Public Works (1896) Department.

G.O., No. 6059

Dated 27/7/96

[Despatch Abstract.]

Irrigation Laws — Despatch from the Secretary of State forwarding Copies of letters from the Foreign office relative to the — in force in France, Italy & Spain

Communicated to Lt-Col A W Stuart R E

193 dy 27/7/96
606

Despatch to the Secretary of State acknowledging the receipt of the books.

[P W 26. 1,000—23-10-96.]

BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
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FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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No. 605 I., 27TH JULY 1896.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

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**Irrigation.**

READ—the following paper:—

Despatch from the Right Honourable the Secretary of State for India, to His Excellency the Governor in Council, Fort St. George, dated London, 21st May 1896, No. 2, Public Works.

Upon receipt of your predecessor's Public Works letter, No. 3/184 I. of the 20th February 1896, I caused the accompanying copy of a letter * to be addressed to the Foreign Office, relative to the supply of books or documents on the Irrigation laws in force in France, Italy or Spain.

2. I now transmit, for your Excellency's information, copies of letters † from the Foreign Office relative to Irrigation laws in France, Italy and Spain.

3. The documents referred to in these letters will be forwarded by book post.

* Dated 21st March 1896.

† Letter from Foreign Office, of 28th April.
Note from Foreign Office, of 9th May, and enclosure.
Note from Foreign Office, of 11th May, and enclosures.

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ENCLOSURES.

From CLEMENT S. COLVIN, Esq., Secretary, Public Works Department, India Office, to the Under Secretary of State, Foreign Office, dated 21st March 1896, No. 425 P.W.

I am directed to state that the Government of Madras have requested to be supplied with copies of any books, or consular reports, which may be available on the Irrigation laws in force in France, Italy or Spain. I am accordingly directed to state that the Secretary of State for India will be glad to be furnished with any such documents that may be in the possession of the Foreign Office.

In the event of the Foreign Office being unable to furnish any such documents, I am to suggest that application might be made to the several Governments concerned, if the Secretary of State for Foreign Affairs concurs in the propriety of this course.

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From H. PERCY ANDERSON, Esq., Foreign Office, to the Under Secretary of State for India, dated 28th April 1896.

With reference to your letter of the 21st ultimo, I am directed by the Marquis of Salisbury to transmit to you, herewith, a work entitled "Repertorio de la Novissima legislacion de Agnas," compiled by Don Aurelio Bentaboly Ureta for presentation to the Government of Madras.

This work and the "Diccionario de Alcubilla" contain the legislation relative to irrigation in Spain asked for by the Madras Government. The last-named work, however, is a large Encyclopedia, which Her Majesty's Ambassador at Madrid has not thought necessary to purchase without special authority to that effect.

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Note from Foreign Office, dated 9th May 1896.

The Under Secretary of State for Foreign Affairs presents his compliments to the Under Secretary of State for India and forwards to him herewith, with reference to his letter of the 21st March last, requesting to be supplied with information on the Irrigation laws of France, copy of the reply with its enclosure which has been transmitted to this office by the Government of France for presentation to the Madras Government.

COPY.

M. l'Ambassadeur,

Par une lettre en date du 19 Mars dernier Votre Excellence a exprimé à mon prédécesseur le désir d'obtenir, pour le Gouvernement de Madras, un exemplaire des documents et des rapports qui auraient été publiés sur la législation relative aux irrigations agricoles en vigeur en France.

M. le Ministre de l'Agriculture, qui avait été saisi de cette demands, vient de me répondre que les lois et réglemens dont il s'agit n'ont jamais été codifiés. Il fait, d'ailleurs observer qui les lois en vigeur sont connues en termes très-généraux et que les errements suivis par l'Administration reposent principalement sur la jurisprudence étayée elle-mème sur des textes anciens qu'il a paru predent de respecter sous peine se s'exposer à porter atteinte aux multiples intérèts qui se sont crées sur la foi du régime constituté sur anciens textes.

En vue, toutefois, de satisfaire autant qu'il lui est possible, à la demande dont Votre Excellence s'est fait l'interpréte, mon collègue m'a addressée un exemplaire d'un ouvrage intitulé "Législation annotée du régime des eaux" par M. de Lalande (Paris—Rousseau, Rue Sufflot 14) et qui contient le texte de toutes les lois et ordonnances d'ordre général sur ma matiére avec un succinct commentaire explicatif. J'ai l'honneur de transmettre, ci-joint, cet ouvrage à Votre Excellence.

M. Viger indique, en outre, que deux autres ouvrages: 1° Traité des Eaux—Législation et Jurisprudence, par Alfred Picard (Paris—Rothschild, Rue des Saints Pères 13), 2° Bulletin du Ministère de l'Agriculture (série rose), Recueil de documents relatifs au régime des eaux, lui sembleraient constituer une course fructueuse de renseignments utiles pour l'Administration du Gouvernement de Madras. Mais M. le Ministre de l'Agriculture a le regret de ne pouvoir disposer du premier de ces ouvrages qui est épuisé, et dont on ne trouve plus, parait-il, que des exemplaires d'occasion chez les libraires spéciaux.

Quant au second qui est édité par son dept. mon collégue m'annonce qu'il m'addressera prochainement la collection complète des 16 (?) fascicules dont elle se compose. Dés que j'aurai reçu cet envoi, je m'empresserai de le faire parvenir à Votre Excellence.

Enfin en ce qui concerne les irrigations agricoles, M. Viger signale comme pouvant être consultées plus spécialement les lois du 12 Août 1790, 6 Octobre 1791, 29 Avril 1845, 12 Juillet 1847, 21 Juin 1865, et 22 Décembre 1888, dont le texte se trouve dans l'ouvrage ci-annexé de M. de Lalande, qui est pourvu de tables chronologiques et analytiques des matières.

Agreez, &c., &c.,

Paris, le 25 Avril 1896. (Signed) LÉON BOURGEOIS.
à S. E. M. le Marquis de Dufferin et Ava.

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Note from Foreign Office, dated 11th May 1896.

The Under Secretary of State for Foreign Affairs presents his compliments to the Under Secretary of State for India and forwards to him herewith, in compliance with the request contained in his letter of the 21st March last, information respecting the Irrigation laws in Italy which has been transmitted to this office by the Government of Italy for presentation to the Government of Madras.

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*Translation.*

M. l'Ambassadeur,

In reply to your Excellency's letter of the 30th March last, I have the honour to forward to you herein an extract of a note which I have received from the Ministry of Commerce containing the information you desire respecting the system of Irrigation in Italy.

This department informs me at the same time that the most interesting of the publications relating to this subject may be held to be the Hydrographic map of the Kingdom published a short time back by that department.

This map consists of 247 sheets, 42 by 37 centimetres in size, scale $\frac{1}{100,000}$, comprising the whole kingdom with the exception of Sardinia, for which as yet a similar map has not been compiled. On these sheets are marked the courses of rivers, torrents and the principal springs, and in special colours are marked the regions which are irrigated and those which could be irrigated. The maps are, moreover, marked to show all industrial buildings which are worked by hydraulic power.

In connection with this map a series of volumes has been published with the view of illustrating the same, of which one part treats entirely of what is noted on the maps, and the other examines into the state of irrigation in the provinces where it has been principally carried out, setting forth the various sources and systems of, and the manners of carrying out, irrigation which vary according to climate and cultivation. This part treats also of the results obtained.



There are among the volumes some which are dedicated specially to the examination now being made by the Ministry of Commerce into the hydraulic system of the rivers basin by basin.

The 27th volume of this publication has appeared, of which I beg to inclose a copy, so that your Excellency may more readily be able to form a judgment on the work from the index on the cover and that the Government of Madras, which is interested in this information, may be able to point out the volumes it is desirous of consulting.

(Signed) BONIN.

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*Translation.*

Extract of a report from the Ministry of Agriculture and Commerce.

The State has in various ways assisted the initiative of private individuals in works of this kind (irrigation) and especially by giving special privileges to companies whose object is irrigation, to which articles 657 to 661 of the Civil Code and some special laws relate. The first of these laws by order of date is dated 29th May 1873, No 1387, regarding both voluntary and obligatory companies. It gives to the Administrative Council the legal capacity to represent the Council in all contracts and acts which relate to the matter and the right to collect from the members of the company the contributions due to the company, under fiscal forms and privileges. Further, the tax of the documents by which the company is formed is fixed (by this law) at Lire 10·00, and on all documents during the next four years, thus giving exemption from all higher tax of registration. Any increase of income derived from funds devoted to irrigation is, moreover, exempted, for a period of thirty years from all taxation.

The law of 25th December 1883, No. 17/90, relating both to voluntary and obligatory companies, concedes still further facilities to the lands which are inscribed (as under their control). It extends to six years the period during which all documents drawn up by the company are only subject to a fixed registration tax of Lire 10·00. It authorizes the caisse of deposits and loans to grant redeemable loans, at the normal rate of interest for the construction of irrigation works when carried out by companies or by the province or the communes. Finally, this law gives the Ministry of Agriculture, &c., power to grant a proportionate subsidy towards the expenses incurred in the construction of new reservoirs or of other works for bringing the water to the lands to be irrigated. Such subsidies to last for thirty years, and for the first ten years may amount in the case of works superior to the models 30 (*a*) (I), to 3 per cent. of the sum expended, and for those superior to the model and inferior to the 30 may amount to 2 per cent. of that sum. In the following periods of ten years such State assistance is to diminish one-third at a time. This assistance can be given not only to companies, but also to provinces and communes which may carry out similar works, and also to private persons who may execute works of irrigation with their own funds.

These facilities have been amplified and more defined by the law of 28th February 1886, No. 2731. Finally the preceding regulations have been united in one text, bearing date of 28th February 1886, No. 3732, of which the regulation was approved and countersigned the same date, under the No. 3733.

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Order—No. 605 I., dated 27th July 1896.

Communicated to Lieutenant-Colonel A. W. Smart, R.E., Superintending Engineer on Special Duty, with reference to G.O. No. 184 I., dated 20th February 1896.

2. Ordered that the following despatch be sent.

[Here enter No. $\frac{19}{605\text{ I.}}$, dated 27th July 1896.]

(True Extract.)

Under Secretary to Government,
Irrigation Branch.

To Lieutenant-Colonel A. W. Smart, R.E., Superintending
Engineer on Special Duty, Cauvery Completion Estimates,
Tanjore, with three books which will be forwarded
to the Chief Engineer for Irrigation, when done with.
,, the Chief Engineer for Irrigation.

Exd. T. K. Narayana Aiyangar.

Spare Copies

IRRIGATION.

# Govt. of {1896} Madras.

## PUBLIC WORKS.

*Dated July, 27th.*

*Read.*

*Encl.*

**G.O. No. 605 I., 27th July 1896.**

**JULY.**

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## Irrigation Laws

Despatch from the Secretary of State forwarding copies of letters from the Foreign Office relative to — in force in France, Italy and Spain, with the documents referred to therein, communicated to Lieutenant-Colonel A. W. Smart, R.E., Superintending Engineer on Special Duty.

No. $\frac{19}{605\ I.}$, 27TH JULY 1896.

PUBLIC WORKS DEPARTMENT.

LETTER—to

THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD,

We have the honour to acknowledge the receipt of your Lordship's despatch No. 2, Public Works, dated 21st May 1896, and to thank your Lordship for the documents that accompanied it.

We have the honour to be,

My Lord,

Your Lordship's most obedient, humble servants,

(Signed) A. E. HAVELOCK.
( „ ) H. W. BLISS.
( „ ) J. GROSE.

OOTACAMUND,
27th July 1896.

Exd. T. K. Narayana Aiyangar.

# GOVT. OF MADRAS.

*PUBLIC WORKS DEPARTMENT.*

(Copy.)

LETTER to the Right Honourable the Secretary of State for India.

No. 19 / 605 I. dated 27th July 1896.

ACKNOWLEDGING with thanks the receipt of certain books on Irrigation laws in force in France, Italy and Spain.

PUBLIC WORKS DEPARTMENT,
IRRIGATION BRANCH.

No. 605 I. dated 27 July 1896

## PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

READ the following

From the Right Hon'ble the Secretary of State for India. } (Ltr. No. 2 Public Works dy. 21.5.96)

12

Communicated to Lieut-Col. A. W. Smart R.E., Superintending Engineer on special duty, with reference to G.O. No. 184-I dated 20 February 1896.

J.K. 29/5/96

2. Ordered that the following despatch be sent:—

Rueddl 29/6/96

J.H. 22.6.96

DESPATCHED 25/6/96

To Lieut-Col. A.W. Smart R.E., Supdg. Engr. on special duty, Cauvery Completion Estimates, Tanjore, with three books which will be forwarded to the Chief Engr. for irrigation, when done with.

The Chief Engineer for Irrigation.

Please note that I strongly object to the spelling of the word "honour" without a "u".

J.H. 22.6.96

JK

7.

13

The Right Hon'ble
The Secretary of State for India.

My Lord,

We have the honour to acknowledge the receipt of Your Lordship's despatch No. 2 - Public Works dated

dated 21 May 1896 and to thank Your Lordship for the documents that accompanied it.

19/6

20/6/96

PRESENTED
24 JUL 96

~~His Excellency the Governor.~~
~~The Hon'ble W. Hay Bliss. C.S.I.~~
~~The Hon'ble Mr. J. Grose C.S.I.~~

Reports &c on Irrigation
Laws in force in France, Italy
and Spain.

Issue
Receipt
26/6

28/6

E. I. Form No. 1—500—14-5-95

Rec'd

We are glad
came by the last
Home mail but
no covering letter
has been received.

Cec.
10/VI/96.

S.A.M.
Please enquire if a despatch
from the Secretary of State or any
Under Secretary at Home in
reply to despatch No 3 of 20-2-96
184
despatch or letter from
the India Office on
the subject has been
received as we
will be glad
to have same.

Cec
10/VI/96

L.A.W.
It has been received this
day and is sent herewith.

WRS 12/6/96

Cec
15/6

India Office,

21st March 1896.

state that the Government of Madras
upplied with copies of any books, or
may be available on the Irrigation
, Italy or Spain. I am accordingly
the Secretary of State for India
ished with any such documents
ssion of the Foreign Office.
Foreign Office being unable to
, I am to suggest that
to the several Governments
of State for Foreign Affairs
of this course.

etc.,

Clement S. Colvin,
Secretary.

c Works Department.

has been received at Ootacamund -

10-6-96

0s/76

HE

Three books on Irrigation, one French, one Spanish & one Italian, were received by the last Home mail, apparently with reference to despatch no. 3 I of 20.2.96, but no covering letter has been received -

Will you ask the Public Works Department to inquire whether any despatch or letter from the India Office on the subject has been received at Ootacamund - & will you please let me know.

CE
10/6/96

S.C.W.

It has been received this day and is sent herewith.

12/6/96

CE
16/6

India Office,

21st March 1896.

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of this course.
etc.,
Clement S. Colvin,
Secretary,
c Works Department.

Form No. 1—500—14-5-95

P.W. 4[illegible]5.

India Office,

21st March 1896.

Sir,

I am directed to state that the Government of Madras have requested to be supplied with copies of any books, or consular reports, which may be available on the Irrigation laws in force in France, Italy or Spain. I am accordingly directed to state that the Secretary of State for India will be glad to be furnished with any such documents that may be in the possession of the Foreign Office.

In the event of the Foreign Office being unable to furnish any such documents, I am to suggest that application might be made to the several Governments concerned, if the Secretary of State for Foreign Affairs concurs in the propriety of this course.

I have, etc.,

(Sd) Clement S. Colvin,

Secretary,

Public Works Department.

The Under Secretary of State,
Foreign Office.

E. I. Form No. 1—500—14-5-95

Letter from foreign Office of 28 April

Foreign Office,

April 28th 1896.

3 80

Sir,

With reference to your letter of the 21st ultimo, I am directed by the Marquis of Salisbury to transmit to you, herewith, a work entitled "Repertorio de la Novissima legislacion de Agnas", compiled by Don Aurelio Bentaboly Ureta for presentation to the Government of Madras.

This work and the "Diccionario de Alcubilla" contain the Legislation relative to Irrigation in Spain asked for by the Madras Government. The last named work, however, is a large Encyclopedia, which Her Majesty's Ambassador at Madrid has not thought necessary to purchase without special authority to that effect.

I am, etc.,

(Sd) H. Percy Anderson.

The Under Secretary of State for India.

D-S-6
5366/98

Note from Foreign Office 9/5/96 and Enclosure

The Under Secretary of State for Foreign Affairs presents his compliments to the Under Secretary of State for India and forwards to him herewith, with reference to his letter of the 21st March last, requesting to be supplied with information on the Irrigation Laws of France, copy of the reply with its enclosure which has been transmitted to this Office by the Government of France for presentation to the Madras Government.

Foreign Office,
May 9th 1896.

sembleraient constituer une course fructueuse de renseignments utiles pour l'Administration du Gouvernement de Madras. Mais M. le Ministre de l'Agriculture a le regret de ne pouvois disposer du premier de ces ouvrages qui est épuisé, et dont on ne trouve plus, paraitil, que des exemplaires d'occasion chez les libraires spéciaux.

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Agreez, &c., &c.,

(Sgd. Léon Bourgeois.

Paris, le 25 Avril 1896.

(Encl. Note from Foreign Office of 11 May 1896 and enclosure) 7 SP

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under Secretary of State for India and forwards to him herewith, in compliance with the request contained in his letter of the 21st March last, information respecting the Irrigation Laws in Italy which has been transmitted to this Office by the Government of Italy for presentation to the Government of Madras.

Foreign Office,
May 11th 1896.

Translation.

Rome,

25th April 1896.

M. l'Ambassadeur,

In reply to Y.E's letter of the 30th March last, I have the honour to forward to you herein an extract of a Note which I have received from the Ministry of Commerce containing the information you desire respecting the system of irrigation in Italy.

This Department informs me at the same time that the most interesting of the publications relating to this subject may be held to be the Hydrographic map of the Kingdom published a short time back by that Department.

This map consists of 247 sheets, 42 by 37 centimetres in size, scale $\frac{1}{100,000}$, comprising the whole Kingdom with the exception of Sardinia, for which as yet a similar map has not been compiled. On these sheets are marked the courses of rivers, torrents and the principal springs, and in special colours are marked the regions which are irrigated and those which could be irrigated. The maps are moreover marked to shew all industrial buildings which are worked by hydraulic power.

In connection with this map a series of volumes has been published with the view of illustrating the same, of which one part treats entirely of what is noted on the Maps and the other examines into the state of irrigation in the provinces where it has been principally carried out, setting forth the various sources and systems of, and the manners of carrying out, irrigation which vary according to climate and cultivation. This part treats also of the

results

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There are among the Volumes some which are dedicated specially to the examination now being made by the Ministry of Commerce into the hydraulic system of the Rivers basin by basin.

The 27th Volume of this publication has appeared, of which I beg to inclose a copy so that Your Ex: may more readily be able to form a judgment on the work from the Index on the cover and that the Government of Madras, which is interested in this information, may be able to point out the Volumes it is desirous of consulting.

(Sd) Bonin.

ranslation.

Extract of a Report from the Ministry of Agriculture and Commerce.

The State has in various ways assisted the initiative of private individuals in works of this kind (irrigation) and especially by giving special privileges to Companies whose object is irrigation, to which Articles 657 to 661 of the civil code and some special laws relate. The first of these laws by order of date is dated 29th May 1873, No. 1387, regarding both voluntary and obligatory companies. It gives to the Administrative Council the legal capacity to represent the Council in all contracts and acts which relate to the matter and the right to collect from the members of the Co. the contributions due to the Company, under fiscal forms and privileges. Further the tax of the documents by which the Company is formed is fixed (by this law) at Lire 10.00, and on all documents during the next four years, thus giving exemption from all higher tax of registration. Any increase of income derived from funds devoted to irrigation is, moreover, exempted, for a period of 30 years from all taxation.

The law of 25th December 1883, No. 17.90, relating both to voluntary and obligatory companies concedes still further facilities to the lands which are inscribed (as under their control). It extends to six years the period during which all documents drawn up by the Company are only subject to a fixed registration tax of Lire 10.00. It authorises the Caisse of Deposits and Loans to grant redeemable loans, at the normal rate of interest, for the construction

construction of irrigation works when carried out by Companies or by the province or the communes. Finally this law gives the Ministry of Agriculture &c., power to grant a proportionate subsidy towards the expenses incurred in the construction of new reservoirs or of other works for bringing the water to the lands to be irrigated. Such subsidies to last for 30 years and for the first ten years may amount, in the case of works superior to the models 30 a I, to 3% of the sum expended, and for those superior to the model and inferior to the 30 may amount to 2% of that sum. In the following periods of ten years such State assistance is to diminish one third at a time. This assistance can be given not only to Companies, but also to provinces and communes which may carry out similar works and also to private persons who may execute works of irrigation with their own funds.

These facilities have been amplified and more defined by the law of 28th February 1886, No.2731. Finally the preceding regulations have been united in one text, bearing date of 28th February 1886, No.3732, of which the regulation was approved and countersigned the same date, under the No.3733.

№5

Copy Correspondence
with the Foreign Office

P.W.D.
5366/96

referred to in Madras
Public Works Despatch
№2 dy. 21st May 1896
— paras 142

1

INDIA OFFICE,
LONDON. 21st MAY 1896.

PUBLIC WORKS,

No. 2.

TO HIS EXCELLENCY THE HONOURABLE THE GOVERNOR IN
COUNCIL FORT ST. GEORGE.

Sir,

A.SH
4896

X
Dated 21st March 1896.

Letter from Foreign Office of 28th April.
Note from Foreign Office of 9th May and enclosure.
Note from Foreign Office of 11th May and enclosures.

Upon receipt of your predecessor's Public Works Letter, No. 3/184 I, of the 20th February 1896, I caused the accompanying copy of a letter[X] to be addressed to the Foreign Office, relative to the supply of books or documents on the Irrigation laws in force in France, Italy or Spain.

2. I now transmit for your Excellency's information copies of letters from the Foreign Office relative to Irrigation Laws in France, Italy and Spain.

3. The documents referred to in these letters will be forwarded by book post.

I have the honour to be,

Sir,

Your most obedient humble Servant,

George Hamilton

J. W. CURRENT No. 5366
No 4

Encls 10 (3 to Sec)

Acctn: 15-6-96

Public Works

21st May 1896

The
Letter to Fort St George
No 2

Recd 9/6/96. encl.