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

G.O. No. 419	Press ~~Mis.~~
246-48	
Dated 10 . 2	1871 .

Not to be folded or roughly handled

C-8

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*Proceedings of the Madras Government, Public Works Department,
10th February 1871.*

Read the following papers.—

No 246 Proceedings of the Board of Revenue, dated 12th December 1870,
No. 7,073.

Read the following letters —

From the Collector of Kurnool, to the Acting Secretary to the Board of Revenue,
dated 30th September 1870, No. 331.

I HAVE the honour to lay before the Board a copy of letter, No. 192, dated 24th September 1870, from the Deputy Collector at Nundial, on the subject of compensation on account of the loss caused by the breach in the canal near the Hindry Aqueduct, which took place on the 7th August 1870, and request the sanction of Government may be solicited for the payment of Rupees 1,591-1-4 to the owner of the trees on the land swept away, and trust that the other arrangements made by the Deputy Collector may meet with approval.

2. They appear to me satisfactory, and, having been proposed by the Deputy Collector in special charge of the duty of giving over land to the Company, I feel my best course is to forward on the matter as reported by him.

3 Mr. Thornhill has asked me to join him at once at Sirwell, and I propose to leave this on Sunday, 2nd October 1870.

From the Deputy Collector, to the Collector of Kurnool, dated Nundial, 24th September 1870,
No 192

WITH reference to paragraph 3 of my letter of the 11th ultimo, No 144, and to your letter of the 9th idem, No 695, I have the honour to state that I inspected the breach in the main canal to the north side of the Hindry Aqueduct on the morning of the 19th idem, in company with the Chief Engineer and the Executive and Assistant Engineers of the Hindry Division, and caused the lands required by the Company to be measured and made over to the officers in question in anticipation of formal sanction. The land so selected by the Company forms part of the garden called Ramidulla Khan's Bagh, which had been greatly damaged by the breach.

2. I caused accounts of compensation for the trees and garden produce lost to the owner of the garden not only in the portion taken up by the Company, but likewise on other parts of the garden which had been inundated by the canal waters, and I arrived at a fair settlement of the compensation with the owner, having convened a number of respectable ryots and the Village Officers, and carefully discussed with them item after item, in conjunction with the Tahsildar of Ramalkota, who afforded me much aid on the occasion. The amount of compensation payable to the owner on account of trees and garden produce destroyed, and a picotta-stand washed away, comes to Rupees 2,117-9-2. This sum, however, has to be borne partly by the Company and partly by the Government, as shown below —

	RS.	A	P
For trees	1,206	0	0
For garden produce	387	9	2
For a stone built picotta	97	0	0
Cost of planting trees and rearing them to that state of maturity which they had attained previous to this breach	487	0	0
	2,177	9	2

3 The trees on the portion taken up by the Company as well as the picotta thereon, which was destroyed by the flood, will have to be paid for by Government, as it is bound to supply land to the Company under Class B. free of all cost, and this amount comes to Rupees 1,591-1-4 as shown below —

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10th February 1871.*

	RS	A	P
For trees on land transferred to the Company under Class B	1,161	8	0
Cost of planting trees and rearing them to that state of maturity which they had attained previous to this breach ..	332	9	4
For a stone built in picotta in do ..	97	0	0
	1,591	1	4

4 The Company will have to pay for such trees as are not included in the land transferred to them, but which were destroyed by the canal water, as well as for all garden produce which but for the breach would have thrived and yielded income to the owner. I carefully went over the beds of vegetable produce, and found that, in regard to certain vegetables, three-fourths the yield had already been gathered, while in others again half and one-fourth, and in some no produce at all, was collected. The compensation, therefore, was calculated with reference to the different degrees of loss in each case, and the subjoined entries will show that the entire sum payable by the Company comes to Rupees 586-7-10 —

	RS	A	P.
For damaged trees in land not transferred to the Company	44	8	0
For garden produce in do as well as in land transferred to the Company ..	387	9	2
Cost of planting and rearing trees to that state of maturity which they had attained previous to this breach ...	154	6	8
	586	7	10

5 I have addressed the Assistant to the Chief Engineer in regard to the payment of the last-mentioned sum, Rupees 586-7-10

6 The trees for which the Company pay will be at their disposal, while those on the land transferred to the Company have been ordered to be sold on behalf of Government

7 In regard to the land transferred to the Company, measuring Acres 3.77 for the closing of the breach, no ready money compensation could be settled, as it forms part of a "Service Grant". The whole garden is given as a Service Inam for the support of the tomb of the members of the family of the late Nabob Rammet Khan, I therefore beg to propose that other lands bearing an equal assessment be granted in lieu, and I shall submit, with a separate communication, the usual statement showing the particulars of land which will have to be granted to the Moula Etekladersha, the Trustee and Manager, for the time being, of the charities connected with the tomb

8 A copy of the Title deed granted by the Inam Commissioner to the Moula is herewith submitted

9. At the commencement the Moula was somewhat inordinate in his demands on account of compensation, but by the abandonment of certain plots on which tombs and other buildings stand, the compensation amount was reduced to a reasonable sum, as detailed in paragraph 2 above.

10 I now request that sanction for the distribution of the sum of Rupees 1,591-1-4, noticed in paragraph 3 above, may be obtained at an early date

11. The Assistant to the Chief Engineer has desired for the transfer, under Class C, of portions of the land in the same garden adjoining the land B now transferred. The portions so applied for are the identical parts damaged by the floods, and which are perfectly unfitted for future cultivation by the Inamdar. I beg to enclose extract of a letter (No 95, dated 9th September 1870) from the Assistant to the Chief Engineer on the subject. I have issued instructions to the Tahsildar of Ramalkota to obtain from the Inamdar a Durkhast for fresh land to be granted to him in lieu of the portions to be made over to the Company under Class C

12 It should be observed that the object of the Company in desiring to have the aforesaid portions under Class C is to avoid bearing the heavy compensation which they would have otherwise to pay to the owner for the restoration. They will at any rate now pay the annual rental to Government, and re-transfer it at some future period when probably the land has been restored

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10th February 1871.*

to its former condition. Under these circumstances I have charged the Company with the value of the garden produce and trees lost in these portions, as well as other contiguous parts which suffered from the breach. I may as well add that, under the peculiar circumstances of the case, the land being Service Inam, no other arrangement could either meet the demands of the Inamdar or the rules laid down for the guidance of officers of this department in the transfer-land to the Company

From the Acting Assistant to Chief Engineer, to the Deputy Collector on special duty, Nundial, dated Kurnool, 9th September 1870, No 95

I HAVE the honour to forward, by book post, the undermentioned Land Plan and Schedule, and shall feel obliged by your returning the Chief Engineer's copy with the usual certificate of correctness —

No	DIVISION	Village	Purpose	Remarks.
426	Hindry ...	Kallur ..	Land required and injured by breach, Class C 1 360	Addition to Plan 20 revised

(True Extract)

(Signed) A RAMACHENDRA ROW,
Deputy Collector

(True Copy)

(Signed) T A N CHASE,
Collector

ENCLOSURE No. 3.

ABSTRACT — Title-deed granted to the Manager, for the time being, of the Tomb of the members of the family of the late Nabob Rammet Khan

From the Collector of Kurnool, to the Acting Secretary to the Board of Revenue, dated 8th November 1870, No. 380.

In reply to Board's Official Memorandum, No 1,181, dated 11th October 1870, I have the honour to state as follows —

2. *Point 1* — In calculating the full value of the trees lost, only the immediate loss of annual produce, or prospective revenue, sustained by the owner has been taken into consideration. This sum alone will not fully reimburse him for the labour and cost incurred in planting and rearing the trees, consequently a separate sum was fixed under the head of "rearing trees"

3 *Point 2* — The land selected by the officers of the Company is the one which sustained damages by the breaching of the canal. It is situated within easy reach of the breach to be repaired, and no other land near was obtainable. The damage to the land and the sweeping away of the picotta was caused by the breaching of the canal. The damages for both should therefore be charged.

4. *Point 3* — The Chief Engineer of the Canal Company has been written to on the subject, and the reply will be sent to the Board as soon as received from him.

5 *Point 4* — I beg to forward a statement showing the description and quantity of the vegetables for which compensation is recommended. The sum to be paid is Rupees 327-9-2 and not 387-9-2 as previously stated, which is incorrect.

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10th February 1871.*

ABSTRACT —Statement showing the description and quantity of vegetables for the loss of which, by the breaching of the Irrigation Canal, compensation is recommended

SUBMITTED for the orders of Government.

2. These papers refer to arrangements proposed in consequence of the breach near the Hindry Anicut which occurred on the 7th August.

3. A Service Inam garden was inundated, the vegetables growing in it were swept away, two picottas were destroyed, and the land was made unfit for cultivation, at all events for the present.

4. In anticipation of sanction, Acres 3 77 of the garden have been handed over to the Company for the repair of the breach under Class B The Board see no objection to this measure. The usual application should be submitted for granting a corresponding extent of land to the Inamdar.

5. The Company wish also to have 1 36 Acres of the damaged land, being apparently the whole of the remainder of the damaged portion under Class C. It is not stated why the land is wanted, and it is probably only applied for because Government on transferring it will have to give the Inamdar other land, so that the Company will be saved from paying compensation. In other words, the effect will be that Government and not the Company will pay for the damage. This does not seem to be fair, and the Board cannot, as at present informed, recommend that it should be permitted. If, as the Deputy Collector states, it is necessary to give the Inamdar other land in lieu of this 1 36 Acres, the Company ought to pay Government the value of it.

6 There remains the question of compensation for loss of produce. It is stated thus —

To be paid by the Company.

	RS.	A.	P.
1. Value of trees on land not since transferred to them under Class B	1,206	0	0
2. Value of garden produce	327	9	2
3. Do. a picotta	97	0	0
4. Cost of planting and rearing trees	487	0	0
Total	2,117	9	2

To be paid by Government.

1. Value of trees on land taken up under Class B.	1,161	8	0
2. Cost of planting and rearing the trees	332	9	4
3. Value of a picotta situated on this land	97	0	0
Total	1,591	1	4

7. It is evident that the estimates for the cost of planting and rearing trees must be disallowed. What the Inamdar loses, and has to be compensated for, is their value, and that is given in a separate item.

8. It is clear, too, that the Company and not Government should pay for both the picottas washed away, though one of them is situated on land which has since been transferred under Class B.

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10th February 1871.*

9. These modifications being made, the sum to be paid by Government is Rupees 1,161-8-0, and sanction for it is accordingly requested.

10. The sum payable by the Company is Rupees 1,727-9-2.

TRANSFERRED to the Public Works Department.

(Signed) W. HUDLESTON,
Secretary to Government.

6th January 1871.

REFERRED to the Consulting Engineer for the Madras Irrigation and Canal Company, with a view to his reporting on the claims to compensation preferred on account of loss caused by the breach in the Company's Canal near the Hindry Aqueduct.

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

10th January 1871

No. 247. From the Consulting Engineer for Irrigation and Canal Company, to the Secretary to Government, Public Works Department, dated Madras, 18th January 1871, No. 112.

I HAVE the honour to return Proceedings of the Board of Revenue, referred No 7,073, dated 12th December 1870 with your endorsement of the 10th instant, and to report that the Board is in error in supposing that the amount of compensation claimed is Rupees 2,117-9-2 from the Company and Rupees 1,591-1-4 from Government.

From the 2nd paragraph of the Deputy Collector's letter it is clear that the whole amount claimed and approved of by him is Rupees 2,177-9-2, and which, for reasons assigned, he divided into two items, namely:—

Rupees 1,591-1-4 payable by Government.
„ 586-7-10 „ „ the Company.

Total . 2,177-9-2

The amount payable by the Company was composed of the following items —

	RS.	A.	P.
For damaged trees on land not belonging to the Company	44	8	0
For garden produce	387	9	2
Cost of planting and rearing trees to that state of maturity which they had attained previous to the breach	154	6	8
Total ..	586	7	10

The second item in this account was corrected by the Collector to Rupees 327-9-2, (see paragraph 4 of his letter to the Board,) and so the amount payable by the Company is Rupees 527-7-10. The Board disallowed one part thereof,

*Proceedings of the Madras Government, Public Works Department,
10th February 1871.*

namely, Rupees 154-6-8, for planting and rearing trees, because, as stated in the 7th paragraph of their Proceedings, what the Inamdar lost is the *value* of the trees which is given in a separate item. The only other amount, however, which has been recommended for payment on this account is Rupees 44-8-0, and that is not the *value* of the trees; it is, as mentioned by the Collector, the estimated annual income that will be lost to the owner of the trees that have been destroyed *until* other trees have grown up in place of them, and I think the cost of rearing those other trees is a fair charge against the Company, and that the Deputy Collector's proposal is a very equitable arrangement.

2 In regard to the sum of Rupees 1,591-1-4, which it is proposed that the Government should pay, being compensation for destruction of property on land made over to the Company, on the ground that the Government is bound to supply all land to the Company free of cost, the proposal appears to me a most extraordinary one. A breach in the Company's Canal has caused serious damage, and, in order to avoid paying the compensation, the Company ask to be put in possession of the land, by which means the Government will have to pay the compensation. The Company no doubt required the land in whole or in part for making repairs to the canal, but it seems clear to me that they should first compensate the Inamdar for all the damage he has sustained, after which the Government, in transferring the land to the Company, will be responsible to the Inamdar for its present value, and for no more—not for what had been its value before the breach occurred.

No 248.

ORDER THEREON, 10th February 1871, No 419.

IRRIGATION, No. 8.

THESE papers have reference to the compensation payable on account of the damage caused by the breach of the

Madras Irrigation and Canal Company's Canal near the Hindry Aqueduct in August 1870.

2 Lands to the extent of 3 77 acres have been transferred to the Company for closing the breach, and application has been made for a further portion of the damaged land measuring 1 36 acres, but, as the object for which this land is required has not been stated, the Board do not, without further information, recommend its transfer

3. The compensation due for the loss of produce is stated by the Board at Rupees 2,117-9-2 to be paid by the Company and Rupees 1,591-1-4 by the Government, but, as pointed out by the Consulting Engineer, this is clearly a mistake, as the Deputy Collector engaged in making over the land reports that the former amount represents the *total* sum payable by both the Company and the Government in the following proportions —

	RS.	A	P.
By Company	526	7	10
By Government	1,591	1	4
Total	2,117	9	2

4. The charge against the Company includes Rupees 154-6-8 for planting and rearing trees. The Board do not consider the owner entitled to any compensation

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10th February 1871.*

on this account, but simply to the actual value of the trees on the land, which they state is given as a distinct item. In this the Board appear to be also in error, as

the item to which they refer is reported*
* See Collector's letter, dated 8th November 1870, No 380, recorded in Board's Proceedings of 12th December 1870, No 7,073. to be the estimated annual income that will be lost to the owner till other trees are grown. Under the circumstances

the Consulting Engineer considers the proposal of the Deputy Collector to be an equitable arrangement, but, as regards the amount due by Government, Colonel Carpendale maintains that, as the Company require the land for the repairs of their canal and apply for its transfer in order to save the payment of compensation, it is only fair that they should bear all the loss that the owner of the land has sustained, the Government being responsible only for the present value of that land.

5. The Government concur in the views of the Consulting Engineer and resolve to request the Board of Revenue to furnish a revised statement, showing clearly what amounts will require to be paid by the Government and the Company, respectively.

(True Extract)

Colonel, R. E.,

Secretary to Government.

To the Consulting Engineer for the Madras Irrigation and Canal Company

„ Revenue Department

„ Board of Revenue, with two enclosures.

Exd E C Shunker.

Gobt. of 1871 Madras.

PUBLIC WORKS.

To

THE CONSULTING ENGINEER FOR
THE MADRAS IRRIGATION AND
CANAL COMPANY
&c., &c., &c.

Dated February, 10th.

Recd

Encl

G. O., 10th February 1871, No. 419

FEBRUARY.

No. 246-248

Compensation — Passing orders on papers relating to the amount of compensation payable on account of the damage caused by the breach of the Madras Irrigation and Canal Company's Canal near the Hindry Aqueduct in August 1870.

Referred to the Consulting Engineer for the Madras Irrigation and Canal Company with a view to his reporting on the claims to compensation preferred on account of loss caused by the breach in the Company's Canal near the Hindry aqueduct.

Wm. A. R.

Col. R. E.

10th January 1871.

Secy: to Govt. P. W. D.

To. The Consulting Engineer
for the Madras I & C Co.

Transferred to the
Public Works Department

L. K. K. K. K.

5th Jan 1871.

11th Jan 1871.

Ch 246

Compensation — Passing orders on papers relating to the amount of compensation payable on account of the damage caused by the breach of the Madras Irrigation and Canal Company's Canal near the Hindry Aqueduct in August 1870.

11/10/70
1870

Board of Revenue,
MADRAS.

PROCEEDINGS, 12TH DECEMBER 1870, No 7,073.

Des^d 21 Dec 70

Encl. 2

Received 22
Recd 7 Jan 71

268/71

DECEMBER.

No. 7,073.

Hindry Anicut—in Kurnool District,—Certain correspondence relating to arrangements proposed in consequence of breach which occurred near, submitted for orders of Government.

No 419-10 Feb 71
Referred

No 112. Consulting Engineers Office
Irrigation & Canal Company
Madras, 18th Jan'y/71.

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To Mr. Colonel, L. Carpenter R.D.
Consulting Engineer for S.C.C.
The Secretary to Government
Public Works Department.

I have the honor to return Proceeding
of the Board of Revenue referred with
your endorsement of the 10th instant and to
report that the Board is in error in sup-
posing that the amount of compensation
claimed is:-

Rs. 2177-9-2 from the Company and
Rs. 1591-1-4 from Government
From the 2nd para: of the Deputy Collector's
letter it is clear that the whole amount claimed
and approved of by him is Rupees 2177-9-2 and
which, for reasons assigned, he divided into
two items namely:-

Rs. 1591-1-4 payable by Government
Rs. 586-7-10 by the Company
Total Rs. 2177-9-2

Compensation — Passing orders on papers
relating to the amount of compensation
payable on account of the damage caused
by the breach of the Madras Irrigation
and Canal Company's Canal near the
Hindry Aqueduct in August 1870.

17th 7073-12th Dec 70.
with 2 Encl.

The amount payable by the Company was composed of the following items:

For damaged trees on land not
belonging to the Company } 44-8-

For garden produce ----- 387-9-2

Cost of planting and rearing trees
to that state of maturity which
they had attained previous to the
Breach. } 154-6-8

Total Rs: 586-7-10

The second item in this account was corrected by the Collector to Rupees 327-9-2 - see para: 4 of his letter to the Board, and so the amount payable by the Company is Rupees 527-7-10. The Board disallowed one part thereof viz: Rupees 154-6-8 for planting and rearing trees, because as stated in the 7th para: of their Proceedings what the Inamdar lost is the value of the trees which is given in a separate item - The only other amount however, which has been recommended for payment on this account, is Rupees 44-8- and that is not the value of the trees, it is, as mentioned by the Collector, the estimated annual income that will be lost to the owner of the trees that have been destroyed until other trees have grown up in place of them, and

and I think the cost of rearing those other trees is a fair charge against the Company, and that the Deputy Collector's proposal is a very equitable arrangement.

In regard to the sum of Rupees 1591-1-4 which it is proposed that the Government should pay being compensation for destruction of property on land made over to the Company on the ground that the Government is bound to supply all land to the Company free of cost, the proposal appears to me a most extraordinary one - A breach in the Company's Canal has caused serious damage, and in order to avoid paying the compensation the Company ask to be put in possession of the land by which means the Government will have to pay the compensation. - The Company no doubt required the land in whole or in part for making repairs to the Canal, but it seems clear to me that they should first compensate the Inamdar for all the damage he has sustained, after which the Government, in transferring the land to the Company, will be responsible to the Inamdar for its present value, and for

Have the honor to be,
Sir,
Your most obedient servant,
J. G. Burdett & Co. Ltd.
Cotton & Loom Company.

628 Liberty Street
New York, N.Y.

[illegible]

Public Works Department.
No. 419.
178
Proceedings of the Madras Government.
Under date the 10th February 1871
Read the following
Order of Mr. Secy to Govt. — (Mr. No. 7073 of 12 Decr.)
in the Cons Engg for H66/A & No 112 of 18 January 1871

These papers have
reference to the compensation
payable on account of the
damage caused by the breach
of the Madras Irrigation and
Canal Company's Canal
near the Bindry aqueduct
in August 1870.

Lands to the extent
of 3.77 acres have been trans-
ferred to the Company for
closing the breach and
application has been made
for a further portion of the
damaged

damaged land measuring 1.36 acres, but as the object for which this land is required has not been stated the Board do not without further information recommend its transfer.

The compensation due for the loss of produce is stated by the Board at Rs 2117-9-2 to be paid by the Company and Rs 1591-1-4 by the Government, but, as pointed out by the Comg Engineer, this is clearly a mistake as the Deputy Collector engaged in making over the land reports that the former amount represents the total sum payable by both the Company

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Company and the Govt. in the following proportions:
By Company. Rs 526-7-10
" Government. Rs 1591-1-4
Rs 2117-9-2

The charge against the Company includes Rs 154-6-8 for planting and rearing trees. The Board do not consider the owner entitled to any compensation on this account, but simply to the actual value of the trees on the land, which they state is given as a distinct item. In this the Board appear to be also in error as the item to which they refer is reported to be the estimated annual income that will be lost to

* See Collector's letter dated 8th Nov/70 No. 380 recorded in Boards Pro. of 12th Dec/70 No. 4043.

to the owner till other trees
are grown. Under the cir-
cumstances the Consulting
Engineer considers the
proposal of the Deputy
Collector to be an equita-
ble arrangement, but, as
regards the amount due
by Govt. ^{to the Company} maintains
that, as the Company re-
quire the land for the
repairs of their Canal and
apply for its transfer in
order to save the payment
of compensation it is only
fair that they should bear
all the loss that the owner
of the land has sustained,
the Government being res-
ponsible only for the
present value of that land.

The

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The Government
concur in the views of the
Chief Engineer and resolve
to request the Board of
Revenue to furnish a
revised statement showing
clearly what amounts
will require to be paid
by the Government and
the Company respectively.

WLB

33
41
The Hong Kong & Formosa Co. ✓
Rev. Departt ✓
Bd of Revenue with two Encls. ✓
Desd 14/2/71

Further Recd 10/5/21 - 2-7-21
" 155/4 10-8-21

628-10/21/21 - 30

Op 268756

Govt. of {1871} Madras.

PUBLIC WORKS.

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

Date

Recd

End /

G O. 10 Feb 1871, No 419

Nos. 246 @ 248

Memorandum Papering orders
relating to the
by construction
the on account of the
caused by the breach
of the canal
Kandy Aqueduct
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