

(1) Number of Pages 14(2) Date of repair 26. 11. 66(3) Initials of the Referencer Q. M.**MADRAS RECORD OFFICE****GOVERNMENT OF MADRAS**Revenue DEPARTMENT

G.O. No.	99.7.	Press
B.P. No.		Mis.
Dated	6 th August 1966	1874

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
6th August 1874.*

No. 74. Read the following Proceedings of the Board of Revenue, dated 23rd July 1874, No. 1,926:—

Read the following letter from J. P. PRICE, Esq., Acting Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madigherry, 10th June 1874, No. 217:—

With the concurrence of the Officiating District Engineer, Captain Bailey, I have the honor to enclose copies of a correspondence which has passed between that officer and myself, and to request that the question to which it refers may be referred for the orders of Government.

2. The point at issue is whether the District Engineer is bound, or may refuse in the off-hand manner that Captain Bailey has, to, at the request of the Chief Revenue officer of the district, measure and furnish a statement of certain work done by ryots to works irrigating their lands, and for which they claim payment.

3. I am quite willing to admit that Major Hunter or Captain Bailey as his successor may, as District Engineer, reject any claim for payment made to him; but I hold at the same time that they have no authority to refuse me the means of deciding whether I should lay the particular case to which our correspondence refers, or any of a like nature, before Government through the Board of Revenue. Such cases have been to my personal knowledge submitted in this district and passed by Government, and which the fact remains in which the officers of the Department Public Works have shown the slightest disposition to object to furnish measurements when required.

4. It appears to me that Captain Bailey has entirely mistaken his position with regard to the Collector of the district, and that he is in error in supposing that it does not form part of his duty to supply that officer with reasonable information which that sought by me is, whenever asked for.

5. As for the objection that if measurements are taken in this particular case, it will form a bad precedent and give trouble, it is, as far as an actual experience of some years in this district goes, a purely hypothetical one; and even if it was not I do not think that Captain Bailey is the officer who has a right to decide this point. His share in the matter is, I take it, simply to comply with the request made by the Revenue Department, and this is the point upon which we differ.

6. I have not gone into the facts of the case which gave rise to the discussion between myself and Captain Bailey, as they are not, further than stated by me, essential to the decision of the point referred.

Enclosure No. 1.

From J. P. PRICE, Esq., Acting Collector, to Captain B. BAILEY, Officiating District Engineer, Salem, dated Madigherry, 8th May 1874, No. 64.

I have the honor to remind you of the promise made in your Diary of Inspections for February last regarding plans and estimates for the Veeraganur tank.

2. With regard to the remarks offered by you on the subject of the repair done to this work I would repeat my opinion that it is not just, and I do not think that Government would consider it so, that the ryots should pay heavily for repairs done by themselves. The usually accepted limit to "Kud Maranai" is 20 Rupees.

*Proceedings of the Madras Government, Revenue Department,
6th August 1874.*

3. I shall therefore feel favored by your having the work done by the ryots measured and valued, and intimating to me the result to enable me to address the Board of Revenue regarding it.

(True Copy.)

(Signed) T. PRITCHARD,
Deputy Collector for Acting Collector.

Enclosure No. 2.

From Captain H. BAILEY, Officiating District Engineer, to J. F. PRICE, Esq., Acting Collector, Salem, dated 16th May 1874, No. 27.

With reference to paragraph 2 of your letter, No. 54, of the 8th instant, I have the honor to state that, as I am not aware of any order of Government authorizing me to pay for work which villagers may take a fancy to carry out without proper authority, I must, until I receive such orders, beg to decline interfering in the matter in any way, as I consider Major Hunter's decision perfectly correct.

2. From the fact that the villagers stated (falsely as appears from Major Hunter's diary), when applying for payment, that the work had been ordered by the Tahsildar and Overacer, it is quite plain that they knew perfectly well they were not entitled to payment for work executed without such orders, and that they must therefore have carried out this work as "Kudi Matamul."

3. That they applied for payments afterwards seems a mere matter of course; only a few days since I had a claim of much the same kind made, the only difference being that in that case the letter from your office told the ryots explicitly that if they did the work, it must be at their own cost, and they may wish to get me to measure and pay for it.

(True Copy.)

(Signed) T. PRITCHARD,
Deputy Collector for Acting Collector.

Enclosure No. 3.

From J. F. PRICE, Esq., Acting Collector, to Captain H. BAILEY, Officiating District Engineer, Salem, dated 27th May 1874, No. 79.

I have the honor to acknowledge the receipt of your letter, No. 27, dated 16th instant, and to observe in reply that, though it may have been quite competent to Major Hunter to refuse to pay for work done by the ryots of Veeriganur, I must entirely deny his right to decide what is "Kudi Matamul" and what is not.

2. This right, I conceive, lies only with the Board of Revenue or Government, and according to the rules laid down by the former authority work of the value of more than Rupees 20 does not come within this category.

3. I may well kindly refer to my letter, you will notice that I do not ask you to pay for anything. I simply request you as the Head of a professional department, which, as I read the orders of Government on the subject, is bound to give the Revenue authorities such assistance as may be required, to give me the measurements and value of certain work said to have been done by the ryots, and that I have also distinctly stated that I require this information for the purpose of laying the case before the Board of Revenue.

4. I consider that in doing this I am not in any way overstepping my position as Revenue Head of the District, and am not trenching upon your authority as District Engineer.

5. Should you or I consider yourself justified in refusing compliance with my request, beg the favor of your intimating the same to me, in view to the question being laid before Government.

(True Copy.)

(Signed) T. PRITCHARD,
Deputy Collector for Acting Collector.

*Proceedings of the Madras Government, Revenue Department,
6th August 1874.*

Enclosure No. 4.

From Captain H. BAILEY, Officiating District Engineer, to J. F. PRICE, Esq., Acting Collector, Salem, dated 8th June 1874, No. 45.

In reply to your letter, No. 79, of the 27th ultimo, I have the honor to state that I see no reason for altering the opinion expressed in my letter, No. 27, of the 16th ultimo, to which your's is a reply.

2. The whole matter in dispute is in reality, whether ryots are entitled to get paid for work executed without a shadow of authority from either the Revenue or Public Works Department.

3. If, as I contend, they are not entitled to payment under such circumstances, even though the cost of the work exceeds 20 Rupees, then you are asking me to measure work there is not the least necessity for my measuring.

4. If I am to measure this work where, I would beg to ask, is this to end, and what is to be the limit to such applications?

5. In the present instance the measurements might be taken by either myself or the Range officer in five or six days, that is, if it can be measured at all after such a lapse of time, but if this is to be a precedent the same thing may have to be done continually whenever ryots think fit to execute work to suit their own purposes and then claim payment for it.

6. Under those circumstances, I have the honor to request the matter may be submitted for the decision of Government, as it will prevent all chance of dispute hereafter.

(True Copy.)

(Signed) R. S. BENSON,
Assistant Collector for Acting Collector.

Submitted for the orders of Government.

2. The case is as follows:—Certain ryots executed repairs to their tank, and the Collector was of opinion that the claim which they made to payment for those repairs might be just. In order that he might be in a position to lay the claim before the Board he requested the District Engineer to measure the work. The District Engineer refused chiefly because he was of opinion that the claim was invalid.

3. The question referred by the Collector and the District Engineer is therefore whether the latter is bound to measure work in such cases at the request of the former.

4. The Board are of opinion that District Engineers should be distinctly instructed to comply without demur to all requirements of the kind, reserving their objections afterwards if they think it necessary to do so.

5. In the case which gives rise to this reference the District Engineer was not competent to reject the ryots' claim himself and make it impossible for the Collector to lay the claim before the Board.

No. 75.

Ordered in Council, 6th August 1874, No. 997.

Miscellaneous.

His Excellency the Governor in Council concurs with the Board. Orders will be issued in the Public Works Department in accordance with paragraph 4 of the Proceedings recorded above.

*Proceedings of the Madras Government, Revenue Department,
6th August 1874.*

2. It is the desire of Government to encourage self help of the kind which has led to this correspondence.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

1 Boarded the 5 April 1941

FOR ORDERS.

I can see in the
ground.

Lot
Sincere cord
and best wishes
from the
people of this
city

so that the poor should pay heavily for repairs to their houses. The usually accepted rate for "Kudi Maramma" is 20 Rupees.

FOR ORDERS.

18th August 1874 R.P.

No. 1,926.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd July 1874.

Read the following letter from J. F. PRICE, Esq., Acting Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madigherry, 10th June 1874, No. 217:—

With the concurrence of the Officiating District Engineer, Captain Bailey, I have the honor to enclose copies of a correspondence which has passed between the officer and myself, and to request that the question to which it refers may be referred for the orders of Government.

2. The point at issue is whether the District Engineer is bound, or may refuse in the off-hand manner that Captain Bailey has, to, at the request of the Chief Revenue officer of the district, measure and furnish a statement of certain work done by ryots to works irrigating their lands, and for which they claim payment.

3. I am quite willing to admit that Major Hunter, or Captain Bailey as his successor, may, as District Engineer, reject any claim for payment made to him, but I hold at the same time that they have no authority to refuse me the means of deciding whether I should lay the particular case to which our correspondence refers, or any of a like nature, before Government through the Board of Revenue. Such cases have been to my personal knowledge submitted in this district and passed by Government, and this is the first instance in which the officers of the Department Public Works have shown the slightest disposition to object to furnish measurements when required.

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3. I shall therefore feel favored by your having the work done by the ryots measured and valued, and intimating to me the result to enable me to address the Board of Revenue regarding it.

(True Copy.)

(Signed) T. PRITCHARD,
Deputy Collector for Acting Collector.

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2. From the fact that the villagers stated (falsely as appears from Major Hunter's diary), when applying for payment, that the work had been ordered by the Tahsildar and Overseer, it is quite plain that they know perfectly well they were not entitled to payment for work executed without such orders, and that they must therefore have carried out this work as "Kadi Maramat."

3. That they applied for payments afterwards seems a mere matter of course; only a few days since I had a claim of much the same kind made, the only difference being that in that case the letter from your office told the ryots explicitly that, if they did the work, it must be at their own cost, and yet they tried to get me to measure and pay for it.

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4. I conceive that in doing this I am not in any way overstepping my position as Revenue Head of the district, and am not touching upon your authority as District Engineer.

5. Should you still consider yourself justified in refusing a compliance with my request I beg the favor of your intimating the same to me, in view to the question being laid before Government.

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Deputy Collector for Acting Collector.

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(Signed) R. S. BENSON,
Asst. Collector for Acting Collector.

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(True Copies and Extract.)

R. S. Benson
Secretary.

To the Acting Secretary to Government, Revenue Department,
the Acting Collector of Salem.

By J. Tulloch.

1. *W. F. M. F. M. C. concurs with the Board. Engrs will be consulted in the future with reference to the proposed alterations in the plan of the building & the kind of material to be used.*

2. *It is the desire of the Board to encourage the use of the best material & the best workmanship in the construction of the building & the kind of material to be used.*

June 1874. Madras.
Board of Revenue,
MADRAS.

RECEIVED, 23rd JULY 1874, No. 1,996.
July 29 1874
Recd. 23 July
JULY
No. 1,996

Part. H. and done to by certain vote of the Board. Engrs will be consulted in the future with reference to the proposed alterations in the plan of the building & the kind of material to be used.

17/8/74