sufficient water for the large sugar cultivation carried on. The Paloor people have nearly I believe, made complaint about the want of water, but have never succeeded in having a share of it until this year. Mr. Hall opened the Sluice for their first crop of Rice but with an order to close it again the end of January.

6. It would be as well to observe the 18 villages grow chiefly sugar for MESSRS. PARRY AND Co., and Mr. Norfor's Factories, whereas the Paloor people only grow Rice. The number of months and the supply of water which Sugar requires is well known to the Board.

7. The advantages to the 18 villages under the Trivady annicut and the disadvantages to Paloor and Pallavarayanuthum villages by the building of the masonry annicut at Trivady can be seen from the following Statements.

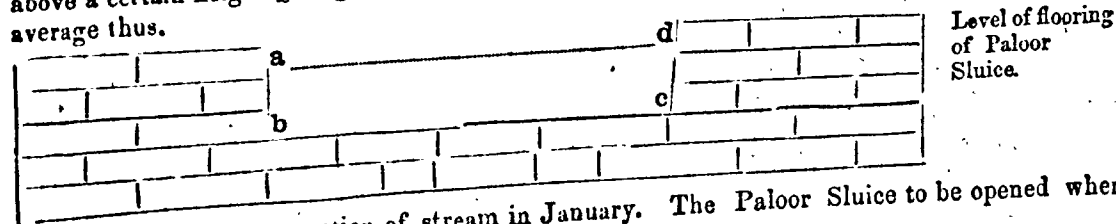
18 Villages Settlement.

Fusly	1,255	20,024	0	0
"	1,256	24,714	0	0
"	1,257 Annicut built	18,545	0	0
"	1,258	19,163	14	11
"	1,259	19,774	15	1
"	1,260	26,911	9	9
"	1,261	25,740	0	6
"	1,262	24,383	5	3

2 Villages Settlement.

Fusly	1,255	3,477	8	8
"	1,256	5,386	11	2
"	1,257 Annicut built	2,472	1	10
"	1,258	1,022	7	10
"	1,259	739	14	0
"	1,260	2,360	3	0
"	1,261	3,689	8	1
"	1,262	2,378	10	3

8. I hardly think as the Paloor People have not used this Sluice for 16 years that it would be fair to let them now take a share to the detriment of the sugar cultivation which has been increasing on the strength of getting a better supply of water by the construction of this annicut. What I propose is that a masonry regulating wall be built across the channel near the Paloor Sluice, and the Paloor Sluice be only opened when the water rises in the channel above a certain height giving the 18 villages a section of the water equivalent to a fair Janaury average thus.



a. b. c. d. fair average section of stream in January. The Paloor Sluice to be opened when water rises above a. d.

9. By this means the Paloor people would get a fair share of any water over and above the quantity now required for the 18 villages and would always have water down the channel for the first crop rice.

10. I hope however when the new Mullitaur channel is opened to find such an increase of water in the Guddelem, as to enable me to propose an enlargement of the Main channel and great improvements in the whole irrigation under the Trivady annicut, when the calls of the Paloor as well as several other villages, ryots who require improvements and more water, will be attended to.

11. The Ponneaur has been so little watched, and so little is in consequence known of the seasons of the freshes and the quantity of water that comes down this river that it would be premature for me at present to enter into the detail of the improvements required to the Trivady annicut.

I have, &c.,

(Signed) C. WILKIESON,

Acting Civil Engineer, 5th Division.

Cuddalore, 2nd February 1855.

(True Copy)

(Signed) A. HALL,
Collector.

Filed on the 10th August 1867.

(Signed) KRISTNASAWMY,

Ag. P. S. A.

(True Copy.)

(Signed) KRISTNASAWMY,

Ag. P. S. A.

MOOTOOSAWMY MOODELLY,

DEAR SIR,

2-7-64.

This letter was refused as evidence by the Court as Mr. Reade did not write the word "Collector" after his name.

I had fully prepared to meet you out at Puttambakum as we have mutually agreed on Friday (Yesterday) the 1st, but my unfortunate accident on the previous evening which has for the present quite disabled me, prevented my journey. Mr. Harrington, the Engineer has also to have accompanied me. In a few days I shall still hope to go out in view to a settlement with the ryots of the arrangements for the future clearing of the main and branch channels and to determine the rights of the Paloor ryots. From yesterday the latter have the water by right and I find that the extra days given by me have in no way whatever been injurious to other interests, nor could my orders have had such effect as I was well assured to my knowledge of the quantity of water passing down the main channel and the extent of cane cultivation dependent on it. The ryots were not privileged to have the water for any thing but the cane not for the paddy in haste. I will of course endorse on the last Petition as soon as I am able.

Yours faithfully,

(Signed) C. W. READE,

TRANSLATION FROM TAMIL

No. 213.

To

SOOBA ROW,

Tahsildar of Trivady.

When I ordered to allow water from the Main channel of the annicut for the irrigation to Paloor and Palavarayanuthum wet lands, it was not intended to allow water to the above two villages. If they go on with their cultivation later this Fusly so that there may be a diminution of water for the cane cultivation which they have to begin in the month of Thy in the villages under the annicut channel. As soon as you get this order you should put off the further cultivation for this Fusly, because there will be a deficiency of water for the cane cultivation, if the Nunjah is cultivated. In these 2 villages how many cawnies are cultivated up to this date, of which how many cawnies are cultivated since the date of my order, and in the total number of cawnies cultivated, how many cawnies are under the Tank of these villages, how many cawnies are under the old mud dam channel and how many cawnies under the new channel for which I have given order now are cultivated. You have to inform in reference to each village; you have also to give them strict order that they should not make further cultivation although they had the lands under preparation.

1854 November 6th, Munjacoopum.

(Signed) A. HALL,

Collector.

(True Copy.)

(Signed) STREEBALIAH,

Officer in charge of Treasury.

In the Court of the Principal Sadr Mueen, South Arcot.

IN O. S. No. 43 OF 1866, WHEREIN

Plaintiffs.

1. Lutchumana Reddy residing at Kulpatambakum attached to the Cuddalore Talook.
2. Linga Reddy, residing at Mooliknampet
3. Kuppu Reddy, residing at Puttambakum
4. Linga Reddy, of Kulpathy,
5. Singiri Muttusawmy Moodelliar, ryot of Mailpathy residing at Vilvarayanuthum.
6. Subba Reddy of Cithanoor.
7. Vengeta Rama Reddy of Ummanamcovil.
8. Moothoolinga Reddy of Kul Arooncooanum.
9. Balakrishna Reddy residing at Vydipakum.
10. Subba Reddy residing at Sitharasoar.
11. Davanayaga Reddy residing at Koolithangy.
12. Appavoo Pillay residing at Valapett.
13. Vingita Rama Reddy residing at Vanbakum.
14. Muthusawmy Ninar of Solavalay.
15. Streenevassa Reddy of the Vythy Reddy residing at Nellikoopum.
16. Streenevassa Reddy residing at Vellapaukum.
17. Purushothama Reddy residing at Karamanicoopum.
18. Davanayaga Pillay son of Vengetaraya Pillay residing at Koonamungalum.

Defendants.

AND

1. Harrington, Esqr. Executive Engineer First Range South Arcot residing at Munjacoopum attached to the Cuddalore Talook.
2. Colonel Foord, Superintending Engineer residing at Munjacoopum, but now absent at Bangalore.
3. C. W. Reade, Esqr., Collector of South Arcot.
4. S. Vengetarayer Manium of Paloor, attached to the Cuddalore Talook.
5. Gopaula Iyer another Manium of Paloor.
6. Agharum Vengitarama Reddy another Manium of the said Village.
7. Narasa Reddy ryot of the said village residing at Sannasipet.
8. Subba Reddy residing at Palavarayanuthum, Attached to the said Talook.

Cultivators by profession Plaintiffs.

Employment Defendants.

Cultivators by profession Defendants.

Written Statement of the case of the 2nd and 3rd defendants.

I. The defendants deny the case put forward by the plaintiffs in their plaint except in such respects as any part of such case is expressly admitted in this statement, and they put the Plaintiffs to the proof of their whole case except as to such parts as are so admitted.

II. The Defendants say the River Guddelum is now and from time immemorial has been a public river in which the tides and waters of the sea have from time immemorial flowed and reflowed, and is a prerogative appertaining to Her Majesty.

III. The Defendants further say that the Trivady annicut Main Channel through which the water flows that irrigates the Plaintiffs land is an artificial channel made by, and at the expense of Government.

IV. The Defendants further say that the Plaintiffs have no prescriptive right to the whole and sole use and appropriation of the water flowing in the said river Guddelum or into the Trivady annicut Main channel, lands belonging to the villages of Paloor, Palavarayanuthum and other villages above and below the village of Trivady lie on either side of the said river.

V. The Defendants say that in the year 1837 Captain H. C. Cotton the then Civil Engineer of the Division recommended that a Masonry dam or annicut should be built across the river Guddelum near Trivady to supersede the mud dams which had theretofore been annually constructed in the river for the purpose of facilitating the irrigation of the lands of what are known as the eighteen villages and which belong to the Plaintiffs and others and the lands of Paloor and Palavarayanuthum. This recommendation was adopted by Government.

VI. Captain Cotton's diary shows unmistakably that it was his intention that the lands of Paloor as well as the lands of the 18 villages should be benefited by the annicut, and these Defendants say that the large increase of revenue to be derived from Paloor had a great deal to do with the sanction accorded by the Board of Revenue and Government to the Estimate for the annicut.

VII. In furtherance of the proposal so made by Captain Cotton an annicut was built across the river Guddelum, a channel was also cut to connect the Paloor channel with the Trivady channel, and a Sluice built in the cut to regulate the supply. These works were executed about the year 1839 and at the expense of Government.

VIII. Soon after its erection the annicut mentioned in para VII was breached and rendered useless, but while it stood the Sluice also mentioned in that para was not made use of by the Paloor Ryots as they preferred getting an independent supply of water from the river by constructing a mud dam as before.

IX. After the annicut was breached and in or about the year 1848, a second annicut (the present Trivady annicut) was built but lower down the river, and so near to the Paloor dam that the ryots of Paloor gave up the construction of the dam and applied for the share of the water to which they claim to be entitled and which was promised them when the first annicut was built. The claim of the Paloor Ryots has always been resisted by the ryots of the 18 villages, and hence various schemes have been proposed for giving a share of the water to Paloor from the Trivady Main channel.

X. For this purpose a dam was constructed across the head of the Paloor channel in 1854, by the Civil Engineer and it was intended that when the water in the main channel rose above the top of this dam the surplus water should flow to Paloor.

XI. It was then thought, that a sufficient supply of water would thus be obtained by the Ryots of the Paloor village and that the dispute between the ryots of Paloor and the ryots of the eighteen villages would come to an end.

XII. The dam, however, has proved to be useless consequent on seasons being irregular and the quantity of water in the river being subject to great fluctuations. It has therefore happened that at the proper time for commencing the cultivation no water was flowing over the dam, and again just before the crops arrived at maturity the water had ceased to flow over the dam.

XIII. The defendants say that the proper way to regulate the supply is by means of Sluice built for that very purpose by Captain H. C. Cotton the designer of the first Trivady annicut and that if this Sluice is used the supply of water to the eighteen villages will not be diminished but the present clumsy and insufficient method will be superseded by one that is simple and efficient and the supply to Paloor may be regulated to such quantities as they are fairly entitled to by means of the shutters with which the Sluices are provided.

XIV. These defendants have no personal interest in the matter in dispute they are merely acting as servants of Government in good faith to do, to the best of judgment, what is fair and just at all the parties who are interested and who are in reality the contentious parties to the suit, and they disclaim any intention or wish to bring the land of one village under cultivation by throwing out of cultivation the land of any other village.

XV. These Defendants submit to the Judgement of the Court that in the present instance no real cause of grievance exists.

XVI. For the contents of the documents which the Plaintiffs in their plaint mention these Defendants crave leave to refer thereto if, and when the same shall be produced to this Honorable Court.

XVII. And they pray the suit may be dismissed as against them and 1st Defendants for whom they are responsible with costs.

(Signed) C. W. READE,

3rd Defendant Collector South Arcot.

(Signed) Colonel E. A. FOORD, R. E.

Superintending Engineer, 5th Division.

Filed on the 23rd March 1867.

(Signed) T. KRISTNASAWMY,

Acting Principal Sadr Ameen.

TO THE PRINCIPAL SADR AMEEN,

Cuddalore.

In the original Suit No. 43 of 1866, the 4th 5th 6th 7th & 8th Defendants present a Statement under Section 120 of Act VIII of 1859.

VAKEEL SOORHA ROW.

1. The Plaintiffs in the Suit have no cause of action. Therefore the Suit should be dismissed.
2. In order to determine finally the Suit relating to the dam in dispute, all the parties interested are not included either as Plaintiffs or Defendants. Therefore there is a deficiency of the parties. In the Villages of Paloor and Palavarayanuthum there are about 400 Puttah holders who have a common and equal interest in the Suit which is not in keeping with Law.
3. When in the case of an irrigation, the Collector and Superintending Engineer, who are vested with full power, pass an order, the Plaintiffs have no claim nor a just cause of action for getting that order reversed by the interference of a Civil Court.
4. The value mentioned, by the Plaintiffs to the water in dispute is not correct. The Plaintiffs state that the value is Rs 5,000 which being Kasur Assessment on 1,000 Cawnies of Lands in the 18 Villages belonging to the Plaintiffs &c. It will be proper to affix the value in reference to the Kasur

Jama paid to Government in the two villages of the Defendants when wet cultivation is raised in dry lands using the water of the two branch channels under the annicut. In the villages of the Defendants the Kasur Jama per year amounts to about Rupees 500.

5. The spring water supplied by the Trivady annicut does not belong exclusively to the Plaintiffs 18 villages. One fifth of that water has by right been enjoyed by the defendants for the irrigation of their two villages Paloor and Palavarayanuthum.

6. Water was conveyed by means of the Sluice built on the branch channel connecting itself with the Rajavoykal which takes its rise from the brick dam built opposite to the Trivady Temple as stated in the 2nd para of the plaint.

7. The said dam having been breached another was constructed for use of the 20 villages viz. the Plaintiffs 18 villages and the Defendants 2 Villages Paloor and Palavarayanuthum at a distance of 400 yards to the east of the Plaintiffs former mud dam just where the Defendants had their spring in the river which consequently was brought under the 2nd annicut and a channel was cut from the said dam and was connected with the former channel. In this manner the defendants the two villagers have a right for one fifth share of water.

8. If the 4th, 5th, 7th, and 8th, defendants constructed the usual mud dam which was there fourth of a mile distant from the present dam it will hold water to about one yard in height. To prevent this they ceased to construct the mud dams, obtained arrangement for a supply of one fifth share of water under the present annicut and the water was thus allowed and being enjoyed by the defendants.

9. Since the construction of this annicut, to the villagers of the 4th, 5th, 7th, and 8th, defendants, Government discontinued to pay the annual annicut allowance of Rs. 400 and in this way, from that time to this there has been a saving of 4,000 Rs. to Government.

10. In 1854, Mr. Wilkieson, built the regulating dam in the main channel of the defendants agreeably to the wishes of Mr. Pugh, Manager of Messrs. PARRY AND CO. By making this experiment and by the fluctuation of seasons, from that time to this there has been much loss entailing on the defendants from deficiency of water. The 2nd and 3rd defendants who are well aware of this, in view to distribute the water uniformly and to let the defendants have one fifth supply of water as formerly arranged have passed just orders for the removal of the dam in question.

11. Beginning from 1854, to this date, there has been a loss to Government of 6,000 Rupees in the defendants 2 villages at the rate of five hundred Rupees per year owing to deficiency of water.

12. The river Guddelum is a property of Government and they have perfect authority to use the water under annicut built across the said river.

13. The Channel in dispute was cut at the expense of Government. In this the Plaintiffs 18 villagers have no right whatever and it belongs entirely to Government. Therefore the defendants pray that the Plaintiffs suit be dismissed and that the defendants cost be paid by them. We Venkatarayar Gopala Kristna Ayer, Narasa Reddy and Subba Reddy &c. say that what is stated in this is true to the best of our knowledge.

(Signed) VENKATARAYAR,

(Signed) GOPALKRISHNA AYER,

(Signed) SOORBA REDDY,

(Signed) NARASA REDDY,

15th March, 1867.

TRANSLATION FROM TAMIL.

No. 220.

To THE TAHSILDAR OF TRIVADY.

I have seen your Urzee of 16th Inst. No. 249, and the Urzee of Booginga Row, Huzur Gumastah bearing the same date and consulted with the Engineer. As it is prevented by the Circular to erect the Paloor mud dam in order to erect the masonry dam for the 18 Villages of Keelpatambankum &c, it seems, proper to allow sufficient water to raise the 2nd crop in the 2nd crop lands and doubtful 2nd crop lands which are heavily assessed. There is no reason to allow water to raise the 2nd crop in the 1st crop lands. But I find from the account you submitted that they cultivated 2nd crop in 15 11-32 cawnies of 1st crop lands. If they would leave 15 and odd cawnies of 2nd crop and doubtful 2nd crop lands uncultivated, you should allow water to that 15 and odd cawnies of 1st crop lands, if they do not consent for this you ought not to give water for the 1st crop lands. This year it is absolutely necessary that you should see carefully to irrigate the Paloor and the other 18 Villages through the large channel. After the Paloor channel is repaired you should allow sufficient water through one arch of the Sluice to the cultivation

raised on the 2nd crop and doubtful 2nd crop lands as it may not exceed 1 and order the remainder to be utilized to the lands of the 18 Villages. As to much water may not flow vainly into the Paloor Lands you should keep the annicut Toaty at the Sluice and let the water carefully—Besides I learn that there are Enam Nunjah lands in the Paloor. You should not give them water except those of Toaty's and Talaya-ry's. In the distribution of the water you should pay your particular attention and see in person and take care not to cause complaint.

1848, February, Munjacoopum.

True Copy.

(Initiated) W. D. D.

(Signed) VARADACHARY,

Deputy Collector.

Filed on the 8th August 1867.

(Signed) KRISTNASAWMY, Ag. P. S. A.

TRANSLATION FROM TAMIL.

No. 224.

T₁

TRIVADY TAHSILDAR

Your Urzee of 22nd Instant No. 260 has come to hand. As there is no 2nd crop wet lands in the Palavarayanuthum you should not allow them water if they have raised 2nd crop cultivation. An order is sent to you on No. as regards giving water to Paloor Village. It cannot be ascertained at Huzur as to how much water can be given, but you should allow not more than $\frac{1}{2}$ of the water through one of the arches of the head Sluice just enough for the cultivation raised on the 2nd crop and doubtful 2nd crop lands at Paloor. If sometimes too much water flows in by keeping the arch always open, you should consult with the Engineer and shut up the arch for whatever time he may deem it proper and then after the time is over open it again and in this manner you must see the water distributed.

1848 February 25th Munjacoopum.

(True Copy) given on the 11th March 1867.

(Signed) VARADACHARY.

Deputy Collector.

Filed on the 8th August 1867.

(Signed) KRISTNASAWMY, Ag. P. S. A.

6. Marched to Chinnappah Neikernallu

6. Marched to Chinnappah Naikenpallium and Trivady examining the Guddelum river at the request of the Principal Collector with the view of investigating a subject passed by former Civil Engineers, but never finally determined and visit the construction of permanent anicuts in lieu of the temporary works annually constructed several times at a vast expense and still very imperfect in their effect.

Lieutenant Ludlow in July 1834 thoroughly examined and reported on the subject referring also to former Diaries and it appears to me unquestionable that the annicut he proposed to be constructed at Trivady for the supply of 18 Villages (imperfectly watered by the temporary dam there) and for the supply also of the 3 Villages under the next temporary dam at Paloor about one mile lower down the river, ought to be built if possible this year. The minor dam at the latter place is paid for by the Circar at about 253 Rs. per annum, which will be a direct saving and the upper dam is paid for by 18 Villages jointly at an expense of perhaps 600 Rupees per annum but the main advantage of the work will be the security of the present cultivation and the final extension of it over about 1000 Cawnies of waste land. The Revenue at present realized from the

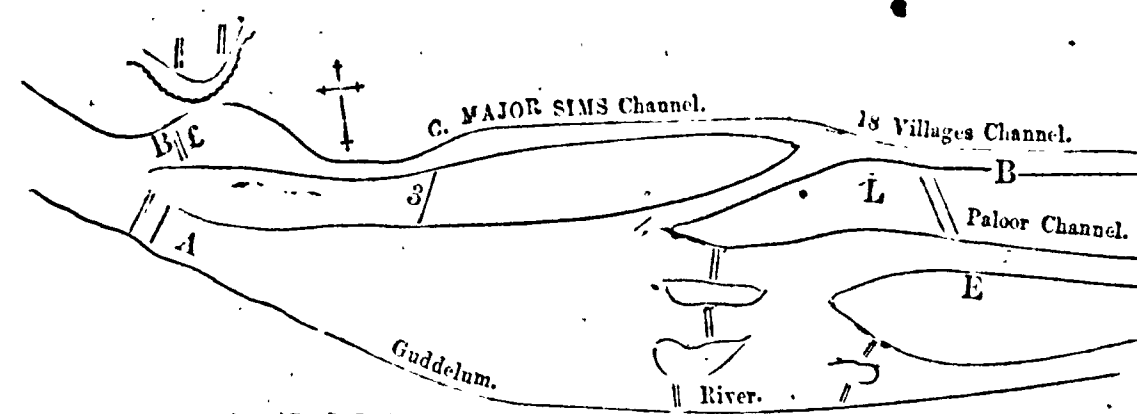
The Revenue at present realized from these 18 Villages averages 17,778 Rupees the full Teervah being Rupees 27-348. The revenue realized by the Villages under the Paloor dam averages 4,186 Rs. the full Teervah being Rupees 8,235 so that if the whole were properly supplied by a permanent annicut the annual increase of Revenue would be under the upper dam Rupees 27,555 and under the lower dam Rupees 27,555.

Lower dam	...	...	...	...	Rupees	...	9573
Annual cost of Lower dam	...	...	...	...	...	...	4049
					...	...	253

Total Rupees..... 13,875

And the inhabitants of the 18 villages would be benefited to the amount of 600 Rupees in addition. Of the above sum as far as I can ascertain, there would be within two or three years a sure increase of revenue to the amount of 5 or two Rupees per annum by the construction of a permanent annicut widening the head of the channel about a mile, making a cut from it into the Paloor channel constructing a head and surplus Sluice to the main channel and a small head Sluice to the new cut for the Paloor supply. I find that there is a ruined rampot faced with stone at Trivady only 160 yards from the spot where I would construct the annicut. Bricks can be made on the spot and chunam stone is to be had in abundance. I have made a sketch of the river noting where I think the several works should be constructed and will prepare plans and estimates for them.

Trivady.



A proposed Anicut (B. C. D. E.) Ds. channels F. 3 H. Head Sluice, 3 Surplus Sluice.
The third temporary anicut is about 6 miles long.

The third temporary annicut is about 6 miles lower down and supplies the lands of the Vanamala, Mittah and it will be necessary to provide water for those lands by opening under Sluices proposed to be constructed above as well as for the lands under the Trivandipooram annicut still lower down. The Mittahs of Vanamala request that a permanent annicut may be constructed at their expense in lieu of their present mud dam and would engage to pay for it by 3 or 4 annual instalments. This suggestion I will leave to the decision of the Principal Collector. I do not know what extent of land they have. I cannot therefore judge whether the river can afford them a sufficient supply for extending their cultivation as they would if they have waste land, but as all their surplus falls back into the river, their would be more loss to Government by the construction of an annicut for their present cultivation, and restrictions I suppose might be established in case it should be found necessary in order that the lands below Trivandipooram may not suffer loss to the advantage of the Mittahdar. The spot where the dam is situated would answer well for permanent annicut in one branch of the river and a Sluice of discharge in the other which it would be necessary to construct.

The Guddeelum river runs along the foot of a low range of Hills for many miles and is therefore supplied from springs nearly all the year and much more regularly than any other river in this part of the country. As I consider it necessary that the Trivady ament should be built, I will only note here that there is a channel branching from the Pennaur which carries water to the lands of Puttumbaukum and might be improved, but as the Pennaur is ill supplied itself, such improvement would be of very partial benefit and would by no means set aside the necessity of the proposed works.

It will however be still worth consid

It will however be still worth consideration and will be examined hereafter.

A true Extract.

(Signed) H. L. COTTON, CAPTAIN,
Acting Chief

Acting Civil Engineer 3rd Division.

KRISTNASAWMY, Ag. P. S. A.

(True Copy)

*Extract from the General Observation for the month of October 1852, by Captain T. Smyth, Civil Engineer,
Fifth Division.
Received 10th November, 1852. } South Arcot District.
B. Paloor Dam.*

The ryots are very urgent in demanding a more permanent work, but as I am of opinion that it is not so emergently required, I am anxious to investigate the state of the irrigation in this Delta prior to giving my recommendation. Some of the more distant lands under the channel appear to derive benefit from the Rajahvojakal. The Paloor Tank might also be supplied in like manner under the following restrictions.

In the original project, it was intended that the Paloor people should have a supply, and a channel and sluice were accordingly given; but owing to the complaints of the main body of ryots, this supply was at once denied them. The Trivady channel has no Tank to supply and during freshes more water flows down than there is occasion for, in fact it is absolutely injurious, at such times, therefore the Paloor head sluice should be opened for the supply of their Tank, and this should be granted at once, the Maistry Overseer having instructions to open it whenever there is ample supply. At such times, he should note the quantity over the annicut. It is evident that if a sufficiency of water could be brought into the Guddelum an annicut would be unnecessary.

Tindivanam,
10th November, 1852.

(Signed) T. SMYTH,
Civil Engineer 5th Division.

(True Copy)

KRISTNASAWMY.

Ag. P. S. A.

No. 866.

Extract from the Proceedings of the Board of Revenue in the Department of Public Works under date the 23rd October 1854.

Read again Petition from the Inhabitants of Paloor and Palavarayanuthum in the South Arcot District, dated 4th and recorded in consultation 21st November 1853.

Read Endorsement from the Collector of South Arcot (Here enter dated 12th October 1854) Ordered that the foregoing Endorsement be communicated to the Petitioners and that the Acting Civil Engineer Fifth Division be requested to report his opinion upon the measures proper to be taken in the case.

A true Extract.

(Signed) F. H. BELL,
Secy. Bd. of Reve. D. P. W.

Despd. 25th October, 1854.

To THE COLLECTOR OF SOUTH ARCOT.

(A true Copy.)

(Signed) KRISTNASAWMY,
Ag. P. S. A.

Extract from General Observations &c., made by Lieutenant C. A. Foord, Acting Civil Engineer 5th Division for the month of January 1855.

Trivady Annicut, and } Trivady Talook.
Paloor Channel.

There is a branch from the main channel of the above annicut, leading to Paloor and another village, while the main channel waters the lands of eighteen villages. There has been dispute for several years between the inhabitants of Paloor and those of the eighteen villages about the distribution of water. The Paloor ryots say that at the time the present annicut was built, it was settled they were to have one fifth and the other villages four fifths of the water. Masonry dams have been built across each channel the length of the one across the main channel between the wing walls is 20 feet and of the other 5, that is in the proportion 4 to 1, but there the floor of the dam across the Paloor branch channel is one foot nine inches higher than the other and when the water in the river diminishes, the Paloor channel gets none at all. It appears that during the existence of the old annicut the Ryots of Paloor were in the habit of building a temporary dam two miles lower down to turn the river water into their channel, but since the reconstruction of the annicut a mile below its original site, they have discontinued making the temporary dam.

What the Paloor Ryots want is the lowering of the dam across their channel six miles, in order to get a larger share of the water and to a later period in the year. This arrangement has of course been opposed by the ryots of the eighteen villages, both for the usual reasons that influence ryots in such cases, because their cultivation is really much more extensive and valuable, a great deal of it being sugar cane, and it does not appear that the water they now have is more than sufficient. As the water in the river constantly varies in quantity no alteration of the levels of the two dams can be made on theoretical principles and the safest way to proceed in this case will be experimentally.

In my letter to the Collector (who has written to me on the subject of this dispute) I have proposed lowering the Paloor dam three inches as an experiment. At the time of my visit the depth of water on the Paloor dam was three inches and on the other 2 feet, and water was then escaping over the annicut. The lowering of the dam will of course lessen the quantity of water going to the eighteen villages but this might be made up by raising the annicut slightly. I hope to see the annicut again very soon and will

then forward an estimate of the cost of raising it. But the other slight alterations might be made at once. Orders have been issued for lowering the Paloor dam as herein recommended.

(Signed) E. A. FOORD, LIEUTENANT,
Civil Engineers' office 5th Division Camp }
Cuddalore 14th February 1856. Ag. Civil Engineer 5th Division.

(True Copy)

(Signed) KRISTNASAWMY,
Ag. P. S. A.

No. 295.

Extract from the Proceedings of the Board of Revenue Department of Public Works under date the 29th March 1855.

Read the following letter from the Acting Civil Engineer, 5th Division.

Reports on the dispute being the 18 Villages under Trivady annicut and Paloor Village. (H. E. 2nd February 1855, No. 76.)

1. Letter to be } Ordered that the foregoing letter be forwarded to the Collector of South Arcot, with a request that the work proposed by the Civil Engineer may, if approved by himself, be constructed as ordinary.

2. Ordered to be communicated to the Collector of South Arcot, and Acting Civil Engineer, 5th Division.

(A True Extract.)

(Signed) J. H. BELL,
Secy. Bd. Reve., D. P. W.

To

THE COLLECTOR OF SOUTH ARCOT.

(True Copy.)

(Signed) KRISTNASAWMY,
Ag. P. S. A.

Extract from the List of Ordinary Estimates made by H. S. Vardon, Assistant Revenue Surveyor 5th Division, during the month of April 1855. Trivady Talook Paloor supplying Channel Branching off an earthen dam thrown across the Guddelum River in the limits of Paloor.

This channel is reported never to afford a proper supply of water. It is partly supplied from an earthen dam thrown across the Guddelum river, and by a branch from the Trivady Rajavoykal, the latter only affords water in seasons of High Freshes the letter at all times of necessity but from some ill disposition of the Trivady cultivators towards the Paloor Ryots. I am informed that they at present are not allowed the indulgence of receiving the water into their channel from the Trivady voykal. As this channel in my humble opinion, has no other means of being supplied with water than from the channel above alluded to, unless an annicut be allowed at the head which would be almost a useless outlay, I recommend that this channel be deepened from where the Trivady branch unites on to it, to where it divides itself, and just above this junction to have a small earthen dam thrown across the Paloor channel to prevent the escape of the water flowing down from Trivady Rajahvoykal back gain into the Guddelum river. The following provides for deepening the Bed as above mentioned and I recommend it for insertion in the list of

Ordinary Estimates for 1855 No. 1 deepening channel Bed, beginning from where the Trivady branch unites to it, $2,242 + 6 + \frac{1}{4} = 3,363$ clearing channel Bed Total 6 yards 3,363 Earth work.

At 8 Pies per 6 yards	140	2	0
Raising a dam where the Trivady channel unites	140	2	0
And Sundry charges	20	0	0

Amount of Estimate .. 160 2 0

(Signed) H. S. VARDON,

Asst. Revenue Surveyor 5th Division

South Arcot District, Cuddalore Talook, }
Camp Vanoor, 1st May 1855. } recommended.
21st August 1855.

Orders have been given for the execution of the works herein

(Signed) C. V. WILKIESON, LIEUTENANT,
Ag. Civil Engineer, 5th Division.

(True Copy)

(Signed) KRISTNASAWMY,
Ag. Principal Sadr Ameen.

FROM

LIEUTENANT C. V. WILKIESON, *Ag. Civil Engineer, 5th Division.*

To

MAJOR J. H. BELL, *Secretary Board of Revenue, D. P. W.,**Camp Cuddalore, 2nd February 1855.*

SIR,

Agreeably to Extract of the proceedings of the Board of Revenue in the D. P. W. under date 23rd October 1854, I have the honor to report that I have visited the Trivady annicut and the Paloor Sluice, &c. the following is a statement of the case.

2. Formerly there existed a rough stone Calingula (annicut) at Trivady just opposite the Pagoda with a channel which watered some 18 Villages about two miles below this there was a mud dam near the Village of Paloor which was remade every year, the channel from which dam watered lands occupied by Ryots living at Paloor and Palavarayanuthum.

3. About 16 years ago a Sluice (with a channel) was made in the Trivady Rajahvoyal banks for the purpose of giving an extra supply of water to the Paloor and Palavarayanuthum villages, but this sluice does not appear to have been opened after the season following its construction, until it was opened this year by Mr. Hall.

4. The rough stone Calingula at Trivady was breached, and in 1848 a new masonry annicut was built about a mile below the old site, and only a mile above the Paloor dam. A new head Sluice and main channel were also made which joined the old Rajahvoyal, above the Paloor Sluice. The Paloor ryots since the masonry dam was built, have not thought it worth while to build up their mud dam but trusted to water coming in their channel from freshes as well as the surplus water from the certain villages laying above Paloor.

5. The 18 villages under the Trivady channel have been increasing their cultivation with the increase of water by the masonry dam so much so, that except in good seasons there would not be sufficient water for the large sugar cultivation carried on. The Paloor people have yearly I believe, made complaint about the want of water but have never succeeded in having a share of it until this year. Mr. Hall opened the Sluice for their first crop of rice but an order to close it again the end of January.

6. It would be as well to observe the eighteen villages grow chiefly sugar for MESSRS. PARRY and Co., and Mr. Norfor's Factories, whereas the Paloor people only grow rice. The number of months and the supply of water which sugar requires is well known to the Board.

7. The advantages to the 18 villages under the Trivady annicut, and the disadvantages to Paloor and Pallavarayanuthum villages by the building of the masonry annicut at Trivady can be seen from the following statements.

18 Villages Settlement.

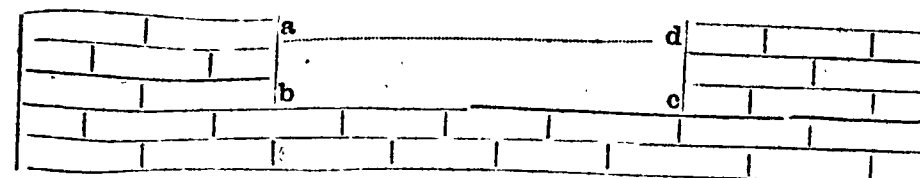
Fusly	1,255	20,024	0	0
"	1,256	24,714	0	0
"	1,257	Annicut built 18,545	0	0
"	1,258	19,168	14	11
"	1,259	19,774	15	1
"	1,260	26,911	9	9
"	1,261	25,740	0	6
"	1,262	24,383	5	3

2 Villages Settlement.

Fusly	1,255	3,477	8	8
"	1,256	5,386	11	2
"	1,257	Annicut built 2,472	1	10
"	1,258	1,022	7	10
"	1,259	739	14	0
"	1,260	2,360	3	0
"	1,261	3,689	8	1
"	1,262	2,378	10	3

8. I hardly think as the Paloor people have not used this Sluice for 16 years that it would be fair to let them now take a share to the detriment of the sugar cultivation which has been increasing on the

strength of getting a better supply of water by the construction of this annicut. What I propose is that a masonry regulating wall be built across the channel near the Paloor Sluice, and the Paloor Sluice be only opened when the water rises in the channel above a certain height giving the 18 villages a section of the water equivalent to a fair January average thus.



a. b. c. d fair average section of stream in January. The Paloor Sluice to be opened when the water rises above a. d.

9. By this means the Paloor people would get a fair share of any water over and above the quantity now required for the 18 villages and would always have water down the channel for the first crop of rice.

10. I hope however when the new Mulletaur channel is opened to find such an increase of water in the Guddehum, as to enable me to propose an enlargement of the main channel and great improvements in the whole irrigation under the Trivady annicut, when the calls of the Paloor, as well as several other villages, ryots who require improvements and more water will be attended to.

11. The Ponneaur has been so little watched and so little is, in consequence knower of the seasons of the freshes and the quantity of water that comes down this river that it would be premature for me at present to enter into the detail of the improvements required to the Trivady annicut.

I have &c.,

(Signed) C. WILKIESON,
Acting Civil Engineer 5th Division.

(True Copy.)

(Signed) A. HALL,
*Collector.**Cuddalore, 2nd February 1855.*

Filed on the 10th August 1867.

(Signed) KRISTNASAWMY, *Ag. P. S. A.*

(True Copy.)

(Signed) KRISTNASAWMY, *Ag. P. S. A.**Judgment of the Principal Sadr Ameens Court of Cuddalore.**Original Suit No. 43 of 1866.*

By T. KRISTNASAWMY, IYER.

Plaintiffs.

Defendants.

- 1 Lutchmana Reddy.
 - 2 Linga Reddy of Mooligrampet.
 - 3 Kuppu Reddy.
 - 4 Linga Reddy of Kulpady.
 - 5 Singiri Moottasawmy Moodaliar.
 - 6 Subba Reddy.
 - 7 Vengita Rama Reddy.
 - 8 Muthulinga Reddy.
 - 9 Balakistna Reddy.
 - 10 Subba Reddy.
 - 11 Davanayaga Reddy.
 - 12 Appavoo Pillay.
 - 13 Vengetrama Reddy.
 - 14 Muttusawmy Nynar.
 - 15 Streenevassa Reddy of Nellocoopara.
 - 16 Streenevassa Reddy of Vellapaukum.
 - 17 Purushotama Reddy.
 - 18 Davnayaga Pillay.
- By Vakil Ganakiram Pentulu.

- 1 W. S. Harington, Esq., Executive Engineer South Arcot.
 - 2 Lieut.-Colonel E. A. Foord, R. E., Superintending Engineer 5th Division.
 - 3 C. W. Reade, Esq., Collector of South Arcot.
 - 4 Venkatroyer.
 - 5 Gopaula Kristnen.
 - 6 Agharum Venkatrama Reddy.
 - 7 Narasa Reddy.
 - 8 Subba Reddy.
- Kakara Subba Row, Vakil for 2nd and 3rd Defendants.
Combacanum Subba Row and Narasimma, Chariyar
Vakils for 4th, 5th, 7th, and 8th, Defendants.

The circumstances of the case as set forth in the Plaint are as follows :

The Plaintiffs are the ryots of Kulapattampakum and 17 other villages. These 18 villages are irrigated by the spring water flowing from the Trivady annicut of the river Guddelum. This annicut or dam had been originally of mud. In 1836, when Colonel Cotton * built a masonry dam or annicut across the river, he opened a Rajah † main channel for supply of water to the 18 villages, and also cut a branch ‡ channel from it for the irrigation of the villages of Paloor and Palavarayanuthum belonging to the Defendants 4th, 5th, 6th, 7th, and 8th. He also built a Sluice § in the branch channel in order to regulate the supply of water. Since the opening and erection of the branch channel and Sluice respectively, they were not however made use of, as the annicut spring afforded no sufficient water even for the irrigation of the 18 villages. A few days afterwards, the masonry dam was breached. In 1848, a second annicut ¶ (the present Trivady annicut) was built near the place where mud dam had formerly existed, by the late Collector, who at the same time, obtained a Muchilika from the ryots of the 18 villages inclusive of the Plaintiffs to the effect that they would cultivate the 18 villages so as to increase the Government Revenue. The late Collector also caused a main* channel to be cut higher up the second annicut and connected † it with the old Raja channel. By the facilities thus afforded to the irrigation of the lands of the eighteen villages, the ryots of those villages inclusive of the Plaintiffs, were enabled to bring considerable waste lands into cultivation and an increase of the Government Revenue necessarily followed. In 1854, the Civil Engineer Mr. Wilkieson, under the orders of the Board of Revenue, constructed a regulating ‡ I dam across the head of the branch channel. The object of this as expressly stated by the Civil Engineer in a Diary order, was to prevent water flowing to the villages of Paloor and Palavarayanuthum, except where it rose above the top of the dam, when the surplus water was to flow to the villages. In 1856, the 2nd Defendant the Superintending Engineer, contrary to the abovementioned Diary order, lowered the dam by 3 inches and thus afforded undue facility to the irrigation of the lands of the villages of Paloor and Palavarayanuthum. The Plaintiffs having how-
 * This is marked G in the Plan.
 † The Place of this junction is marked H in the Plan.
 ‡ This is marked I in the Plan.
 § ever objected to the measure, the 2nd Defendant and the then Collector Mr. Hall took the matter into consideration, and allowed the Plaintiffs the means of ensuring the exclusive use of water to their 18 villages by throwing a mud dam every year above regulating dam at times of scarcity of water (that is from March to June) and thus preventing the water from flowing at those periods to the villages of Paloor and Palavarayanuthum. In March 1862, the 2nd and 3rd Defendants on the application of the Defendants 4, 5, 6, 7 and 8 caused the mud dam which the Plaintiffs had raised on the regulating dam as above stated to be removed, contrary to usage and the former orders above noticed. As this was detrimental to the interests of the Plaintiffs, they complained of it to the 3rd Defendant, who passed an order* on the 5th April 1862, recognizing the priority of the Plaintiffs' to the water of the annicut and declaring that the Defendants 4, 5, 6, 7 and 8 were not entitled to the use of the water, unless where there was a sufficient supply to the Plaintiffs. In opposition to all the above orders and to the utter detriment of the Plaintiffs interests, the 2nd, and 3rd Defendants, on the representation of the Defendants 4, 5, 6, 7 and 8, ordered the regulating dam I to be entirely removed and in pursuance of the order the 1st Defendant, on the 3rd July 1866, sent a notice (Exhibit A) to the Plaintiffs to the effect that the regulating dam will be altogether removed. The object of the Plaintiffs in bringing this suit is.

1stly. To obtain cancelment of the above order of the 1st, 2nd and 3rd Defendants, relating to the entire removal of the regulating dam.

2ndly. To establish the exclusive right of the ryots of the 18 villages who are the Plaintiffs to the spring water of the annicut.

3rdly. To obtain an injunction prohibiting the Defendants from interfering with the regulating dam and directing them to leave it undisturbed.

2. The defence of the 2nd and 3rd Defendants was as follows. The river Guddelum is now, and from time immemorial has been a public river in which the tides and waters of the sea have from time

immemorial flowed and reflowed, and is a prerogative appertaining to Her Majesty. The Trivady annicut main channel through which the water flows that irrigates the Plaintiffs' lands is an artificial channel made by and at the expense of Government. The Plaintiffs have no prescriptive right to the whole and sole use and appropriation of the water flowing in the said river Guddelum and into the Trivady annicut main channel; lands belonging to the villages of Paloor, Palavarayanuthum and other, villages above and below the village of Trivady lie in either side of the said river. In the year 1837 Captain H. C. Cotton, the then Civil Engineer of the division, recommended that a masonry dam or annicut should be built across the river Guddelum near Trivady to supersede the mud dam which had theretofore been annually constructed in the river for the purpose of facilitating the irrigation of the lands of what are known as the eighteen villages and which belong to the Plaintiffs and others, and the lands of Paloor and Palavarayanuthum. This recommendation was adopted by Government, Captain Cotton's diary shows unmistakably that it was his intention that the lands of Paloor as well as the lands of the eighteen villages should be benefited by the annicut, and the large increase of revenue to be derived from Paloor had a great deal to do with the sanction accorded by the Board of Revenue and Government to the estimate for the annicut. In furtherance of the proposal so made by Captain Cotton, an annicut was built across the river Guddelum, a channel was also cut to connect the Paloor channel with the Trivady channel, and a Sluice built in the cut to regulate the supply. These works were executed also at the year 1839, and at the expense of Government. Soon after its erection, the annicut mentioned above was breached and rendered useless, but while it stood the Sluice also mentioned above was not made use of by the Paloor ryots as they preferred getting an independent supply of water from the river by constructing a mud dam as before. After the annicut was breached and in or about the year 1848, a second annicut (the present Trivady annicut) was built, but lower down the river and so near to the Paloor dam that the ryots of Paloor gave up the construction of the dam, and applied for the share of the water to which they claim to be entitled, and which was promised them when the first annicut was built. The claim of the Paloor ryots has always been resisted by the ryots of the 18 villages, and hence various schemes have been proposed for giving a share of the water to Paloor from the Trivady main channel. For this purpose a dam was constructed across the head of the Paloor channel in 1854, by the Civil Engineer, and it was intended that when the water in the main channel rose above the top of this dam, the surplus water should flow to Paloor. It was then thought that a sufficient supply of water would thus be obtained by the ryots of the Paloor villages and that the dispute between the ryots of Paloor and the ryots of the 18 villages would come to an end. The dam, however, has proved to be useless consequent on seasons being irregular and the quantity of water in the river being subject to great fluctuations. It has therefore happened that at the proper time for commencing the cultivation, no water was flowing over the dam, and again just before the crops arrived at maturity the water had ceased to flow over the dam. The proper way to regulate the supply is by means of Sluice built for that very purpose by Captain H. C. Cotton, the designer of the first Trivady annicut. If this Sluice is used, the supply of water to the eighteen villages, will not be diminished, but the present clumsy and inefficient method will be superseded by one that is simple and efficient and the supply to Paloor may be regulated to such quantity as they are fairly entitled to by means of the shutters with which the Sluice is provided. The Defendants have no personal interest in the matter in dispute. They are merely acting as servants of Government in good faith to do, to the best of judgment, what is fair and just to all the parties who are interested and who are in reality the contentious parties to the suit, and they disclaim any intention or wish to bring the land of one village under cultivation by throwing out of cultivation the land of any other village. In the present instance no real cause of grievance exists. In conclusion, the 2nd and 3rd Defendants pray that the suit may be dismissed as against them and 1st Defendant for whom they are responsible, with costs.

3. The Defendants 4, 5, 7 and 8 supported the defence of the 2nd and 3rd Defendants and pleaded that they are entitled to one fifth share of the water of the Trivady annicut main channel.

4. The 1st and 6th Defendant allowed the suit to be tried ex parte against them.

5. Documents were filed as follows on behalf of both the parties.

Plaintiffs Exhibits.

A. A notice issued by the 1st Defendant on the 3rd July 1866, informing the ryots of the 18 villages the regulating dam will be removed and that the Sluice will be provided with shutters.

B. A Petition presented by the Plaintiffs to the 3rd Defendant with the letters endorsement thereon dated the 6th July 1866.

To

C. W. READE,
Collector of South Arcot.

*The Humble Petition of the Villages of Nellicoopum
&c., 18 Villages, irrigated by the Trivady annicut
of the South Arcot District.*

SHEWETH,

That the Engineer Colonel Cotton drafted a plan and constructed the said annicut originally in Fusly 1246, with the view of not only fully irrigating the above 18 villages, but that also the surplus water may be available for Paloor. With this view he constructed a channel and head Sluice for Paloor. After the construction of the annicut and while the water was flowing through it the then Engineer and Collector having inspected the working of the annicut and found that the water was insufficient for the said 18 villages, decided that no water should be allowed for the Paloor village. Never therefore was any water allowed for that village since the construction of the annicut.

Some time after, while the dam became worn out and was removed, your Petitioners constructed a temporary earthen dam in the original place, and cultivated to the extent of a quarter to half of the ordinary cultivation.

On this your Petitioners addressed the then Collector Mr. Davis and the Engineer Captain Vardon, who obtained the sanction of Government, and were building an annicut, at which time the works were interrupted by the already existing mud dam, built by the villagers to the east of it for which reason the water collected by the mud dam, was allowed to flow into the river. At this juncture the Paloor &c. villages Petitioned that they required this water for their then existing cultivation in Paloor. On this the Collector and Engineer were pleased to allow a small supply of water to the Paloor villages through the above head Sluice, from the mud dam which was built by the Petitioners only for their then cultivation.

After the construction of the annicut the Engineer and the Collector Mr. Maltby, having found that the water supply of our 18 villages was insufficient, ordered that the Paloor villagers should re-build their mud dam, which they accordingly did. But in the succeeding year as they wickedly objected to restore this mud dam, the village Monigar was suspended and the mud dam constructed through the Talook Sheristadar. But as the mud dam was washed away, by subsequent heavy rains, and as the Paloor villagers requested Mr. Hall, an after view, Collector, to allow them a little water from the annicut, that Gentleman, without due enquiry into the obtaining practice, and into your Petitioners just rights, and as there were already in existence a Sluice and a water course, newly allowed (no doubt by a misconception of the real merits of the case) the water to supply the Paloor villagers.

Hereupon your Petitioners pointed out to that Gentleman their long acknowledged rights, and the existing orders on the subject; and he after fully examining the question prevented any further supply to Paloor.

Your Petitioners represented to the Board the heavy losses they sustained by the water supply to Paloor &c., on other previous occasions and the Board ordered Engineer Wilkins to inspect the same and report. Engineer Wilkins and Collector Hall accordingly inspected the works and arranged that the water supplied by the annicut should flow to your Petitioners' villages exclusively, and that the surplus water flowing above the annicut, during the monsoons, should be allowed to the Paloor villagers; but only for their first or Shumba crop.

With the view to effecting this arrangement and on your Petitioners' consent being obtained, the Engineer built a brick dam 2½ feet high on one side of the Main channel to allow only the surplus water to flow to the Paloor village.

Here it must be understood that this was allowed as a matter of favor not in order to take away any of the water which usually flowed through the Main channel, but only to economise any surplus water which might come into it during the monsoons which instead of being wasted was allowed to the Paloor villagers.

Ever since this the Collector ordered that water should be supplied to the Paloor villages through this channel merely from 1st July up to this end of February in each year, after which the communication was to be closed from the 1st March. Notwithstanding the Paloor villagers have regularly at the advent of every subsequent Collector presented vexatious complaints, but every Collector has confirmed Mr. Hall's arrangement and your Petitioners' undoubted right has thus been fully and repeatedly established; your honor also has been pleased to fully examine into your Petitioner's rights and claims, and established them, and has sent a decisive Takeed to the Sub-Magistrate at Trivady on the 5th April 1862 to this effect. It is there proper to remark that the spring water of the annicut belongs exclusively to your Petitioners' and nobody else has a right to claim it.

Your Petitioners therefore humbly request that the Paloor villagers may not be allowed to draw off any water from the main channel previous to the 1st July in each year, for should that be done, the 18 villages under the annicut cannot be fully cultivated, and the extensive and valuable Sugar Cane cultivation which is now progressing in those villages will become much injured if not totally destroyed. Add to this that the water if supplied to Paloor even from the 1st July is purely a matter of favour which of itself subjects your Petitioners to considerable inconvenience as it is much taken from your Petitioners channels previous to the Monsoons. Your Petitioners therefore request that you will be pleased to examine the existing orders and documents adverted to by them, and as the Sub-Magistrate of Trivady as allowed the Paloor villagers to draw off water on the 13th June 1864 or full 15 days previous to the usual date which is the 1st July, (your Petitioners are not aware on what authority this has been done) and as this gives occasion to extensive loss to the Ryots of the 18 villages and to MESSRS PARRY AND Co. that you will be pleased to close the water way to Paloor immediately, and that it be allowed to remain closed for as many days after the usual date of opening in the beginning of July as may be lost to your Petitioners, in the meanwhile that is from the 13th instant up to the date of its closing whenever that may be.

It will also be necessary that you be pleased to issue stringent and explicit orders to the Sub-Magistrate of Trivady that he may not interfere for the future in this vexatious manner.

Your humble Petitioners here beg leave to assure your honor, that should you be pleased to come down and inspect the cultivation thereabouts, your honor will find that what your Petitioners have stated is perfectly true and you will then know what is the extent of the loss that your Petitioners have sustained by the opening of the Sluice under consideration.

Nellicoopum 17th June 1864.

And your Petitioners shall ever pray.

(Signed) S. MOOTOOSAWMY MOODELLY, &c.,
Ryots.

ENDORSEMENT No. 410.

The Collector has considered this Petition. He is of opinion that the Petitioners are in error in their calculations. The Collector is not unacquainted with the history of the differences between the Paloor ryots and those of the 18 villages; and in 1862 Mr. Pugh, who then represented the interests of the latter with which is own were intimately associated, was satisfied that the Collector was correct and that he himself was wrong in his view or estimate of their differences. There is just now ample water for both parties and the contrary cannot be shown unless unfair means be resorted to to effect it by carrying off the water to waste or where it is not really wanted. This has been done already by the ryots on both sides. The Collector is quite willing; to assist the entire cultivation dependant on the Trivady channel in the villages of the Petitioners; but he is not the less clear beforehand that the water in the channel

just now is ample for the requirements of the Paloor ryots as well as for their own; and but for this opinion he would not have given the orders on which the Sub-Magistrate of Trivady has acted. The Petitioners in the Collector's belief were quite mistaken in their apprehensions the other day; if not the Collector will be answerable for any loss they may sustain. In 1862 when the Collector for 21 days permanently had the water turned off to Paloor contrary to Mamul, a hue and cry was raised headed by Mr. Pugh who telegraphed to his principals at Madras and threatened to close up the Factories and to assist the Collector with all kinds of pains and penalties; but in the end the result was as anticipated by the Collector at the very time when he gave the orders so objected against. The fact is that throughout the country the ryots ordinarily would prefer to see water go to waste than that their neighbours should profit by its use, and this dog in the manger principle the Collector fears is very much that which has prompted the present Petition to his address. No previous orders can be absolute in matters of this kind, and, as already explained in his orders of the 5th April 1862, it is simply a question of sufficiency or insufficiency. If there be an insufficiency of supply a preconviction of right must be upheld and the claims of one party must yield to those of another; but when as now there is ample water for all, all have an undoubted right to participate, and it is in this view and under this persuasion that the water has now been turned off to Paloor some few days before the accustomed period by the removal of the mud dam above the permanent Sluice.

Collector's Office, Cuddalore, 17th June 1864.

(Signed) C. W. READE,
Collector.

To

S. MOOTOOSAWMY MUDALIAR and other
villagers of Nellicoopum, &c., 18 vil-
lages irrigated by the Trivady
annicut.

No. 8,008.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 5th November 1866.

Read the following letter from Messrs. PARRY AND CO., to the Secretary to the Board of Revenue, dated Madras, 29th October 1866:—

1. We have the honor to lay before you, for the information of the Board of Revenue, the following circumstances, with our request that the Board will have the goodness to take the matter up with a view to a speedy adjustment of the dispute to which they refer.

2. In 1846-48, an annicut was built by Government at Trivady, on the river Gaddelum, in South Arcot, for the purpose of supplying water to certain villages in which the cultivation of the sugar-cane was then introduced.

3. The water was intended, and for some years devoted entirely for the use of these villages (Nellicoopum eighteen in number).

4. In 1854, it was arranged that during the wet season the surplus water, flowing from the main channel into subsidiary channels, should be allowed to run to Paloor, and a certain proportion during freshes in the dry season was allowed for the same villages, the supply being regulated by a regulating dam then constructed.

5. This arrangement was concluded on the requisition of the Board of Revenue, and will be found fully explained in the report made by Captain Wilkieson, then acting as District Engineer, to Major Bell, Secretary to the Board, Department of Public Works, dated Cuddalore, 2nd February 1855. Copy of this report accompanies.

6. Notwithstanding the well understood privilege confirmed to the Nellicoopum villages, both of the foregoing arrangement, and by many subsequent decisions of the Collectors of the district, the people of Paloor have almost always been in the habit of cultivating lands, for which they knew that water would not be obtainable in a legitimate manner, trusting to accidents, and their power of influencing the servants of Government to give them a portion of the water belonging to the Nellicoopum villages; and this conduct on their part and the course adopted by the Government official of yielding to their entreaties, until remonstrance from the Nellicoopum villages caused them to desist, have given rise to continual disputes, and culminated in the present difference between the Collector and the people of these last named villages.

7. The state in which the matter stands, at present, is as follows:—On the 3rd July last, Mr. Harrington, of the Department of Public Works, employed in South Arcot, gave notice to the people of Nellicoopum, that, with the consent of the Collector, he intended to remove the regulating dam on the channel, with the object of abstracting, for the use of Paloor, water which was the property of Nellicoopum; in fact to do openly, without hinderance, and permanently what had hitherto been only done occasionally, unexpectedly, illegitimately, and only for a day or two at a time, thus diminishing the supply to Nellicoopum, and of course prejudicing the right of these eighteen villages, and interfering with their cultivation.

8. The Nellicoopum villagers, for their own protection, filed a plaint in the Sudder Am in's Court, Cuddalore, for an injunction to restrain the Government officers from carrying out their intentions. The injunction was granted, and the case will come on for hearing in November.

9. The plaintiffs in the case are not desirous to press the suit, if they can obtain the orders of the Board to the Collector, to refrain from interfering with the supply of water to Nellicoopum henceforth and to permit the arrangement made years ago, respecting the surplus allowed to Paloor, to be irrevocably adhered to.

10. We beg to mention that our interest in this matter arises from our having gone to great expense in erecting a Sugar Manufactory at Nellicoopum, and in making large advances to the ryots of these eighteen villages, for cultivating sugar-cane on the strength of the arrangements for the water supply, which the Collector now seeks to set aside.

11. Any deficiency in the water supply tells heavily on our business; but, when this deficiency is caused by the non-adherence to arrangements which we can scarcely regard otherwise than a breach of faith on the part of the Government, we think we may, without being charged with presumption, come forward to ask the protection of the Board.

12. In support of the statement we have made above, we beg to refer to the following papers. There are many others obtainable in the Cutcherry records of South Arcot if required, but probably the Board will consider those we now submit as sufficient:—

Letter from Captain Wilkieson to Major Bell, dated 2nd February 1855, in reply to the requisition made to him in the Board's Proceedings, dated 23rd October 1854. Copy of this accompanies.

The Collector's order in confirmation of the arrangement detailed in the foregoing report—(we have no copy of this at hand).

Collector's order of 7th March 1856, No. 497; of this also there is no copy with us.

Collector's order of 16th April 1859. Copy herewith.

new letter

Collector's order of 15th March 1860. Copy herewith.
Collector's endorsement, No 410, dated 17th June 1864, on a Petition forwarded by the inhabitants of Nellicoopum villages. Copy herewith.

Petitions from Ryots of Nellicoopum and the Collector's reply thereto, 22nd June 1864. Copy herewith.
Copy of the plaint filed in the Sudder Amin's Court. Copy herewith.

13. We may remark, with reference to some observations made by Mr. Reade in the papers mentioned, that if such arrangements as were made for the water supply to Nellicoopum and Paloor are open to revision and alteration, as may appear suitable in the opinion of succeeding Government officers, all confidence in them must be given up by those interested in the cultivation; but we cannot believe it possible that Government will permit such views to be acted on by their officers.

ENCLOSURE No. 1.

ABSTRACT.—Copy of Captain Wilkieson's letter to Major Bell, dated 2nd February 1855.

ENCLOSURE No. 2.

ABSTRACT.—Copy of Collector's order of 16th April 1859.

ENCLOSURE No. 3.

ABSTRACT.—Copy of Collector's order of 15th March 1860.

ENCLOSURE No. 4.

ABSTRACT.—Copy of Collector's endorsement, dated 7th June 1864, No. 410.

ENCLOSURE No. 5.

ABSTRACT.—Copy of Petitions from Nellicoopum ryots, and Collector's reply thereto, 22nd June 186.

ENCLOSURE No. 6.

ABSTRACT.—Copy of plaint filed in Sudder Amin's Court.

1. Forwarded to the Collector of South Arcot for *early* report.
2. He will send with his reply copy or translation of any order passed by the Collector, confirming the arrangements suggested in Lieutenant Wilkieson's letter to the Secretary, Revenue Board, Department of Public Works, dated 2nd February 1855, and will give the dates of any subsequent orders of the Board on the subject.
3. He will also forward translate of the Collector's order of 7th March 1856, No. 497, on the subject.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To the Collector of South Arcot.
Copy to Messrs. Parry and Co.
Exd. J. Wright.

To

C. W. READE, Esq.,
Collector of South Arcot, Cuddalore.

HONORED SIR,

We the undersigned Ryots of the 18 Villages under the Trivady annicut beg most humbly to bring to your kind consideration the following circumstances. It is usual to stop water going to Paloor and Palvarayanuthum by a temporary Mud dam over the regulating dam built at the Head of the Paloor channel, on the 1st of March in every year from 1856 in accordance to the orders given by Mr. Hall, the Collector but this year the Paloor Ryots obstruct us from doing so, therefore we humbly beg you will be pleased to order us to stop water going to the above said 2 Villages by the aid of the Magistrate.

We beg to remain,

Honored Sir,

Your Most Obedient Servants,

(Signed) LUTCHUMANA REDDY & others.

20th March 1867, Keelpattambaukum.

(True Copy.)

No. 541.

ENDORSEMENT.

The representatives of the 18 Villages having instituted a suit against the authorities and others when projecting a measure for the good of all, and having obtained an injunction of the Court to stay the work that was contemplated by the P. W. D. in view to facilitate the supply and stoppage of water to the Paloor fields the Collector declines intermediately in any way to interfere with existing arrangements until the matter now pending before the Court is finally disposed of.

(Signed) C. W. READE,
Collector.

22nd March 1867, Punrooty.

(True Copy.)

To

THE HONORABLE MEMBERS OF THE BOARD OF REVENUE, MADRAS.

The Humble Petition of the Inhabitants of Nellicoopum &c., 18 Villages in the Cuddalore Talook, South Arcot.

HUMBLY SHEWETH,

That Petitioners have under cultivation upwards of 3,000 Cawnies of land and by way of irrigating them they formerly had a Mud dam thrown across the Gudde-lum river and a feeding channel from thence to their different Villages.

Things continued in this state until the year 1836 when Col. Cotton very properly replaced the Mud dam with an annicut, intending by such a course to facili-

new letter

tate irrigation for the Petitioners and Paloor &c., Villagers. To complete his project he formed a communication between the Paloor channel and the Petitioners' main channel by a connecting link with a Sluice to regulate the water. When the annicut was brought to work the supply in the main channel was any thing but what Col. Cotton contemplated. Viewing the extent of cultivation of the Petitioners on one hand and that of the Paloor Villagers on the other in conjunction with the water available in the main channel, Col. Cotton justly decided that Paloor people should, as before, fall back upon their own resources (getting water by means of their Mud dam) and they did so accordingly.

Some time afterwards the annicut was breached and in 1848 another was constructed in the site of the Petitioners' old Mud dam. Dependant upon this Petitioners have been in the exclusive enjoyment of the annicut water as can be seen from the Collector's records.

In 1854 Paloor people applied to Mr. Hall then Collector to allow them some water from the main channel. Their application found favor with the Collector who without paying any regard to the course previously pursued and sitting aside the protestations made by the Petitioners, planned the way for Paloor people to come in for a share of water. Petitioners forthwith appealed to the Board who were pleased to issue instructions to the Engineer of the District to enquire into and report upon the matter. This officer visited the whole cultivation dependant on the annicut and as a result of his close observation and careful analysis as to the relative holdings of the Paloor people and that of the Petitioners, a regulating dam was built at the head of the connecting link already alluded to with the understanding that water flowing over the dam shall be made use of by the Paloor people and thus the question was settled.

In 1856 Col. Foord, to a great disadvantage of the Petitioners reduced the height of the said dam by taking off 3 inches. Petitioners remonstrated against the measure showing by documentary and other evidence the extent of loss which inevitably awaited upon them by such process. It was then adjudged that from March in every year Petitioners should by sod and other means raise the regulating dam so as to utilize the whole supply of water for Petitioners' cultivation alone. Such is the history of the Trivady annicut and the relative claims of the Paloor people and the Petitioners.

As matter stood in this stage any difference that arose subsequently was then and there brought to the notice of the authorities who were pleased to dispose of such differences in conformity with the course previously determined upon.

In July 1866 steps were taken by the authorities opposed to all arrangements that have hitherto been in vogue to do away with the regulating dam altogether—a circumstance which at once filled the Petitioners' minds with considerable dismay. Their prayers to the contrary not meeting with as much as a palliative from the authorities and the positive loss accruing therefrom being immense, Petitioners were forced in the absence of any other alternative to lay their grievances before the Court, as a consequence an injunction was granted to suspend the removal of the dam.

While matters stand as they now do Paloor people acting in open defiance of the ordinary course carry off the water which they are strictly prohibited not to do from March in every year. Petitioners who alone should have the whole supply from hence have very properly applied to the Collector for redress (as per enclosed copy of the Petition, &c.) You will be pleased to observe in the Collector's endorsement that he declines interfering in the matter. Unless Petitioners take the course previously adjudged for them to raise the dam just now temporarily with sod &c. and thus command the whole supply of water, they greatly apprehend that not only the present cane cultivation might sustain a partial damage but also the prospect of rearing a second crop of paddy is completely marred.

Under such predicament Petitioners feel themselves compelled to submit their grievances to your favorable consideration. They have laid out a very large in-

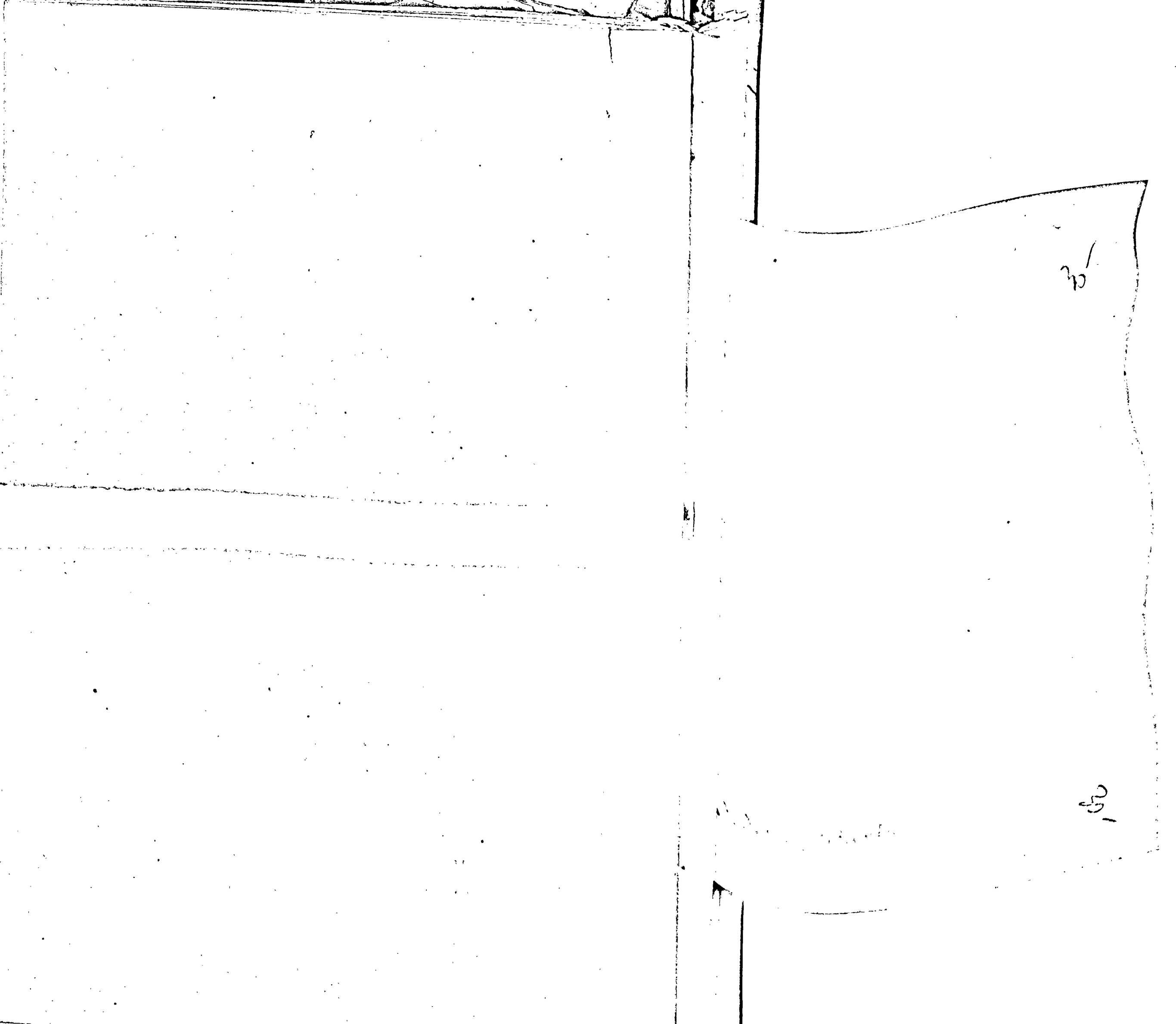
vestment in cane and other cultivations. The Collector's declining to take cognizance of their grievances at this crisis simply on the score of the suit pending before the Court, makes your Petitioners quite despondent and utterly disconsolate—because the want of the proper supply of water (a complement is being carried off by the Paloor people) is sure to bring upon them disastrous consequences. In these hard days when one actually struggles to sustain existence, it is easy to conceive the pressure and sad visitations that would naturally afflict those of the Petitioners class by a failure of crop which it is anticipated will be the case under the existing circumstances.

The suit now pending before the Court is absolutely bearing upon the regulating dam and that alone, but the Petitioners are at a loss to conceive whether their just claims for the enjoyment of the water as hitherto been in force should be allowed to suffer in consequence of the suit—they are declared entitled exclusively to the entire command of water from this month. If they could not get this enforced by the help of the Collector as he declines having anything to do in the matter, what other course is open for them to resort to in order to save themselves from the impending failure of crop.

Petitioners therefore beg to submit their humble grievances as above specified to the favorable consideration of the Honorable Board, soliciting that orders may be issued so that they may have the sole enjoyment of the water now obtainable in the main channel as has usually been the case. For this act of kindness Petitioners as in duty bound shall ever pray.

5th April, 1867.

with parties, this lot



229

No 229

Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 22nd Janry/68

Read the following

From Messrs Parry & Co.

(Here enter No. a dated 21st Dec/67).

PH 91/60

22 Janry/68

Proc. 22nd Janry/68 Ls 1412.

R.

W. C. L.

As the object of Messrs Parry & Co in bringing to the notice of Government the disputes which have prevailed for a number of years between the Ryots of Mellicoopuram and Palur Villages, with regard to the distribution of the water under the Sivady Aicut in South Arcot, is to bring forward a proposal for drawing a supply from another source, which, in their opinion, would give the means of satisfying both parties, their letter

will

will be forwarded to the
Supr. Engineer of the 5th
Division, who will report
on the project referred
to, and, if it appears at
all likely to answer
Messrs Parry & Co's expecta-
tions, will submit an
estimate of the probable
cost for the consideration
of Government.

Para 2.

2. An extract of the
letter referred to by Messrs
Parry and Co. from which
it appears that the pro-
ject in question was
originally proposed
by Colonel Ford him-
self, when District En-
gineer of South Arcot,
will be forwarded to
the Supr. Engineer for 2nd
information.

670 Supr. Engr. 5th Div. in the extract
of the letter referred to by Messrs Parry & Co.

Home
filed from
29 March 1858 No 109 ✓

WLB

18
3

WLB

442-443

(12)

P. W. 1868. Department.
Proc. Govt. for January

No. 229

PROCEEDINGS OF GOVERNMENT. *of Madras*

Dated 22nd January 1868

Passing orders on a letter
from Mr. J. P. and Co. relative
to the dispute between the agents of
the Native form and Paler Village
with regard to the distribution of
water under the Privy Admiration
in the South Arcot District.

442 & 443