

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1830

Press
~~Mis.~~

36.40

Dated

5-10-1864.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
5th October 1864.*

No. 36. Read the following Proceedings of the Board of Revenue, dated 8th August 1864, No. 5,046.

Read again Proceedings of Government, dated 22nd June 1864, No. 1,084, Revenue Department, and 19th July 1864, No. 2,079, Public Works Department

Read also the following letter from F. H. HENSLOWE, Esq., Agent and Manager for the Madras Irrigation and Canal Company, Madras, dated 6th July 1864, No. 601 :—

1. I have the honor to forward copy of Colonel Cotton's observations on the proposed Rules for the distribution of water from the Company's works.
Dated 1st June 1864.

2. I forwarded copy of this letter to the Consulting Engineer on the 10th ultimo ; but that Officer's absence from Madras appears to have prevented his submitting it to the Board of Revenue, which he no doubt would have done had he been able to do so.

From Colonel H. C. COTTON, Chief Engineer, to F. H. HENSLOWE, Esq., Agent and Manager, Madras Irrigation and Canal Company, dated Doogarajpatam, 1st June 1864.

1. With reference to Mr. Brunton's letter of 21st April, No. 2,611, I think it may be as well to offer a few remarks on the " Rules " proposed by the Board of Revenue to be adopted in collecting the Company's Irrigation Revenues.

2. In the 4th paragraph of the Board's letter a Clause of the Company's Contract is quoted, which gives the Government the option of purchasing the water, and decides that in such purchase " the price to be paid shall be determined by mutual agreement or by arbitration, &c." In the 7th paragraph the Board, assuming that the Government intends to purchase the water, views the rate of Rupees 4 per acre to be the price determined on.

3. It appears to me that there is here a misunderstanding of the meaning of the Clause in question. I understand it to give to the Government the option of purchasing the water by volume, or allowing the Company's return to be through an established water rate. I am not aware of any half-and-half position, as described in the 6th paragraph, but believe that the Government and the Board of Directors are satisfied that the Company does not deal directly with the Ryots but with the Government. I think it will be found that no other arrangement has been proposed on the part of the Company, but that the Government shall collect a revenue from watered land and pay it over to the Company ; that the revenue shall arise from a universal water rate (at present Rupees 4 for one crop) on all lands, and that certain applications for water from the Revenue authorities for the land of each village shall be made to the Company's Agent, on which the supply will be granted during the season, and which applications shall be held as vouchers for the Company's claim against the Government when the collections are made.

4. If the Government purchases the water by volume, it should be purchased at the Main Channel where suitable metres must be established ; and the price is a question to be agreed upon. But the Board of Revenue appears not to have observed this, and as far as I can see thereby annuls the " option " referred to in the Contract as no alternative appears.

5. It is one of the conditions of the agreement as quoted in the Board's 4th paragraph that it shall be left to the Government to decide in what manner the returns shall be levied, and it is also agreed that the Government shall have the option of purchasing the water, or taking a rate from the cultivators and paying it to the Company. The Collector and the Board of Revenue, and the Government also as I gather from this letter, are not disposed that the water shall be purchased by volume, and I have always advised the alternative of a water rate per acre upon the area irrigated. And the Board of Directors I believe have declined their approval of this (I am writing away from my Office and cannot refer to records.)

6. The "manner" of collecting the returns is by the Contract left to be decided by the Government; so that if the Government does not purchase the water it has to decide the manner of collecting the rates from the Ryots and accounting for it to the Company. But there is an important question that requires to be adjusted, viz., the final distribution of the water and determining the area of the land supplied and yielding revenue.

7. I have suggested that the village authorities should at the commencement of the season apply for water for the area they require to be irrigated, and that water to the necessary amount should be delivered at the boundary of each village; that in case of the supply being found insufficient for the area applied for notice should be given to the Company's Agents, and investigation made as to the state of the crops and the fact or otherwise of the water being misapplied and wasted.

8. The Board proposes "remissions" without this enquiry. The Company should be in some way protected from loss through the improper use of water supplied, or even from the supply being really insufficient, unless a duly authorized representation is made of such insufficiency. This seems altogether lost sight of. In tank cultivation the village tank supplies the land till empty, and if the crops fail there is no question that the tank must be made answerable, and remissions are granted accordingly. Water is not allowed to run to waste, because it is well known that the supply is limited; but with an abundant channel flowing through the country wastage will take place unless some stringent Rules are adopted to prevent it; and while an ample supply may pass from the Company's channel, some crops may be failing from want of water through mismanagement or indifference.

9. The Board of Revenue may judge whether responsibility can be borne by the village authorities, or whether the Company's Agents must interfere to prevent the mis-use of the water. I think the latter by no means desirable; indeed if any interference takes place the whole of the distribution management should be in the hands of Agents appointed by the Company. But if the Company delivers water to each village in quantity considered to be adequate, and if no complaint is made during the period of cultivation, no remissions should be allowed, and no deduction from the Company's revenues; and if complaints are duly made it should be shown that they are just, that there is no wastage, and yet that the supply is insufficient. Such complaints can always if in time be met by an increased supply, but of course if not remissions will be allowed, and the Company must bear the loss.

10. I will now remark on each Rule separately:—

RULE I.—This is precisely in accordance with my suggestions, except that applications should be admitted at any period through the season, and if made late it should be at the option of the Company to comply with them or not as the expected duration of the supply may dictate. I think the Register should not be closed at any time.

RULE II.—It is desirable that the Collector should forward to the Company's Agent on the 1st May a Register of such applications from the villages as he may have received.

RULE III.—This form of application may suit the Government Revenue Department; but it is not necessary that the name of the Ryot, or the number of the field, should be notified to the Company if the distribution rests with the village authorities. By distribution I do not mean expense of distribution, nor the planning and arranging distributing channels, as all works required for the purpose will of course be constructed by the Company; but in irrigating the several fields the work of turning water on and off must be attended to by the village or other officers deputed by the Government. In fact the same course to be pursued as with irrigation works of the Government, only establishing some security against misappropriation and wastage.

RULE IV.—This monthly form would be unnecessary if it were always considered that the land for which water has been demanded is supplied, unless notice to the contrary and demands

for a further supply have been received. The claim of the Company should be for the full supply called for, whether used or not used, or mis-used. If water for 1,000 acres is applied for in time for the season's cultivation, the rate for 1,000 acres must be the claim of the Company, unless it is shown that the supply was withheld though required and duly called for.

RULE V.—Gives a form of account in which remission is introduced, but no explanation is given of the grounds of such remission. It is so common in the ordinary tank irrigation that crops fail that remission falls into the Collector's account as a standing diet. In such channels as the Company's, accidents may occur and crops be deprived of water and remission necessary, but not without such an occurrence; and it certainly must not be left to the village settling officer to determine the amount of remission to be allowed on each field. Remission must be allowed only in cases where the whole village has not obtained the full supply of water applied for.

RULE VI.—I view this Rule as drawn out of the fifth, constituting the settling officer the judge, first and final, as to the sufficiency of the supply of water, and it makes no provision for extra demands on the Company in cases of insufficiency; so that while the Company is able to give abundance of water for all the land crops may perish through insufficiency, and the Company's loss appear unexpectedly and unreasonably in the Revenue accounts at the end of the season.

RULES VII AND VIII AND IX.—Refer to rates which form a separate question. As a temporary measure I think these rates might be agreed to.

RULES X AND XI.—Refer to the manner of collection, which can be regulated by the Government as provided for in the Contract.

RULES XII AND XIII.—Regarding remissions, see my remarks on Rule V, and in paragraphs 7, 8, and 9.

RULE XIV.—All works should be executed by the Company; but if accidentally the help of the Government should be needed this Rule may be a convenience.

11. In conclusion I am anxious to suggest for the consideration of the Board of Revenue and the Government that a Revenue officer should be appointed exclusively to attend to the Revenue affairs of the Company under the Collector, as I am convinced that in such a position all questions as to areas irrigated; adequacy or inadequacy of supply; and other questions which may arise would generally be disposed of by him satisfactorily; as he would take an interest in the spread of irrigation; promote the intended use of the Company's water supply, and feel it to be to his credit to make the most of the works for the good of the people and the profit of the Company.

(True Copy.)

(Signed) F. H. HENSLOWE,
Agent and Manager.

From Captain J. MULLINS, R. E., Consulting Engineer for Irrigation and Canal Company, to F. H. HENSLOWE, Esq., Agent and Manager, Irrigation and Canal Company, dated Cuddapah, 27th June 1864, No. 94.

1. I have the honor in acknowledging the receipt of your letter, No. 381 of the 10th instant, transmitting a copy of the Chief Engineer's letter of the 1st idem, on the subject of the Rules proposed by the Board of Revenue for regulating the manner in which applications for water should be received, and the demand for water supplied adjusted, to offer the following remarks.

2. On looking over the Contract, and comparing that part of the preamble referred to by the Revenue Board in paragraph 4 of their letter* to Government with Clause 13 of the

* No. 2,061, dated 7th April 1864.

Contract, I am disposed to think that the Board of Revenue have been led somewhat astray in paragraphs 3 to 7 of their letter by overlooking the fact that the part of the preamble to which

they allude formed an item of the original arrangement of 1858 rather than of the final agreement concluded by the Contract. It is true that the concluding part of the preamble beginning: "now this Indenture witnesseth," intimates that what follows is in further effectuation of original intentions; but it must be remembered that during the interval between 1858 and 1863 there had been much discussion as to the possibility of any plan whereby the Company should deal directly with the Ryots and collect water rates without the assistance of the Government working satisfactorily; and so far as I remember it was concluded on all sides that it was essential that the Government should undertake the collection of the water rates from those who made use of the water supplied by the Company's works.

3. Now if this view be correct it can easily be understood how the indefinite proposition of the preamble was merged in the definite arrangement of Clause 13. It follows, moreover, "that the price to be paid" and "prices for water rates" refer rather to acreage rates than to prices for measured water.

There had been much discussion in various parts of India on this point ending I think in the general conclusion that area rather than volume was the best basis for calculation, and supposing the Government to collect the water rate it would be done at the same time as the collection of the rent for the land itself, and of course then the simplicity of the demand consisting of an acreage rate for the land, and another acreage rate for the water, is at once apparent, and its superiority over a double basis manifest.

4. I will now say a few words with regard to the Chief Engineer's views on the rules:—

RULE I.—The Chief Engineer agrees generally with the provisions of this Rule, but objects to the limitation of the time within which applications for registry are to be received. This is a point on which opinions will naturally differ. My predecessor I observe from a marginal note to the Rule, entertained a similar objection. My own idea is this that it will be for the benefit both of the Company and the Ryots that a limit be placed at any rate in the first instance. At present the supply is likely to run short from September, and until reservoirs have been constructed the season for cultivation will not be a long one, perhaps from the middle of May to the end of September. It is advisable that the Ryots, now be it remembered for the most part unacquainted with the details of wet cultivation, should be restricted from commencing to cultivate at a time when the risk of loss would be great; for if at first loss does result, not only will the power of the Ryots to extend such cultivation be curtailed, but the desire to bring land under cultivation will be diminished. It may further be remarked that if made generally known that on the 1st April the Registers will be closed, all those Ryots who really intend to cultivate under the Canals and Channels will take good care not to be behind-hand. Of course to make the arrangement work well, it would be better that the Chief Engineer should be prepared to state six months beforehand what area in each successive village along the line he will be prepared to irrigate during the following season. The Ryots will not register until they see a prospect of getting water; but when they see the channels of distribution in an advanced state and running through their lands, and it becomes evident that to ask for water will be to get it, I anticipate that there will be no dilatoriness in recording applications for water.

Hereafter it may be found preferable either greatly to extend the time, or to do away with the limitation altogether, but I feel assured that at first it will be beneficial to require applications to be made before the 1st April.

RULE II.—The Chief Engineer makes no objection to this; and all I will say is that when the Canal comes to be divided into Irrigation divisions it will be best for all parties that the Divisional Officers should receive duplicate copies of the demand for the villages included in their Divisions.

RULE III.—The form herein given is evidently intended for the use of the Government Revenue Department, and not for communication to the Officers of the Company.

RULE IV.—I almost entirely agree with the Chief Engineer's remarks here; I think the form however would do well for conveying the information to be given under Rule II, simply altering the heading of the last column from "irrigated to" "to be irrigated;" where I disagree is in this particular, viz., that it is advisable to communicate to the Officers of the Company the number and area of each field where this can be done without difficulty; for I hope those Officers will in time be in possession of the Village Maps, and then it will be extremely simple to settle questions of short supply.*

RULE V.—I see no objection to this Rule and its form of account. There will occasionally be cases where remission will be necessary, and if so it is well to provide for the regular record of such cases.

RULE VI.—This Rule certainly appears to me to require modification of expression if not of intention. "The Company are bound* to deliver the water on the land," and if this be not

done satisfactorily they are entitled to be informed, so that satisfaction may, if practicable, be given; and I would require printed notices to be sent to the nearest station on the Canal addressed to the Officer of the Irrigation Division, and he should either see whether the allegation is true, and if so, whether the inefficiency, from whatever cause arising, can be remedied, and thereafter he should, I think, transmit the notice with an endorsement of the result of the investigation to the Chief Engineer. Before remissions are placed to the debit of the Company at the annual settlement a list of those proposed might be transmitted by the Collector to the Chief Engineer, who would reply thereto with the aid of the endorsed notices. It is on the one hand necessary that the Ryot should not be made to pay for what he does not get, and on the other both the Government and the Company are interested in checking too great facility for remissions. In the case of Government Irrigation, the Government directed that the Revenue Officers should verify the representations of applicants for remission by a reference to the Officers of the Department Public Works in charge of the works, and the Officers of the Company would be in a still better position to prevent remissions being given where not rightful.

The Chief Engineer did not, I think, give full weight in his remarks to the effect of Rules XII and XIII upon Rule VI. The Revenue Officer was not likely to sacrifice Land Revenue without due cause shown; but the mistake would have been the omission to have an examination made by those competent to ascertain the fact, and then, in perhaps a majority of cases, to remove all ground for complaint.

RULE VII.—This appears to me to require no comment.

RULES VIII, IX, and X.—These refer to occasional irrigation of dry crops, and give the regulations and forms of account detailed and abstract. I confess I do not see very clearly how his sort of irrigation could be worked merely on the short directions given in the first of those Rules. The water is to be "applied for as required, and shall be supplied at the discretion of the Company's Officers." It is necessary to look back to Rule I, which shows that the Talook

Revenue Officers would be the channel through which the applications abstracted into the second form in Rule IX would reach the Company's Officers (both Chief and Divisional according to my views); but this would never meet the necessities of the case. The occasional irrigation to dry crops may hereafter become systematical; but I imagine, under present circumstances, that no Ryot will know a few days beforehand whether he will require water or not, and if his application is to go through the Talook is he, when at length the water is ready to be granted, to take and pay for it although perhaps a good fall of rain may have occurred in the interval; and the Ryot not only does not perhaps want the water, but as an alternative he would rather pay not to have it because it would injure his crop. For such irrigation I should propose a very simple plan. I would make it a ready-money transaction, and allow any Ryot to go to a Divisional Officer pay his money down at so much per acre, (whether a Rupee or not I cannot say, but my impression is that is too high a rate) then and there obtain a printed order in the cheque† form

Specifying of course the number of the field and its area.

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addressed to the proper subordinate of the Company, or to a village official according to the arrangements for distribution which might be in force, and then the Ryot would get what he wanted at the time he wanted it. I could afford practical proof that such a plan does work well. Of course the officer who takes the money and grants the order must be a responsible one and not a subordinate. In the above remarks I have not intended to allude to "Sujalu," "Ragi," and crops of that sort which, though not considered as wet cultivation, are nevertheless, when under wells, irrigated regularly even in favorable seasons. These might be regularly brought to account, and applications might be registered months before-hand; but I would fix for them a water-rate per acre in proportion to the quantity of water they require and which might without much difficulty be approximately ascertained.

RULE XI.—This requires no remark.

RULES XII and XIII. These with the modifications already referred to in connection with Rule VI, are, I am of opinion, liberal.

RULE XIV.—The principle of this Rule is admitted on all sides. It is however worthwhile to remember that if by "land" be meant each field individually, the carrying out of the principle would be found impracticable. I think the best plan would be for the Company to construct all channels down to the size required for 50 or perhaps 100 acres, and thereafter leave the Sub-division to the Ryots themselves. The Ryots will in any case regulate for themselves channels of larger size than this; but they will in the end like it best, and especially where the slope of the ground is great and the fields small it would be for the most convenient for all parties. It is not a question of expense but one of troublesome detail which the Company's Officers could not manage without much trouble in the midst of constant suggestions for alterations, but which the Ryots would settle to their mutual satisfaction in a few minutes.

* i. e., the cutting the small channels for themselves.

The Company's Officers should regulate all channels carrying water to more than one village; but each channel after it becomes the property of one village might be managed by the villagers subject to inspection whenever necessary. At the same time, down to a certain size, the Company would cut all the requisite channels in the first instance, though thereafter, except when the channels were large, they would have little to do with them.

5. There can be little doubt that the suggestion contained in the last paragraph of the Chief Engineer's letter would, if carried out, greatly facilitate the settlement of the many questions which will undoubtedly arise. There is this however to be considered, an Officer thus appointed would, I should think, be considered an extra expense of the kind referred to in paragraph 2 of the Order of Government in the Revenue Department, communicated with Government Order, No. 233 of the 21st January 1864, such Officer to carry weight and be of real assistance would have to be one of some standing and experience, and then his salary and that of his establishment would be large, and as there would be the most work for him to do at the outset when there would be the least extent of cultivation, I am afraid that the outlay would be great in proportion to the value of the water distributed; and moreover, if the channels be cut in good time, and the Ryots, who are to get water each season, have the opportunity of finding out where their supplies are to come from, I do not anticipate any difficulties which a little patience coupled with an expressed intention to attend to the wants of all parties will not overcome.

6. I think I have discussed all the points requiring immediate consideration, and I shall be ready to place the subject before Government, immediately on receiving your reply and any further remarks the Chief Engineer may wish to make. It is of much importance that the Rules should become generally known in good time for next year's cultivation, and perhaps you may think what I have said at the end of the remarks on Rule I worthy of consideration.

(True Copy)

(Signed) F. H. HENSLOWE, Agent and Manager.

1. The Board having conferred with the Company's Agent, and considered the letters of the Company's Chief Engineer, and the Government Consulting Engineer, communicated to them by Mr. Henslowe, resolve to submit to Government the annexed revised draft Rules for the distribution of water from the Company's works, with the following remarks.

2. The Company's Agent has, in conference with the Board, expressly guarded himself from being committed to the permanent maintenance of the system devised in the Rules; but the Board believe that as a temporary arrangement, open to future modification as experience may dictate, and as all parties may agree, it meets his approval. Copy of these Proceedings will be furnished to him; to the Company's Chief Engineer; to the Consulting Engineer; and to the Collector of Kurnool, for such observation as they may desire to bring to the notice of Government; and the Board request that copy of any such observations may be communicated to them for information.

3. The Board proceed to notice the objections raised to the original draft, and to explain the modifications in the annexed Rules, which modifications are indicated by the use of italics. The original Rules 12 and 13 have been struck out with reference to the Government remark on the first of those Rules. The objection raised renders both these Rules unnecessary; but their abandonment involves a change in principle in Rule 6 which will be noticed in its proper place.

4. Both Colonel Cotton and Captain Mullins take some objection to the views expressed by the Board in paragraphs 3 to 6 of their letter to Government forwarding the original Draft

Dated 7th April 1864.

Rules as to the interpretation to be put on that part of the Contract between Government and the Company, which leaves to Government the "option" of purchasing the available supply of water for irrigation; but the Board do not see that they are convicted of any error.

5. Captain Mullins alludes to a discussion which has taken place in this country between the Government and the Company's Agent, and would apparently interpret the Contract by what he believes to be the unanimous opinion as to the possibility of the Company dealing directly with the Ryots without the intervention of Government. But the Board think there can be little doubt that all parties must be bound by the letter of the Contract until it be modified by mutual agreement.

6. Colonel Cotton, if the Board rightly understand him, interprets the option which in the preamble Government is declared to have "of purchasing the water supplied for irrigation at a price to be agreed on with the Company" as meaning that the Government have the option of purchasing by volume, or of paying at an acreage rate for irrigation supplied.

7. It appears to the Board that this view is incorrect, and that what is intended by the option is, that Government may deal directly with the Company for all the available supply as a matter solely between them and the Company, and may then dispose of it to the Ryots on the condition of charging them no more than the Government pays to the Company, or that the Government may leave the whole question of the disposal of the water to be arranged between the Company and the Ryots, in which case the Government have merely the right to determine in what way "the returns from the works," or in other words, "the price for the water" shall be levied. It appears to the Board essentially necessary that the position occupied by Government under this option shall be clearly defined, and in drafting the Rules, the Board have assumed (they believe rightly) that Government now occupies the first of the above alternative positions; that they intend to purchase the whole available supply, and that the Company has nothing whatever to do with the Ryots directly.

8. From this point of view the Board proceed to consider the Rules themselves.

RULE I.—Colonel Cotton objects to the provision that the Register shall be closed at a prescribed date, assuming that a final closing was intended.

Captain Mullins on the same assumption, approves the provision.

The Board observe that the provision was not intended to be absolutely prohibitory of future applications; but that it should be *the Rule* admitting of exceptions.

They have now made slight additions to Rules 1 and 3, which will remove any doubt on this point; but they are of opinion that the limitation will be found a useful provision. It corresponds in principle with the Government Rule, for the relinquishment of land.

In connection with this Rule, the Board request attention to Captain Mullins's suggestion that the Chief Engineer of the Company should be required to notify within a fixed date what area in each successive village along the line he will be prepared to irrigate during the next ensuing season.

The Board entirely approve this suggestion; and unless it be shown to be impracticable they recommend that it be embodied in the Rules.

9. **RULE II**—A slight addition has been made to this Rule, and partly at the suggestion of the Company's Agent to supply a deficiency which he thinks might possibly hereafter give ground for dispute. The Board may observe that Clause II of the Contract expressly bars the Company from limiting the supply available for irrigation in order to facilitate navigation. It is of course to be distinctly understood that the addition to the Rule will in no respect hold the Company harmless from loss if the supply per acre prove to be insufficient. All that Mr. Henslowe desires is that the Company may be guarded from liability to supply water when not available in store.

RULE III.—Is purely a Government arrangement.

RULE IV.—Colonel Cotton's remarks on this Rule appear to be based on the erroneous assumption already noticed, that the closing of the Register directed in Rule I is intended to be absolutely final, and that the monthly abstracts were designed to show only modifications in the original applications.

This is not the case. The subsequent applications, received after the first closing of the Registers for the primary and chief demand for water, will be entered in the subsequent monthly abstracts for the information of the Company's Officers.

RULE V.—A slight modification has been made in the heading of the last column of the form of account provided in this Rule, to meet Colonel Cotton's objection, and to coincide with the change in Rule 6.

RULE VI.—This rule formerly provided that claims to remission on the ground of insufficient supply should be settled by the Revenue Officers of Government; but to guard the Company from risk of loss it was provided in Rules 12 and 13, that the remission should be made in *equal* proportions out of the Government assessment on the land, and out of the Company's full charge for water.

This arrangement was considered by the Board to be equitable and to be free from the many inconveniences which must be anticipated when the decision is to be the result of a discussion in every case between the Government Officers and the Company's Agents.

The Government have however disallowed Rules 12 and 13, and Colonel Cotton has objected to Rule 6 without allowing for the bearing of the former Rules on it.

The Board readily admit that without Rules 12 and 13, the original Rule 6 is not fair to the Company, and as the former Rules have been rejected the latter has been modified to suit the views of Government and of the Company's Officers. The Board may however observe that the discussion exemplifies very well the error as to the position of the Company in regard to the Ryots, to which they have already adverted.

The Company at present have really nothing whatever to do with the Ryots, and have no right to any voice in the decision as to remission to be given by Government to the Ryots; but of course if Government are to be allowed the same remission by the Company it is only fair allowance is reasonable.

Mr. Henslowe objects to the nomination of standing Arbitrators, and the Board agree with him that the arrangement would involve disadvantages that would counterbalance its convenience.

Colonel Cotton appears to expect that, as a rule, there will never be any difficulty in supplementing an insufficient supply, and the Board trust that the necessity for resorting to the somewhat cumbrous arrangement provided in the revised draft will but seldom occur.

Mr. Henslowe appears to be of opinion that Clause 13 of the Contract would properly be applicable to this question of remissions for insufficient supply; and although the Board believe that this application of the Clause was not contemplated by the framers of the Contract deed, they admit that the mode of settlement by arbitration provided in it, is the only one that will meet the requirements of the case, now that the remission for insufficient supply is to be borne solely by the Company.

RULES VII, VIII AND IX.—The provisions in these Rules for the cases of sugar-cane cultivation and occasional irrigation to dry crops are accepted by the Company's Officers as a temporary arrangement, subject to future modification so far as the rates of charge are concerned. The Board however on further consideration are disposed to omit Rule 7 altogether, and to strike out that portion of Rule 8 which prescribes the rate for occasional irrigation to dry crops. The provisions would more properly be embodied in a Government Notification similar to that already published regarding the water rate on ordinary Nunjah cultivation.

The first part of Rule 8 has been slightly modified with reference to Captain Mullins's remarks. The Board admit the force of the objection raised by him to the delay involved in the system provided; but they doubt whether the expedient he proposes to get over the difficulty is practicable.

The case further exemplifies the necessity on which the Board lay stress, of determining precisely with whom the Company have to deal. Captain Mullins would place the Ryot who wants an occasional supply for his dry crops in direct communication with the Company's Officers, even to the extent of paying cash down to them for the supply received, forgetting apparently that the Government are supposed to have already purchased the whole available supply, and that all parties are agreed to leave to them the realization of the "returns from the works." The principal objection however to his plan which occurs to the Board is the possibility, not to say probability, of its militating with the free supply of water to wet cultivation under the arrangement with Government.

The Board moreover doubt whether in practice to the objection which Captain Mullins raises to the Rule as it stands would be much felt. The imperative necessity for water to save dry crops is not a contingency that arises in a day, and the alteration proposed in Rule IX provides for speedy notice of any demand. Captain Mullins's further suggestion of a fixed rate per acre for such dry crops as are ordinarily irrigated at intervals when grown under wells, is matter for separate consideration.

RULES X AND XI stand as in the original draft with the addition of one word inserted with reference to the Secretary of State's Despatch of 9th April 1864, communicated with the Government Order of 19th July 1864, No. 2,079, entered at the head of these Proceedings, on which the Board need only observe that it distinctly provides for the possible case of direct dealings between the Company and the Ryots.

RULE XII was originally Rule XIV and remains unaltered. With reference however to Captain Mullins's remarks on it, and to the Despatch above referred to, the Board submit for the consideration of Government, whether it is desirable to review the decision as to the price to be charged for water per acre, with a view of relieving the Company from the duty of providing the minor distributing channels, if not with reference to the fact that the Government is to bear all the costs of collections. The Board do not consider that this last fact would by itself afford any ground for re-opening the question of price at present; and as regards the minor distributing channels, Colonel Cotton appears to entertain a different opinion from Captain Mullins, as he would apparently retain the *whole* of the works in the hands of the Company, merely leaving to village Officers the actual admission of water on to the fields.

9. In conclusion the Board wish to remark that until some general idea at least is formed of the detail establishments to be maintained by the Company for actual irrigating operations, it is scarcely possible to frame Rules which will not need considerable modification in actual practice.

10. Colonel Cotton's suggestion that a Revenue Officer be appointed exclusively for the charge of the revenue affairs of the Company under the Collector, is submitted for the consideration of Government.

There can be no doubt, as observed by Captain Mullins, that the arrangement would be a great convenience; but the Board doubt whether it is *necessary* so far as Government are concerned.

REVISED DRAFT RULES.

I. The Collector shall arrange through the Talook Officers for recording in each year, the applications of individual Ryots for water to be supplied for irrigation to the first crop in the next ensuing season of cultivation, and the Register for such preliminary applications shall be closed on the 1st April in each year.

II. The Collector shall, within 1st May of each year, forward to the proper Officer of the Irrigation Company a demand for the supply so required in each specified village in the then commencing season of cultivation, and the Company shall supply the water accordingly, so far as it may be available, and shall inform the Collector if water is not available to the extent demanded.

III. The individual applications referred to in Rule I shall be recorded in the following form:—

Talook.	Village.	Name of Ryot.	Number of Field.	EXTENT OF LAND.		Amount of water rate on 1st crop per Acre.	Total demand for 1st crop.
				Acres.	Decimals.		
1	2	3	4	5		6	7
						RS.	RS. A. P.

A similar Register shall be maintained of any subsequent applications, and of applications for irrigation to second crop cultivation.

IV. A monthly Abstract Village Statement shall be prepared in the following form from the above Registers, and furnished to the Officers of the Irrigation Company:—

Talook.	Village.	Number of Field.	Extent of land to be irrigated for first or second crop (as the case may be.)	
			Acres.	Decimals.

V. The Collector shall further cause to be opened and carefully maintained a village account in the following form, according to which account the amount due by Government to the Company for water supplied shall be determined:—

Full demand on account of irrigation applied for.		Remission.	Net adjusted balance of demand for irrigation actually received.	Grounds of remission as recorded in decision on claim.
No. of Field.	Amount. RS. A. P.	RS. A. P.	RS. A. P.	

VI. Claims to remission of water rate, on the ground of insufficient supply, inundation, or defect in the works, shall be investigated as they arise by the local Revenue Officers in conjunction with the Officers of the Company, and the adjusted claim of Government on the Ryots for irrigation, shall be the measure of the Company's claim on Government for water supplied. It shall be open to either the Government or the Company, as represented by their local Officers, to claim a reference of the question to arbitration, in which case the Collector and the Company's chief local Officer shall each nominate one arbitrator, and the two nominees shall elect an umpire.

The decision of the arbitrators shall be final as to the extent of remission to be allowed.

VII. Sugar-cane cultivation when sufficiently irrigated to mature an average crop, shall be charged for as two grain crops.

VIII. Applications for occasional irrigation to dry crops within the influence of the Company's Canals may be registered as under Rule I in anticipation, of cultivation, or subsequently as required, and water shall be supplied at the discretion of the Company's Officers. The charge for such occasional irrigation shall for the present be at the rate of one Rupee per acre for each effective flooding.

IX. A separate Register of such applications for irrigation to dry crops shall be kept in the following form:—

Talook.	Village.	Name of Ryot.	Number of Field.	EXTENT.		How often flooded.	Rate per acre. RS.	DEMAND FOR IRRIGATION.			
				Acres.	Decimals.			Total Demand.			
								RS.	A.	P.	

An abstract of the above shall be furnished to the Company's Officers in the following form as applications are recorded:—

[illegible]

X. The amount due by the Ryots for irrigation shall be collected by the Government Officers, together with and by the same proportionate instalments as the assessment on the land, and the Company shall be credited by like instalments with the amount due to them by Government.

XI. In adjusting the claim of the Company for the amount due by the Government Officers for irrigation, the Government shall be credited by the same proportionate instalments as the assessment on the land, and the Company shall be credited by like instalments with the amount due to them by Government.

XI. In adjusting the claim of the Company on Government no separate charge shall be made for expenses of collection from the Ryots.

XII. The Company are bound to deliver to the Government the amount due to them by Govern-

XII. The Company are bound to deliver the water on the land to be irrigated; but if in order to facilitate the distribution of the available supply, the Government shall at any time undertake to execute or maintain the minor works in any village, with the consent of the Company's Officers as a matter of mutual convenience, then the Company shall be chargeable with the cost of such work, and the Government shall be at liberty to debit them with the amount in adjusting the year's account for irrigation supplied.

No. 37. Proceedings of the Board of Revenue, dated 12th August 1864.
Read Proceedings of the Madras Government Revenue Department, dated 8th August 1861,
No. 1,422 :—
The Board observe that their sanction is not required for the proposed

The Board observe that their further Proceedings have already been submitted to Government and embody all of these original enclosures save the last from Mr. Henslowe, who will have an opportunity of expressing his opinion on the revised Rules.

No. 38. Proceedings of the Board of Revenue, dated 8th September 1864, No. 5,862.
Read the following letter from F. H. HENSLOWE, Esq., Agent and Manager, Madras Irrigation,
and Canal Company, to W. HUDLESTON, Esq., Secretary to the Board of Revenue,
dated Madras, 31st August 1864, No. 1,071:—
1. With reference to the revised Draft B.

1. With reference to the revised Draft Rules for the distribution of water from the Company's works, of which you favored me with a copy, I have the honor to transmit copy of a letter I have received from Colonel Cotton containing his observations thereon.

2. You will remember that although I concurred in the propriety of fixing some date on which the Register should be formally closed, yet I had no means of knowing whether the 1st of April was the best day for that purpose, and I thought it important that a provision should be inserted under which any subsequent applications might be let in. I have since learned that cultivation may begin as late as August. In the revised Rules the *first* stands as it did proclaiming that the Register *shall* be closed on the 1st of April, and the mode adopted for introducing the proviso which I suggested, is the insertion of the words "*any subsequent*" in Rule III.

3. This method appears to me to be ambiguous, but if the Board of Revenue are of opinion that this phraseology is sufficiently clear to carry out the object in view, I am satisfied.

4. In other respects the rules as now revised appear to me to be unobjectionable.

ENCLOSURE No. 1.

From Colonel H. C. COTTON, Chief Engineer, to F. H. HENSLOWE, Esq., Agent and Manager, Madras Irrigation and Canal Company, dated Kurnool 23rd August 1864, No. 625.

1. I have the honor to acknowledge the receipt of the Proceedings of the Board of Revenue, dated 8th instant, with draft of Rules for the Company's irrigation.

2. With respect to the several Rules, I will remark.

Rule I. My approval of this Rule, is, on condition of the most free admission of the exception. If the exception is not absolutely free so that the Rule itself becomes in fact void, if any doubt is left that a claim for water put forth at any time will be complied with without demur while water is available, I think the Rule totally inadmissible. Whenever an application is received it should be referred to the Company's Local Agent, and accepted or rejected according to the amount of demand, and the supply there will be to meet it.

3. I think the mere institution of the rule, however large and free the exception, is objectionable as it may lead some to refrain, when late in deciding their plans for the season, from applying for water, and the Company will suffer. I can discover no advantage in closing the Register, and can only approve of the Rule on condition that the exception keeps it freely open.

Rule II. I approve.

Rule III. With its note admitting "subsequent applications" for first crop, and application for second crop cultivation, I approve.

Rules IV and V. I approve.

Rule VI. I see no objection to this Rule except that it wants in fairness for guiding the decision of the Judges.

4. Insufficient supply, inundation, and defect of works are faults on one side, and there may be failure from faults on the other side through misuse of water. Insufficient water may be from wastage by the Ryots, and inundation may be from carelessness or design on the part of the Ryots, so that while the Company fulfils its part, crops may fail or be destroyed. The regulations require to be extended that the right of the Company may be maintained as well as remissions to the Ryots granted.

Rule VII. I approve.

Rules VIII and IX. As a present arrangement. I approve.

Rules X and XI. I think satisfactory.

Rule XII. Is very indefinite. To deliver water on the fields after ploughing and planting is done, is the cultivator's own work, and cannot possibly fall to the Company's establishment.

5. To construct all necessary works for the purpose is of course the part of the Company, but to deliver the water on the land is not. No such interference is exercised by the Government in their irrigation.

14 *Proceedings of the Madras Government, Revenue Department,*
5th October 1864.

6. The conclusion of the rule is quite satisfactory, the Company being chargeable for minor works constructed by the Government Establishment with the consent of the Company's Officers.

7. I should certainly like to see bye-laws under Rules VI and XII, and I should be glad to see the closing of the Register withdrawn from the Rule I. No reason is assigned by the Board of Revenue, and that given by Captain Mullins seems to be founded on a mistake as to the period during which the supply of water from the Company's channels will be available without reservoirs.

8. The Chief Engineer can of course always say what area he will be prepared to supply water to, when the works are completed.

(True Copy.)

(Signed) F. H. HENSLOWE,

Agent and Manager.

1. Ordered to be submitted to Government in continuation of the Board's Proceedings, dated 8th August 1864, No. 5,046. The only point that appears to call for remark by the Board is as regards the closing of the preliminary register of applications for water.

2. The Board considered, and they understood the Collector to concur with them in the opinion, that it was very necessary a date should be fixed within which the Company's Officers should be informed of the bulk of the demand likely to be made on them for irrigation in particular localities for the ensuing season of cultivation. In fact, without some such rule, the Board do not see how the Company's Officers could estimate their means of meeting later applications, or applications for occasional irrigation.

3. The date fixed is suitable for the bulk of the cultivation, as the setting in of the south-west monsoon in May will supply the water to the works, and the land generally will be prepared for cultivation in April and May.

4. The Board see no reason to suppose that the rule as it stands will in the slightest degree check applications, and in fact it prescribes merely the date for closing one Register and opening another. The subject however may well be referred for the opinion of the Collector, to whom copy of these Proceedings will be sent.

5. As regards the Rule VI relating to claims for remission, the Board of course intend that the Company should be held harmless from loss resulting from the fault of Ryots, but they do not see the necessity of providing in the rule for so obviously equitable a consideration.

6. The Board see nothing to object to Colonel Cotton's remarks on Rule 12. The actual admission of water to the field from the minor channel must of course be left to the cultivator. The Company will have done their work when the means of obtaining the supply are provided in the form of minor channels, and the water is available for the land.

No. 39. Proceedings of the Board of Revenue, dated 27th September 1864.

Read the following letter from J. I. MINCHIN, Esq., Collector of Kurnool, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Kurnool, 19th September 1864, No. 150:—

SIR,

1. With reference to the Board's Proceedings, dated 8th September, No. 5,862, upon Colonel Cotton's remarks on the revised draft Rules for the distribution of water from the Company's works, I have the honor to state that I consider the date for applications for water, fixed in Rule I, to be most applicable to the District, and I do not share Colonel Cotton's fears as to any harm accruing from the fact of a date being thus fixed.

2. The object of fixing a date is to endeavor to induce the Ryots to use proper fore-thought, and there is nothing in such an arrangement that would be likely to check after applications.

Proceedings of the Madras Government, Revenue Department, 15
5th October 1864.

Ordered to be submitted to Government in continuation of Board's Proceedings, dated 8th September 1864, No. 5,862.

No. 40. ORDER THEREON, 5th October 1864, No. 1,830.

Miscellaneous.

No. 1,084.

1. With the first of these papers, the Board of Revenue submit, with reference to the Order of Government of 22nd June* last, revised Draft Rules for the distribution, &c., of water supplied by the Irrigation Company in Kurnool. The three other papers above recorded relate to the same subject.

2. The Government observe that the Rules in question are in the main agreed to by all parties, and they grant authority for their being put into operation as an experimental measure for the period of one year. Experience can alone show satisfactorily in what respects they need alteration.

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

Rules for Distribution of
Water published by Irr: Co
in New York.

For Order. It seems to me that
the revised rules had better
be put into operation ex-
-perimentally - Actual ex-
-perience can alone show in
what respects they need re-
-dification - and all sides
seem very fairly agreed to
them in the main.

J. D. S.

Mr. Board of Revenue
submit

Revenue Department
 1830
 Proceedings of the Marra Government
 under date the 5 October 1864.

Read the following
 Proceedings of the
 Board of Revenue

Submitting revised
 draft Rules for the distribu-
 tion of water from the
 Irrigation and Canal Co's
 works.

(Despatches 8th Augt
 1864, No. 50464)

Observing that the
 original enclosures forwarded
 by Govt with No. 8th Augt No.
 422 on the subject of the in-
 rules for regulating the distri-
 bution of water from the Govt
 works have been already
 disposed of by the Board.

(Despatches 12th Augt
 1864, No. - 1)

Submitting letter from
 the Agent and Manager Irriga-
 tion and Canal Co. transmitting
 one containing the observations
 of Col. Cotton on the revised
 draft rules for the distribu-
 tion of water from the Govt works.

(Despatches 8th Sept
 1864, No. 5862)

Submitting letter from
 the Col. of the Govt stating his
 opinion regarding the date fix-
 ed for applications for water
 to be supplied from Irrigation
 works.

(Despatches 27th Sept
 1864, No. -)

Read the first
 of these papers, the
 Board of Revenue
 submit

W

230 Sept 1863

submit in the reference
to the Board of Govt
of 22d June, which revised
Draft Rules for the dis-
tribution of water
supplied by the Irriga-
tion Company in
Kurnool. The three other
papers above mentioned
relate to the same subject.

2. The Govt observe
that the Rules in ques-
tion are in the main
agreed to by all parties
and they point authoritatively
for their being put into
operation as an experi-
mental measure for
the period of one year.

~~Subject to the following~~
~~conditions~~ ~~Expenditure~~
~~on the above should not be~~
~~exceeded in~~
~~what respects they need~~
~~alteration.~~

To the Bd of Ruls with 10 copies
J. P. W. 10/10/11
" " " " " " " "

No 1084

Copy in a letter from
 2/31 Oct 1861. no 39

Revenue 1861 Oct 17.
 No. of year for October

21. 1860

Pro: of the Madras Govt.
 23- October 1861.

120-181

8-8-64

1528/12-387

Clue 213/114

303-204

21-6-64

487-488

27-7-64

M.360210.

From the Com:ry of the Govt.
 20 October 1861 Clue 2826.

From the Com:ry of the Govt.
 10 October 1861 Clue 3329

Receiving the the
 rules for water supply
 in the most in fact
 into operation as an
 experimental measure
 for one year.