M.R.O. 1[illegible]3.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Public works **DEPARTMENT.**

G.O. No. 140-141	88	Press / Mis.
Dated	10-1-	1873.

Not to be folded or roughly handled

No. 170. Read the following letter from the Chief Engineer of the Madras Irrigation and Canal Company, to the Acting Chief Engineer for Irrigation and Joint Secretary to Government, dated Madras, 3rd December 1872 :—

I HAVE the honour to inform you that the cost of repairing the disasters caused by the floods of August 1870, in the first three sections of canal, amounting to Rupees 59,004, is still in suspense, and to request you to place the subject before the Madras Government with a view to a final settlement.

2. The expenditure has been made on the Government Orders,

				Rs.
G. O., No.	2,376,	dated 1st October 1870,	sanctioning	*Nil*
Do.,	227,	,, 26th January 1871	... ...	57,490
Do.,	841,	,, 21st March	,, ...	6,130
Do.,	853,	,, 22nd	,, ...	
Do.,	953,	,, 31st	,, ...	3,480
Do.,	968,	,, 1st April	,, ...	1,470
Do.,	1,089,	,, 18th	,, ...	.....

3. Some of this expenditure has been ordered to be debited to Revenue and some to Capital: the first positively for reasons correctly stated, the last not so positively for reasons subject to correction, and in opposition to previous decisions of the Madras Government, and in direct opposition to the decision of the Supreme Government.* In fact I consider the charging to Capital was insisted on until, and only until, doubts should have been cleared up regarding the previous completeness of each individual work breached. The terms made use of are these,† as the sanctioned expenditure "provides for carrying out either restorations or additions in sections of the canal which have not been reported complete, or in a safe state for the admission of a full supply of water, the outlay must be regarded as a charge to Capital," meaning, I suppose, until the state of previous completion of each work should be known, and excepting Calingulah No. 13, since ordered‡ to be charged to Revenue.

* G. O., No. 874 of 23rd March 1871.

† G. O., No. 227 of 26th January 1871.

‡ G. O., No. 1,089 of 18th April 1871.

4. My impression is that the origin of the doubt may be found in the letter of the Acting Consulting Engineer, attached to G. O., No. 2,376, of 1st October 1870. He seems to have suspected that the rainfall provided for in the sanctioned plans of canal works was insufficient; and on the 22nd November, 1869, he suggested that the canal should be tested by raising the water in the canal higher than the tops of the walls and banks constructed according to sanctioned plans in order to contain it. He suggested that the canal should be filled (to use the expression) six inches higher than the side walls of the Hindry Aqueduct and than the banks abutting thereon, as completed according to sanctioned design, never altered in that respect from the time they were first sanctioned in 1861 (or thereabouts). I need not go into this test question. I assume that for *all questions of account* the canal has since the time of this "suggestion" been determined to be complete, apart from such, or any special, test. The "suggestion" then first made may be wholly dismissed from one's mind in considering the proper head for any given charge. This could not have been admissible at the time when the Company's Agent and

Manager remonstrated against the charging these repairs to Capital. The discussion then left the matter where it found it, and merely showed that the repair of one and the same work might be properly charged at one time to Capital and at another—when complete in fact—to Revenue.

G. O., No. 841 of 21st March 1871.

5. Since the date of the G. O. last quoted the completeness of the works has been so far proved that similar works to those which breached have been passed by Government as finished according to sanction; and no addition to similar works has been since carried out, with the exception of a parapet wall 18 inches high, costing about 6 pence a foot run, to some of the walls. The repaired banks have not been raised higher than they were before, nor than bank of similar material elsewhere was and still is. The walls, where repaired, have been raised higher than before, because Government expressly ordered that walls should be made in future 18 inches higher than the original design which prevails elsewhere in the completed walls. Moreover, the canal has been in use for two seasons nearly, and has proved the efficiency of works similar to those which breached.

6. The only exception to the last paragraph is Calingulah No. 13, which has been restored in a very different form and on an entirely different principle to the one destroyed. But the cost of this restoration is already disposed of by G. O., No. 1,089, of 18th April 1871, as a charge on Revenue. With this exception the repairs have been executed in a way not appreciably more expensive than the original work, but, of course, with great care and with all the improvements known up to date.

7. The case is not one of *settlement* of earthwork, which the Consulting Engineer rightly observed* is often chargeable to Capital for the first season after opening. The accident happened to completed works situated in a portion of the canal so far passed by Government as complete that it was then being worked under a Conservancy staff sanctioned by Government and charged to Revenue; and was supplying all demand for water required by the Government for irrigation. I append an extract† from the Consulting Engineer's letter, which is so clear that I need add nothing.

* His No. 121 of 27th August 1866.

† Appendix A.

8. In conclusion I beg that you will submit these facts to the Madras Government, and ask their approval (to use the words of the Governor-General in Council Proceedings of the Government of India, No. 41-A. I., of 23rd February 1871, paragraph 7, in regard to these very repairs) "that the charge for repairing breaches caused to the canal works by the floods of 1870 should be met from the Revenue of the Company so far as the gross earnings will allow, any deficiency in this respect being met, in the first instance, from the ordinary public works grant of the current year," and re-paid by the future receipts of the canal.

Extract from the Consulting Engineer's letter to the Agent and Manager, dated Anantapore, 27th August 1866, No. 121.

I AM unable to agree with you that the completion and use of the Canal in the 7th and 8th Sections has anything to do with the adjustment of the charges for the maintenance of those works in those sections which have been completed.

Proceedings of the Madras Government, Public Works Department, 10th January 1873.

2. In the case of some descriptions of work, such as earthworks, it is usual, after completion, to allow maintenance for a limited period to be charged to Capital, because until such period has elapsed they are not really permanent works, or in a condition of permanence, and this is the only exception to the general rule that maintenance of permanent works should from date of completion be chargeable to Revenue and not to Capital. Were the masonry works and revetments of any section finished, the maintenance of these works would be chargeable against Revenue, although there might be other works in the section incomplete, and no revenue might have been derived from the section.

No. 171. ORDER THEREON, 10th January 1873, No. 88.

IRRIGATION, No. 18.

THE Government do not see any grounds for modifying the decision, as to the incidence of the expenditure incurred upon the restoration of the Madras Irrigation and Canal Company's Canal after the floods of 1870, which was come to in Proceedings, Madras Government, No. 1,089, of the 18th April 1871. That decision, as summarized at the end of paragraph 2 of their order is of general application, and, so far from being opposed, as Mr. Latham would appear to imagine, to the views of the Supreme Government, is in conformity with the practice which has determined the incidence of the similar expenditure of other Guaranteed Companies.

(True Extract.)

Lieut.-Colonel, R.E.,
Joint-Secretary to Government.

To the Chief Engineer for Irrigation.
,, Agent and Manager.

Exd. S. T. Austin.

Extract from the Consulting Engineer's
letter dated Ananlapore 24th August 1866
To the Agent at Canada. No 121.

I am unable to agree with you that the completion and use of the Canal in the 4th and 8th Section has anything to do with the adjustment of the charges for the maintenance of those works in those sections which have been completed. In the case of some descriptions of work such as Earthworks it is usual, after completion, to allow maintenance for a limited period to be charged to Capital, because until such period has elapsed they are not really permanent works or in a condition of permanence, and this is the only exception to the General rule that Maintenance of permanent works should from date of completion be chargeable to Revenue and not to Capital. Were the masonry works and revetments of any Section finished, the maintenance of those works should be chargeable against Revenue, although there might be other works in the Section incomplete, and no Revenue might have been derived from the Section.

Madras Irri and Canal Co.
Madras 3rd December 1892

To
The Actg Chief Engineer
for Irrigation
and Joint Secy to Govt.

Sir

I have the honor to inform you that the
Flood of August 1890 on the first 3 sections
of Canal damaged to the extent of Rs 59,772 -
still in suspense and to request you to place
the subject before the Madras Government
with a view to a final settlement.

2. The Expenditure has been sanctioned on
the following orders:

G.O.	2316	1 Oct 1890	sanctioning Rs 1
	227	26 Jany 1891	Rs 57490
	841	21 March	
	853	22	Rs 6130
	953	31	Rs 3480
	968	April	Rs 1470
	1089	18 April	

3. Some of this Expenditure has been ordered to be
debited to Revenue and some to Capital
the final position in respect of which stated
to be as follows in reasons subjoined
corrections and withdrawn to previous
decisions of the Madras Government and

Rs 1819 3/8 D

in direct opposition to the decision of the Supreme
G.O. 874 of 23 March 1871 Government. In fact I consider the charge to Capital was insisted on until a fully doubt should have been cleared up regarding the previous completeness of each individual work bracketed. The terms made use of are these — as the sanctioned &c.
G.O. 224 of 26 Jany 71. penalties provides for carrying out either restorations or additions in sections of the Canal which have not been reported complete, or in default thereof in the event of a full supply of water the pillars must be recorded as a charge to Capital — meaning I suppose until the final previous completion of each work should have been or excepting Calargulah No 13 directed to be charged
G.O. 1059 of 18 April 71 to Revenue.

4. My impression is that the view of the Govt may be found in the letter of the Engr Consulting Engineer attached to G.O. 2376 of 1 Oct. 1870. He seems to have suspected that the rainfall provided for in the sanctioned plans of Canal works was insufficient, and on the 22 November 1869 he suggested that the Canal should be filled by raising the water in the canal higher than the tops of the walls and banks constructed according to sanctioned plans in order to contain it. He suggested that the canal should be filled to the depression six inches higher than the side walls of the Talions Acqueduct and than the banks abutting thereon, as

as completed according to sanctioned designs &c. and in that respect from the time they were first sanctioned Oct 1867 in the strictest sense not with this restriction I assume that for all questions of account the Canal has since the time of this suggestion been determined to be complete apart from such as any special test. The suggestion first made must be entirely dismissed from my mind in considering the proper mode for any given charge. This could not have been adverted to at the time when the Company's Agent and Engineer remonstrated against their charging these repairs to Capital. The discussion then left the matter
G.O. 841 of 21 March 71. where it found it & merely should that the repair fund and the same work might be properly charged at one time to Capital & at another — when completed in fact — to Revenue.

Since the date of the G.O. last quoted the completeness of the works has been so far proved that similar works to those which breached have been passed by Government as finished according to sanction: the additions to similar works has been since carried out with the exception of a parapet wall 18 inches high costing about six hundred pounds round the walls. The repaired bands have not been raised higher than the bore there or than Dick's similar work with Sickness was still is. The walls where repaired have been raised higher than before. Government expressly ordered that walls should be made in future 18 inches higher

than

than the original design which proved [illegible]
in the completed state. When the Canal has
been in use for this season and has proved
the efficiency of the works similar to those which included
No. [illegible] The only exception to the last paragraph
is Calculation No 13 which has been restored in
a very different form and on an entirely
different principle to the one destroyed. But
the cost of this restoration is already disposed
of by Order No 1089 of 18 April 1891 as a charge
on Revenue. With this exception the repairs
have been executed in a way not appreciably
more expensive than the original work but of
course with great care and with all the im-
provements which time up to date
the case in our system of settlement of earthworks
which the Consulting Engineer rightly observed *
Para 17 of 121 of 24 Aug 1866 is the charge to
Capital in the first season after opening. No
accident happened to completed works situated
in a portion of the Canal so far passed by
Government as complete that it was then being
worked under Canal Staff sanctioned
by Government & charged to Revenue; and
was supplying all demands for water required
by the Government for irrigation. I append
an extract from the Consulting Engineer's * Appendix A
letter which is very clear and needs no writing
to explain it. I beg that you will submit
these facts to the Secretary of State for India in Council and
ask their approval to use the words of the

the Governor General in Council, Proceedings of the Government of India No 2 of 23rd February 1891 para 4 in regard to these very repairs that "the charge for repairing breaches caused to the Canal works by the floods of 1890 should be met from the Revenue of the Company so far as the gross earnings will allow, any deficiency in this respect being met in the first instance from the ordinary public works grant of the current year and repaid by the future receipts of the Canal."

I have the honor to be
Sir,
Your Most Ob. Servant
John Strachey
Chief Engineer

ASD

P. W. Dept

No 88

Proceedings of the Madras Government
Under date the 2nd December 1872
Read the following

From the Chief Engr. M. I. & C. / 1st Q. No. 273 dated 3rd December 1872

The Government
do not see any grounds
for modifying the decision
as to the incidence of the
expenditure incurred upon
the restoration of the
Madras Irrigation and
Canal Company's Canal
after the floods of 1870,
which was come to in
Madras Government
Proceedings No 1889 of the

Public Works 1872 Department
From Lt. Col. H. St. C. Hughes R.E.
The Secy. to Govt.
Mr. Dept.
Dated 3rd Dec. 1872
Rec'd 5th Dec. 1872
Subject.

To
The Sec. Chief Engr.
for Irrigation.

Despatch from Madras Govt.
Dept. with a view to fine
settlement as to the cost
of repairing the damage
caused by floods in 1870
in the Public Works Dept.
Estimate Rs. 59000 — Answers
etc. given in reference —

No 2088 - 12 Enclosures

No 150
Public Works

18th April 1871. That decision
as summarized at the
end of para 2 of their
order is of general applic-
-ation, and, so far from
being opposed, as Mr
Latham would appear to
imagine, to the views of
the Supreme Government
is in conformity with the
practice which has determined
the incidence of the similar
expenditure of other Guaran-
teed Companies.

WM. 11/12/72.

To The Ch. Engr for Irrign
& Agent for Cauvery

Dept 14/1/73

Oc/b 181

Govt. of {1872} Madras.

PUBLIC WORKS.

To

The Chief Engineer for Irrigation

Dated

Recd. Encl.

G. O. 10 Dec 1872, No. 88.

Nos. 170-171

Re. L.K.C. Canal - Declining to modify the decision contained in P.C. No. 1089 of 1871 as to the incidence of the expenditure incurred upon the restoration of the L.K.C. Canal after the floods of 1870.