(1) Number of pages 32

(2) Date of repair 1.7.87

(3) Initials of the Referencer Lang

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

DEPARTMENT

P. W. D

G.O. No. / B.P. No:	1974-W	Press. / Mis.
Dated	16. 7. 1883	188 .

Not to be folded or roughly handled

Archives I--10,006 I -80.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

READ—again—

G.O., dated 21st May 1881, No. 326 I., Public Works.
G.O., „ 26th September 1881, No. 2358 W., Public Works.
G.O., „ 28th August 1882, No. 2209 W., Public Works.
G.O., „ 14th September 1882, No. 2384 W., Public Works.
Board's Proceedings, dated 26th October 1882, No. 2590.
G.O., dated 13th November 1882, No. 3003 W., Public Works.
G.O., „ 4th May 1883, No. 1310, Public Works.

READ—also the following papers :—

From E. BARCLAY, Esq., Government Solicitor, to the Secretary to Government, Public Works Department, dated Madras, 5th June 1883, No. 296, forwarding the following Opinion of the Advocate-General with reference to G.O., dated 4th May 1883, No. 1310 W., Public Works :—

OPINION.

With reference to the Order of Government, Public Works Department, dated the 4th May 1883, No. 1310 W., I have read the draft Bill referred to me to provide for Irrigation and Navigation in the Madras Presidency. The Bill as drawn follows the law now in force in Bengal (Bengal Act III of 1876), in Bombay (Bombay Act VII of 1879), and in the North-West Provinces (Act VIII of 1873) on all important details, and I think it should be generally accepted, and that it is more advisable to follow the course which legislation has taken in the other Presidencies than to modify and apply the Land Acquisition Act as suggested by the Board of Revenue. I think the penalty sections are properly framed, but I concur with the Board in deprecating the power to arrest offenders without warrant, which is given in Section 55 of the Bill.

With reference to the construction of new water-courses, provided for in Sections 15 to 19 of the Bill, and the objection taken thereto by the Board of Revenue, it may be well to ascertain how these provisions have worked in the other Provinces. The corresponding sections in Bengal Act III of 1873 are Sections 49 to 53, where they are called village channels; in Bombay Act VII of 1879, Sections 16 to 20; and in Act VIII of 1873, North-West Provinces, Sections 21 to 29. If necessary, an alteration could be made in Section 17 prohibiting the exercise of the powers conferred on the Canal Officer, unless the previous sanction of the Government has been obtained.

The Bill will, I think, have to be submitted to the Government of India; its provision would be in conflict with Act V of 1882 (The Easements Act), and a confirmatory Act by the Governor-General's Council would probably be required in the same way that Act XXI of 1882 was required to give effect to the Madras Forest Act (V of) 1882.

(Signed) P. O'SULLIVAN,
4th June 1883. Advocate-General.

Remarks on the Opinion of the Advocate-General, dated 4th June 1883.

The remarks above quoted have reference to certain points submitted for the Advocate-General's opinion with the Committee's Proceedings, dated 27th April 1883, disposing of the Remarks of the Board of Revenue, No. 2590, dated 26th October 1882, on the proposed draft of the Madras Irrigation Act.

2. As the Advocate-General considers it advisable to follow the course which legislation has taken in Bengal, Bombay, and North-West Provinces in regard to irrigation, the Committee are of opinion that the Bill as modified by the previous Proceedings might, with the approval of Government under Rule 26 for the conduct

of business in the Local Council, be published in the *Fort St. George Gazette* so soon as it can be translated into the vernaculars of the Presidency. This course they consider desirable, as the Bill is directly connected with that for regulating Kudimaramut, which has already been introduced, and with Act I of 1858.

3. The Committee would further suggest that the correspondence be referred to the Governments of Bengal, Bombay, and North-West Provinces, to ascertain whether the objections urged in regard to Sections 15 to 19 and 55, as also to other matters which have been dwelt on by the Board of Revenue and the Advocate-General, have been felt in practically working the Acts which have been for some time in force in those Provinces; and again that the Government of India be addressed in reference to the concluding paragraph of the Advocate-General's Opinion.

(Signed) R. H. SANKEY.
(,,) E. F. WEBSTER.
(,,) J. O. HASTED.

OOTACAMUND,
2nd July 1883.

To the Secretary to Government, Public Works Department.

ORDER—dated 16th July 1883, No. 1974 W., Public Works.

The draft Bill to provide for Irrigation and Navigation in the Madras Presidency with the draft Rules for the administration of Canals to be framed under the Act will, with the Advocate-General's Opinion and the Remarks of the Committee thereon, be transferred to the Legislative Department for such further action as may be necessary, and with an expression of the concurrence of the Government in the Public Works Department in the recommendations now made by the Committee.

(True Extract.)

Major, R.E.,
Under Secy. to Govt., P.W.D.

To the Legislative Department, with draft Act and Rules.
" Board of Revenue.
" Revenue Department.

Exd. A. F. Goodall.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of {1883} Madras.

PUBLIC WORKS.

Dated July, 16*th*.

Read. *Encl.*

G.O., 16th July 1883, No. 1974 W.

JULY.

Draft Bill

Passing orders on the — to provide for Irrigation and Navigation in the Madras Presidency and draft Rules for administration of Canals.

5/12

OPINION.

WITH REFERENCE TO THE ORDER OF GOVERNMENT, PUBLIC WORKS DEPARTMENT, DATED THE 4TH MAY, 1883, NO. 1810 W, I HAVE READ THE DRAFT BILL REFERRED TO ME TO PROVIDE FOR IRRIGATION AND NAVIGATION IN THE MADRAS PRESIDENCY. THE BILL AS DRAWN FOLLOWS THE LAW NOW IN FORCE IN BENGAL (BENGAL ACT III OF 1876) IN BOMBAY, (BOMBAY ACT VII OF 1879) AND IN THE NORTH WEST PROVINCES (ACT VIII OF 1873) ON ALL IMPORTANT DETAILS, AND I THINK IT SHOULD BE GENERALLY ACCEPTED, AND THAT IT IS MORE ADVISABLE TO FOLLOW THE COURSE WHICH LEGISLATION HAS TAKEN IN THE OTHER PRESIDENCIES THAN TO MODIFY AND AMEND THE LAND ACQUISITION ACT AS SUGGESTED BY THE BOARD OF REVENUE. I THINK THE PENALTY SECTIONS ARE PROPERLY FRAMED, BUT I CONCUR WITH THE BOARD IN DEPRECATING THE POWER TO ARREST OFFENDERS WITHOUT WARRANT WHICH IS GIVEN IN SECTION 55 OF THE BILL.

WITH REFERENCE TO THE CONSTRUCTION OF NEW WATER COURSES, PROVIDED FOR IN SECTIONS 18 TO 19 OF THE BILL AND THE OBJECTION TAKEN THERETO BY THE BOARD OF REVENUE, IT MAY BE WELL TO ASCERTAIN HOW THESE PROVISIONS HAVE WORKED IN THE OTHER PROVINCES. THE CORRESPONDING SECTIONS IN BENGAL ACT III OF 1873 ARE SECTIONS 49 TO 53, WHERE THEY ARE CALLED VILLAGE CHANNELS. IN BOMBAY ACT VII OF 1879 SECTIONS 16 TO 20; AND IN ACT VIII OF 1873, NORTH WEST PROVINCES, SECTIONS 21 TO 29. IF NECESSARY, AN ALTERATION COULD BE MADE IN SECTION 17 PROHIBITING THE EXERCISE OF THE POWERS CONFERRED ON THE CANAL OFFICER UNLESS THE PREVIOUS SANCTION OF THE GOVERNMENT HAS BEEN OBTAINED.

THE BILL WILL, I THINK, HAVE TO BE SUBMITTED TO THE

GOVERNMENT

GOVERNMENT OF INDIA - ITS PROVISION SHOULD BE IN CON-
-FLICT WITH ACT V OF 1852 (THE LEGISLATIVE ACT) AND A
CONFIRMATORY ACT BY THE GOVERNOR GENERAL'S COUNCIL
WOULD PROBABLY BE REQUIRED IN THE SAME WAY THAT ACT
XXI OF 1850 WAS REQUIRED TO GIVE EFFECT TO THE MADRAS
MONEY ACT (V OF) 1852.

(SIGNED) C. O'SULLIVAN.

ADVOCATE GENERAL.

THE 4TH JUNE 1855.

(A TRUE COPY.)

Ernest Hawley

GOVERNMENT SOLICITOR.

A 825 M 21. 5. 87
C 2353 W 26. 9. 87
J 2209 W 25. 8. 82
A mgt 1310 W 4. 5. 88

—

No 1352 Dd/12 to June 83

To
The Govt Solicitor.

Sir
With reference
No 296 dated 5th June 1883
forwarding the Advo-
cate Genl's opinion on
the draft bill to provide
for Irrigation & Navi-
gation I have the honor
to request that you
will be good enough to
return as soon as possible
for reference, the enclosures
forwarded therewith
together with Proceedings of
Government No 1310 Dd
dated 4th June 1883.

I have &c
(Sd) [illegible]
Dy Secy

Copy
1352

Govt Solicitor
Rec'd 7th June 1883

G.O. No. 1721

Dd/12-6-83

Enclosures

Remarks on the opinion of
the Advocate General dated 4th June 83

The remarks above quoted have reference to certain points submitted for the Advocate General's opinion with the Committee's Proceedings dated 27th April 1883, disposing of the Remarks of the Board of Revenue No 2590 dated 26th October 1882 on the proposed draft of the Madras Irrigation Act.

2. As the Advocate General Considers it advisable to follow the course which legislation has taken in Bengal, Bombay and North West Provinces in regard to irrigation, the Committee are of opinion that the bill as modified by the previous proceedings might, with the approval of Government under Rule 25 for the

Conduct

conduct of business in the Local Council be published in the Fort St. George Gazette as soon as it can be translated into the vernaculars of the Presidency. This course they consider desirable as the bill is directly connected with that for regulating enfranchisement which has already been introduced, and with Act I of 1858.

5. The Committee would further suggest that the correspondence be referred to the Governments of Bengal, Bombay and North West Provinces, to ascertain whether the objections urged in regard to Sections 15 to 19 and 55 as also to other matters which have been dwelt on by the Board of Revenue and the Advocate General, have been felt in practically working the Acts which have been for some time in force in those Provinces and again that the Government of India be addressed in reference to the concluding paragraph of the Advocate

General's opinion.

Advocate

E. J. Lechmere

Solicitor.

Ordered

2d July 1863.

Note

The Hon. C. G. Master has initialled the draft Bill has been made to agree the fair copy of these remarks owing to the absence from Office a/cmd

To The Secretary to Government

J. W. Dept.

3285.34.5-87
23588L 26.9.87
22090 - 28.5.87
13144 24.5.82
23524 12-5-87

Ruch. 5995

Ruppin

Mehl 6
Early Ruby

1974

Notice

As agreed to by the Members, there will be a meeting of the Committee to consider the draft of the Irrigation Law, on Friday next the 29th instant at 11 A.M. at the Council Chamber, Stonehouse.

R Arthur Esq Col. R.E.

Blacaumont
21st June 1883

To,
The Hon: C.J. Master
E. Forster Webster Esq.
Col. J. O Haslett R.E.

RA

Nolan Cer 11/3 R 1815

Dungeness Lands

19744

Circular

The undersigned have the
circulate for approval
a draft of the conclusion
arrived at this morning
by the Committee appointed
to consider the question of
the Harbour Improvements

Colonial Secretary's Office
Wellington

To

The Hon. C. J. Abbott
E. Wakefield Esqre
Col. J. O. Fowler RE

Dated Colonial Secretary's Office
29th June 1853

C.A.

Remark on the opinion of the Advocate General dated 4th June 1883.

The Remarks above quoted has reference to certain points submitted for the Advocate General's opinion vide the Committee's Proceedings dated 27th April 1883, despacing the Remarks of the Board of Revenue No. 2590 dated 20th October 1882 on the proposed draft of the Madras Frigate Act

F.105.
Jul

2. As the Advocate General considers it advisable to follow the course which legislation has taken in

Bengal, Bombay and
N. W. Provinces in regard to
~~Irrigation~~ Legislation, the Committee
are of opinion that the
bill as modified by the
previous proceedings might
with the approval of Govt
under Rule 25 for the
conduct of business in the
Local Council be published
in the Fort St. George Gazette
so soon as it can be translated
into the Vernaculars of the
Presidency. This course
they consider desirable as the
bill is directly connected
with that for regulating
Assessment which has
already been introduced
and with Act I of 1858.

3. The Committee would
further suggest that the
correspondence be referred to
the Governments of Bengal,
Bombay and N. W. Provinces,
to ascertain whether the
objections urged in regard
to Sections 15 to 19 and 53
as also to other matters
which have been dwelt
on by the Board of
Revenue and the Advocate
General, have been felt in
practically working the
Acts which have been for some
time in force in those
Provinces. And again that
the Govt of India be ad-
dressed in reference to
the concluding paragraph

Secretariat

of the Advocate General's

opinion

23/1

To The Secretary to Govt.
I. & P. Dept.

Circular

Letter from the Government Solicitor, Madras, No 196 of 15th June 1883

to ——— do ——— No 307 of 11th June 1883

Friday 29th inst
at 11. a.m. at Stone
House W. Indies
Webster - Madras
will Engineer
to meet Meeting
Q.C.C.C.
2016
DW
20/6

Secn Art
21/6/83.

To,

The Honble C.G. Master.
E. Forster Webster Esqre
Col Jervoise RE

Encl.

The opinion of the Advocate General on the draft Bill to provide for Irrigation and Navigation having now been received, an early meeting of the Committee to consider further action in the case is suggested. Some forenoon (to be next fixed) at the Council Chamber Stonehouse would perhaps be convenient.

Col. RE.

RA 19th June '83

No. 1974 W. P. W. Department Circular

Proceedings of the Madras Government,

Under date the 16th July 1883.

Read the following papers:—

G.O. No. 328 J dy 21st May 1881.

" " 2358 W dy 26th September "

" " 2209 W dy 28th August 1882

" " 2384 W dy 14th Sept. "

Board Proc. " 2590 dy 20th Oct. "

G.O. " 3003 W dy 13th Nov. "

" " 1310 W dy 4th May 1883.

From the Government Solicitor, Madras. } E. No. 296 dy 5th June 1883

Report of Committee " 9th July "

Re draft Bill to provide for Irrigation and Navigation in the Madras Presidency with Schedules and the draft Rules for the

administration, of
Canada to be framed
under the Act passed with
the Advocate General's
Opinion and the Remarks
of the Committee thereon,
be transferred to the
Legislature Dept for such
further action as may be
necessary, and with an
Expression of the concurrence
of the Govt in the S.W. Dept
in the recommendations
recommended by the Committee

1874

Copy
of
Min Legislature Dept
with draft Act & Min
Board of Rev &
Revenue Dept &
(C. Chief Secretary for
Commissariat)

R.S.
E.C. Cavity 1875

Govt. of India

PUBLIC WORKS.

Dept.

No.

Read

dated

G. O. 16 July 1883, No. 1549

Note.

Draft Bill

Providing Orders as to the
Supervision for Conservancy
& Navigation on Rivers
Breaches by Railways
& Determination of
Canals

Embodied in Present Report