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MADRAS RECORD OFFICE

Government of Madras

pub. works DEPARTMENT

G.O. No. 3318		Press
~~B.P. No.~~ 416-17		~~Mis.~~
Dated 26. 11. 1876		~~195~~

Not to be folded or roughly handled

Read the following papers:—

No. 416. Endorsement of the Acting Secretary to Government, Revenue Department, dated 1st October 1874.

Proceedings of the Board of Revenue, dated 23rd September 1874, Miscellaneous No. 6,602.

READ Proceedings of the Madras Government, Revenue Department, dated 1st September 1874, No. 14, communicating to Revenue Board Proceedings of the Public Works Department, recording papers relative to the delay in the preparation and submission of estimates for the repair, etc., of Irrigation Works.

THE Board resolve to submit their Proceedings of the 2nd June 1874, No. 1,325, and the 22nd July 1874, No. 1,920, for the information of Government.

(True Extract.)

(Signed) J. GROSE,
Secretary.

TRANSFERRED to the Public Works Department, with reference to the Order in that Department, dated 21st August 1874, No. 2,354.

(Signed) C. G. MASTER,
Acting Secretary to Government, R.D.

Proceedings of the Board of Revenue, dated 2nd June 1874, No. 1,325.

Read the following letter from R. W. BARLOW, Esq., Collector of the Chingleput District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Kakalore, 14th April 1874, No. 139.

I HAVE the honor to report on the state of the Hissa tank of Tinnanore, and request the orders of the Board as to what action should be taken, in view to collecting the shares in the amount of the estimate framed for the complete restoration of the work from the Jaghiredar of Tinnanore and the Shrotriemdar of Annambattoo.

Jaghire of Tinnanore, 5¾ shares.
Shrotriem Annambattoo, 1 share.
Ryotwar.
Mamalachary, 1 share.
Agaram, ½ share.
Nadoogoothagai, ¼ share.
Carvomayarachary, 1 share.

2. The tank in question irrigates in all six villages, the names of which, and the relative share of water drawn by each, are shown in the margin.

3. A good deal of correspondence appears to have passed in former years between the Jaghiredar of Tinnanore, who draws the largest share of water, and the Revenue authorities on the subject of thorough repairs to this tank, and about the year 1860, and on the earnest representation of the then Collector Mr. Cunliffe, an estimate was framed by the Department Public Works amounting to Rs. 8,000, but when the Jaghiredar was called upon to pay his quota he objected on the ground of the expenditure being excessive, and after some further correspondence the matter was allowed to drop.

4. Again in October 1868 the state of this tank attracted the attention of Mr. Thornhill, the late Acting Collector, who personally inspected the work and

found that in the interests of both Government and the Jaghiredar, etc., it required thorough repair, and that any further delay was likely to result in a serious loss of revenue to all parties interested. He thereupon wrote to the Superintending Engineer, and another estimate was accordingly prepared in 1869 amounting to Rupees 15,300, but somehow or other it was not sent to this office and the matter again dropped.

5. Subsequently, in November 1870, the head sluice of the supply channel having been seriously injured by the heavy rains which fell that year the Department Public Works had to be again written to, and the subject of general repairs to the tank was again, for the third time, brought up, and after some correspondence Colonel Wilkieson, the then Superintending Engineer, sent to the Collector in March 1871, two estimates, amounting to Rupees 16,300, for his countersignature. One of these for Rupees 1,500, for the restoration of the head sluice, has already been carried out entirely at the expense of Government; the said sluice being intended to regulate the supply of water to the Chembrambakam tank, and to prevent unnecessary wastage rather than to improve the supply to the tank of Tinnanore itself. The Jaghiredar of Tinnanore, and the Shortriemdar of Annambattoo, were written to in April 1871, regarding the larger estimate, as it related to the general repairs; but the latter pleaded that he was poor and unable to bear any share of the proposed estimate, and that, moreover, the village was mortgaged and in the hands of a third party; while the Jaghiredar of Tinnanore stated that the estimate was very excessive, and required to be considerably reduced, and then went away to the Northern Circars. I intended to have had a personal interview with him as soon as he returned, in view to bringing the matter to an amicable settlement if possible, and delayed addressing the District Engineer till November 1872, when, finding no prospect of the Jaghiredar returning, I wrote to him and forwarded the Jaghiredar's letter above referred to for his remarks.

6. In September 1873 Colonel Moberly sent me an estimate for Rs. 1,800, to execute certain repairs to the calingulah of the tank, for my countersignature, and requested me to collect the Jaghiredar's quota. This necessarily again reminded me of the larger estimate, and I inquired of him as to what had become of it; at the same time I called upon the Jaghiredar by a Yadast, dated 25th October 1873, to pay his quota of the small estimate amounting to Rupees 1,080 and odd; to which the latter sent me the

Enclosure A. enclosed reply, dated 1st November 1873, from which it will be seen that he, not unreasonably, declined to give an answer until the question of general repairs to the tank, and his letter regarding the estimate framed for them, were finally disposed of.

7. On my communicating the Jaghiredar's reply to Colonel Moberly, and requesting him to revise the estimate if possible, he reduced it from Rs. 15,300 to 10,950. This estimate also was duly forwarded to the Jaghiredar, with a request that he would pay his quota without further objection, and from his reply, dated 26th November last, herewith

Enclosure B. sent, the Board will see that he is still dissatisfied with it, and is making frivolous objections.

Proceedings of the Madras Government, Public Works Department,
24th November 1874.

8. I also enclose, for the Board's perusal and consideration, two original

Enclosures C. and D. letters of Colonel Moberly, dated 15th November 1873, No. 2,182, and 15th January last, No. 2,769, the former containing his remarks on the Jaghiredar's letter of the 1st November last, and the latter on that of the 26th idem.

9. I have often seen the tank myself, and its condition is simply disgraceful, though not such as to fall within the scope of the Board's Circular Order No. I. of 1873, and shows the defective state of the law as at present existing. Zemindars and others know full well that they cannot be compelled to contribute their quota, and that if Government, to protect itself from loss, execute the repairs their share can only be recovered after the expense, and what is more to the point the delay of a civil action. The most reasonable demands of Government have not unfrequently been totally ignored, and I consider that some summary process should be devised for meeting such cases.

Enclosures Nos. 1 and 2, A. and B.

ABSTRACT.—Replies from the Jaghiredar of Tinnanore, dated 1st and 26th November 1873.

ENCLOSURE No. 3, C.

From Colonel F. J. MOBERLY, R.E., District Engineer, to R. W. BARLOW, Esq., Collector of Chingleput, dated Guindy, 15th November 1873, No. 2,182.

I REGRET to find from your No. 353 that the Jaghiredar of Tinnanore is making fresh difficulties, and is scarcely correct in his assertion. The estimate was lent by me to his agent before I sent it to you, and I have every reason to believe that he discussed it before he returned it with his letter of 13th September 1873.

2. The Cholaveram Red Hill and Chembrambakam tanks revetments are all built without mortar. In fact the use of mortar is very exceptional, and is utterly unnecessary and useless in the form proposed by the Jaghiredar. The wall is too thin to bear any resistance and is merely a screen, and as such is quite as good when properly disposed as if grouted with mortar, which would only hinder the drainage of the tank.

3. The Jaghiredar was informed that the estimate provided for repair of the calingulah and sluices, and was expressly warned that the former was in very dangerous condition. If it breaches the injury to tanks below, the property of Government, and to his own fields would be far more than the estimate which he is discussing.

ENCLOSURE No. 4, D.

From Colonel F. J. MOBERLY, R.E., District Engineer, to R. W. BARLOW, Esq., Collector of Chingleput, dated Guindy, 15th January 1874, No. 2,769.

I HAVE the honor to forward the following remarks in reply to letter from the Jaghiredar of Tinnanore enclosed in your No. 382, dated 28th November.

One letter from the Jaghiredar of Tinnanore, dated 26th November 1873.

2. I have not the slightest intention of increasing the quantity of water in the tank, and cannot do so without raising the calingulah, for doing which there is no sort of provision. In fact, I was inclined to lower its level under misapprehension of the language of the Jaghiredar's agent.

3. The height of six feet above its highest water level is, in my opinion, very little, as waves might easily, on so large an expanse of water, rise to that height and so over the bank. The area drained is small, and we have very fair means of controlling the supply by the head sluice from the Cooum.

4. The existing bank, old and worn, is in many places even now eight to eleven feet wide. I think nine feet uniformly as little as we can put for the top breadth of so large a reservoir,

5. The estimate provides for working up the stone so far as we can ascertain actually on the revetment. The Jaghiredar has objected to every estimate which has been framed to meet his views on account of their amount. I gave instructions for the preparation of this on the cheapest scale. I do not set much stress on the necessity of having stone, believing that earth with a good slope is very efficient, but there *is* stone on the bank, and I propose using it so far as it will go: it would be very costly to lay it in mortar, and really very useless. The Jaghiredar is mistaken in thinking this style is common, (see his letter of 1st November, paragraph 4;) neither of the three large tanks near Madras are built with mortar, and I cannot remember having seen one in a large experience.

6. At Tinnanore it is the merest grouting. In many places the tank has silted in front of the revetment. It would be an unnecessary expense to disturb the good slope to get out the stone buried beneath it; if there is any, in many places the revetment is only one course of stone.

7. The only alteration proposed to the sluice is the construction of a platform from which to raise the plugs, to work which now a man has to dive into some feet of water at risk to his life. The number of persons in the village who can do this is small, and if they exercise their right to refuse to dive may considerably injure the irrigation.

8. If the old sluices are not repaired the tank is likely to be breached by their sudden collapse. I trust that the Government will hold the Jaghiredar responsible for all the damage which such an accident would probably cause to the chain of tanks all the way to Madras. He has been repeatedly warned that the tank is not safe, and has steadily refused to do anything himself, or let us do anything for him.

9. The Jaghiredar objects to our rates; he makes no allowance for the distance from which earth must be carried. The remedy is, however, in his own hands; if he will undertake the work at reduced rate he will save in pocket. The last paragraph but one of his letter seems to show how little the Jaghiredar has observed the changes of the last twenty years. It is for you to reply to his statements underlined by you.

THE Board were about to request the Government Pleader to advise as to the institution of legal proceedings against the Jaghiredar when they heard of the Jaghiredar's death.

2. The Collector will report on whom the estate devolves, and whether the heir is likely to consent to bear his fair share of the cost of repairing the tank.

(True Copies and Extract.)

(Signed) J. GROSE,
Secretary.

Proceedings of the Board of Revenue, dated 22nd July 1874, No. 1,920.

Read the following letter from R. W. BARLOW, Esq., Collector of the Chingleput District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Sydapet, 25th June 1874, No. 292.

I HAVE the honor, at the instance of the District Engineer, to solicit the instructions of the Board on the somewhat, in my opinion, difficult question, as to how far Section 6, Act I. of 1858, can be enforced regarding the clearing of bunds where the prickly-pear and overgrowth is heavy, the result of years' accumulations, and the ryots plead consequent inability to do the work.

2. The question is not a new one as regards Colonel Moberly (*vide* paragraph 3 of the Board's Proceedings, No. 1,178, dated 26th February 1863), and paragraph 4 of Mr. Cunliffe's letter embodied therein, and the state of this district exceptional.

My own and the Sub-Collector's opinion is that no hard and fast rule should be laid down, and that the ryots cannot in *all* cases be held responsible for the shortcomings of a former generation; in other words, that the general principle, that it *is* the duty of the ryots to perform such works should be insisted on it; but that when they have been called on to perform the same, and raise objection, each case should be treated on the merits after inquiry; and when, in the opinion of the Revenue authorities, the overgrowth is so heavy as to be beyond the means of the ryots, the clearing should be made an item in the estimate.

3. Colonel Moberly is not satisfied with this view. The question has arisen in practice, the Board will observe, from the correspondence regarding the Tinnanore Tank (*vide* my No. 139* of 1874), and desires that a reference may be made for definite orders. He further insists that the Revenue Department of past years, and not the Department Public Works, are wholly responsible for the present state of things, and that therefore if expenditure is to be incurred, it "should be debited to the Revenue and not to the Public Works Department, on whom * * * the responsibility has rested all along."

* Printed in Board's Proceedings, No. 1,325, dated 2nd June 1874.

4. I do not wish to trouble the Board with this last point—as its solution will not help the question—beyond observing that, even if the present state of things be held to be the fault of former Collectors and myself, I do not see why the Department Public Works should object to expend the sums sanctioned for clearing, so as to avoid the necessity for two estimates. I enclose copies of the correspondence that has passed, which show the present aspect of the question.

5. I desire also to state, as the tenor of the District Engineer's correspondence might lead to a different conclusion, that both I and, I believe, my subordinates are doing all we can to induce the ryots to clear their bunds; in the very case which led to this correspondence, this has long since been done, and though I declined, for the reasons already stated, to issue a general notice in the *District Gazette* desiring the ryots to clear in *all* cases, I have in every instance hitherto, when applied to by the Department Public Works, issued strict orders to clear. I have further, at the suggestion of Colonel Moberly, published a Circular in the *District Gazette* promising the ryots all undergrowth cleared by them free for firewood as a perquisite. My proposal to the District Engineer was only intended to meet special cases, to avoid raising questions perhaps embarrassing to decide.

6. In conclusion, I beg to draw special attention to the tone of the concluding paragraph of Colonel Moberly's No. 917, and last part of paragraph 2 of his No. 691, dated 2nd June 1874.

ENCLOSURE No. 1.—Copies of correspondence between the Collector and the District Engineer.

THE question submitted for the orders of the Board is stated by the District Engineer, thus: "I have the honor to urge early consideration and decision by the Board of Revenue of the subject of clearing prickly-pear from tank and channel banks as raised by the Jaghiredar of Tinnanore," and, again, "I enclose a list of tanks in Sydapet Taluq which we cannot make estimates for owing to the accumulation of bushes, and shall be greatly obliged by your urging the Board of Revenue to pass orders or obtain them from Government."

2. The Board are not aware what were the exact points dwelt on by the Jaghiredar of Tinnanore, nor can they see what orders are required from them or from Government. As regards the general question, the Collector and Sub-Collector are undoubtedly right in holding that, where the villagers on being directed to clear away overgrowth "object on the score of inability, it is better, if the accumulation is the result of years, to include it in the estimate, and not to try and make a hard and fast rule;" that in all such cases the clearance must be effected by the villagers unaided and compelled, if necessary, under Act I. of 1858.

3. It does not appear that as yet the Collector and District Engineer have disagreed in any particular case. The clearance of prickly-pear "just beginning to spread" on the banks of the Kuam and Chingleput tanks has been effected by the villagers; and so far as the Board can judge, it was precisely such work as ought to be done by the villagers, though the Sub Collector raised the general principle in writing about it. The orders for clearing the 29 bunds of the tanks referred to by the Executive Engineer of the Mount Range, and the tanks in a list communicated to the Collector by the District Engineer, have been issued, and the result is not stated. If, in any case, the Collector and District Engineer disagree as to whether the clearance should be effected under the "Kudimaramut" or not, the case should be stated and submitted for orders.

4. It would be wasting time again for the Board to notice the District Engineer's views as to the relative responsibility of the Revenue and Public Works Departments, and his strange and impracticable notion that the cost of such clearances, if public money has to be spent on them, should be charged to the Revenue Department, instead of to the head under which it must be debited according to rules laid down by the Government of India.

(True Copy and Extract.)

(Signed) J. GROSE,
Secretary.

No. 41A. Read the following Proceedings of the Madras Government in the Revenue Department, dated 16th October 1874, No. 1,329.

Proceedings of the Board of Revenue, dated 16th September 1874, No. 2,643.

Read again Board's Proceedings, dated 26th May 1871, No. 2,160.

Read also the following letters:—

From the	Collector	of Ganjam,	dated 15th June	1871,	No. 731.
,,	,,	of Vizagapatam,	,, 12th July	,,	,, 667.
,,	,,	of Godavery,	,, 18th ,,	,,	,, 248.
,,	,,	of Kistna,	,, 24th June	,,	,, 1,819.
,,	,,	of Nellore,	,, 20th October	,,	,, 2,083.
,,	,,	of Bellary,	,, 9th August	,,	,, 307.
,,	,,	of Cuddapah,	,, 24th Feb.	1872,	,, 35.
,,	,,	of Kurnool,	,, 14th June	1871,	,, 202.
,,	,,	of Madras,	,, 30th April	1872,	,, 63.
,,	,,	of Chingleput,	,, 19th July	1871,	,, 327.
,,	,,	of North Arcot,	,, 31st ,,	1874,	,, 410.

From the	Collector	of South Arcot,	dated 25th August	1871,	No. 283.
,,	,,	of Tanjore,	,, 8th Dec.	,,	,, 386.
,,	,,	of Trichinopoly,	,, 16th June	,,	,, 173.
,,	,,	of Madura,	,, 12th Sept.	,,	,, 271.
,,	,,	of Tinnevelly,	,, 20th June	,,	,, 264.
,,	,,	of Coimbatore,	,, 1st Feb.	1872,	,, 14.
,,	Commissioner	of Nilgiris,	,, 12th June	1871,	,, 68.
,,	Collector	of Salem,	,, 4th Dec.	,,	,, 3,574.
,,	,,	of South Canara,	,, 24th July	,,	,, 1,038.
,,	,,	of Malabar,	,, 13th ,,	,,	,, 167.

SUBMITTED to Government, with reference to G. O., 1st May 1871, No. 765.

2. It has been decided by Government that Inamdars holding *wet* Inams supplied by tanks or other works which also irrigate ryotwary land, cannot be called on to contribute towards the repair of the source of irrigation. Government have no concern with sources of irrigation which supply only Inam lands. There remain the cases in which the source requiring repair is chiefly useful in supplying one or more Inam villages but also supplies Government land, and the case in which an anicut or other new work is projected to supply Ryotwary and Inam lands. These are no doubt the cases in which Government assumed that it may be decided that the Inamdar shall contribute a lump sum towards repairs.

3. The Board, having been asked for their opinion as to how such a lump sum should be realized, called upon all Collectors to report on that subject, stating the practice in their districts.

4. From the replies it appears that contributions have often been exacted in the case in which Government have decided that they are inadmissible, and that in many districts they have been collected as arrears of land revenue in supposed accordance with Section 52, Act II. of 1864 (Madras). This was no doubt illegal, but as the contributions have been stopped it is unnecessary to say more on this part of the case.

5. With regard to the lump payment, the first question is how it is to be decided? In many cases (*vide* the Chingleput Report) Inamdars absolutely refuse to pay any thing in cases where they manifestly ought to contribute a share of the cost of repairs. The Board fear that this difficulty can be overcome by nothing short of legislation.

6. The next question is as to how the sum, if fixed and agreed to by the Inamdars, is to be collected? In many districts it is reported that the Inamdars will pay their share readily, but in others they will not. If Government refuse to begin the work till the contributions are paid, delay injurious to Government ryots will often be caused. If they take a bond for the payment they may often be driven to sue for the amount in the Courts, and this is objectionable as pointed out in the Bellary Report. It would perhaps be the best plan to take an agreement (legally binding) and provide in it that if the stipulated sum is not paid by a certain date, Government will have a right to withhold water from all lands belonging to the defaulters, and Inamdars might perhaps be allowed to compound for an annual rate instead of making a lump payment. The only other resource is to legislate for the recovery of these sums as arrears of land revenue.

Proceedings of the Madras Government, Public Works Department,
24th November 1874.

Irrigation, No. 4.

His Excellency the Governor in Council resolves to request the opinion of the Advocate-General upon the state of the law as affecting this question, and as to the powers possessed by Government.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government, R.D.

No. 417. Order thereon, 24th November 1874, No. 3,318.

IRRIGATION, No. 50.

Recorded, pending orders in the Revenue Department on the reference made to the Advocate-General in G. O., No. 1,329 of 16th October.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Superintending Engineer, Chingleput.
,, Chief Engineer for Irrigation.
,, Revenue Department.

No. 1,325.

Proceedings of the Board of Revenue, dated 2nd June 1874.

Read the following letter from R. W. BARLOW, Esq., Collector of the Chingleput District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Kakalore, 14th April 1874, No. 139 :—

I have the honour to report on the state of the Hissa tank of Tinnanore, and request the orders of the Board as to what action should be taken, in view to collecting the shares in the amount of the estimate framed for the complete restoration of the work from the Jaghiredar of Tinnanore and the Shrotriemdar of Annambattoo.

Jaghire of Tinnanore, 5¼ shares.
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Ryotwar.
Mamalachary, 1 share.
Agaram, ¼ share.
Nadoogoothagai, ¼ share.
Carvonayarachary, 1 share.

2. The tank in question irrigates in all six villages, the names of which, and the relative share of water drawn by each, are shown in the margin.

3. A good deal of correspondence appears to have passed in former years between the Jaghiredar of Tinnanore, who draws the largest share of water, and the Revenue authorities on the subject of thorough repairs to this tank, and about the year 1860, and on the earnest representation of the then Collector Mr. Cunliffe, an estimate was framed by the Department Public Works, amounting to Rupees 8,000, but when the Jaghiredar was called upon to pay his quota he objected on the ground of the expenditure being excessive, and after some further correspondence the matter was allowed to drop.

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5. Subsequently in November 1870 the head sluice of the supply channel having been seriously injured by the heavy rains which fell that year the Department Public Works had to be again written to, and the subject of general repairs to the tank was again, for the third time, brought up, and after some correspondence Colonel Wilkieson, the then Superintending Engineer, sent to the Collector in March 1871 two estimates, amounting to Rupees 16,300, for his countersignature. One of these for Rupees 1,500, for the restoration of the head sluice, has already been carried out entirely at the expense of Government; the said sluice being intended to regulate the supply of water to the Chembrambakam tank, and to prevent unnecessary wastage rather than to improve the supply to the tank of Tinnanore itself. The Jaghiredar of Tinnanore, and the Shrotriemdar of Annambattoo, were written to in April 1871 regarding the larger estimate, as it related to the general repairs; but the latter pleaded that he was poor and unable to bear any share of the proposed estimate, and that, moreover, the village was mortgaged and in the hands of a third party; while the Jaghiredar of Tinnanore stated that the estimate was very excessive, and required to be considerably reduced, and then went away to the Northern Circars. I intended to have had a personal interview with him as soon as he returned, in view to bringing the matter to an amicable settlement if possible, and delayed addressing the District Engineer till November 1872, when, finding no prospect of the Jaghiredar returning, I wrote to him and forwarded the Jaghiredar's letter above referred to for his remarks.

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Enclosure A.

it will be seen that he, not unreasonably, declined to give an answer until the question of general repairs to the tank, and his letter regarding the estimate framed for them, were finally disposed of.

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8. I also enclose for the Board's perusal and consideration two original letters of Colonel Moberly, dated 15th November 1873, No. 2,182, and 15th January last, No. 2,769, the former containing his remarks on the Jaghiredar's letter of the 1st November last, and the latter on that of the 26th idem.

Enclosures C. and D.

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ENCLOSURES Nos. 1 and 2, A. and B.

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3. The height of six feet above its highest water level is, in my opinion, very little, as waves might easily, on so large an expanse of water, rise to that height and so over the bank. The area drained is small, and we have very fair means of controlling the supply by the head sluice from the Cooum.

4. The existing bank, old and worn, is in many places even now eight to eleven feet wide. I think nine feet uniformly as little as we can put for the top breadth of so large a reservoir.

5. The estimate provides for working up the stone so far as we can ascertain actually on the revetment. The Jaghiredar has objected to every estimate which has been framed to meet his views on account of their amount. I gave instructions for the preparation of this on the cheapest scale. I do not set much stress on the necessity of having stone, believing that earth with a good slope is very efficient, but there *is* stone on the bank, and I propose using it so far as it will go ; it would be very costly to lay it in mortar, and really very useless. The Jaghiredar is mistaken in thinking this style is common (see his letter of 1st November, paragraph 4 ; neither of the three large tanks near Madras are built with mortar, and I cannot remember having seen one in a large experience.

6. At Tinnanore it is the merest grouting. In many places the tank has silted in front of the revetment. It would be an unnecessary expense to disturb the good slope to get out the stone buried beneath it; if there is any, in many places the revetment is only one course of stone.

7. The only alteration proposed to the sluice is the construction of a platform from which to raise the plugs, to work which now a man has to dive into some feet of water at risk to his life. The number of persons in the village who can do this is small, and if they exercise their right to refuse to dive may considerably injure the irrigation.

8. If the old sluices are not repaired the tank is likely to be breached by their sudden collapse. I trust that the Government will hold the Jaghiredar responsible for all the damage which such an accident would probably cause to the chain of tanks all the way to Madras. He has been repeatedly warned that the tank is not safe, and has steadily refused to do anything himself, or let us do anything for him.

9. The Jaghiredar objects to our rates; he makes no allowance for the distance from which earth must be carried. The remedy is, however, in his own hands; if he will undertake the work at reduced rate he will save in pocket. The last paragraph but one of his letter seems to show how little the Jaghiredar has observed the changes of the last twenty years. It is for you to reply to his statements underlined by you.

THE Board were about to request the Government Pleader to advise as to the institution of legal proceedings against the Jaghiredar when they heard of the Jaghiredar's death.

2. The Collector will report on whom the estate devolves, and whether the heir is likely to consent to bear his fair share of the cost of repairing the tank.

(True Copies and Extract.)

(Signed) J. GROSE,
Secretary.

To the Collector of Chingleput, with two original enclosures returned.

Exd. J. Tulloch.

1874.

Board of Revenue,

MADRAS.

PROCEEDINGS, 2ND JUNE 1874, No. 1,325.

Received

Encl.

JUNE.

No. 1,325.

Tinnanore Joghire—in Chingleput district, last holder of which is dead.—Collector to report who is to succeed to—and whether he is likely to consent to bear his fair share of cost of repairing Hissa tank of Joghire.

No. 1,920.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 22nd July 1874.

Read the following letter from R. W. BARLOW, Esq., Collector of the Chingleput District, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Sydapet, 25th June 1874, No. 292:—

I HAVE the honor, at the instance of the District Engineer, to solicit the instructions of the Board on the somewhat, in my opinion, difficult question, as to how far Section 6, Act I. of 1858, can be enforced regarding the clearing of bunds, where the prickly-pear and overgrowth is heavy—the result of years' accumulations, and the ryots plead consequent inability to do the work.

2. The question is not a new one as regards Colonel Moberly (*vide* paragraph 3 of the Board's Proceedings, No. 1,178, dated 26th February 1863,) and paragraph 4 of Mr. Cunliffe's letter embodied therein, and the state of this district exceptional. My own and the Sub-Collector's opinion is that no hard and fast rule should be laid down, and that the ryots cannot in *all* cases be held responsible for the shortcomings of a former generation; in other words, that the general principle, that it *is* the duty of the ryots to perform such works should be insisted on it; but that when they have been called on to perform the same, and raise objection, each case should be treated on the merits after enquiry; and when, in the opinion of the revenue authorities, the overgrowth is so heavy, as to be beyond the means of the ryots, the clearing should be made an item in the estimate.

3. Colonel Moberly is not satisfied with this view. The question has arisen in practice, the Board will observe, from the correspondence regarding the Tinnanore Tank (*vide* my No. 139* of 1874), and desires that a reference may be made for definite orders. He further insists that the Revenue Department of past years, and not the Department Public Works, are wholly responsible for the present state of things, and that, therefore, if expenditure is to be incurred, it "should be debited to the Revenue and not to the Public Works Department, on whom * * * the responsibility has rested all along."

* Printed in Board's Proceedings, No. 1,325, dated 2nd June 1874.

4. I do not wish to trouble the Board with this last point—as its solution will not help the question—beyond observing that, even if the present state of things be held to be the fault of former Collectors and myself, I do not see why the Department Public Works should object to expend the sums sanctioned for clearing, so as to avoid the necessity for two estimates. I enclose copies of the correspondence that has passed, which show the present aspect of the question.

5. I desire also to state, as the tenor of the District Engineer's correspondence might lead to a different conclusion, that both I and, I believe, my subordinates are doing all we can to induce the ryots to clear their bunds: in the very case which led to this correspondence, this has long since been done; and, though I declined, for the reasons already stated, to issue a general notice in the District Gazette, desiring the ryots to clear in *all* cases, I have in every instance hitherto, when applied to by the Department Public Works, issued strict orders to clear. I have further, at the suggestion of Colonel Moberly, published a Circular in the District Gazette, promising the ryots all undergrowth cleared by them free for firewood as a perquisite. My proposal to the District Engineer was only intended to meet special cases, to avoid raising questions, perhaps, embarrassing to decide.

6. In conclusion, I beg to draw special attention to the tone of the concluding paragraph of Colonel Moberly's No. 917, and last part of paragraph 2 of his No 691, dated 2nd June 1874.

ENCLOSURE No. 1.—Copies of correspondence between the Collector and the District Engineer.

THE question submitted for the orders of the Board is stated by the District Engineer, thus: "I have the honor to urge early consideration and decision by the Board of Revenue of the subject of clearing prickly-pear from tank and channel banks as raised by the Jaghiredar of Tinnanore," and, again, "I enclose a list of tanks in Sydapet Taluq, which we cannot make estimates for, owing to the accumulation of bushes, and shall be greatly obliged by your urging the Board of Revenue to pass orders, or obtain them from Government."

2. The Board are not aware what were the exact points dwelt on by the Jaghiredar of Tinnanore, nor can they see what orders are required from them or from Government. As regards the general question, the Collector and Sub-Collector are undoubtedly right in holding that, where the villagers on being directed to clear away overgrowth "object on the score of inability, it is better, if the accumulation is the result of years, to include it in the estimate, and not to try and make a hard and fast rule;" that in all such cases, the clearance must be effected by the villagers unaided and compelled, if necessary, under Act I. of 1858.

3. It does not appear that, as yet, the Collector and District Engineer have disagreed in any particular case. The clearance of prickly-pear "just beginning to spread" on the banks of the Kuam and Chingleput Tanks has been effected by the villagers; and so far as the Board can judge, it was precisely such work as ought to be done by the villagers, though the Sub-Collector raised the general principle in writing about it. The orders for clearing the 29 bunds of the tanks referred to by the Executive Engineer of the Mount Range, and the tanks in a list communicated to the Collector by the District Engineer, have been issued, and the result is not stated. If, in any case, the Collector and District Engineer disagree as to whether the clearance should be effected under the "Kudimaramut" or not, the case should be stated and submitted for orders.

4. It would be wasting time again for the Board to notice the District Engineer's views as to the relative responsibility of the Revenue and Public Works Departments and his strange and impracticable notion that the cost of such clearances, if public money has to be spent on them, should be charged to the Revenue Department, instead of to the head under which it must be debited according to rules laid down by the Government of India.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Collector of Chingleput.

Copy to the Acting Secretary to Government, Revenue Department.
,, to the District Engineer.

8/5

The Board resolve to submit their Proceedings of the 2nd June 1874, No. 1325, and the 22nd July 1874, No. 1920 for the information of Government.

True Extract

J. Grose
Secretary

To
The Secretary to Government
Revenue Department

Copied by [illegible]

N°3379
Revenue 1874 Dept.
Proceedings of the
Board of Revenue
Dated 23rd Sept. 1874
Regd 25 — " —

Transferred to the Public Works Dept. with reference to the Order in that Department dated 21 Augt. 1874, N°2354.

Master
Ag. Secy. to Govt
Octr 1874.

6/10 Dec
Transferred

No. 7112.

From.

The Ag. Secretary to
Govt. Revenue D.

Dated 1st Oct.
Rec'd 12th Nov. } 1874.
Encl. 2

Papers regarding
Prs. of the Board
of Revenue relative
to the adjustment of
the cost of repairing
Irrigation works in
which there is a joint
Proprietorship & the
clearing of prickly-
pear from the banks
of certain Channels
&c. in the Chingleput
District -

G.O. No. 3318. 24-11-74.

Ap 416

P. W. 1874 Depart.

II/ No. 7112.

From.

The Sy. Secretary to
Govt. Revenue D.

Dated 1st Oct.
Rec'd 12th Nov. } 1874.
Enc. 2 &

Concerning
Proc. of the Board
of Revenue relative
to the adjustment of
the cost of repairing
Irrigation works in
which there is a joint
proprietorship & the
clearing of prickly-
pear from the banks
of certain channels
in the Chingleput
District —
G. O. No. 3318. 24-11-74.

Orders 416

Proceedings of the Madras Government, Revenue Department,
16th October 1874.

No. 172. Read the following Proceedings of the Board of Revenue, dated 16th September 1874, No. 2,643 :—

Read again Board's Proceedings, dated 26th May 1871, No. 2,160.

Read also the following letters :—

From the Collector of	Ganjam,	dated 15th June	1871,	No.	731.
„ „	of Vizagapatam,	„ 12th July	„	„	667.
„ „	of Godavery,	„ 18th do.	„	„	248.
„ „	of Kistna,	„ 24th June	„	„	1,819.
„ „	of Nellore,	„ 20th October	„	„	2,083.
„ „	of Bellary,	„ 9th August	„	„	307.
„ „	of Cuddapah,	„ 24th February	1872,	„	35.
„ „	of Kurnool,	„ 14th June	1871,	„	202.
„ „	of Madras,	„ 30th April	1872,	„	63.
„ „	of Chingleput,	„ 19th July	1871,	„	327.
„ „	of North Arcot,	„ 31st do.	1874,	„	410.
„ „	of South Arcot,	„ 25th August	1871,	„	283.
„ „	of Tanjore,	„ 8th December	„	„	386.
„ „	of Trichinopoly,	„ 16th June	„	„	173.
„ „	of Madura,	„ 12th September	„	„	271.
„ „	of Tinnevelly,	„ 20th June	„	„	264.
„ „	of Coimbatore,	„ 1st February	1872,	„	14.
„ Commissioner	of Nilgiris,	„ 12th June	1871,	„	68.
„ Collector	of Salem,	„ 4th December	„	„	3,574.
„ „	of South Canara,	„ 24th July	„	„	1,038.
„ „	of Malabar,	„ 13th do.	„	„	167.

Submitted to Government, with reference to G. O., 1st May 1871, No. 765.

2. It has been decided by Government that Inamdars holding *wet* Inams supplied by tanks or other works which also irrigate ryotwary land, cannot be called on to contribute towards the repair of the source of irrigation. Government have no concern with sources of irrigation which supply only Inam lands. There remain the cases in which the source requiring repair is chiefly useful in supplying one or more Inam villages but also supplies Government land, and the case in which an anicut or other new work is projected to supply Ryotwary and Inam lands. These are no doubt the cases in which Government assumed that it may be decided that the Inamdar shall contribute a lump sum towards repairs.

3. The Board, having been asked for their opinion as to how such a lump sum should be realized, called upon all Collectors to report on that subject, stating the practice in their districts.

4. From the replies it appears that contributions have often been exacted in the case in which Government have decided that they are inadmissible, and that in many districts they have been collected as arrears of land revenue in supposed accordance with Section 52, Act II. of 1864 (Madras). This was no doubt illegal, but as the contributions have been stopped it is unnecessary to say more on this part of the case.

5. With regard to the lump payment, the first question is how it is to be decided? In many cases (*vide* the Chingleput Report) Inamdars absolutely refuse to pay any thing in cases where they manifestly ought to contribute a share of the cost of repairs. The Board fear that this difficulty can be overcome by nothing short of legislation.

6. The next question is as to how the sum, if fixed and agreed to by the Inamdars, is to be collected? In many districts it is reported that the Inamdars will pay their share readily, but in others they will not. If Government refuse to begin the work till the contributions are paid, delay injurious to Government ryots will often be caused. If they take a bond for the payment

they may often be driven to sue for the amount in the Courts and this is objectionable as pointed out in the Bellary Report. It would perhaps be the best plan to take an agreement (legally binding) and provide in it that if the stipulated sum is not paid by a certain date, Government will have a right to withhold water from all lands belonging to the defaulters, and Inamdars might perhaps be allowed to compound for an annual rate instead of making a lump payment. The only other resource is to legislate for the recovery of these sums as arrears of land revenue.

173. ORDER THEREON, 16th October 1874, No. 1,329.

Irrigation, No. 4.

His Excellency the Governor in Council resolves to request the opinion of the Advocate General upon the state of the law as affecting this question, and as to the powers possessed by Government.

(True Extract.)

Acting Secretary to Government.

To the Government Solicitor.
„ the Board of Revenue.
„ the Public Works Dept.

Exd. G. A. Turton.

P. W. 1874 Dept.
Govt. of Madras 1874

13

REVENUE.

No: 7115

To

THE GOVERNMENT SOLICITOR,

&c., &c., &c.

Dated October 16th.
Read 12th Nov. 1874.

Encl.

G. O., 16th October 1874, No. 1,329.

OCTOBER.
Nos. 172-173.

Contributions of Inamdars towards repair of Irrigation works.—Requesting the opinion of the Advocate General upon the state of the law as affecting the question of realizing the —, and as to the powers possessed by Government.

G.O. No: 3318: 24-11-74.

416 A.
Act 14 of

14

P.W.D. Irrig.

Proceedings of the Madras Govt.

Read the following:-

Pro: of the Board of Revr. thro' the Revr. Departt. } (No. 3318 dt. 24th Novr. 1874)

Pro: of the Madras Govt. in the Revr. Departt. } (G. O. No. 1329 dt. 16th Octr. 1874)

Recorded, pending orders in the Revenue Department on the reference made to the Advocate General in G. O. No. 1329 of 16 October.

Govt.

S.O.
4

S.E. Chingleput
Chief Engr. for Irrign.
Revenue Dept.
Dept. 25/11/74

Public Works Depttt

Proceedings of the Madras Government

Read the following

Proposal from Bd of Revr

Thro Revr Depttt G.O. No 6602 dated

23 Sept 1874

Ordered to be

recorded, with

the remark that

an early settle-

ment of the way

in which the

contributions to

the cost of the

upkeep of irriga-

tion works in which

there is a joint

proprietorship, are

to be realized, is

desirable, it being

impracticable for

the proceedings in

Some Board like this
order is suitable - Action
seems necessary & Govt
should be apprised - Resolution
of compulsory Bank - Heads &
Instructions Bank is ready
pressing; and state Committee
has attempted & dealt with &
what Legislative action
the Board endorse
dealing the question (Bd 2/6/1825
and Govt in what direction the
above Heads & steps in the State
of the Law & Rules & Regs
the early summary pro-
1860 — 61
I think this has
been done. Ltr
1860
It was (Hist.) decided
in Council that no action

416-417.

Secr 6/11/74

the connection with
the repair of the
Tinnanore tank to
be repeated in si-
milar cases with-
out seriously encroach-
ing on the time
of both Executive
and P.W. officers

Lig 7/10/74

7115/7112 16

Govt. of 1874 Madras.

PUBLIC WORKS.

☆

To

The Supg: Engr.
Chingleput.

Dated

Recd. Encl. 2

G. O. 24 Nov 1874, No. 3318

Nos. 416-417

Irrigation Works &c

Papers relating to the adjustment of the cost of repairing &c works in which there is a joint proprietorship in the clearing of prickly pear from the banks of certain Channels &c in the Chingleput Dt. recorded, pending receipt of further information -