

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1263	Press ~~Mis~~
<u>15-7-158</u>	
Dated 8 th May 1869	

Not to be folded or roughly handled

No. 157. Read the following Proceedings of the Board of Revenue, dated 19th March 1869, No. 1,895:—

Read the following letter from B. T. NORFOR, Esq., to the Acting Secretary to the Board of Revenue, dated Pondicherry, 24th February 1869.

I HAVE the honor to request you will lay before the Board the accompanying correspondence between the Collector of South Arcot, the Superintending Engineer, and myself; the subject being an injury I have sustained in my Cane Plantations from their usual supply of water being cut off by the construction of an anicut across the Pooniar river at Tricalore.

2. The Board are no doubt aware that the Pooniar since time immemorial, so far as the main river is concerned, had the water flowing down it without any impediment, such as a dam or anicut; each irrigation channel drew off its supply from the passing water as it best could, without check or hindrance to lands below it; this, however, has been interrupted by the construction of an anicut 4 feet high and 1,200 feet long, about thirty miles above my Sugar-cane Factory, thereby impeding the flow of the stream, especially in low freshes.

3. The Superintending Engineer differs in opinion and says: "I do not believe
See letter, 21st August 1868. "that any fresh that would have come
See letter, 23rd January 1869. "down the river as far as Puttumbakum
"before the construction of the Pooniar
"anicut, is now prevented going so far."

Then again: "I adhere to the opinion I have already expressed, namely, that the
"Pooniar anicut has not had, and cannot have, any effect whatsoever on channels
"taken off from the river thirty miles below".

4. He therefore considers that a masonry dam across a river does not detain water which otherwise would run down. I must here be allowed to quote Sir

See report, 20th January 1834.

Arthur Cotton's argument when building the Upper Anicut. In his address to Government he says: "The next effect will be to cut off all or a portion of the
"water from the cultivation below; this can be obviated by no means that I am

See letter, 21st August 1868, paragraph 4. "aware than by making a second anicut
"for the South Arcot channels". To this the Superintending Engineer replies: "I am of opinion that the Upper Anicut had
"very little effect on the channels lower down, etc."

5. On the other hand Colonel Foord admits: "The present flourishing con-
See letter, 23rd January 1869, paragraph 7. "dition of the tract of country between
supplied by this same anicut) "is owing to there being tanks in which freshes, when they do come, can be stored, etc." These are the freshes caught by this anicut!

6. In another letter he states: "I have instructed the Sub-Engineer, 3rd
See letter, 11th June 1866. "Range, to let as much water as can be
"spared through the sluices of the Pooniar anicut;" this is a convincing proof that it after all does keep back water which formerly all flowed down to us, but then were allowed only what could be spared!

No. 1,895.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th March 1869.

Read the following letter from B. T. NORFOLK, Esq., to the Acting Secretary to the Board of Revenue, dated Pondicherry, 24th February 1869:—

I HAVE the honor to request you will lay before the Board the accompanying correspondence between the Collector of South Arcot, the Superintending Engineer, and myself; the subject being an injury I have sustained in my cane plantations, from their usual supply of water being cut off, by the construction of an anicut across the Pooniar river at Tricalore.

2. The Board are no doubt aware that the Pooniar since time immemorial, so far as the main river is concerned, had the water flowing down it without any impediment, such as a dam, or anicut; each irrigation channel drew off its supply from the passing water as it best could, without check or hindrance to lands below it; this, however, has been interrupted by the construction of an anicut four feet high and 1,200 feet long, about thirty miles above my Sugar-cane Factory, thereby impeding the flow of the stream, especially in low freshes.

3. The Superintending Engineer differs in opinion and says, "I do not believe that any fresh that would have come down the river as far as Puttumbakum, before the construction of the Pooniar anicut, is now prevented going so far." Then again, "I adhere to the opinion I have already expressed, namely,

See letter, 21st August 1868.

See letter, 23rd January 1869.

"that the Pooniar anicut has not had, and cannot have, any effect whatsoever on channels taken off from the river thirty miles below."

4. He, therefore, considers that a masonry dam would otherwise run down. I must here be allowed to quote Sir Arthur Cotton's argument when building the Upper Anicut. In his address to Government he says, "The next effect will be

See report, 20th January 1834.

"to cut off all or a portion of the water from the cultivation below; this can be obviated by no means that I am aware of, than by making a second anicut for the South Arcot channels." To this the Superintending Engineer replies, "I am of opinion that the Upper Anicut had

very little effect on the channels lower down, etc.

5. On the other hand Colonel Foord admits, "The present flourishing condition of the tract of country between Tricalore and Arasur" (which is now supplied by this same anicut) "is

See letter, 23rd January 1869, paragraph 7.

"owing to there being tanks in which freshes, when they do come, can be stored, etc." These are the freshes caught by this anicut!

6. In another letter he states, "I have instructed the Sub-Engineer, 3rd Range, to let as

See letter, 11th June 1866.

"much water as can be spared through the sluices of the Pooniar anicut;" this is a convincing proof that it after all does keep back water which formerly all flowed down to us, but then were allowed only what could be spared!

7. How then can we possibly be made to believe that although the anicut stops no freshes coming down has no effect on lands thirty miles below, and retains no water, yet it has put a certain tract of country into a flourishing condition! It is rather difficult to reconcile one's self to such adverse statements.

8. The Superintending Engineer says, "It would be more satisfactory if I pointed out tanks or channels which have had their supply of water diminished, etc."

See letter, 23rd January 1869, paragraph 1.

9. I shall, therefore, trouble the Board with the following explanation:—

That this anicut does check and prevent small freshes coming down there is no reasonable doubt of, and setting aside the general injury that may have been done in deranging the distribution of water elsewhere, I will point out how it has affected me in particular. The villages which furnish my Factory with canes depended on the supply of water to be got from the river by the following means:—

First.—When moderate and high freshes come down the water used to run direct into the channels, and by it was distributed on to the fields; and as there used always to be an abundant supply, part of it was stored for use in the tanks of Puttumbakum, Nuttamode, Congraoor, Trivady, Yellamode, etc. A good fresh would serve our fields for twenty days, and after it subsided we availed ourselves on the supply reserved in the tanks.

Secondly.—Then there were the small freshes that had to be guided into the channels by clearing out the head or entrance. These freshes were the most valuable of all, as they generally came at the end of the hot weather when the river is beginning to get dry. These freshes in particular we are now totally deprived of, as the anicut prevents their coming down.

Thirdly.—When there were no freshes at all in the river, we used to get water into our channels by making what the natives call a "Thondookall." This is a channel dug in the sandy bed of the river, sometimes a mile long, as there is a fall in the bed, and by this means we arrive at a point where the water springs up from the apparently dry sand, and is thus made use of. The value of this water is beyond estimation, as it serves to keep alive the young crop until the freshes chance to come. This relief is also taken from us, because the river bed soon dries, owing to there being no moisture kept up by the low freshes as formerly, they being stopped by the anicut.

10. Sir Arthur Cotton perfectly understood the value of water when he wrote—"The value of water is about rupees per 1,000 yards, but in the hot weather it increases in value to three Rupees per 1,000 yards."

11. My present grievance will prove the soundness of his judgment. This is not all the injury done as the Government will shortly find; but I know of no parties who have special claims such as mine, or are there others similarly situated, to follow suit as the Collector of South Arcot alludes to.

12. I built my Sugar-cane Factory in 1850, and have sunk in it some 30,000 Rupees until the year 61 and 62. My factory was supplied yearly with canes from 120 to 150 cawnies, each village furnishing me with 20 to 30 cawnies; but since then the quantity has been gradually diminishing; last year they gave me altogether about 30 cawnies, and this year I am reduced to 10 cawnies.

13. The Collector says, the Courts are open to me. I am quite aware of this; but I have been thirty-seven years in India, and have never yet appeared in any Court against the Government, and am not likely to do so now.

14. Irrigation has been greatly deranged not only in our talooks, but the damage has extended into French limits, and I understand the French Government have applied to the Collector of South Arcot to permit their Engineer to visit this anicut prior to addressing Government on the subject. The distribution of water certainly requires serious consideration, or Government will be great losers. They may have benefited by the flourishing condition of the newly irrigated talooks, but in those down here the remissions last year were very heavy. On one tank alone I was told they amounted to Rupees 7,000, the usual revenue under it being Rupees 15,000. This one instance may be attributed partly to the anicut, and partly to neglect in clearing the channel heads, but which is now being set about.

See letter to Superintending Engineer, 23rd January 1869, paragraph 5.

15. These Irrigation arrangements may be eventually beneficial to Government, and can be proved by calculation, that is, how much has been or may be gained by the new anicut on the one hand, and what has been the loss by remissions, etc., in the lower talooks on the other. If the gain is in favor of Government, I cannot expect that irrigation improvements should be suspended on my account; but I do object to a total denial of any damage having been done me, and thereby preventing Government to grant me any aid or indemnity.

ENCLOSURE No. 1.—Correspondence.

SUBMITTED for the orders of Government.

2. The position which the Board have always held is that the property in rivers and streams rests in the State, in this country, and that the Government may as an act of State deal with them as it thinks fit in the public interests, granting equitable compensation to those whose personal interests suffer by its exercise of its prerogative. The question is, the Board believe, now before the Courts in South Arcot, and a legal opinion seems unnecessary.

3. In this case the Superintending Engineer positively maintains the view, based on his professional opinion as to the effect of the anicut, that Mr. Norfor has not suffered any such injury as to entitle him to compensation. Mr. Norfor, on the other hand, points to his closed Factory.

4. It is not clear from the correspondence whether Mr. Norfor holds lands himself, which are registered as Nunjah and entitled to irrigation from the river or its subsidiary channels; and the Board request the Collector to report specifically on this point, as it is only for injuries caused to such land that Mr. Norfor can legally claim compensation. If he only purchases his cane from the land-holders, he has no *locus standi*.

5. It rests with Government to determine whether any further inquiry shall be made in this matter, or whether on the declaration of the Superintending Engineer, Mr. Norfor should be referred to the Courts.

6. The Collector should not have given Mr. Norfor copies of his official correspondence with the Superintending Engineer.

(A true Copy and Extract.)

Acting Secretary.

To the Acting Secretary to Government, Revenue Department,

the Collector of South Arcot.

with an enclosure.

Ed. J. Tulloch.

*Proceedings of the Madras Government, Revenue Department,
8th May 1869.*

No. 157. Read the following Proceedings of the Board of Revenue, dated 19th March 1869, No. 1,895:—

Read the following letter from B. T. NORFOR, Esq., to the Acting Secretary to the Board of Revenue, dated Pondicherry, 24th February 1869.

I HAVE the honor to request you will lay before the Board the accompanying correspondence between the Collector of South Arcot, the Superintending Engineer, and myself; the subject being an injury I have sustained in my Cane Plantations from their usual supply of water being cut off by the construction of an anicut across the Pooniar river at Tricalore.

2. The Board are no doubt aware that the Pooniar since time immemorial, so far as the main river is concerned, had the water flowing down it without any impediment, such as a dam or anicut; each irrigation channel drew off its supply from the passing water as it best could, without check or hindrance to lands below it; this, however, has been interrupted by the construction of an anicut 4 feet high and 1,200 feet long, about thirty miles above my Sugar-cane Factory, thereby impeding the flow of the stream, especially in low freshes.

3. The Superintending Engineer differs in opinion and says: "I do not believe that any fresh that would have come down the river as far as Puttumbakuram before the construction of the Pooniar anicut, is now prevented going so far."

See letter, 21st August 1868.

See letter, 23rd January 1869.

Then again: "I adhere to the opinion I have already expressed, namely, that the Pooniar anicut has not had, and cannot have, any effect whatsoever on channels taken off from the river thirty miles below".

4. He therefore considers that a masonry dam across a river does not detain water which otherwise would run down. I must here be allowed to quote Sir

See report, 20th January 1834.

Arthur Cotton's argument when building the Upper Anicut. In his address to Government he says: "The next effect will be to cut off all or a portion of the water from the cultivation below; this can be obviated by no means that I am

See letter, 21st August 1868, paragraph 4.

aware than by making a second anicut for the South Arcot channels". To this the Superintending Engineer replies: "I am of opinion that the Upper Anicut had very little effect on the channels lower down, etc."

5. On the other hand Colonel Foord admits: "The present flourishing condition of the tract of country between Tricalore and Arasur" (which is now supplied by this same anicut) "is owing to there being tanks in which freshes, when they do come, can be stored, etc." These are the freshes caught by this anicut!

See letter, 23rd January 1869, paragraph 7.

6. In another letter he states: "I have instructed the Sub-Engineer, 3rd Range, to let as much water as can be spared through the sluices of the Pooniar anicut;" this is a convincing proof that it after all does keep back water which formerly all flowed down to us, but then were allowed only what could be spared!

See letter, 11th June 1866.

Revenue Department

1869.

Board of Revenue,
MADRAS.

No. 1013.

PROCEEDINGS, 13TH MARCH 1869, NO. 1,895.

24th March 1869

Encl. 1.

24th March 1869

MARCH
No. 1,895.

*Sugar-cane plantations—*which supply Mr. Norfor's Sugar Factory in South Arcot District.—Letter from that gentleman complaining of injury caused to, from their usual supply of water being cut off, by construction of anicut across Pooniar river, submitted for orders of Government.—Collector requested to report whether Mr. Norfor holds lands himself which are entitled to irrigation from river.

24th March 1869

157

2

*Proceedings of the Madras Government, Revenue Department,
8th May 1869.*

7. How then can we possibly be made to believe that although the anicut stops no freshes coming down, has no effect on lands thirty miles below, and retains no water, yet it has put a certain tract of country into a flourishing condition! It is rather difficult to reconcile one's self to such adverse statements.

8. The Superintending Engineer says: "It would be more satisfactory if I pointed out tanks or channels which have had their supply of water diminished, etc."

9. I shall therefore trouble the Board with the following explanation:— That this anicut does check and prevent small freshes coming down there is no reasonable doubt of; and setting aside the general injury that may have been done in deranging the distribution of water elsewhere, I will point out how it has affected me in particular. The villages which furnish my Factory with canes depended on the supply of water to be got from the river by the following means:—

First,—When moderate and high freshes come down, the water used to run direct into the channels, and by it was distributed on to the fields; and as there used always to be an abundant supply, part of it was stored for use in the tanks of Puttumbakum, Nuttamode, Congraoor, Trivady, Yellamode, etc. A good fresh would serve our fields for twenty days, and after it subsided we availed ourselves on the supply reserved in the tanks.

Secondly,—Then there were the small freshes that had to be guided into the channels by clearing out the head or entrance. These freshes were the most valuable of all, as they generally came at the end of the hot weather when the river is beginning to get dry. These freshes in particular we are now totally deprived of, as the anicut prevents their coming down.

Thirdly,—When there were no freshes at all in the river, we used to get water into our channels by making what the natives call a "Thondookall." This is a channel dug in the sandy bed of the river, sometimes a mile long, as there is a fall in the bed, and by this means we arrive at a point where the water springs up from the apparently dry sand, and is thus made use of. The value of this water is beyond estimation, as it serves to keep alive the young crop until the freshes chance to come. This relief is also taken from us, because the river-bed soon dries, owing to there being no moisture kept up by the low freshes as formerly, they being stopped by the anicut.

10. Sir Arthur Cotton perfectly understood the value of water when he wrote: "The value of water at ordinary times is one Rupee per 1,000 yards, but in the hot weather it increases in value to three Rupees per 1,000 yards".

11. My present grievance will prove the soundness of his judgment. This is not all the injury done, as the Government will shortly find; but I know of no parties who have special claims such as mine, or are there others similarly situated, to follow suit as the Collector of South Arcot alludes to.

12. I built my Sugar-cane Factory in 1850, and have sunk in it some 30,000 Rupees until the years 1861 and 1862. My factory was supplied yearly with canes from 120 to 150 cawnies, each village furnishing me with 20 to 30 cawnies; but

*Proceedings of the Madras Government, Revenue Department,
8th May 1869.*

since then the quantity has been gradually diminishing; last year they gave me altogether about 30 cawnies, and this year I am reduced to 10 cawnies.

13. The Collector says, the Courts are open to me. I am quite aware of this; but I have been thirty-seven years in India, and have never yet appeared in any Court against the Government, and am not likely to do so now.

14. Irrigation has been greatly deranged not only in our talooks, but the damage has extended into French limits; and I understand the French Government have applied to the Collector of South Arcot to permit their Engineer to visit this anicut, prior to addressing Government on the subject. The distribution of water certainly requires serious consideration, or Government will be great losers. They may have benefited by the flourishing condition of the newly irrigated talooks, but in those down here the remissions last year were very heavy. On one tank alone I was told they amounted to Rupees 7,000, the usual revenue under it being Rupees 15,000. This one instance may be attributed partly to the anicut, and partly to neglect in clearing the channel heads, but which is now being set about.

See letter to Superintending Engineer, 23rd January 1869, paragraph 5.

15. These irrigation arrangements may be eventually beneficial to Government, and can be proved by calculation; that is, how much has been or may be gained by the new anicut on the one hand, and what has been the loss by remissions, etc., in the lower talooks, on the other. If the gain is in favor of Government, I cannot expect that irrigation improvements should be suspended on my account; but I do object to a total denial of any damage having been done me, and thereby preventing Government to grant me any aid or indemnity.

ENCLOSURE No. 1.—Correspondence.

SUBMITTED for the orders of Government.

2. The position which the Board have always held is that the property in rivers and streams rests in the State in this country, and that the Government may, as an act of State, deal with them as it thinks fit in the public interests, granting equitable compensation to those whose personal interests suffer by its exercise of its prerogative. The question is, the Board believe, now before the Courts in South Arcot, and a legal opinion seems unnecessary.

3. In this case the Superintending Engineer positively maintains the view, based on his professional opinion, as to the effect of the anicut, that Mr. Norfor has not suffered any such injury as to entitle him to compensation. Mr. Norfor, on the other hand, points to his closed Factory.

4. It is not clear from the correspondence whether Mr. Norfor holds lands himself, which are registered as Nunjah, and entitled to irrigation from the river, or its subsidiary channels; and the Board request the Collector to report specifically on this point, as it is only for injuries caused to such land that Mr. Norfor can legally claim compensation. If he only purchases his cane from the land-holders, he has no *locus standi*.

*Proceedings of the Madras Government, Revenue Department,
8th May 1869.*

5. It rests with Government to determine whether any further inquiry shall be made in this matter, or whether, on the declaration of the Superintending Engineer, Mr. Norfor should be referred to the Courts.

6. The Collector should not have given Mr. Norfor copies of his official correspondence with the Superintending Engineer.

No. 158.

ORDER THEREON, 8th May 1869, No. 1,263.

Miscellaneous.

THE foregoing Proceedings of the Board of Revenue relate to a claim, preferred by Mr. B. T. Norfor, for compensation on account of injury stated to have been sustained by him in his Cane Plantations, from their usual supply of water being cut off by the construction of an anicut across the Pooniar river at Tricalore, in the South Arcot District.

2. It is observed that the Superintending Engineer of the division is of opinion that Mr. Norfor has not suffered any such injury from the anicut in question as to entitle him to the compensation he seeks.

3. Before passing orders on this matter the Government desire to be furnished with information on the following points:—

First,—The quantity of irrigated land cultivated in the villages to which Mr. Norfor refers, during the ten years prior to the construction of the anicut, and the quantity annually cultivated since that time.

Second,—The amount of remissions granted in the villages during the two periods abovementioned.

Third,—The quantity of irrigated land held by Mr. Norfor personally during the same periods.

4. The Board have properly noticed, but not in sufficiently severe terms, the irregularity of the Collector in furnishing Mr. Norfor with copies of important correspondence in progress with the principal Engineer Officer of the district.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

By Mr. B. T. Norfor.

Andalure, 6 June 1864

To
The Collector
of South Arcot.

Sir,

I beg to bring to your notice of
the very great want of water in the Village
of Puttamballam and Pattanood, and that
in consequence I have only been able this
year to plant about 23 Cuscutas of Sugar Canes
instead of 100 to 120. and even these; I am
very much afraid we will not be able to
keep alive in consequence of the River
Channel drying up daily. Water can only
be got by digging in the sand, and this is
costing me upwards of 100 Rs. per month
which is ruinous as it is in addition to
the Government Tax of 10 Rs. per annum.
but I am obliged to do this otherwise, I
should have no Seed Canes for the next
year 1865. Under these circumstances
I shall be obliged by your making some
arrangement regarding the shutters of the
Tribal Court; so that they may be kept
open to allow us to have the aid of
the first law prices.

I have signed
Signed B. J. Norfor.

Govt. of 1869

REVENUE.

THE BOARD OF REVENUE.

Dated May, 8th.

Recd.

Encl.

G. O., 8th May 1869, No. 1,263.

MAY.

Nos. 157-158.

To Board of Revenue

By 28 June 1869 C.O. 1545

Mr. Norfor's Sugar-cane cultivation in South
Arcot.—Board of Revenue requested to furnish
further information with reference to the claim for
compensation on account of injury sustained by it
by the construction of an aqueduct across the Po-
nar river.

To Board of Revenue
By 28 June 1869 C.O. 1545

No 557

To
B. J. Norfor Esq^{re}
Sir,

In acknowledgment of
your letter of the 6th Inst. I have the
pleasure here to forward copy of one
received from the Superintending Engineer
to whom I write on the subject, and I
trust this may be satisfactory to you as
far as it goes. I have few
Cuddalore. Signed J. B. Rade.
12th June 1866. Collector.

* dated 11th
Idem.

No 46.
Cuddalore 11th June 1866.

The Collector of South Arcot.
Sir,

In reply to your letter of the
8th Inst. I have the honor to inform
that I have instructed the Sub Engineer
of the 3rd Range to let us meet water as
can be spared through the sluices of the
Tiruvellur Canal during the early freshes.
It must be remembered however
that

that water is much wanted near the An-
icut as well as lower down the River. The
Tiruvellur dependant on Razuvam Channel were
all dry this year in the month of March.

Signed E. A. Ford. Smith
Superd. Eng. 5th Division

Pondicherry, 14th June 1866.

The Collector of South Arcot.
Sir,

I beg to acknowledge receipt of
your letter of the 12th Inst. with enclosure from
the Superd. Eng. 5th Division.

2. Allow me to observe that the
Superd. Eng. seems not to be aware of the
fact of the Villages in Tiruvady & Vellepporum
having a prior claim on the water of the
Pooniar River and that the erection of the
Tiruvellur Anicut is really an illegal inter-
ference with the water privileges enjoyed by
the above mentioned Taluqs. I beg to say
that, I do not consent to receive only as much
water as can be spared. I require to be
supplied first, and then the sluices may be
shut, and the remaining water given to the
Razuvam Channel or elsewhere.

led / see
object to it
when commenced?

I

3. I am exceedingly sorry to be obliged to inform you that this cutting off of the water has ruined the prospects of my Sugar Factory, and that unless the weir or Aricut is opened or removed, I must claim to be remunerated for the heavy loss I now sustain, which cannot be estimated at less than (50,000) Fifty thousand Rs.

4. I feel sure that when I lay this matter before Government they will recognise the injustice of taking away the water from these Tailuys simply to give it to another, by which proceedings, I and others besides myself are ruined, and the Govt. no gainer.

I have &c.
Signed / B. J. Norfort

N: 594.

To

B. J. Norfort Esq.

Sir,

Pondicherry

In acknowledgement of your letter of the 1st Inst. copy of which was sent by me to Colonel Ford R.E. I have the honor to forward you copy of one received from the Sup. & Engineer on the subject of your alleged priority of claim.

As I am necessarily ignorant of the basis of your claim and the Aricut was

?/have been used before

built before I joined the District I thought of Colonel Ford the required information to enable me to meet any rights you might hereafter think proper formally to bring forward.

3. I feel it to be due to you to let you know Col. Ford's opinion, as no one can question your perfect liberty to take any steps you think proper in the vindication of your rights supposed or real against Government, and it is now left to you to take such further measures in the matter as you may advise, and so far as your asserted rights may seem equitable I shall be prepared to support them, though not to the extent of recognising in you a priority of claim to water because of the erection of Aricuts over a public River which may have had the effect of cutting off your usual supply in seasons like the present.

I have &c.

Signed / C. W. Rende
Collector

b. W. office
Cuddalore.
20 June 1866.

N: 60.

Cuddalore 20 June 1866.

To

The Collector of South Arcot

Sir,

I have the honor to inform you in reply to your letter of the 17th of June 1866 that

that up to the date of the last report received from Mr Howard, no fresh had come down the Poomar as far as the Ament. Consequently as water has gone down the Raguven channel, the Poomar Ament has had nothing whatever to do with the security of water, of which Mr Norfor complains.

2. Having received from you on the 8th Janer copy of a letter from Mr Norfor, in which he brought to notice that his Canal works were much in want and told him to let once to Mr Howard under the sanction of the Ament on the occurrence of the first fresh. On receiving the information by the Raguven Channel, he has been doing for some months and has been doing for some months in that part of the Country as near as Mr Norfor's factory. Still I tried to meet Mr Norfor's wishes as far as possible. 3. I certainly am not aware that the villages of Trivady and Villaperum have any prior claim to the water in the Poomar. That river runs for miles through the Salem District, numerous Aments across the river in the Salem District, and numerous Channels of fresh water from South Arcot above the Ament. Many freshes do not reach the Ament, many do.

do not get as far as the South Arcot Bound. Are the Villages in Trivady and Villaperum to be considered as having a prior claim to the water entering the Channels above the Raguven, or only to that entering the Raguven?

4. Mr Norfor calls the erection of the Poomar Ament an illegal interference with existing water privileges. If he can get Government to take the same view of it, no more Aments will be built.

I have the honor to be, Sir,
Yours faithfully,
Signed J. E. St. John, Secy. to the
Supt. of 5th Division.

True Copy of
Signed J. W. Rouse,
Collector.

Pondicherry, 24th June 1846.

To
The Collector of South Arcot.
Sir,

I have the honor to acknowledge receipt of your letter of the 20th Inst., giving cover to one from the Superintendent Engineer of the 5th Division.

2. With reference to your second Para, I cannot understand how you should be so much ignorant of the basis of my claim.

Because it is no other than that of any Ryot
who may have his water supply diverted
or cut off. The rules that are customary
with one, are equally, if not more applicable
when more valuable interests are concerned. *no more*

3. In regard to the Superintending
Engineer's letter, I need only remark that the
3rd and 4th Paras hardly meet the present
Case, and as to prior claim the rule is,
that not even a Dam can be thrown across
a channel if it would divert water to the
injury of villages below it, and more than this
supposing the Dam built, the lower villages
have always prior claims. If not, who
owns the Government land!! But all
this is so well known I need not insist on
the point. With regard to the Government
building no Anicuts in future, perhaps it
would be just as well they did not, unless
they can be better considered than the present
one across the Ponnai.

I have signed
Signed / B. J. Norfot.

Pondicherry 31 July 1868.

To The Collector of South Arcot.

I had the honor in 1866 to
address you on the subject of the decreased
supply

9
supply of water received by the lands about
the Pottumittam Sugar Factory, in conse-
quence of its being stopped by the new Anicut
then built across the head of the Main River
the Ponnai near Trichaloor. I did not
at that time continue the Correspondence
as it seemed to be the general opinion
that the Anicut being newly built, checked
the water more than it would do when the
bed of the river above became silted up
from the deposit of sand and mud brought
down by the freshes, that after this had
taken place, more water would flow over
the Crown of the Anicut, and find its way to
the lands lower down the river. Considering
this probably would be the case, I deemed
I should not be quite justified in persist-
ing in putting forward my objections until
this point was cleared.

2. It is now with extreme regret,
I am obliged to bring to your notice that
the irrigation below the Anicut has not
been restored in the manner anticipated,
for, altho the bed of the river has to some
extent silted up, still, we do not get our
former supply of water. The cause of
this no doubt is:-

First - The improvements made
in the Channels on the South side of the ^{the} Ancient Channel
by which they are made to draw off
much more water than they did before,
and so take a portion of that which would
otherwise spill over.

Secondly - That the Engineer with
the sanction of Government, has now cut
entirely new Channels for the cultivation
on the North Bank of the river, and this extra
demand for water draws away still more of
what might have otherwise come down for
the irrigation of the lower lands, so that
in fact the supply is rendered more uncertain
than ever.

3. That these results have
occurred is certain, and need not excite any
surprise. For you will find the very same
effect was produced when Sir Arthur Cotton
built the Ament over the Coleroon & Cavery.
In his report dated 20th January 1834 when
building the upper Ament at Seringham,
he says:

"The next effect will be to cut off all
or a portion of the water of the river from the
Cultivators below. This can be obviated
by no means that I am aware of than by
making a second Ament for the South West
Channels."

In consequence of this, water is called the
Lower Aments never built. Throwing water in
the Taluqs of Manargudy and Chellambur,
in South Arcot, also into some of the lower Taluqs
in Tanjore. Without it, two of the richest Taluqs
in South Arcot would have been undoubtedly
ruined from the uncertainty of the water supply.
Because the water after building the Upper
Ament would not rise into the Channel lands,
except in very high freshes. The construction
of the Lower Aments has however restored the
supply, and the result has been a steady in-
crease of Revenue with little, or no remissions.
4. The irrigation under our river
the Periar as at the present moment is exactly
the position just described as that of the
Coleroon before the Lower Aments were built.
and on enquiry it will be found that much of
the remissions granted of late years in these
parts have been caused by the failure of water.
Certain lands in Trivandy and Coimbatore
Taluqs must undoubtedly suffer, also much
in the Villapooram. As much of these Taluqs
are supplied by river channels to which the
water will not now rise except in high freshes,
and that, only for a short time, the result being
too low to enter the channels, run of course
to waste into the sea. I estimate that last
year

year 133,056,000 Cubic yards passed to help
thru the arches of the Periar bridge, New
Town Cooldalore, and that this water would
have been sufficient to irrigate 20,700 Cusms
of ground giving a revenue to Government
of Rs 103,500. It is therefore evident that
as the Government revenue has been increased
by this upper Periar Anicut, something
should be done to restore the irrigation of
the lower Talug - otherwise what is now
gained by the Anicut will be lost by the
falling off of cultivation in the lower
Talugs, and which in fact, is actually
the case judging from the heavy remis-
sions that have been necessary of late.

I have therefore to beg you will lay
these facts before Government so that
they may take such steps as will be
deemed proper.

5. My interest I expect to say
lays in a Sugar Cane Factory which I put
up in the village of Pattumbathum at a
cost of Rs 28,000. I have also outstanding
balances to the amount of Rs 6000. For
the last two years the cultivation has been
falling off from want of water, and this
year it has been stopped altogether, and
shall be reduced to the necessity of abandon-
ing the Concern, being quite unable to raise

money

money to carry it on, owing to the state of
the irrigation, this too I must beg you will
bring to notice so that I may be saved
from the ruin which now seems inevitable.
I have no wish to represent things worse
than they are or to put the Government to
any unnecessary outlay or trouble, but it
seems to me that some arrangement may be
made that would satisfy all parties.

I have &c.
Signed B. J. Norfor.

N^o 145.

Sup^r Engr^s Office, 5th Divⁿ
Camp. Roycoottah, 21 Aug^r 1868

To
The Collector of South Arcot.
Sir,

In reply to your letter of the
3rd of Aug^r N^o 158. I have the honor to
inform you that I still hold the same
opinion of the effect of the Periar Anicut
on the Channel below it that I expressed
in my letter of the 11th of July 1866. N^o 73.
I do not believe that any fresh that would
have come down the river as far as Patti-
bathum before the construction of the Periar

Amient is now prevented coming so far.

2. Of the four channels having head sluices adjoining the Ponnur Amient on the South bank: two, viz: the Chittalingum and Maradoor derive no benefit whatever from the Amient, as they have to be carried up the river to a point above the influence of the Amient. The ryots cultivating under the other two channels viz: the Rajavien and Mullataun are now saved the trouble of constructing Cumbroos in the river, and no doubt more water now passes down these two channels than before, because the quantity is no longer dependent on the care and exertions of the ryots. Very little water has, as yet passed down the Pombay Channel on the North bank.

3. When complaints are made of the Ponnur water not reaching the channels below the Amient, it must be remembered that weeks, and even months elapse without any water coming down the river, even as far as the Amient, and it must be admitted that during that time, the Amient can have no prejudicial effect on the channels below. It has occurred to me that the Registers for water kept at the principal Amients

in the District might be sent to you with advantage for publication in the Gazette monthly.

4. Mr. Storer in his letter to you quotes Sir Arthur Cotton's opinion of effect of the upper Coleroon Amient on the supply of water from that river to the South Arcot District. I am however of opinion that the upper Amient has had very little effect on the channels lower down, and that an Amient at the head of the Undwar or the lower Coleroon Amient would have been required whether the upper Amient had been built or not. Similarly an Amient across the Ponnur at the head of the Puttamburam or Wallajah Channel may be a very useful work, not because the Tirukaloor Amient has been built, but for the same reason that the Tirukaloor Amient is a useful work.

5. When Mr. Storer wrote to you about the Puttamburam Channel in 1866 I instructed Mr. Harrington to make some preliminary investigation for the project of a second Amient, to supply channels on both sides of the river, but he has taken up the project of supplying some of the channels on the North bank by a branch from the Pombay Channel, and the two

Principal Channels in the South bank
have been repaired and improved, but the
site for a second Anicut has not yet been
selected. If Mr. Norfor has any definite
proposal to make on the subject, I could
send a person to make the necessary survey
and I have again written to Mr. Harrington
about the proposed Anicut. I have also
told Captain Howard to examine the
Mullattam near Arasar, and see if a
Channel could be taken from it in the
direction of Trivady.

I have given
Signed / E. A. Ford. Lieut. Col. R. E.
Sup. & Engr. 5th Divn.

No 154.

Sup. & Engr. office,
5 Divn. Report, 29 Aug. / 68.

To

The Collector of South Arcot.

Sir,

In continuation of my letter
of the 21st Inst. No 145. I have the honor
to inform you that I have received from
Captain Howard the water Register of the
Poniar Anicut for the year 1868/69. It
appears that no water passed over the Poniar

Anicut; or came into the Channels connected
with it till the 25th of May when there was a
small fresh which lasted 3 days - during
which, the Anicut sluices were all open.

2. Water passed over the Anicut
from the 5th to the 13th of June - 4th to 16th of
July - 26th to 6th of August. The Anicut sluices
were open from 12th to 22nd June - 30th to 5th July
15th to 21st July - 6th to 14th August. On all
of which days there was some water in the
river.

3. Four additional sluices have
been opened in the Anicut this year, and Captain
Howard is of opinion that more water has
passed in the river below the Anicut between
the 1st of April, and 1st of August 1868. than
during the same period for several years past.

I have given
Signed / E. A. Ford. Lieut. Col. R. E.
Sup. & Engr. 5th Divn.

No 677.

Cuddalore,
26th August, 1868.

To

B. J. Norfor Esq.
Pondicherry.

Sir,

In reply to your letter of the
31st July last, I have the honor to forward
copy of one received from the Sup. & Engineer,
an

in which he adheres to the opinion formerly
expressed, that the present Anicut at Trilka-
lore, does not affect the river channels...
below it. but Col. Ford, adds, that the Range
Officer has been directed to make preliminary
investigation of the proposed second Anicut
across the Ponnar, and I shall be happy
to receive from you any suggestions as to an
eligible site.

I have &c.
Signed / C. W. Reader.
Collector.

To
The Collector of
Pondicherry,
October, 1868.
South Arcot.

I have the honor to acknowledge
receipt of your letter of the 26th August, 1867,
and copies of Col. Ford's letters of 21st and 29th
of same month.

I observe that he still considers
that the Anicut at Trilakur over the Ponnar
has no effect upon the freshes. But it
must be admitted that, if the Anicut does
its duty, it must stop a certain portion
of water, and this portion is so much less
so much abstracted from the flow, as to
be down.

3,300 Canna
are irrigated by
the 19 miles of
the Ponnar below
the Anicut.

19
retained by the Anicut is not appreciable.
it is in small low freshes that the influence
of the Anicut is felt. There is no mistake
about that, the quantity of water that finds
its way down is so small that it does not
rise to the entrance of the Channels, and it
is the loss of these small freshes that derange
the Cultivation below.

3. The only remedy certainly is
to build other Anicuts, so as to form heads of
water at places that may be found most
convenient for distributing to the different
Channels. In this lays the difficulty,
as the Channels are so scattered, that I
fear one Anicut will hardly command them
all.

4. I think that it would be well
at first to build an Anicut at the lowest point
say, Commaramangalam. This would command
the head of the Pattambakam Channel on
the South bank, and by converting that Channel
into a main by widening it, and then keeping
all along on the high level, water may
be distributed perhaps, as far as Srivilliputhur
Cuddalore, a distance of 14 miles, and on
the North bank, the heads of numerous Chan-
nels may be brought up to that point, and
then a distributing Channel cut due North
which would help to irrigate large quantities.

off land.

Then between this lower Ancient, and the one at Tricular, another might perhaps be built: but in the first instance it would be well to see if the Wallajah Channel could not be connected with the Tricular Ancient; for the Wallajah Channel head is yearly being cut off from the river in consequence of a heavy sand bank forming on the South side of the main river, so that the stream now keeps entirely to the North bank, and I fear is daily becoming more decided in that direction. Therefore, I think that for the Wallajah Channel, a connection with the Tricular Ancient Channels would be more advisable.

6. I shall be glad to give what assistance I can to the Range Officer. On public grounds, and in the interests of Government, I consider the Irrigation under the Ponnai, worthy of attention. Personally I am the loser of upwards of Rs. 50,000 in property and prospects, and entirely from want of irrigation there is no doubt about that; as my Sugar Cane Factory is starved, and I have no means of extricating myself from the difficulties unless the irrigation can be restored.

The Ponnai river is worthy

N^o 186.

Superintending office, 5th Division
Salem, 13th October, 1868.

To
The Collector of South Arcot.

Sir,
With reference to your endorsement dated 9th October on a letter from Mr. B. J. Norfor, I have the honor to inform you that I have instructed the Range Officer to prepare an estimate for an amount for the Ponnai to meet the place indicated by Mr. Norfor. Mr. Harrington received similar instructions two years ago, but he left the district without having done anything

the war the
of the
of the
of the
of the

the matter.
2. I do not understand Mr. Storer's proposal to connect the Ruzarien Channel with the Triculore Ament, for it is already connected with it. In fact the Ament was built to improve its supply.

3. I have just received from Captain Howard a very favorable report on a scheme I suggested to him for connecting the Channel to the Triculore and other tanks with the Mullatur Channel from the Ponnar Ament. I have instructed him to prepare the detailed estimate at the first opportunity.

I have &c.
Signed / E. A. Ford. ^{Supt. C. E.}
Capt. & Eng. 5th Divn.

Pondicherry, 16th Nov. 1868.

To
The Collector of South Arcot.

I have the honor to acknowledge receipt of the copy of the Superintendent Engineer's letter of the 13th ultimo, for which I am obliged.

In regard to the 2nd para.

in letter under reference, I am sure that a mistake had been made in the 5th Para of my letter, where I have by error used the words "Ruzarien Channel instead of Wallajah Channel." The para should read thus. Please to correct my mistake.

5th Para. - Then between the Siver Ament and the one at Triculore, another might perhaps be built. but in the first instance, it would be well to see if the Wallajah Channel could not be connected with the Triculore Ament. For the Wallajah Channel head is yearly being cut off from the river in consequence of a heavy sand bank forming on the south side of the main river so that the stream now keeps entirely to the north bank. and year is daily becoming more decided in that direction. Therefore then that for the Wallajah Channel a connection with the Triculore Ament, channels would be more advisable.

I have &c.
Signed / B. J. Storer.

Pondicherry, 11th Dec. 1868.

To
The Collector of South Arcot.

Sir,

I have the honor with reference to my previous letters regarding the irrigation under the Perini river, to call your attention to the Registers of the Tricolore Amient published in the South Arcot Gazette of the 12th and 19th Ult.
You will observe that on the undermentioned dates the state of the water was as follows:
May 25th — Water going over the Crown of the Amient (consequently superfluous to the fields) — 2 Inches Retained by Amient & going down its channels.
The Mullatur Channel — 1st 6th
Ragavayen — do — 1- 6th
Pambay — do — 1- 6th

Note: — Not one drop of the 2 Inches that passed over the Crown of the Amient ever reached us.
July 4th & 5th — Water going over the crown of the Amient — 10² Inches Retained by Amient and going down its channels.
The Mullatur Channel — 1st 6th
Ragavayen — do — 4- "
Pambay — do — 3- "

Note: — This it will be observed is the highest fresh record yet.

and yet in my notes I see written "a slight fresh in Perini from 5th to 9th July."

I am not bringing this to your notice with the view of blaming any one, the thing has happened, and could not perhaps have been foreseen. But so it is the water that used to supply us does not now come, and I being a planter of Sugar Cane have unfortunately become a sufferer thereby. I must therefore beg you will bring to the notice of Government that I am completely ruined and compelled to stop the work at my Factory which now lays valueless on my hands. Besides which, I have liabilities amounting to some 30,000 Rs. which I am totally unable to meet.

Where is the description?

My position has been exactly described by the Honble J. B. Norton in the late case of Parloor, and the 18 Villages in the Law regarding Running Water.

I therefore trust the Government will see that I have a claim to some consideration at their hands, and which I must beg you will support with your recommendation. —

I have the honor
Signed B. L. Norton

N^o 24.

To

B. J. Norfer Esq^{re},
Pondicherry.

Sir,

I am in receipt of your letter of the 11th Inst. on the subject of your serious losses attributable, as you think, to the influence of the Trivanellore Ament.

I am quite prepared to give you every support for compensation by Government if assured of the correctness of your assumption as to the effect of the Ament on your interests as stated by you, and I have therefore called on Col^l Ford to favour me with his views and opinion on your apparent grievance, and I have sent him copy of your letter for his remarks, on receipt of which I will resolve on the course to be taken, and will inform you of what I may do further in the matter.

I send for your information copy of my letter of this date to the Sup^rg Engineer. I have the honor to be &c

Signed / C. M. Pease.
Collector.

Col^lrs Ch^g office,

Chingamab.

13th June 1869.

To

N^o 7.

To

Lieut^{nt} Col^l E. A. Ford. R. E.
Sup^rg Eng^r 5th Division.

Sir,

I have the honor to forward to you for remarks copy of a letter dated 11th January 1869. This day received by me from Mr. B. J. Norfer.

Mr. Norfer's grievance appears to be that by the construction of the Trivanellore Ament very serious and permanent injury has been done to his interests lying below the Ament, that the lands on which he depends for raising his Sugar Cane, have thereby been deprived of their due supply of water to which they had been accustomed prior to the construction of the said Ament, that year after year the lands in whole or in part are left waste or fail in their proper yield by reason of the deficiency of water for their irrigation caused as above, and thus, that his property (Sugar Cane) has gradually become deteriorated ending at length in the necessity for his abandoning the manufacture of Sugar to his great pecuniary loss. Mr.

Norfer

Norfor concludes by requesting me to report his circumstances for the consideration of Government backed with my recommendation on his behalf.

13. You will know better than ^{what I can} I do the real nature and extent of the losses which Mr. Norfor may have suffered by the influence of the Ament; and probably if his claim were admitted, there will be scores of others who being similarly situated will not be backward in following him and making their claims for compensation.

The first question is, whether the alleged injury be a fact, and whether it be the result of the Ament as assumed by Mr. Norfor, and if so, in what way is the injury value of the loss so occasioned to be estimated. It certainly seems unjust that prescriptive rights existing long anterior to the construction of Trincellone Ament should suffer, or be interfered with, even in the exercise of the undoubted prerogative of Government to appropriate river waters as they may think proper for the benefit of the Revenue and Agricultural interests generally; and I cannot suppose that if a case were really made out, Government would be

the responsibility, and to compensate the sufferers, still. I am not in a position to make the mere representation of Mr. Norfor to lay the case before Government with any recommendation of my own, and therefore before I move further in the matter, I desire to have your opinion and views on the claim now put forth by Mr. Norfor and enable me to give his request the consideration it may deserve before finally determining on the course to be taken.

Chengamudi,
13 January 1869.

I have &c
Signed / C. W. Reed.
Collector.

N^o 241.

Sup. Engrs Office,
5 Div. Camp Ponnai Ament,
23 January 1869

To
The Collector of South Arcot.

Sir,
In reply to your letter of the 13 of January, N^o 7. I have the honor to state that I adhere to the opinion I have already expressed - viz. that the Ponnai Ament has not been, and cannot have any effect whatever in channels taken off

From the river 30 miles lower down. It would be however more satisfactory if Mr. Norfawere to mention the tanks, or channels which he considers have had their supply of water diminished by the construction of the Ament.

2. The Ament is 1200 feet in length, and only 4 feet high. It has three large, and four small sluices in it. The ancient waterway of the Ragarven & Millatar Channel is only 48 feet. The Pombay Channel not being completed, only came into partial use last year. It is not likely that freshes of the kind that came down as far as Pattumbakum prior to the construction of the Ament, would now be arrested by that work. It is well known that many freshes in the Pombay do not come even as far as the boundary of South Arcot. Others come as far as Manalupet or Tricalore, and do not reach the Ament. Again, when a small quantity of water passes over the Ament, early in the season, it is not likely to get down to Cuddalore, considering the number of channels that are led off from the river.

To

3. To prove that the Ament is not essential to obtaining water from the Pombay the Tricalore tank, and the many smaller tanks connected with it, had last year a good supply of water by a channel far above the influence of the Ament. The scarcity near Pattumbakum might, with as much reason, be attributed to the Tricalore Channel as to the Pombay Ament. Again, the Wallajah and other channels below the Ament conveyed a good supply to the tanks dependent on them. The freshes in the Pombay ceased early last year, and after they ceased, of course no water entered the Channel whether at above, or below the Ament.

4. The Villapooram, Kelianoor, and Alingal Channels (all above Pattumbakum) have for years past, been out of repair, and have not had their proper share of water. If owing to the improved state of the Tricalore and Ragarven Channels more water than formerly goes down them, on the other hand owing to their defective condition less has gone down the large channel of the Villapooram & Alingal.

5. As another proof that the effect of the Ament has been greatly

exaggerated

exaggerated, I may mention that it had been in contemplation for some years to connect the Villapuram, Kolaroor and Mangal Channels with the Ament by getting a branch from the Pombay Channel. But further consideration of the subject has shown that it will not be necessary or expedient to do so, and the channels are now being surveyed and levelled with a view to their present heads being cleared and improved.

6. Further it must not be forgotten that prior to the construction of the Ament, a very large quantity of water was often taken off by the Mullatur. So large was the quantity that the bridge across the Mullatur on Trunk Road No. 8, was estimated to cost 42,000 Rs. Now by the construction of the head, since the quantity is under control, and my revised estimate for the bridge amounts only to 6000 Rs. The present flourishing condition of the tract of country between Targaloor and Arcalur is owing to there being tanks in which the fresh water, when they do come, can be stored. Elsewhere the result is the same where the channels

lead to large tanks. But without tanks the occasional freshes in the Pombay often at long intervals would be of little use.

I have, Genl.
Signed E. A. Ford, C.E. &c.
Supg. Engineer.

N^o 87.

To
B. J. Norfor Esq^r
Pondicherry.

Sir,
In continuation of my letter N^o 24 of the 13th Inst, I now beg to send you copy of one dated 23rd January/69 received from the Superintending Engineer which seems to me to preclude any more on my part in furtherance of your supposed claims against Government arising from the prejudicial influence in your interests by the Trivanellore Ament. Whatever my own opinion, I feel that the question is one so wholly of an Engineering character that in the face of the views expressed by an experienced officer like Colonel Ford, Government would not be likely to listen to any thing I might urge in opposition to these views, but if

2. I should be the medium through which
to communicate your wishes and claims.
I shall of course have no objection to
submit your application together with
copies of the correspondence that has
passed on the subject.

3. It is not out of any province
I conceive to mention that if you are
dissatisfied with my resolve and are dis-
posed to question the soundness of Colonel
Foord's opinion and consider that you
have a case of grievance and for damages
against the Government, the Civil Courts
are of course open to you as to every one
else and they would seem the proper arena
wherein to do battle should you ultimately
feel an obtaining the redress to which you
feel yourself entitled, but since Colonel
Foord's mere opinion is a denial of redress,
it may perhaps be the better course to
make your formal appeal to the Govern-
ment apprising them of the alternative
to which you will be driven should they
refuse their consideration your claim.
I am not at all for Compensation under
the circumstances stated.

South Arcot,
C. W. C. C. C. C.
Trincomalay
27 January 1869.

I have the honor to acknowledge
receipt of your letter of 27 Ultimo
No. 87 giving cover to Supd. Engineer's letter
No. 24 of 23 Ultimo.

To Hon. Collector of South Arcot,
Cuddalore.

Sir

I have the honor to acknow-
ledge receipt of your letter of 27 Ultimo
No. 87 giving cover to Supd. Engineer's letter
No. 24 of 23 Ultimo.

In para 1 of Supd. Engineer's letter he
says, "It would however be more satisfactory
if Mr. Norfor would mention the Tank or
Channels, which he considers have had their
supply of water diminished by the construc-
tion of the Arment." In answer to this,
I will endeavour to explain how the River
Irrigation is availed of in growing Canes
for this Factory.

2. First— We generally plant our Canes
from the beginning of March to the middle
of May. In these months there is no water
in the River, the fresh having ceased in Decem-

The Tanks are now dry. The sandy bed of the River however is still saturated with the water which has come down during the past season, and to obtain this, we dig a passage from the head of our Channel, sometimes a mile long, thro' the sandy bed of the River, till we arrive at a point from whence the water will spring and flow down. This water is being into our Channel, and lead it direct to the fields of young Canes, and by this means keep them alive.

Secondly— The moisture in the bed of the River begins to dry up towards June, but about this time, the small or low fresh used to come down and replenish the springs, and so by their aid, this mode of irrigation here briefly described continued to go on until the high freshes came.

Thirdly.— Irrigation by high freshes usually begin in September, and continues at intervals till December— during these the water runs direct without aid into the Channels, and is distributed during their continuance over the fields. As in such cases there is abundance of water, part of it is stored in the Tanks of Nuttambode. Nuttambathum— Cengraot— Yellamode. Towady and many others. A good fresh will generally serve us 20 days, and after that we fall on the supply reserved in

the Tanks, which are replenished every fresh. 3. With respect to the injury I have sustained, it is easy to see that the mischief arises from the stoppage by the Anicut, of the water that used before to come freely down in the low freshes described under the second head. These consequently being checked by the Anicut, no longer saturate the sand of the river as they did formerly— and there being no water during the months of June, July and August. My Canes are literally burnt out of the ground! for several years we persevered against this, but the Cultivators at last declared the risk was too great, that if they planted they would not be able to bring their Crops to maturity.

4. The result to my Factory may be easily wound up. There are upwards of Rupees 6000. outstanding debts, and I owe some 20,000 Rupees. I cannot raise a crop; and of course, can neither collect my balances, nor pay my Debts. Besides having a Factory on my hands in which I have sunk some 28,000 Rupees.—

Pondicherry
13 February 1869.

Shave & Co.
Signed / B. J. Norpoth.

true copies

W. H. Norpoth

Memo. for Orders on Revenue No. 1013.

This is one of the numerous questions for "decision" in the Revenue Department. The Board appear to give the proper dictum when they say that "the Government may, as "an act of State, deal with "the water of rivers as it thinks "fit in the public interests, "granting equitable compensation to those whose "personal interests suffer "by the exercise of its "prerogative." The Board hope, however, that a legal decision on the matter will be obtained, will

Dec. 10/13/69.

Thos. May 1/69 & 2/15/69.

Subjects of enclosures

believe Mr. May 1/69

and the collection of

death dues on the

subject of 'negotiation

under the Revenue

Memoranda & Decisions

S. C. 1/12/63. E. May

Dec 1/10/69/11/69.

2/1/69

will not, I fear, be fully
filled, as I understand
that the ~~Proprietors~~
suit will be decided
upon the merits of the
particular case, and
that the general powers
of Government will neither
be acquiesced in nor
derided in the judgment.

2. The whole matter
really turns upon the much
vexed question of the
proprietary right in the soil.
It was held very generally
by members of the Civil Service
20 years ago, and was
generally acquiesced in
by the people themselves.
The Government is the lord
paramount and landlord,
then the ryots have only
such rights as the landlord
gives

Has Mr. C. K. J. given
out a statement of his
present wishes, before
deciding it?

gives them. If their land be
taken for public purposes or be
deprived of water, all they can
claim is that the assessment
be remitted in the one case
and be reduced in the other.
On the other hand, if the ryot
be viewed as the actual
proprietor of his ~~part~~
lands, paying merely
a land tax to Govern-
ment, and in the
Administration
Report of 1855-56 he
is stated to be a virtual
proprietor on a simple
and perfect title, then
he is clearly entitled
to the full value of
his land when taken
for public purposes,
and

and he has a right to
compensation when
his land is deprived
of any water to which
by custom it is entitled.

The latter view has
usually been adopted
in the Revenue Depart-
ment but it will be
in the recollection

of the members of
Government that in
a very recent case in
the Bellary District
the Chief Engineer for
Irrigation recommended
that certain re-
pairs to an irrigation
work should not be
undertaken because
the

the lands under it were
chiefly Inam lands
in which the Govern-
ment were not interested
thereby impugning
the rights of the Inam
dars to be supplied
with water. - It might
prove a very awkward
matter in these days
of dilapidated irri-
gation works, if the Govern-
ment were to admit
their liability to da-
mage whenever loss
was occasioned to
a holder of land
owing to want of water,
whenever that want of
water

and he has a right to
compensation when
his land is deprived
of any water to which
by custom it is entitled.
The latter view has
usually been adopted
in the Revenue Depart-
ment but it will be
in the recollection
of the members of
Government that in
a very recent case in
the Bellary District
the Chief Engineer for
Irrigation recommend-
ed that certain re-
pairs to an irrigation
work should not be
undertaken because

the lands under it were
chiefly Inam lands
in which the Govern-
ment were not interested,
thereby impugning
the rights of the Inam-
dars to be supplied
with water. - It might
prove a very awkward
matter in these days
of dilapidated irri-
gation works, if the Govern-
ment were to admit
their liability to da-
mages whenever loss
was occasioned to
a holder of land
owing to want of water,
whenever that want of
water

water was caused by the
non-repair of an irri-
gation work, but
if the ryots proprietary
right be admitted by
the courts and he
could show that he
had expended capi-
tal on his land, on
the strength of the cus-
tomary supply of
water, and that he
had been deprived of
that customary sup-
ply by an act of
omission on
the part of Govern-
ment, it is a question
whether any Court of Equity
would

or commission?

would not award him dam-
ages. In the case under notice
probably, the fairest course
would be to ascertain the
real facts, and to grant
compensation to the
holders of land who
have been deprived
of water by an act of
Govt, if Mr. Warfor's
statement should turn
out to be correct. As the
case stands, Mr.
Warfor makes one
statement of fact and
the Sup^t Engineer
another (By a reference
to the accounts it will
be

be an easy matter to
determine the quantity
of irrigated land which
was cultivated in the
villages to which Mr.
Norfolk refers during the
five years before the
canal was constructed;

and the quantity which has
been annually cultivated
since that time. A statement
of the permissions granted in
the same villages during the
same periods, would also assist
in deciding the question of fact.

So. Hall

The case seems simply
to be this: - Have measures
taken by the D. P. works
for the general interests of
the State and the greater
prosperity of parts of the
S. arca. district, acted so
detrimentally on the irrigated
tracts from which Mr. Norfolk
says he has ordinarily been
saddled with cane for his
sugar works, as to force him
to close those works?

Have the ryots who cultivated
those lands, been unable to
raise on them, no other crops
during the period to which
Mr. Norfolk adverts?

In the absence of any opinion
by the collector of the district,
who has written very widely &
very wildly on the subject;

* we have at present to be content with the
professional declaration of Lieut Col. Foord,
the Executive Engineer of South Arcot; which is in
the teeth of that made by Mr. Norfolk in regard to
the validity of the account of which Mr. Norfolk
complains. -

A perusal of the correspondence laid before
the Bd by Mr. Norfolk, certainly does not establish
the position which he has assumed, though the
fact may be admitted that his sugar works
have been closed. -

Without now going further into the matter, I
would call for the information supplied in the
last 17 lines of the Rev. Secy's memo., but I
would assume that the account to be submitted
shall embrace a period of ten, not five, years
before the date of construction of the canal. -

I would also ask how much irrigated land
was held by Mr. Norfolk during that period, & how
much during the years from 1866 inclusive, to
the present time. - It will not do to accept
Mr. Norfolk as the champion or answerer of those
whose cases, properly heard, but by themselves
to the local collector, would have secured
compensation of compensation were bona
fide due.

The R. Board have properly noticed, but
not with sufficient severity, long used,
the irregularity of the collector in furnishing an
outsider with copies of an important correspondence
between the principal Engineer & the

2.4.69.
N. H. H.

No 1263 Revenue Department
 Proceedings of the Madras Government
 Under date the 8 Aug 1869
 Read the following Pro.
 of the Board of Revenue.
 Submitting for orders
 letter from Mr. Hooper complaining of
 injuries caused to Sugar-Cane planta-
 tions which supply his Sugar-
 Factory in South Arcot Dist.
 from their usual supply of water
 being cut off by construction of
 aicut across Ponnai river.

(A. E. 19 March 1872 1895)

The foregoing Proceeding
of the Board of Revenue, relat-
ing to a claim preferred by Govt B. S.
Norsar for compensation on ac-
count of injury stated to have
been sustained by him in his
Cane plantations, from their
usual supply of water being
cut off by the construction
of an Aqueduct across the
Pooniar river, at Tipicalre
in the South-West Dist.
It

2. It is observed that the
Superintending Engineer of the
Division is of opinion that Mr.
Norfor has not suffered any
such injury from the Ancient
in question as to entitle him
to the compensation he seeks.

3. Before passing orders
on this matter, the Govt. de-
sire to be furnished with in-
formation on the following
points:-

1st The quantity of
irrigated land cultivated
in the villages to which Mr.
Norfor refers during the
ten years prior to the con-
struction of the Ancient,
and the quantity annually
cultivated since that time.

2nd The amount of re-
missions granted in the villages
and during the periods above
mentioned.

mentioned.

3rd The quantity of
irrigated land held by Mr.
Norfor during the same
period.

4. The Board have
properly noticed, but not
in sufficiently severe terms,
the irregularity of the
Collector in furnishing Mr.
Norfor with copies of
an important correspondence
in progress with the principal
Engineer of the District.

For
from Mr. Norfor.

MD

14 Copies Letter B of Rev. Dec 10

21/13

100/15
Exdual.

G. B.
Compensation given
by Mr. H. for
myrry counsel to his
Sister Anne / London
in 1711 / 1712 / 1713