

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1030	Press Mis.
205.206	
Dated	13. 6. 1918/3

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
13th June 1863.*

No. 205. Read the following Proceedings of the Madras Government in the Public Works Department, dated 6th June 1863, No. 1,451 :—

Communicating letter from Consulting Engineer Irrigation and Canal Company, on the provisions requisite for the security of existing rights of irrigation and for the adjudication of disputed claims. } (Vide Public Works Proceedings, 6th June 1863, Nos. 148, 149.)

No. 206. ORDER THEREON, 13th June 1863, No. 1,030.
Communicated to the Board of Revenue.

(Signed.) J. D. SIM,
Secretary to Government.

PUBLIC WORKS DEPARTMENT.
Canal Irrigation.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from Lieutenant-Colonel S. O. E. LUDLOW, R. E., Acting Consulting Engineer, Irrigation and Canal Company, to Colonel W. I. BIRDWOOD, R. E., Secretary to Government, Department Public Works, dated Saint Thomé, 18th May 1863, No. 10:—

SIR,

1. With reference to paragraph 4 of their Order No. 56, dated 9th January 1863, and the Orders marginally* noted, I have the honor to state for the information of Government that I have, in communication with the Chief Engineer of the Canal Company, considered the question of the provisions requisite for the security of existing rights of irrigation and for the adjudication of disputed claims.

* No. 1,103, dated 21st May 1862.
" 1,657, " 12th July "

† Letter to the Chief Engineer Irrigation and Canal Company, dated 29th January 1863, No. 10.
Letter from the Agent, dated 11th March 1863, No. 1,378.

2. Correspondence on this subject as per margin† is herewith forwarded, and the whole matter has been fully discussed with Colonel Cotton on his late visit to Madras.

3. There appears to me to be but three cases in which the Canal can interfere with existing rights:—

First.—When the Canal in its course destroys or cuts off partially or wholly any existing source of supply whether tank, stream or artificial channel.

Second.—When it swamps or injures any cultivation by spreading, percolation or interruption of existing drainage.

Third.—When it appropriates in part or whole any supply of water hitherto used for existing irrigation.

It is to be expected, however, that in the course of execution of an extensive and novel project of this kind, and in the carrying out of a system of irrigation by a party distinct from the Government differences will arise, and for the settlement of these some especial tribunal should be appointed.

5. The same remark applies pretty equally to the second class of cases. The swamping of land will hereafter be prevented by the order of Government forbidding the single bank mode of construction. It is already the duty of the Government Engineers to see that all existing drainage is properly provided for by culverts or otherwise. There is not much damage to be apprehended from percolation, but this evil would be easy to remedy and it would be to the interest of the Company to do so.

6. As to the third case, the Government have already established a rule to the effect that all existing irrigable land shall be fully supplied before any water can be diverted from existing sources of irrigation for the use of the Company. The extent of existing irrigation must be determined by the Government accounts.

7. Under these circumstances it appears to me that no further provision than those already established are required for the protection of existing rights.

8. It is to be expected, however, that in the course of execution of an extensive and novel project of this kind, and in the carrying out of a system of irrigation by a party distinct from the Government differences will arise, and for the settlement of these some especial tribunal should be appointed.

9. The Chief Engineer concurs with me in thinking that all such differences might be submitted for decision to a Court composed of the District Judge, the Collector and Superintending Engineer, or which would perhaps be better decided by the Judge with the Collector and Engineer Assessors.

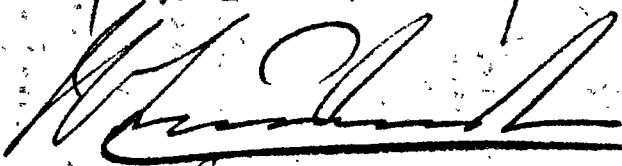
10. In either case an appeal would be to the Board of Revenue, whose decision should be final.

ORDER THEREON, 6th June 1863, No. 1,451.

The foregoing letter will be submitted to the Secretary of State in continuation of Despatch No. 5, dated 27th January 1863.

(True Extract.)

(Signed) W. I. BIRDWOOD, Colonel, R. E.,
Secretary to Government.

True Extract

Colonel R. E.
Secretary to Government

To the Consulting Engineer Irrigation and Canal Company.

„ Agent for do. do.

„ Rev^d Department

Exd. S. T. Augustin.

21 May 63. 1103. PM.
 " 12 May 63. 1157.
 " 9 June 63. 587.
 26 Aug. 63. 125.

Decree 1863. 111.
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Decree 1863. 111.
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Communicated to the
 Board of Directors.

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