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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. <u>2387</u>	Press
<u>45-46</u>	Mis.
Dated <u>4-10</u>	18 <u>73</u> .

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
4th October 1870.*

No. 45. Read the following Endorsement of the Acting Consulting Engineer for the Madras Irrigation and Canal Company, dated Madras, 9th September 1870, No. 63 :—

Read the following letter from the Agent and Manager of the Madras Irrigation and Canal Company, to the Consulting Engineer for the Madras Irrigation and Canal Company, dated Madras, 6th September 1870, No. 379.

I HAVE the honour to transmit, by direction of the Board, copy of a Resolution agreed to by the Board of Directors regarding the compensation claimed by the ryots of Tangadanchy.

2. The Board is of opinion that the claims preferred are not just nor reasonable, and they respectfully solicit a reconsideration of the question by the Government, and that the orders passed on the 24th November 1869 and 13th July 1870, Nos. 3,740 and 1,690, may be cancelled.

3. I also enclose copy of Mr. Dodson's letter, No. 189, of the 7th April 1870, in connection with this subject.

THE MADRAS IRRIGATION AND CANAL COMPANY,
8 and 9, Queen Street Place, London, E. C.

At a meeting of the Board of Directors of this Company held on the 2nd August 1870, the following minute was recorded :—

“ It appears to the Board, from a careful consideration of the correspondence per margin, that not only were the ryots, who now claim for loss of crops, aware at the time when these crops were sown that the land might be submerged from the works in progress in connection with the canal, but that they were warned of the risk they ran by the Company's officers. It is impossible from these facts to draw any other conclusion than that they voluntarily and with their eyes open planted the lands in question, looking, on the one hand, to the possibility of reaping a profitable crop should they not be submerged, and, on the other, to the chance of obtaining compensation in event of the crops being destroyed, of which there was the greatest probability as the result has confirmed. The mere fact of the land not having being actually and finally made over to the Company cannot be taken as an essential element of the case, as the ryots knew that it was intended to be applied to the purposes of the Company not only by personal warning, to which reference has just been made, but by local stone marks showing the boundary. The speculative character of these ryots is further manifested by the fact that after the first submergence which drained away the crops then on the ground, they replanted the same area when the expectation of a breach in the canal bank led them to the hope that a similar result might happen.

“ The Board, with all deference, would desire to point out that the claims now preferred do not seem to be just and reasonable claims, or such as entitle the claimants to the compensation they demand either from the Government or the Company; and they would most respectfully solicit a reconsideration of the question by the Government, and appeal to them to protect the Company from liability, as in this case, to make up losses which have been brought upon the claimants by their own fault.”

From the Executive Engineer, Bowanassy Division, to the Chief Engineer of the Madras Irrigation and Canal Company, dated Velapancor, 7th April 1870, No. 189.

In reply to yours of 2nd March, No. 137, respecting the claims made by the ryots of Tangadanchy for compensation on account of their lands having been twice flooded in 1868, I have honour to make the following remarks :—

*Proceedings of the Madras Government, Public Works Department,
4th October 1870.*

1st.—That at the time of the first inundation I can prove by the testimony of two or more of our Maistries that not more than 10 acres of cultivated land were submerged.

2nd.—That as that submergence took place late in August, most of the crops must have then been gathered in.

3rd.—With regard to the second inundation, which took place in December 1868, I can prove that Mr. J. H. Wait, Assistant Engineer, in charge of the repairs to the breach, did, early in November, send a man named Yellapah to Tangadancha to warn the ryots that the water would return before they could reap the crops they were then preparing to sow; also that Mr. Bradbury, (in charge after Mr. Wait left), B. Michael, and Mr. Schooner, Maistries employed on the breach, did frequently warn the ryots to the same effect.

4th.—From the above facts I cannot but think that these ryots had full and sufficient warning that the water would return over their fields before they would reap their crops. No doubt they rejoiced to see the failure of our embankment, and were speculating to gain a profit out of our misfortune, and hastened to sow the rich deposit left by our former flooding, and took the risk of securing the crops before we could repair the breach.

2. In this they failed, but why should the Company pay for their rashness? They would not listen to our warnings, and only laughed at our assertion that the water would soon return, saying, "it took four years to bring it here, it will take as long to come back."

3. On looking through the schedule of lands said to have been inundated, I see Rupees 425-8-0 claimed for "estimated expenses for cultivation of first crops," (see column 13). Now, if the assertion made by my Maistries that only 10 acres were then submerged be anything like correct, this is a most unreasonable allowance per acre; but as the "statement" does not give the amount supposed to be submerged in August, I cannot ascertain the rate per acre they claim. I have written to Mr. J. H. Wait asking him to give me any information he can on the subject of the warning he gave to the ryots as stated in my paragraph 3.

SUBMITTED to Government. The undersigned has nothing to add to his former reports on this subject, and will only observe that the information on which the opinion of the Board of Directors was founded was before Government when G. O., No. 1,690, 13th July 1870, was passed, and that the G. O. had not reached the Board when the Resolution now communicated was framed.

(Signed) J. CARPENDALE, Colonel, R.E.,
Acting Consulting Engineer for Irrigation and Canal Company.

No. 46.

ORDER THEREON, 4th October 1870, No. 2,387.

IRRIGATION, No. 7.

ON a careful reconsideration of all the circumstances connected with the flooding of the lands of Tangadanchy by the Madras Irrigation and Canal Company's Canal as detailed in the papers which have been laid before His Excellency the Governor in Council on the subject, the Government are unable to modify the view which they have taken of the liability of the Company to compensate the villagers for the damage their crops sustained

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4th October 1870.*

by the filling of the canal before the land of Tangadanchy to be submerged by it had been handed over.

(True Extract.)

Colonel, R.E.,

Secretary to Government.

To the Acting Consulting Engineer for the Madras Irrigation and Canal Company.
.. Agent and Manager for do. do.

Madras Irrigation Hall
Madras 16th September 1870

No. 379

From,

The Agent and Managers
In I & C

To,
The Consulting Engineer
In I & C

Sir,

I have the honor to transmit by direction of the Board copy of a Resolution agreed to by the Board of Directors regarding the Compensation claimed by the Ryots of Tanja-
-lauchia.

The Board is of opinion that the claims preferred are not just nor reasonable and they respectfully solicit a re-consideration of the question by the Government and that the Orders passed on the 24th November 1869 and 13th July 1870 Nos 3740 and 1690 may be cancelled.

I also enclose copy of Mr. Dodson's letter No. 189 of the 7th April 1870 in connection with this subject.

I have the honor to be
Sir
Your most Obedt Servt
D. Bantle near Coim
Agent and Manager

The Madras Irrigation and Canal Co.
Limited. 8. and 9. Queen Street Place, London, E.C.
At a meeting of the Board of Directors of this
Company held on the 21st August 1870 the following
Minute was recorded:

It appears to the Board from a careful
consideration of the correspondence per-
margin that not only were the Ryots who
now claim for loss of crops aware at the
time when these crops were sown that
the land might be submerged from the
works in progress in connection with the
canal but that they were warned of the
risk they ran by the Company's Officers.
It is impossible from these facts to draw
any other conclusion than that they volun-
tarily and with their eyes open planted
the lands in question, looking on the one
hand to the possibility of reaping a
profitable crop should they not be sub-
merged and on the other to the chance
of obtaining compensation in event of
the crops being destroyed of which there
was the greatest probability as the result
has confirmed. The mere fact of the land
not having been actually and finally
made over to the Company cannot be taken
as an essential element of the case, as
the

Ms. B. 2. 2. 70

Ms. B. 2. 2. 70

the Ryots them that it was intended to be
Applied to the purposes of the Company
not only by special warning to which
reference has just been made, but by
local stone marks showing the boundary.
The speculative character of these Ryots
is further manifested by the fact that after
the first submergence which drained away
the crop then on the ground they replanted
the same area when the expectation of a
breach in the Canal Bank led them to
the hope that a similar result might happen.

The Board with all deference would
deem to point out that the claims now
preferred do not seem to be just and reasonable
claims or such as justify the Claimants
to the compensation they demand either
from the Government or the Company.
And they would most respectfully solicit
a reconsideration of the question by the
Government and appeal to them to
protect the Company from liability
as in this case to make up losses which
have been brought upon the Claimants
by their own fault.

11/25/70

Madras Irrigation & Navigation

Revenue Division

Velupuram 7th April 1870

MS 189

To,

John H. Latham Esq.

Chief Engineer

Sir,

In reply to yours of 2nd March 1868
respecting the claims made by the Ryots of
Tangadauchia for compensation on account
of their lands having been twice flooded in
1868. I have the honor to make the follow-
ing remarks.

1st That at the time of the first inunda-
tion I can prove by the testimony of two or
more of our Maistries that not more than

10 Acres of cultivated land were submerged.

2nd That as that submergence took place
late in August most of the crops must
have then been gathered in.

3rd With regard to the 2nd inundation which
took place in December 1868 I can prove
that Mr J. H. Wait Assistant ^{Engineer} in Charge
of the repairs to the breach did early in Novem-
ber send a man named Gollapah to Tan-
-gadauchia

-gadaichid to warn the Ryots that the water would return before they could reap the crops they were then preparing to sow - also that Mr. Bradbury (in charge after Mr. Wait left) B. Michael and Mr. Selwoner Maistries employed on the breach did frequently warn the Ryots to the same effect.

4th From the above facts I cannot but think that these Ryots had full and sufficient warning that the water would return over their fields before they could reap their crops. No doubt they rejoiced to see the failure of our embankment and were speculating to gain a profit out of our misfortune and hastened to sow the rich deposit left by our former flooding - and took the risk of securing the crops before we could repair the breach.

In this they failed but why should the Company pay for their rashness? they would not listen to our warnings and only laughed at our assertion that the water would soon return. Saying "it took 4 years to bring it here; it will take as long to come back."

On looking through the Schedule of lands

lands said to have been inundated. I see Rupees 425. 8. 0 claimed for "estimated expenses for cultivation of first crops" (see columns) now if the assertion made by my Maistries that only 10 acres were then submerged be anything like correct - this is a most unreasonable allowance per acre - but as the Statement does not give the amount supposed to be submerged in August, I cannot ascertain the rate per acre they claim. I have written to Mr. J. H. Wait asking him to give me any information he can on the subject of the warning he gave to the Ryots as stated in my para 3.

I have &c.
J. A. J. Dodson
Exec. Engineer

Public Works Department

N. 2387

Proceedings of the Madras Government

Dated the 14 Oct/70

Read the following

From the Ag Consulting Engr for } H.E. N. 63 D/9th Sept/70/
L & C. Co.

On a careful reconsideration of all the circumstances connected with the flooding of the lands of Tangadauchy by the Madras Irrigation and Canal Company's Canal as detailed in the papers which have been laid before His Excellency the Governor in Council on the subject, the Govt. are unable to modify the view which they have taken of the liability of the Company to compensate the Villagers for the damage

there

N. 379

From

The Agent & Manager

To

The Consulting Engineer

J. V. B. Co.

Checked by J. V. B. Co.

Forwarded copy of a

Resolution agreed to

by the Board of Directors

regarding the compensation

claimed by the Agents of Tangadauchy

1870/71

11/27

1870

Engine Office
Madras, 9 Oct/70

Administrative
Madras, 9 Oct/70

Submitted to Government. The undersigned has nothing to add to his former reports on this subject and will only observe that the information on which the opinion of the Board of Directors was founded was before Government when G.O. No 1690-13 D/9/70 was passed, and that the G.O. has not reached the Board when the Resolution was communicated was passed.

Copy to Govt. N. 2387



PL

Hated 9" }
 Recd 13: } Sep 17/70
 Encls: 2:

h_o 2387-4-Actr/70

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their crops sustained by
the filling of the Canal
before the land of
Tangadanchy to be sub-
merged by it had been
handed over.

Handwritten signature.

Sp 3562

Govt. of 1870 Madras.

PUBLIC WORKS.

To The Consulting Eng^r
for the Madras Irrigation
and Canal Company

Dated 4th Oct.

To,

12

G. O. 4th Oct-1870 No. 2387

Nos. 45-46

Compensation. Passing orders
in the letter from the ag^y of
Eng^r for the Madras I & Co.
Demanding copy of Resolutions
of the Board of Directors
regarding the compensation
claimed by the ag^ys of
Tangadanchy in account of
the damage done to their
crops.

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Handwritten signature/initials at bottom center.