

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 4420

Press
Mis.

126.127

Dated

8 - 8 - 18 64.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
8th August 1864.*

No. 126. Read the following Proceedings of the Board of Revenue, dated 9th July 1864, No. 4,280.

Read again Government Orders, dated 30th March and 12th May 1864, Nos. 522 and 821, Revenue Department :—

1. The Board understand that the question in which Government desire to have their opinion is as to the conditions on which private parties may be allowed the use of public streams in the *Hill ranges*.

2. The Rules approved in Government Order, dated 17th September 1859, No. 1,256, Revenue Department (Board's Circular Order dated 20th September 1859, Page 212, printed volume), provide for the analogous case in the country generally, and the Board do not think that any other *general* rules can be prescribed for Hill tracts.

3. All existing rights must be scrupulously respected. The sanction of the Government as represented by the Collector must be previously obtained for any diversion. The power of Government to deal at pleasure with the source of supply must be upheld, but beyond this the Board do not see that any general rules can be laid down. Each case must be decided on its merits.

4. There can be no doubt that the law would prevent any party from diverting a stream to the injury of previously existing rights, although the stream or even the source might lie in land obtained by him from Government. Moreover, the rules for the sale of land expressly reserve the right of Government and the public in all running streams.

5. But at the same time there can be no object in preventing the proprietor of land from using a stream where he can do so without injury to others, and the only question would seem to be whether he should be required to pay any thing for this additional advantage, and in recognition of the seignoral rights of Government.

6. The Board consider that such an arrangement would be unobjectionable, and might be desirable if it be distinctly understood that the payment of this Royalty for using a public stream conveys no indefeasible right to continue the use at pleasure, but at the same time it must be remarked that no such payment is required in other parts of the country under the Circular Order above quoted, and the Board are not disposed to advocate a different arrangement on the Hills.

No. 127. ORDER THEREON, 8th August 1864, No. 1,420.

Miscellaneous.

The Government concur with the Board. No general rule can be laid down except that water privileges are not to be conceded without a special order.

(True Extract.)

(Signed) C. G. MASTER,

Deputy Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 4,280.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th July 1861.

Read again Government Orders, dated 30th March and 12th May 1861, Nos. 522 and 821,

Revenue Department :—

1. The Board understand that the question in which Government desire to have their opinion is as to the conditions on which private parties may be allowed the use of public streams in the *Hill ranges*.

2. The Rules approved in Government Order, dated 17th September 1859, No. 1,256, Revenue Department (Board's Circular Order dated 20th September 1859, page 212, printed volume), provide for the analogous case in the country generally, and the Board do not think that any other *general* rules can be prescribed for the Hill tracts.

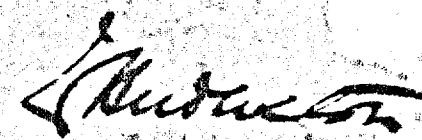
3. All existing rights must be scrupulously respected. The sanction of the Government as represented by the Collector must be previously obtained for any diversion. The power of Government to deal at pleasure with the source of supply must be upheld, but beyond this the Board do not see that any general rules can be laid down. Each case must be decided on its merits.

4. There can be no doubt that the law would prevent any party from diverting a stream to the injury of previously existing rights, although the stream or even the source might lie in land obtained by him from Government. Moreover the rules for the sale of land expressly reserve the right of Government and the public in all running streams.

5. But at the same time there can be no object in preventing the proprietor of land from using a stream where he can do so without injury to others, and the only question would seem to be whether he should be required to pay any thing for this additional advantage, and in recognition of the seignoral rights of Government.

6. The Board consider that such an arrangement would be unobjectionable and might be desirable if it be distinctly understood that the payment of this Royalty for using a public stream conveys no indefeasible right to continue the use at pleasure, but at the same time it must be remarked that no such payment is required in other parts of the country under the Circular Order above quoted, and the Board are not disposed to advocate a different arrangement on the Hills.

(A true Extract.)



Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Ed. J. Wright.

88-1420.
 The Govt. concurs with the Board. No general rule can be laid down except that water privileges are not to be conceded without a special order.

egm

Fort St. George
 8th Aug. / 64

Edw. O. Ross

14 copies to the Secy of War
 Despatch Aug. 9

J. O. Ross

0305

327

Pro 17. Department 59 at 3-2
 24. 26 out - 14. 21 321-322
 17. May - 14. 142
 30-8-88

Rev. 1864. Department.
 Secy of War for Aug.

No. 1818.
 PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 9th July 1864.
 Aug. 12. 1864.
 Aug. 13. 1864.

No. 4,380.

Submitting opinion as to the conditions on which private parties may be allowed the use of public streams in the Hill ranges.

1864-84
 with an order 18.

For Order.

As the 14th remark
 no general rule can
 be given but
 except that water
 privileges are not to
 be conceded without
 a special order.

1864

1864-84

225 Aug 103 1203