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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue.

DEPARTMENT

G.O. No.
B.P. No.

1289.

Press
Mis.

Dated

26 - 8 - 1875 196 .

Not to be folded or roughly handled

1285

Proceedings of the Madras Government, Revenue Department,
26th August 1875.

No. 267. Read the following Proceedings of the Board of Revenue, dated 28th July 1875, No. 2,106:—

Read the following letter from J. HOPE, Esq., Acting Collector of Kurnool, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 9th July 1875, No. 236:—

I HAVE the honor to request orders as to whether paragraph 11 of G. O., No. 830, dated 3rd July 1874, is to be considered in force and followed in practice.

2. The paragraph in question lays down that the classification of sugar-cane, &c., as "double" crops under Clauses 1 and 2 of Rule VI. is approved, "*provided that fractions of acres are admitted.*" I acted on this distinct proviso, and issued orders to the Tahsildars on 10th August 1874, to receive applications for less than an acre in such cases. On the strength of this order, a ryot of Bollavaram, Nandial Taluq, applied for water for 0.34 acres out of a field of 2.17 acres for saffron,* and the application was admitted. At the

* Classed as a "double" crop under G. O., No. 1,360, dated 23rd October 1874, Revenue Department.

settlement, however, the settling officers consisting of Mr. Dodson, then Conservancy Engineer, and the Special Deputy

Collector, refused to recognize the order of Government and charged the ryot 12 Rs. for the full acre under Rule III. I considered this charge quite unjustifiable, and a direct breach of faith, and referred the matter for the opinion of Mr. Dodson as

+ No. 49, dated 7th July 1875.

Acting Chief Engineer. That officer in his reply† (copy of which is enclosed)

states that he cannot consent to any remission of the charge made at the settlement, as in the "rules nothing is said about charging for less than an acre of sugar-cane."

3. I am of opinion that the views entertained by Mr. Dodson are clearly erroneous, and that the order of Government sanctioning the rules should be followed in the interpretation of the rules themselves.

ENCLOSURE No. 1.

From A. J. DODSON, Esq., Manager and Acting Chief Engineer, Madras Irrigation and Canal Company, to J. HOPE, Esq., Acting Collector of Kurnool, dated 7th July 1875, No. 49.

In reply to your letter No. 87, of the 5th instant, I have the honor to state that, in my opinion, paragraph 11 of G.O., No. 830, of 3rd July 1874, cannot be intended to over-ride that part of Rule III., which says "water will not be supplied for areas of less than one acre except where the entire field is of less extent." Now in this case the entire field is 2.17 acres, the application is for 0.34 acres, and I do not see how the Settlement Officers could do otherwise than charge for one acre. You will observe that in paragraph 1 of G.O., No. 830, it is said "the rules themselves, as finally sanctioned, are printed below," and in *those* rules nothing is said about charging for less than one acre of sugar-cane.

2. I return, herewith, the three enclosures which accompanied your letter under reply.

(True Copy.)

(Signed) J. HOPE,
Acting Collector.

*Proceedings of the Madras Government, Revenue Department,
26th August 1875.*

SUBMITTED for the orders of Government.

2. In sanctioning the charge of double water-rate for certain crops irrigated under the Madras Irrigation Company's Canal, Government in their order attached a proviso that for such charge fractions of aeres should be admitted, but no change was made in the Rule VI. applicable to the case. Consequently the Company's officers now object to the limitation, and claim Rupees 12 for every portion of a field less than an acre cultivated with the crops specified.

3. The rules ought to be complete in themselves, and the order of Government restricting them cannot be appealed to. The Board therefore recommend that the rule be formally modified, by the addition of the following to the first note to Rule VI:—

"The charge for crops classed as double shall be on the area under such crop irrigated, irrespective of the area of the field."

(True Copies and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 268.

ORDER THEREON, 26th August 1875, No. 1,289.

Miscellaneous.

THE addition to the first note to Rule VI. proposed by the Board of Revenue is approved and sanctioned. It

should have been made when the rules were framed in 1874. As, however, paragraph 11 of G.O., 3rd July 1874, No. 830, clearly contemplated such a provision, and its omission appears to have been by oversight, there can be no objection to its being now supplied.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

To the Collector of Kurnool.
„ the Public Works Department.
„ the Board of Revenue.

Exd. W. H. French.

No. 2,106.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 28th July 1875.

Read the following letter from J. HOPE, Esq., Acting Collector of Kurnool, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 9th July 1875, No. 236:—

I HAVE the honor to request orders as to whether paragraph 11 of G. O., No. 830, dated 3rd July 1874, is to be considered in force and followed in practice.

2. The paragraph in question lays down that the classification of sugar-cane, &c., as "double" crops under Clauses 1 and 2 of Rule VI. is approved, "provided that fractions of acres are admitted." I acted on this distinct proviso, and issued orders to the Tahsildars on 10th August 1874, to receive applications for less than an acre in such cases. On the strength of this order, a ryot of Bollavaram, Nandial Taluq, applied for water for 34 acres out of a field of 2.17

* Classed as a "double" crop under G. O., No. 1,360, dated 23rd October 1874, Revenue Department. acres for saffron,* and the application was admitted. At the settlement, however, the settling officers consisting

of Mr. Dodson, then Conservancy Engineer, and the Special Deputy Collector, refused to recognize the order of Government and charged the ryot 12 Rupees for the full acre under Rule III. I considered this charge quite unjustifiable, and a direct breach of faith, and referred the matter for the opinion of Mr.

† No. 49, dated 7th July 1875.

Dodson as Acting Chief Engineer. That officer in his reply† (copy of which is

enclosed) states that he cannot consent to any remission of the charge made at the settlement, as in the "rules nothing is said about charging for less than an acre of sugar-cane."

3. I am of opinion that the views entertained by Mr. Dodson are clearly erroneous, and that the order of Government sanctioning the rules should be followed in the interpretation of the rules themselves.

ENCLOSURE No. 1.

From A. J. DODSON, Esq., Manager and Acting Chief Engineer, Madras Irrigation and Canal Company, to J. HOPE, Esq., Acting Collector of Kurnool, dated 7th July 1875, No. 49.

In reply to your letter No. 87, of the 5th instant, I have the honor to state that, in my opinion, paragraph 11 of G.O., No. 830, of 3rd July 1874, cannot be intended to over-ride that part of Rule III, which says "water will not be supplied for areas of less than one acre except where the entire field is of less extent." Now in this case the entire field is 2.17 acres, the application is for 0.34 acres, and I do not see how the Settlement Officers could do otherwise than charge for one acre. You will observe that in paragraph 1 of G.O., No. 830, it is said "the rules themselves, as finally sanctioned, are printed below," and in those rules nothing is said about charging for less than one acre of sugar-cane.

2. I return, herewith, the three enclosures which accompanied your letter under reply.

(True Copy.)

(Signed) J. HOPE,
Acting Collector.

Govt. of 1875
REVENUE.

THE COLLECTOR OF KURNOOL,

&c., &c., &c.

Dated August, 28th.

Recd.

Encl.

G. O., 20th August 1875, No. 1,289.

AUGUST.

Nos. 267-268.

Rule VI. of the Rules for the Supply of Water from the Irrigation and Canal Company's Canals. Sanctioning, with remark, the addition proposed by the Board of Revenue to the first note to—

SUBMITTED for the orders of Government.

2. In sanctioning the charge of double water-rate for certain crops irrigated under the Madras Irrigation Company's Canal, Government in their order attached a proviso that for such charge fractions of acres should be admitted, but no change was made in the Rule VI. applicable to the case. Consequently the Company's officers now object to the limitation, and claim Rupees 12 for every portion of a field less than an acre cultivated with the crops specified.

3. The rules ought to be complete in themselves, and the order of Government restricting them cannot be appealed to. The Board therefore recommend that the rule be formally modified, by the addition of the following to the first note to Rule VI:—

"The charge for crops classed as double shall be on the area under such crop irrigated, irrespective of the area of the field."

(True Copies and Extract.)

H. H. H. H.
Acting Secretary.

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

Exd. W. H. French.

No 1239

The addition to the first note to Rule VI proposed by the Board of Rev. is approved & sanctioned. It should have been made when the rules were framed in 1874. As however para 4 of No 3^d July 1874 No 830 clearly contemplated such a provision its omission appears to have been ^{by oversight} ~~the result of inadvertence~~. There can be no objection to its being now supplied.

26 August 1875

Coll: Kurnool, Dec 8th 75.
Rev. Secy, 26th Aug 75.
No 1239-26 August 1875

JULY.
No. 2,106

Received 7th Aug 75

Depy Secy to Govt
Encl.

PROCESSED, 28th JULY 1875, No. 2,106.

BOARD of REVENUE,
MADRAS.

1875.

Bechtel

For: 1875: 244
1875: 3065

Sugar-cane, &c.—Letter from Collector of Kurnool, requesting orders as to whether para-830, approving classification of — as "double crops," provided that fractions of acres are admitted, is to be considered in force and followed in practice, submitted to Government with remarks.