

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1148	<u>Press</u> ~~Mis.~~
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Dated	30 - 5 - 1861	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
30th May 1865.

No. 525. Read the following Proceedings of the Board of Revenue, dated 10th May 1865, No. 2,361:—

Read again letter from the Collector of Kurnool, dated 11th February 1865, No. 21, recorded in the Board's Proceedings, dated 10th March 1865, No. 1,383.
Read also the following letter from J. J. MINCHIN, Esq., Collector of Kurnool, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Yerrachelmah, 12th April 1865, No. 51.

SIR,
1. I have the honor to reply to the Proceedings of the Board of Revenue, dated 10th March 1865, No. 1,383, calling for further information on various points connected with my proposals for the grant of remission of the assessment, and water rate in case of failure of the crop on land irrigated by the Company's Canal.

2. I am directed, in the first instance, to report more definitely regarding the usage of the District, precluding the grant of remissions for short produce. No Hukamnamah has been drawn up for this District, and there is consequently no definite local rule on the subject. But for the last ten years, Sookty remission has never been granted except in cases of total failure of the crop. I found such to be the practice on my arrival in the District, and as the same rule had been enforced in the Districts in which I had previously served, I may have too hastily arrived at the conclusion that such was the general practice in the Presidency.

3. There is no doubt that in former years Sookty remissions were granted in Kurnool, for a partial failure of the crop, if the loss was estimated to exceed fifty per cent.

4. Kurnool was then an agency: the assessment was in some parts extraordinarily heavy, and remissions were often necessarily granted at the discretion of the agent. They were not granted on broad general principles, but on detailed individual inquiry, and were dependant not only on the state of the partially withered crop on account of which remission was sought, but chiefly on the circumstances of the Ryot, the extent of Inam land cultivated by him, the state of his other crops, and generally his ability to pay.

5. For the last ten years the increase of price has raised the position of the agricultural class, they are now generally most thriving, have ceased to expect remissions under casual disasters, and none have been granted under the head of Sookty except for a total failure of the crop.

6. The extent of irrigated land in the District is very small, it is all dependant on tanks, and the supply of water for the year being known, the area of cultivation is limited accordingly, and if due caution be observed, very few cases of withered crop should arise.

7. When extended irrigation takes place under the canal, an entirely new state of things will be introduced. A breach in the anicut, or some other accident which no foresight can guard against, or predict, might occur not only at a time when a total loss of the crops would ensue, but also when the result, though less disastrous, might be a serious deterioration of the crop, which the loss of the last flooding might reduce below twenty per cent. of an average out-turn.

8. There is no doubt that in such cases some remission should be granted, and the standing order quoted by the Board meet such cases, and lays down the principles and mode of procedure to be adopted.

9. In my previous letter I advocated the remission of the Government assessment, as well as the Company's water rate, whenever it might be necessary to remit the latter, and in paragraph 4, the Board request me to state what led me to suppose that it is not the present intention of Government to grant remission of the land assessment. I do not think the question has been ever mooted, and in the silence on the subject, I had certainly formed the impression that there was no intention to grant remission of a land assessment, which, previous to the introduction of irrigation, had been collected with unfailing regularity. In discussing the mode of remission, the Company's water rate has been alone alluded to, and it has never been proposed also to remit the land assessment.

10. I trust that I have put a mistaken construction on the silence maintained on this point, for, on full consideration, I am of opinion that when the Company's water rate is necessarily remitted, the land assessment should also be foregone. Having given over to a Company the construction of works embracing so vast a scheme of irrigation in Government land, it appears a necessary consequence to accept this sacrifice, and to look for compensation for a possible disturbance of the revenue, to the generally increased prosperity of the people.

11. If it has been always the intention to remit the land assessment with the water rate, my proposal, though founded on misconception, will have the advantage of obtaining a clear order for the concession, which has not yet been accorded.

12. In accordance with the Board's suggestion, I have referred the question of water rate on "Soud" lands for the consideration of the officers of the Company, and beg to forward copies

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tively near the surface; and secondly, to the facilities which exist, especially in the north part of Kurnool District, for carrying off the drainage.

9. The officers of the Company have instructions to observe and report on this subject which is one of great interest.

(True Copies.)

(Signed) J. I. MINCHIN,
Collector.

From F. H. HENSLOWE, Esq., Agent and Manager, Madras Irrigation and Canal Company,
to J. I. MINCHIN, Esq., Collector of Kurnool, dated Madras, 1st April 1865,
No. 2,768.

SIR,

1. I have the honor to acknowledge receipt of your communication of the 22nd ultimo, forwarding for my consideration Proceedings of the Board of Revenue, on a letter submitted by you, making proposals for the grant of remission from failure of crops in certain cases on land irrigated by the Company's Canal.

2. The Proceedings raise several questions, but I will confine myself to that which has reference to Soud lands.

3. When I visited Kurnool in October, having only recently become acquainted with the action of Reh in the North-West Provinces, and having been somewhat alarmed by hearing that the land in the Kurnool District was likely to be subject to the influences of the same efflorescence, I made inquiries, and was assured that irrigation was the best cure for such efflorescence; an assurance which I confess did not remove my feeling of uneasiness.

4. The statement contained in your letter is of a much more encouraging character; for if you are correctly informed, there is a wide difference between Reh and Soud.

5. Assuming this to be the case, and that you have accurately described the character of these Soud lands, I can have no hesitation in arriving at the same conclusion which you have reached, that it would be politic both on the part of the Government and the Company to encourage the Ryots to bring these lands to an arable state by irrigation.

6. But whatever my own opinion may be upon the case, I am not in a position to express it with that degree of authority which would enable the Board of Revenue, or the Government to come to a final decision upon the question.

7. Supposing it, however, admitted on all hands that the Ryots ought to be encouraged to irrigate the Soud lands, it becomes necessary to agree upon the mode and extent of the encouragement offered.

8. The arguments you use for the full claim and full remission, rather than for special terms, appears to me to be very sound, and I will submit them to my Directors with a request that the whole question may be at once considered, and that I may receive instructions on the subject.

9. It may be urged by the Directors that if the existence of Soud can be detected before hand, and if, as I gather from your observations, those particular lands, when cleaned and reclaimed by irrigation, are likely to be of a superior quality, some remuneration ought to be accorded to the Company, either by a small rate in the first instance, or by a special and higher rate upon these particular lands *ex-post facto* upon these, and other points, it is needless for me to speculate now. I will place the whole matter before the Board, and beg to tender my thanks to you for bringing the matter at an early period into a fit shape for discussion.

1. Resolved that the foregoing papers be submitted for the consideration and orders of His Excellency the Governor in Council.

2. It will be observed that the Deputy Collector on special duty in Kurnool brought to the Collector's notice a claim put forward by certain Ryots of the Ramacherla Talook to compensation for loss sustained by them in consequence of the insufficient supply of water by the Irrigation Company. It seems that these persons agreed to take water from the Irrigation Company's works during the past season, that they prepared and sowed the lands accordingly, but that, from unforeseen circumstances, the Company were unable to supply a sufficient quantity of water to bring the crops on a portion of the land to maturity, though every effort was made by the Company's Officers for the purpose.

3. The Ryots claim compensation for the loss they have sustained, but after making inquiry at the recent annual settlement, the Collector did not deem it necessary to do more than remit the water rate on the land, on which the crops had entirely failed, viz., Acres 21-4-3. He considered that he was precluded by the District usage from granting any remission of the rate on that portion which, in consequence of a deficiency of water, had yielded only a partial crop, amounting to Acres 6-10-0, and that a remission of the dry rate on any of the land was not under circumstances contemplated by Government.

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4. In his first letter recorded above, Mr. Minchin expressed a decided opinion that the holders of lands irrigated by the Company's works should be placed in the same position as land-holders in other parts of the country as regarded remissions, and at the same time brought to notice a new point for consideration as to the Ryots' claim for remissions, in connection with certain lands on which an efflorescence of salt and soda was formed, and which, from the nature of the soil, required irrigation for one or two years before crops could be expected to grow on them.

5. Before submitting the matter to Government, the Board deemed it desirable to have before them (1) the precise grounds on which Mr. Minchin considered himself precluded from granting any remission for short crops, though a remission in such cases is, under certain circumstances, sanctioned under the standing orders; (2) his reasons for supposing that it was not the intention of Government under any circumstances to remit the dry rate upon the lands; and (3) the views of the officers belonging to the Irrigation Company as to the manner in which the so-called "Soud" lands should be dealt with. Mr. Minchin's second letter is his reply to the Board's requisition on these three points; and with it he submits two letters from the Officers of the Company upon the subject of the treatment of the "Soud" lands.

6. His Excellency in Council will perceive that in the papers recorded at the head of these Proceedings four distinct questions are raised; 1, the right of Ryots to Compensation for loss sustained by the failure of the Company to supply water; (2), the right of such persons to a remission both of the water-rate, and of the dry assessment, when there is a total failure of the crops; (3), their right to a partial remission of these two items of taxation when only a partial crop is obtained, in consequence of a deficiency of water; (4), the manner in which "Soud" lands are to be dealt with, both as regards the water-rate and the land assessment.

7. As observed by Mr. Minchin in his first letter, though the amount of revenue involved in the case reported is trivial, the questions raised are of a grave and important character. He is of opinion that the Ryots have no more right to Compensation from the Irrigation Company than they would have had from Government, had the works been executed at Government expense. In this opinion the Board fully concur. Throughout the discussion regarding the manner in which the Irrigation Company's return for their expenditure should be realised, the Board have always urged the absolute necessity of maintaining the rule that the Ryot is to deal with the Government, not with the Company, and if this rule be maintained, it is clear that the Ryot holding lands irrigated by the Company's works is no more entitled to compensation, as distinct from a remission of the assessment, when his crop may fail, then he would be entitled to such compensation if he held lands under Government works.

8. At the same time, if the Ryot holding land irrigated by the Company, is to deal with the Government, it is but fair that he should be allowed the same remissions of assessment as the Ryots in other parts of the country, when from want of water his cultivation fails. The Board, therefore, support Mr. Minchin's proposition that a remission both of the land assessment and the water-rate should be granted where either a total failure of crop has taken place, or whether, from the peculiarities of the soil to which Mr. Minchin refers, it is impossible to raise a crop the first year in which the land is brought under irrigation. The Board observe that the present standing orders do not provide for any case of the latter kind, but looking at the fact that no crop cannot possibly be raised, it seems but reasonable that a remission should be granted in such special cases.

9. With regard to partial failures, the Board understand from his second letter that Mr. Minchin agrees with them in considering that a proportionate remission of the combined assessment should be allowed when, from want of sufficient water, only a partial crop is obtained for in all other Districts it is usual to make this kind of remission on Nunjah lands when the crops are partially lost from circumstances beyond the Ryots' control.

10. As remarked by Mr. Minchin in paragraph 10 of his first letter, the Government, by remitting the dry rates, will have to make a partial sacrifice of revenue, inasmuch as the assessment on the lands hitherto cultivated with dry crops has been almost invariably collected of late years; but on the other hand, as noticed by Mr. Minchin, it will rarely happen that the Irrigation Company will be unable to supply the full quantity of water required.

11. If the Board's view as to the relative positions of the Irrigation Company and the Ryot be accepted as correct, and the whole tenor of the correspondence which has recently taken place on the subject seems to shew that it is so accepted by all parties, then the Board consider it will be quite sufficient if the Collectors of the two Districts to which the Company's works extend, are instructed to treat all Ryots, whether holding lands under irrigation works constructed by the Company, or constructed by Government, on precisely the same terms as to remissions of assessment and water-rate.

12. The question between the Company and the Government is a totally distinct one and has at any rate been temporarily disposed of by the revised rules for the distribution of the water supplied by the Irrigation Company in Kurnool. These rules were approved of as an experimental measure for one year, in Government Order, dated 5th October 1864, No. 1,830, but the Board think it may be worthy of future consideration whether Rules VI., XII., and XIII. of the

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Board's original draft, submitted to Government with the Board's letter dated 7th April 1864, No. 2,061, may not hereafter be substituted with advantage for Rule VI. of the second draft, if, as stated by Mr. Minchin in paragraph 15 of his first letter, the Company would probably agree to that arrangement. It is true that the change would, in the case of a partial remission being given, put the Government to a loss which, as pointed out in paragraph 2 of the Government

22nd June 1864, No. 1,084.

Order noted in the margin, would more equitably fall on the Company, but the simple arrangement provided for in original Rule VI., for the disposal of claims to remission, would save much trouble and inconvenience. The Board would, therefore, prefer to see original Rule VI., adopted if the Company, on re-consideration, should be of opinion that the introduction of original Rules XII. and XIII., (which provided that all remissions be made in equal proportions out of the Government assessment upon the land, and the Company's full charge for water,) would sufficiently guard their interests.

13. The Board have recommended that the Government Officers shall be allowed to remit to the Ryots in the case of the 'Soud' lands both the water-rate and the land assessment. It would seem from the letters addressed to Mr. Minchin by the Agent and Manager, and by the Chief Engineer of the Company, that the Officers of the Company are of opinion, though they are unable to settle the point, that it would be for the interests of the Company to deal liberally in the matter, and to grant a remission of water-rate on such lands where no crop can be raised rather than to charge the lands with an exceptional rate. The question, however, is one between the Government and the Company, and the Board do not consider that any doubts in regard to it need prevent the Government from deciding on the chief points raised in these Proceedings, which relate to matters between the Government and the Ryots.

No. 526.

ORDER THEREON, 30th May 1865, No. 1,148.

Miscellaneous.

1. The matter under discussion has been needlessly complicated by losing sight of the fact that under the present arrangements the Ryots have no direct concern whatever with the irrigation Company, have no engagements with the Company, and can claim through the local Collector no compensation from it. The Company sells all its water supply to the Government, and the Government sells it to the Ryot. Any claims by the Ryot for remission on account of losses from insufficient supply must be made against the Government, and settled by the Collector according to the standing orders on the subject of remissions for Nunjah *Shavi* waste, &c. The rules provide for the scrutiny into these claims by the Government Revenue Officers *in conjunction with the Company's Officers*, because where the Ryots claim against Government is admitted, the claim of Government against the Company for corresponding reduction of charge for water supplied is admitted also.

2. The fact that the water is derived from the Company's works instead of from a Government tank or channel is no reason whatever for withholding from the Ryots the benefit of the rules ordinarily applicable to Nunjah cultivation. The right has, by implication, been recognized by the Local and Home Governments in the correspondence which resulted in determining that the loss out of the land assessment, as distinguished from the water-rate, must be borne by Government, as the contract makes no provision for throwing it on the Company—(See Despatch from Secretary of State, dated 16th December 1863, No. 84, in G. O. dated 26th January 1864, No. 137.)

3. Claims to remission for "Soud" lands must be settled by the Collector according to the standing rules for remission on account of losses from causes beyond the Ryot's control. If the Company has duly supplied the land with water sufficient to raise the full crop, the Government can have no claim against the Company for a set off.

(Signed) W. HUDLESTON,
Acting Secretary to Government.

No. 1,383.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th March 1865.

Read the following letter from J. I. MINCHIN, Esq., Collector of Kurnool, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated 11th February 1865, No. 21:—

1. The subject being of sufficient importance to be submitted for the consideration of the Board and Government, I have the honor to forward copy of a letter from the Deputy Collector, B. Gopalaya, on a claim for compensation for withered crops, brought by certain Ryots against the Irrigation Company.

2. At the recent Jummahbunly of the Ramallakotta Taluk, the matter came under my consideration, and after personal inspection of most of the withered fields, I granted remission of the water rate on 21.43 Acres, amounting to Rupees (85-12-9) eighty-five, annas twelve, and pice nine. Beyond this remission, I am not of opinion that it would be either just or politic for the Government to interfere in any way to obtain compensation for the loss of crops to the Ryots, from the Irrigation Company.

3. The cause of the temporary failure of water and consequent withered crops was a breach that was made in the Anicut during the high freshes towards the end of last July. As long as the river was full, the breach was without any effect; water was successfully admitted into the Canal, and reached Kurnool on the 14th August, and 106 Acres 20 Guntas were at once taken up by the Ryots for wet cultivation.

4. In October, the river gradually fell, and a usual fresh looked for at the end of the month having failed, it was impossible to restore the Canal supply, while the water in the river, though too low to be diverted into the Canal sluices, was too high to permit of anything being done to close the breach.

5. By the end of October there was no water in the Canal, but everything was done by the Officers of the Company within their power to save the existing cultivation. Where private wells were available the Ryots of course used them to keep their crops alive, and the Lascars of the Company were employed throughout the month of November in baling water from the pits along the Canal line for the same object. In the meanwhile every effort was made to close the breach which proved to be a most difficult and expensive operation.

6. With the most unremitting efforts on the part of the District Engineer, Mr. Smith, it was not until the 22nd November that the breach was sufficiently closed to bring the water again into the Canal, and it travelled down the line so slowly that it was only on the evening of the 15th December that it reached Kurnool. Most of the cultivation in the upper villages was saved, but 21.43 Acres were entirely withered, on which I granted remission of the water rate, while 4.77 Acres bore only a quarter, and 1.35 Acres half an average crop.

7. As under existing rules Sookty remission could not have been granted in these cases, had the land been under a Government service of irrigation, I did not consider myself authorized to grant remission of the water rate, nor do I consider that any claim for compensation can fairly be brought against the Company even where the crops were entirely withered.

8. The amount in consideration on the present occasion is trivial, but the question is one of great importance, as the procedure now will form a precedent for the future, when vast interests may be involved.

9. Every work of irrigation however carefully constructed is liable to accident, and where the Government constructs such works, no claim for compensation on account of loss caused by such accidents has been ever raised, and only in case of the total loss of the crops is a remission granted of the combined land assessment and water rate.

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10. The one difficulty that meets us in the case of this Company is, that the water rate only can be remitted, unless the Government be prepared to authorize also the remission of the land assessment, on their own account, in which case the operations of the Company will only produce fluctuation, and an element of loss unknown previously in the Land Revenue of the District.

11. On mature consideration, I am of opinion that it will be but fair to the Ryot, and good policy on the part of Government, to concede such remissions of the Land Revenue, where it may be necessary to remit the Company's water rate.

12. In the first place, I trust that such an accident as has this year occurred may prove quite exceptional, and that in general the Irrigation under this great work will be continuous for the season during which one crop is cultivated.

13. I trust, therefore, that in the increased prosperity of the people the Government will receive such large indirect returns from the operations of the Company in this District, as to compensate for the loss of revenue that may arise under certain exceptional circumstances.

14. I think also that it will be but fair to the people to place them in the same position they would have held had the Government itself undertaken the construction of their works instead of entrusting them to a Company. In that case, under the ordinary customs of the country, the cultivators would be entitled to remission of the joint water rate, and land assessment whenever the crops were destroyed by want of water. While I do not consider them entitled to any further compensation, I think that this principle should be acknowledged and acted upon.

15. I believe that the Officers of the Company would rarely question the justice of our decision as to remission of water rate, when it was known that remission of the Government Land Revenue was at the same time involved.

16. The liability of a withered crop for land assessment must also act to a certain extent upon the Ryots as an inducement not to avail themselves of the Company's water. I look on the change from dry to wet cultivation of all land in the vicinity of the Canal as a physical necessity, and every fair inducement should be held out to the Ryots not to postpone this inevitable course; with the small stream of water now running in the Canal as far as Kurnool much of the land between it and the Toombadra river has become a swamp, and when it carries its full intended volume of water, I am certain that no dry cultivation will be possible within range of its banks. As the Ryots cannot avoid accepting irrigation they should be allowed to adopt it on the terms granted universally under our Revenue system.

17. There is another point requiring consideration which has never yet been brought forward. It is an undoubted fact that much of the soil of the District is of a description that while perfectly suitable for irrigation after fit preparation will give no returns at all for the first year or two that water is admitted on the fields. The first action of the water is to produce an efflorescence of salt, or soda, which utterly destroys vegetation, and it may not be for two or three years that these salts are got rid of, and the ground become fit to bear a crop.

18. Much of the withered crops, for which I have this year granted remission, is on land of this nature, and while the loss of crop may fairly be attributed to the want of water for a period of about six weeks, there are some places where no returns would have been obtained had water been available throughout the season.

19. I trust that the per centage of these "Soud" soils, on the whole irrigable area of the District is not large, but their existence is unquestionable, and where the crop is totally withered from such a cause, I think that remission both of the water rate and land assessment should be granted.

20. It would be bad policy on the part of the Company to object to such remissions, as in that case water will not be applied for for such lands, but they will be flooded from the Canal leakage for the number of seasons necessary to make them fertile without any attempt at cultivation, and a system of surreptitious usage of the Company's water will be introduced, which no means can check.

21. The Ryots will not object to make fair applications for water, when they know that they will receive remission in cases of failure of the crop from causes over which they have no control.

22. I beg to recommend that remission, both of the water rate and land assessment, be granted, not only where a total destruction of the crop has been caused by the failure of water, but where, from irrigation bringing to the surface the "Soud" particles in the soil, the growth of any vegetation has become impossible.

23. In the ensuing season we may look for a great increase of irrigation under the Canal, and the previous solution of these questions will be of great importance.

ENCLOSURE No 1.

From B. GOPALAIYA, Deputy Collector on Special duty in Kurnool, to J. I. MINCHIN, Esq.,
Collector of Kurnool, dated 14th January 1865, No. 21.

1. I have the honor to submit for your consideration, at the ensuing Jummabundy of Ramalakota Taluk, the enclosed Statement showing the extent of land upon which wet crops either perished or turned wholly useless from the failure of water for upwards of a month in the Company's Canal on account of a breach in the anicut.

2. This absence of water at a time when the crop was tender, affected the cultivation generally more or less, with the exception of those fields which were irrigated from tanks and deep pits in the canal, and which yielded a very fair out-turn. For these fields, water was baled by the Ryots, and by the Company's lascars, wherever it was practicable, and a great deal was thereby saved. The crops that suffered are those standing upon lands either newly taken up for wet cultivation or those left waste as unfit for dry produce; but, where the soil was well manured or naturally good, although the crops suffered from the absence of water for a time, they revived when supplied with it on its second arrival, and have yielded or will yield what I may call half, or even in some instances three-quarters of a crop. I have also seen some fields where the plant never grew up, although flooded with water, on account of the natural poverty of the soil.

3. Whether the land was good or otherwise, the failure is attributed to the absence of water for a time, and since the Company have either expressly or impliedly made the Ryots understand that water will be supplied to them for the entire growth of a crop, the Ryots' claim for compensation is supported by law, and I consider that they are fairly entitled to it.

4. Of the fields I have seen and entered in the enclosed Statement, almost all of them, with a very few exceptions, are said to have been purposely taken up for wet cultivation within the last two years, having been hitherto regarded as unprofitable for dry cultivation.

5. No dry crops were previously destroyed on that account, and my recommendation for compensation is for a wet crop, and the amount of compensation will be determined with the help of Assessors on the receipt of your reply.

6. The next point for consideration is, how this amount of compensation is to be collected from the Company; the only course is by a Civil action if they are unwilling to meet the claim demanded.

7. The Government interference in this case is not, I believe, supported by any agreement, and it cannot consistently prescribe this compensation, while in cases of parched cultivation, and under Government works of irrigation, they never recognized the Ryots' claim for it, and the utmost they did was the remission of the assessment of the land. Formerly, this indulgence was not even granted freely under certain circumstances; and in Nellore District, what was called "Daravaradi" was charged, that is to say, if the Ryots' other wet and dry lands yielded a net out-turn, which, valued at the current prices, was greater or equal to the assessment upon his entire holding, no remission was then made even upon the parched portion.

8. In justice it may be said, that the Company did all that they could to close the breach, taking water at available places, and expended no small amount of money in closing the breach and bringing water into the canal. Water could not be brought earlier, because the current in the river was too low to divert itself into the canal, and too strong to permit the earlier closing of the breach.

9. The amount and particulars of compensation will not be submitted in case you consider that temporary disasters, such as breaches, &c., are of ordinary occurrence in irrigation works, however substantially they might have been built, and that the Company did not leave any thing untried to restore irrigation, and that too at a considerable expense.

10. There are a few other fields of the same description in the villages above referred to, but they looked greener and appeared to be of some promise, and they were therefore left for future consideration. The Company's Assistant Engineers, Messrs. Harley and Lany, were with me at the time of my examination of the crops.

(True Copy.)

(Signed) J. I. MINCHIN, Collector.

1. The Board resolve before submitting Mr. Minchin's letter to Government, as requested, to call upon him to report more definitely regarding the alleged usage of the District, which it is stated precludes the grant of remissions for short produce.

2. The matter is a very important one, as it may frequently happen that the water supplied by the Irrigation Company will not be sufficient to bring a full crop to maturity, and in such cases it would be hard upon the Ryots to deny them a partial remission of the tax, as allowed under similar circumstances in other Districts.

3. The Standing Orders on the subject of remissions are sufficiently clear, and are applicable to all Districts. In the case of waste Nunjah lands resulting from causes beyond the Ryots' contract, the whole assessment should be remitted. In the case of "Shavi," or withered crops on Nunjah

Board's Circular Order, 19th June 1863, No. LXIX.

assessed lands, the remission should be in proportion, and by a per centage, either for a whole Taluk, or for a set of villages, or for a particular crop throughout the District, or throughout a defined locality, according, in fact, as the circumstances are identical, and the reasons for the remission are equally applicable, and not by any attempt to estimate individual losses, although of course a sufficient number of individual cases will be carefully considered in detail before the per centage is determined.

4. In replying to this reference, Mr. Minchin will be requested to take the opportunity of stating what has led him to suppose that it is not the present intention of Government to grant remission of the land assessment, as well as of the water rate in the case of lands under the Irrigation Company's works when the crops on such lands have failed, and to ascertain whether the Company would be disposed to make any allowance in the water charge for crops destroyed on "Soud" lands, or whether they would be included to supply such lands with water on special terms, and if so, on what terms. He will at the same time declare his opinion as to the manner in which the lands should be rented, and on the proposals of the Company, for it is observed that if his proposition to grant remissions for such lands were adopted, the whole of the water rate would have to be foregone in the first instance, under the views expressed by Government in paragraph 2 of their Order, dated 22nd June 1864, No. 1,084, and the Company having supplied the full quantity of water might reasonably object to such an arrangement.

5. It is worthy of consideration whether the "Soud" lands are of sufficient extent to justify their being treated exceptionally at all.

(True Copies and Extract.)

(Signed) R. A. DALYELL,

Acting Secretary.

To J. I. Minchin, Esq., Collector of Kurnool.

Ed. R. H. Lee.

Revenue Department.
No 1148

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 30th May 1865.

Read the following Proceedings of the Board of Revenue.

Submitting with remarks, correspondence between the Collector of Kurnool and the Agents of the Madras Irrigation and Canal Company on the subject of the grant of remission of assessment and water-rates in case of failure of the crop on land irrigated by the Company's Canal.

(Here enter 10th May 1865 No 2361.)

The matter under discussion has been needlessly complicated by losing sight of the fact that under the present arrangements the Ryots have no direct concern whatever with the Irrigation Company - have no engagements with the Company - and can claim no compensation from it. The Company sells all its water supply to the

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Robert Henry Melville
Revenue

Enrolled No of the 18th of the 1865
No 1148

1865 Department

No.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 10th March 1865.

Q No 190/65

No 1383

Requesting him to report definitely regarding the alleged usage of the District, precluding the grant of remissions for short produce.

gaut, and the Gaut sells it to the Ryot. Any claims by the Ryot for remission on account of losses from insufficient supply, must be made against the Gaut and settled by the Collector according to the standing orders on the subject of remissions for Nuryah Shaher - water year It

The fact that the water is derived from the Company's works instead of from a Gaut tank or channel is no reason whatever for withholding from the Ryots the benefit of the Rules ordinarily applicable to Nuryah cultivation. The right has by implication been recognised by the local and home Gauts in the correspondence which resulted

provision for the settlement in the claims by the Smt. Des. Officer in conjunction with the Comptroller of the Revenue. The Smt. is advised that the claims of the Ryots for compensation for losses of water supply are not to be made against the Company's works.

14. To the Board of Revenue on 17 June 1864. The Secy. of Revenue on 17 June 1864. The Comptroller of Revenue on 17 June 1864.

I don't quite understand this. The Smt. Des. Officer says that the water supply is for "Sowed" lands and that the Ryots are to be settled according to the standing rules for remission on account of losses. I presume the water supply is for "Sowed" lands and that the Ryots are to be settled according to the standing rules for remission on account of losses. I don't quite understand this. The Smt. Des. Officer says that the water supply is for "Sowed" lands and that the Ryots are to be settled according to the standing rules for remission on account of losses. I presume the water supply is for "Sowed" lands and that the Ryots are to be settled according to the standing rules for remission on account of losses.

resulted in determining that the loss out of the Land assessment, as distinguished from the water rate, must be borne by Gauts, as the Contract makes no provision for throwing it on the Company - (see despatch from Secretary of State dated 16 December 1863 No 84 in G. O. dated 26 January 1864 No 187)

June 1865. Oyster
Bay of Long Island

1148.

*To: the Andersons
20th May / 65*

De Meuse to Leung

Feb 10th 1865. Edg. Quar

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10-3-1860

174-175

13-5-63

200-201

16-1-64

$$\begin{array}{r} 303.304 \\ \hline \end{array}$$

22-6-64

$$\frac{900}{100} = 9$$

0-0-04
31-1-64

0689

3-15-71

23-4-61

Following orders in the
 pursuit of Amendment of
 the Judiciary and Water
 ratification and ratification
 of Act on Land use
 regulated by legislation as
 Confery Council.

4525 & 4526.