M.R.O. 1—22,400—28-11-88.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1653/17 Press Mis.

Dated 1 2 18

Not to be folded or roughly handled

Fort Saint George, Public Works Consultation of 13th July 1858.

No. 37. Read the following letter from Major E. LAWFORD, Officer in charge of the Central Office of P. W. ; to W. H. BAYLEY, Esq., Acting Secretary to Government, dated 23rd June 1858, No. 1362.

SIR,

I have the honor to submit the accompanying copies of letters, noted in the margin, received from the Superintendant East Coast Canal, in the first of which, he states that, in consequence of the decrease of water in the Canal, and boats not being able to carry their proper burden, he had, agreeably to precedents allowed a reduction on the toll from (4) four to (3) three annas a ton. I beg to observe that, it has been the practice hitherto to submit such letters to the Board of Revenue for sanction, and to notify the reduction in the Official Gazette for the information of the public. I am not aware however that this course has been pursued in consequence of any orders to that effect and as it appears to me that the remission, or reduction, of any authorized tax should rest with the Government, or the Officer delegated with its authority to do so, I have thought it proper to submit the letters referred to above, and to solicit sanction of the reduction of the toll in question, which the Government will see has been already allowed to take place in anticipation of sanction. I beg to submit a copy of Lieutenant Moberly's report of the E. C. Canal for the past month, in which he expresses his views as to the causes which have led to a diminution of water south of the Lock.

Dated 9th June 1858, No. 461.
Dated 17th Do. No. 473.

Dated 9th June 1858.

2. As the reduction of this tax is likely to prove of annual occurrance, the Government may perhaps desire that it may be at once sanctioned or authorized without its intervention, and it occurs to me, as the Canal is in charge of an Officer of the Public Works Department, upon whose report or suggestion the reduction is made, that the Chief Engineer, as the immediate head of that Officer should be delegated with the authority of Government, to authorize such reduction, on which point I beg to solicit orders.

Letter from Lieutenant F. J. MOBERLY, Engineer's, Superintendant of the E. C. Canal ; to Colonel C. E. FABER, Chief Engineer, dated 9th June 1858, No. 461.

SIR,

I have the honor to report to you that owing to the decrease of water in the Canal boats cannot carry their proper loads.

Agreeably to precedent, I have allowed a toll of 3 annas per ton, being levied instead of 4 annas and trust my proceedings will meet with your approval.

Letter from Lieutenant F. J. MOBERLY, Engineer's, Superintendant of the E. C. Canal ; to Colonel C. E. FABER, Chief Engineer, dated 17th June 1858, No. 473.

SIR,

In reply to Extract from your Proceedings No. 1176, of the 16th June, I have the honor to observe that, the reduction of tolls has been made on 2 different occasions previous to this, but that I have now only allowed it in anticipation of your sanction which I have asked in my letter No. 461 of the 9th Instant.

Summary report of the E. C. Canal progress for the month of May 1858.

1. The promising state of the Canal as reported in my last month's report has I regret to say not continued.

2. The rains which fell to the south did not extend to the north of Madras and the only means of supply from the Sea, the Ennore mouth has closed, the water has consequently fallen so much that I have been obliged now to allow of 3 instead of 4 annas per ton, being paid as toll by the boat owners, the effect here is different from what it was on the closing of the Pulicat mouth.

3. The water above the lock, has continued at very nearly the same level as before: but the continuous south-wind has accumulated to the northward, the waters of the Canal below it and of the lake; keeping open the mouth at Doogoorazpatam.

4. The Sooloorpet river is quite closed but the trade continues from Thadday near its mouth, I have stopped any further attempt at keeping it open, as we should have to work below the usual level and probably should only find that the water continued to fall as we deepened.

5. The expenditure will be confined to the more necessary parts to maintain an uniform depth as much as possible.

6. There are now 9 boats employed on the south Canal.

7. Mr. Kennedy has launched, and completed the new model boats; has been employed in removing shoals caused by the cross drainage entering the Canal, and in completing the Bridge at Sadras.

8. Mr. Howard has been employed on the repairs of the north branch.

9. Mr. Lewis, and Mr. Cottrell, are surveying to the northwards.

10. The traffic returns show a slight increase in both miscellaneous produce, and in salt, over the quantities in the same month of last year.

No. 38. ORDER THEREON, No. 1317; dated 8th July 1858.

1. Major Lawford, in charge of the Central Office, D. P. W., reports in the above letter that, in consequence of decrease of water in the East Coast Canal preventing boats from carrying their usual burthen, the Superintendent has reduced the Toll from 4 to 3 annas, and that he has done this agreeably to precedent; and remarking that this reduction of tax is likely to prove of annual occurrence, Major Lawford suggests that, as the Canal is in the charge of an Officer of the Public Works Department, the Chief Engineer should be delegated with authority, to sanction such reductions without reference to Government.

2. Major Lawford, however, before making this reference, should have taken the usual and correct course in cases when the Revenue is affected, *i. e.*, he should have transmitted his views for the consideration of the Board of Revenue in the first instance, a course which he himself acknowledges to have been hitherto followed. He will now be good enough to refer the subject to the Board in the first instance. Major Lawford perhaps felt, that in the present case a previous reference to the Board of Revenue was not necessary, under the impression, that it was not definitively determined, whether the Toll on the Canal should be viewed as Revenue, or as a fund to meet its repairs, maintenance, or improvement; but by para. 2, of Extract Minutes Consultation 23rd June 1857, No. 1212, distinct instructions were given by Government to credit the Collections from the Canal to the General Revenues of the country, and to debit the Toll establishment to the same head; so that the Toll is actually an item of the Public Revenue, and as such is a matter within the special province of the Revenue Board.

3. It is observed that the Superintendent has taken upon himself to reduce the Toll on his own authority, and he claims to do this on the strength of two precedents; but as the circumstances of these two so called precedents, do not appear ever to have come before Government, they must have been of the Superintendent's own creation. By Extract Minutes Consultation 15th January 1855, No. 73 (para. 6,) the management indeed of the Toll establishment was placed in the hands of the Superintendent East Coast Canal, but it does not appear that he was thereby to have any authority to alter the rate of Toll fixed by Government. The rate it is true, was left open to after revision; but this revision was rather of a permanent character, obviously to be made by the Government alone, with reference to circumstances of traffic specially reported to them. Explanation will therefore be afforded on this point.

(Signed) T. PYCROFT,
Chief Secretary.

No 461 37

From,
Lieutenant F.t Knoberly Engineer,
Sup.t of the E. C. Canal.

To,
The Chief Engineer,
Department Public Works,
Fort Saint George

Sir,

I have the honor to report to you that owing to the decrease of water in the Canal boats cannot carry their proper loads.

Agreeably to precedent, I have allowed a toll of 3 Annas ℔ Ton, being levied instead of 4 As. and trust my proceedings will meet with your approval.

E. C. Canal Office,
Camp Sadras, 9th June 1858.

I have &c
F.t Knoberly Lieut.
Sup.t of the E. C. Canal.

A True Copy
C Lawford Major
Sup.t Engr in Ch. of the
Central Office of P. W.

E.t. 10th

N.473. 5x

From,

Lieutenant T. J. Moberly, Engineer,

Supt. of the E. C. canal.

To, The Chief Engineer

in the Dept. of Works

For Fort Saint George

In reply to Extract from your Proceedi

N. 1176 of the 16th June, I have the honor to observe

that, the reduction of tolls has been made on 2

different occasions previous to this - but that I

have now only allowed it, in anticipation of

your sanction which I have asked in my lette

N. 461 of the 9th Instant.

E. C. canal,
Supt. Office,
Madras, 17th Jan. 1858

I have &c
T. J. Moberly Lieut.
Supt. of the E. C. Cana

A True Copy

Genl. Major
Supt. Engr. in ch. of the
Central Office of P. W.

Enclosure in a letter from
Lt. Moberly in ch. of the
Central Office of P. W.
to Lt. Col. Goldingham No. 473

Dated 23rd June 1858
Rec'd 25th June 1858

Answd

Copy of a letter from
the Supt. of the E. Coast
Reporting that under the
Annual power he is to re-
duce on all boats navig-
ing the Cauvery water in the canal.

Summary Report of the Ship Canal Office for the month of May 1858.

17.

1 Office formerly at No 1 of the Canal and reported on May last removed to No 3 Square to enjoy more convenient

2 Office Rooms which fell to the South side not opened

3 The Month of April and May employ'd in clearing off the Rubbish from the Locks, the Entrance Mouth of the Canal, the Entrance Mouth has cleared the Rubbish from the Locks, and the Canal for a Mile and a half from the Entrance Mouth

4 The Canal is now in the charge of the Civil Engineer Department, which is to be maintained at the Rate of 3 miles per Ton, duty paid on Goods

5 The Canal is now open for the Passage of Vessels of all Sizes, and Boats navigating the Canal below the Locks, and the Locks, Bridges open to the Public

6 Telegraph Office, at which Office Messages from Cairo may be sent to Suez

Trade continued from Cairo by way of the Nile

Lighthouse may further attempt at Navigation it open, at present have to work below Ramadi Level and Boats only

Enclosure in a letter from the Officer in Ch. of the Central Office of P.W. to the Sec.t to Govt of Egypt

Dated 23rd June 1858
Rec.d

No 1362.
PW 389/58

Copy of a letter from the Sup.t of the S. to Canal Reporting that the Reduction of Toll in the Canal was allowed in anticipation of receiving Sanction.

find that the water continued to fall as we deepened.

5 The expenditure will be confined to the more necessary parts to maintain an uniform depth as much as possible.

6 There are now 9 boats employed on the South Canal.

7 Mr Kennedy has launched, and completed the new model boats, has been employed in removing shoals, caused by the cross drainage, entering the canal, and in completing the bridge at Tadrao.

8 Mr Coward has been employed on the Repair of the North branch.

9 Mr Lewis and Mr Coldrell are surveying to the northwards.

10. The traffic returns show a slight increase in both miscellaneous produce, and in salt, over the quantities in the same month of last year.

E. C. Canal Chief Office
Madras, 9th June 1858

I have the honor to be
Sir
Your most obedient Servt
Lieut. Colonel
Supt of the E. C. Canal.

True Copy
Major
Supt Engr in Ch. of the
Central Office of C. W.

R. W. C. D.

Central Office of C.W.C.
Fort Saint George
23 June 1858.

Public

No. 1362

From,
The Officer in charge of the
Central Office of C.W.
&c, &c, &c.
To,
The Secretary to Government
C.W.D.

Sir,

I have the honor to submit the accompanying copies of letters, noted in the margin, received from the Superintendant East Coast Canal, in the first of which, he states that, in consequence of the decrease of water in the Canal, and boats not being able to carry their proper burden, he had, agreeably to precedents allowed a reduction on the Toll from (4) Four to (3) Three Annas a ton. I beg to observe that, it has been the practice hitherto to submit such letters to the Board of Revenue for sanction, and to notify the reduction in the Official Gazette for the information of the public. I am not aware however

d/9th June 1858 to No 1361.
d/17th do. No 1373.

Enclosure in a letter from
the Chief Engineer
to the Secretary to Govt. C.W.D.
No. 1362
dated 23 June 1858.

Copy of the Abstract
Report of the E. C. Canal
Receipts for the month of
May 1858.

however that this course has been pursued in consequence of any orders to that effect, and as it appears to me that the remission, or reduction of any authorised Tax should rest with the Government, or the Officer delegated with its authority to do so. I have thought it proper to submit the letters referred to above, and to solicit sanction of the reduction of the Toll in question, which the Government will see has been already allowed to take place in anticipation of sanction. I beg to submit a copy of Lieutenant Roberts's Report of the E. L. Canal for the past month, in which he expresses his views as to the causes which have led to a diminution of water South of the Lock.

dtd 19th June 1858.

2 As the reduction of this Tax is likely to prove of Annual occurrence, the Government may perhaps desire that it may be at once sanctioned or authorised without its intervention; and it occurs to me, as the Canal is in charge of an Officer of the Public Works Department, upon whose report or suggestion the reduction is made, that the Chief Engineer, as the immediate head of that Officer, should be delegated with the authority of Government, to authorise such reduction, on which point, I beg to solicit orders.—

I have the honor to be,
Sir,
Your most Obt Servt
L Dawson Major
Supt Engineer in charge of the
Central Office of C.W.

Central Office of C.W.
Fort Saint George
23 June 1858.

To,
The Secretary to Government C.W.D.

Exd. W.C.D.

To Govt.

No 1317. P.W.D.

Extract from the Minutes of Consultation 15th
Under date the 8th July 1858.

Read the following letter from the Officer in charge of the Central Office of Public Works.

(Here enter 23 June 1858 - No 1362)

1. Major Lawford, in charge of the Central Office, P.W., reports in the above letter that, in consequence of decrease of water in the East Coast Canal preventing boats from carrying their usual burthen, the Supt has reduced the toll from 4 to 3 annas, and that he has done this agreeably to precedent; and remarking that this reduction of tax is likely to prove of annual occurrence, Major Lawford suggests that, as the canal is in the charge of an Officer of the P.W.D, the Chief Engr should be clothed with authority to sanction such reductions without reference to Govt.

Public Works Department
Extract from the Proceedings of the Chief Engineer & Secretary to Government
Fort St George

Dated 23rd June 1858.

Received 3rd July 1858.

No 1317 of 1858.

Subject reporting the reduction of the Toll on the Buckingham Canal.

Ordered that the reduction of the Toll on the Buckingham Canal from 4 annas to 3 annas be sanctioned.

(Sd) C. Trevelyan
Secy to Govt

To
The Chief Engineer
Fort St George

Copy forwarded for information.

(Sd) H. Lawford
Officer in charge
Central Office
P.W.D.

2. Major Lawford however, before making this reference, should have taken the usual and correct course in cases when the Revenue is affected, i.e. he should have transmitted his views for the consideration of the Board of Revenue in the first instance, a course which he himself acknowledges to have been hitherto followed. He will now be good enough to ~~now take this step, and so be~~ refer the subject to the Board in ~~to this~~ ~~correct course in all future~~ the first instance ~~occasions of this nature~~. Major Lawford perhaps felt, that in the present case a previous reference to the Board of Revenue was not necessary, under the impression that it was not definitively determined, whether the toll on the Canal should be viewed as Revenue, or as a fund to meet its repairs, maintenance, or improvements; but by para 2 of Ex: Mins: Cons: 23d June/57, No 1212, distinct instructions were given by Govt to credit the

collections from the Canal to the General Revenues of the Country, and to debit the toll establishment to the same head; so that the toll is actually an item of the public revenue, and as such is a matter within the special province of the Revenue Board. 17

3. It is observed that the Supt has taken upon himself to reduce the toll on his own authority, and he claims to do this on the strength of two precedents; but as the circumstances of these two so called precedents do not appear ever to have come before Govt, they must have been of the Supt's own creation. By Ex: Mins: Cons: 15th January 1855, No 73 (para 6), the management indeed of the Toll establishment was placed in the hands of the Supt East Coast Canal, but it does not appear that he was thereby to have any authority to alter the rate of toll fixed by Govt. The rate it is true was left open to after revision; but this re-

(1)

...vision mns. rather of a permanent character, obviously to be made by the Govt alone, with reference to circumstances of traffic specially reported to them. Explanations will therefore be afforded on this point.

W. H. B.

10 Copies to the Offg Chief Engr Dated 9th
S — a — a Do of Novr

Public Works 1858 Dep.t
Dep.y to Cons. 15.th July

No. 1317
Extract Mins. of Cons.
Dat.d 8.th July 58.

From Chief Engineer 4.th March 58
Cons. 526 inc.d Appl.n
No III 4112

Referring to a reduction
proposed to have been made of
the rates of Toll on boats in the
Eastern Coast Canals observes that
the Superintendent has no author-
ity to alter the rate fixed by
Government. Call for explanation
on certain points specified.

C.t No 8706 38.