

Public Works (1899) Department.

G.O., No.

797 J.

DATED

16 Sept 1899.

[Despatch Abstract.]

Spinning mill at Papanasam,
Dimnevelly St. Orders of the Rev.
Deptt on the subject of the
utilization of the water from the
Tambaparni river for the —
Commd to the Officer concerned
with remarks.

N 419 2

Government (1899) of Madras.
REVENUE.

Enclosures

1899.

Spare copies

G.O., No. 601, 7th September 1899.

SEPTEMBER.

Spinning Mill at Papanasam.

Passing orders on a memorandum drawn up by Messrs. A. and F. Harvey, Managers on behalf of the Tinnevely Mills Company, in respect of the supply of water from the Tambraparni river to the — worked by the company.

Brio 722
16-9-99

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again the following G.O., No. 174A, Revenue, dated 10th March 1899:—

Read—Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), Mis. No. 2373, dated 4th April 1898.

ABSTRACT.—Requesting that the Government may be pleased to address the Bombay Government for information regarding the principles on which the royalty was fixed in the case of the Gokah Mill in the Bombay Presidency, as it will be useful in fixing the charge for water supplied to the spinning mill at Pápanásam worked by the Tinnevely Mills Company.

Read—Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), No. 600, Routine, dated 12th May 1898.

ABSTRACT.—Submitting certain papers called for by Government.

Read—Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), Mis. No. 1260, dated 4th March 1899.

ABSTRACT.—Submitting to Government, with remarks, letter from the Collector of Tinnevely requesting orders as to the rate of charge to be fixed on the Tinnevely Mills Company for the use of Government water from 1895.

Order—No. 174A, Revenue, dated 10th March 1899.

Miscellaneous.

The papers read above relate to the question of the charge to be made for the water supplied to the spinning mill worked at Pápanásam by the Tinnevely Mills Company, the period of ten years for which a free grant was made having expired by the 31st August 1895. The history of the concession originally granted to Messrs. A. and F. Harvey and subsequently extended to the company for utilizing the water-power of the Tambraparni river, will first be briefly recapitulated.

2. In 1883 Messrs. A. and F. Harvey applied for permission to utilize the water of the Tambraparni river above the Pápanásam falls for working a spinning mill with turbines, promising not to pollute and not to diminish the supply. By G.O., No. 361 I., Public Works, dated 1st May 1883, they were allowed to take a supply of water without charge subject to the following conditions:—

(i) that the designs for the works to be constructed were to receive the approval of the Collector and the Superintending Engineer and to be based on the instructions of the Chief Engineer for Irrigation;

(ii) that the quantity of water to be taken off was not to exceed 10 cubic feet per second;

(iii) that the water after being used was to be returned to the river above the Kodamelalagien anicut, or, should this be impossible, was to be passed into the south channel taken off from the anicut; in the latter case not more than half the supply in the river being taken off except with the permission of the Superintending Engineer;

(iv) that Messrs. A. and F. Harvey were to agree to "bund" the south channel below the sluice which discharges into the river whenever required by the Engineer officers to do so, and were to keep the channel above the bund clear of silt;

(v) that they were to have no claim for compensation if from any cause the supply of water proved deficient; and

(vi) that they were to have a claim on the water only after public requirements had been attended to.

3. Subsequently Messrs. A. and F. Harvey were informed, in reply to an inquiry made by them, that permission to use the water free of charge had been granted to the firm as the pioneers of a new industry; that in ordinary circumstances a charge would have been made for the water; that the concession granted should, however, run for a period of ten years from the opening of the mill; and that on the expiry of this period a charge would be made, but that it would not be of an amount calculated to be repressive of the development of the contemplated industry.

4. On a representation from Messrs. A. and F. Harvey, the terms of the concession were modified by G.O., No. 762 I., dated 26th August 1884. By this order the firm was allowed to take a supply of not more than 10 cubic feet per second during the dry season, i.e., from the 1st February to the 31st May, and except with the permission of the Superintending Engineer not more than 20 cubic feet per second during the remainder of the year.

5. In December 1885 Messrs. Harvey reported that a company had been incorporated under the Companies Act named the "Tinnevely Mills Company" and requested that the privileges already granted to them might be transferred to the Tinnevely Mills Company. This request was sanctioned in G.O., No. 67 I., dated 23rd January 1886.

6. Shortly afterwards the company applied for permission to use a supply of water for working another mill at Pápanásam and to be allowed therefor an additional 15 cubic feet in the dry season and 30 cubic feet during the rest of the year. About the same time representations were received from many persons in the Tinnevely district protesting against the utilization of the water by the company as it diminished the splendour of the Pápanásam Falls and the sanctity of the bathing pools below the falls. The Government after careful consideration of the whole matter decided that it would be inadvisable to grant any further concessions than those already granted.

7. In consequence of the representations above referred to, the question of the amount of water to be passed over the falls and the amount to be spared for the mills was again fully considered by Government in G.O., No. 490, dated 14th June 1889. In this order the Government adhered to its decision declining to concede any fresh privileges to the company. It was pointed out that the concession was granted to them on the distinct understanding that they would not be entitled to compensation in consequence of the deficiency from any cause of the supply of water and that they would only have a claim on the water after public requirements had been attended to. The concession granted to the Tinnevely Mills Company was then more precisely defined in the following terms:—

"(a) A minimum supply of 15 cubic feet per second shall at all times be allowed to pass over the falls both by day and by night;

"(b) Subject to the above first charge on the river, the supply of water to the mills shall not ordinarily exceed by day or by night 10 cubic feet per second from 1st February to 31st May and 20 cubic feet per second during the remainder of the year, provided, however, that the Superintending Engineer may from time to time, at his discretion, increase the above supply whenever he considers that water is available, due care being taken that the prescribed minimum discharge over the falls is not diminished, and it being distinctly understood that no continuity of such additional

supply is in any way guaranteed, the power to cut off the whole or any part of the additional supply at any time being vested in the Superintending Engineer;

"(c) No charge will be made for the supply originally granted for a period of ten years from the opening of the mill, but it must be distinctly understood that the Government reserves to itself the right to charge for that water at the end of that period and for all additional water supplied at any time after notice of intention to do so has been given."

The Government at the same time directed that steps should be taken for the construction of the necessary regulating works, but this order has been in abeyance.

8. The Tinnevely Mills Company appealed against this decision to the Right Honourable the Secretary of State for India who saw no reason to interfere with the discretion of this Government in regard to the quantity of water to be supplied to the company.

Despatch from the Secretary of State for India, No. 2, dated 26th February 1891.

9. The mill constructed by Messrs. A. and F. Harvey to use the concession granted in 1883 having been practically completed for work on the 1st September 1885, the period of ten years for which a free grant was made expired on the 31st August 1895.

10. The questions now for decision are (1) whether the terms of the concession as regards the supply of water available to the Tinnevely Mills Company should be revised; and (2) what charge should be made for the water taken by the company.

As regards the first question, the Government considers that the decision in G.O., No. 490, dated 14th June 1889, should be maintained, namely,—

(1) that a minimum supply of 15 cubic feet per second shall at all times be allowed to pass over the falls both by day and by night, but subject to this modification that Government reserves to itself full power to make in practice any alteration of the minimum which it may think fit;

(2) that, subject to the above first charge on the river, the company shall be ordinarily allowed to take, if available, for twelve consecutive hours in each day 10 cubic feet per second from 1st February to 31st May, and 20 cubic feet per second during the remainder of the year.

In confirming this concession His Excellency the Governor in Council desires that the company should distinctly understand that the Government does not guarantee the continuous supply of water, and that it reserves to itself absolutely the right at any time to cut off without payment of compensation the whole or any portion of the supply to the company, if at any time it should in the opinion of Government be necessary to satisfy public requirements. The Superintending Engineer of the Circle will be given discretion to reduce during the dry season, *i.e.*, from 1st February to 31st May, the minimum of 15 cubic feet per second which should go over the falls to 10 cubic feet per second. Subject to the conditions as to the quantity of water passing over the falls, the Superintending Engineer will also be empowered to permit the company on their written application to take, in addition to the supply ordinarily allowed, one or more cubic feet per second for twelve consecutive hours in each day for a period of not less than four months during the year.

11. Next, as regards the charge to be made for the water taken by the company, the Government considers that the Tinnevely Mills Company should pay for water supplied under the conditions laid down in the preceding paragraph the following charges, *viz.*, (a) for the supply of 10 cubic feet per second from 1st February to 31st May per day of twelve consecutive hours and of 20 cubic feet per second per day of twelve consecutive hours during the remainder of the year, an annual sum of Rs. 10,500 payable on the 1st April of each year; but if from any cause the supply has been reduced below those quantities, such reduction of the annual payment will be made as the Government thinks fit; (b) for every additional cubic foot (fractions being neglected) per second per period of twelve consecutive hours, a further monthly sum of Rs. 50 payable on the first day of the month succeeding that on which the water was taken.

The above scale will be in force for the next seven years from the date on which notice is given to the company under paragraph 15 *infra*; and the Government reserves to itself the right to revise the rates at the end of that period.

12. The construction of regulating works to show the quantity of water drawn off for the mills and also the amount passing over the falls up to 15 cubic feet per second becomes now most necessary. These works will be constructed at the cost of Government and will be controlled by the Public Works Department. To provide against any tampering with the regulating apparatus by the employes of the company, the Superintending Engineer, unless he is satisfied that they are in no way responsible, will be authorized to impose upon the company an additional or penal rate of Rs. 100 per diem in the event of the apparatus being tampered with and until it is restored, and also to cut off the entire supply until the amount is paid. He will also be empowered to cut off the supply on the company's failure after due notice to pay the annual and monthly charges.

13. On the execution of the agreement, orders will issue in the Public Works Department for the construction of the regulating works at a very early date.

14. Some time must elapse before the agreement is executed and the construction of the regulating works will take some further time. Until the works have been completed it will be impracticable to enforce the scale of charges laid down in paragraph 11 above. The Government accordingly considers that until the works are ready a lump charge at the rate of Rs. 12,000 per annum should be made for all water taken by the company under the conditions stated in paragraph 10 *supra* from and after the date of the notice referred to in the next succeeding paragraph below.

15. The Board of Revenue is requested to instruct the Collector of Tinnevely to give notice *at once* to the Tinnevely Mills Company that from the date of the notice under the terms of G.Os., No. 564 I., dated 16th July 1883; No. 703 I., dated 30th August 1883; No. 762 I., dated 26th August 1884; and No. 490, Revenue, dated 14th June 1889, and subject to the conditions and restrictions stated above, a charge for water will be levied and that the charge will be in accordance with the rates which are specified above. Any observations which the company may wish to make should be submitted without delay.

16. A draft of the agreement to be entered into with the Tinnevely Mills Company will be drawn up in consultation with the Government Solicitor.

(True Extract.)

(Signed) G. S. FORBES,
Secretary to Government.

To the Board of Revenue (Revenue Settlement,
Land Records and Agriculture).

" the Board of Revenue (Land Revenue).

" the Public Works Department.

Copy to the Collector of Tinnevely.

Read—again the following G.O., No. 283, Revenue, dated 1st May 1899:—

Read—the following Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), Mis. No. 1835, dated 7th April 1899:—

Read—again Board's Proceedings, No. 83, Press, dated 17th March 1899.

Read—also the following letter from E. SCOTT, Esq., Acting Collector of Tinnevely, to the Secretary to the Commissioner of Revenue Settlement and Director of the Department of Land Records and Agriculture, dated 29th March 1899, Ref. on Cur. No. 348-G.B. Gen.:—

Adverting to Board's Proceedings, No. 83, Press, dated 17th March 1899, I have the honour to state that, under paragraph 15 of G.O., No. 174A, Revenue, dated 10th March 1899, a notice was sent to Messrs. A. and F. Harvey, Managers of the Tinnevely Mills Company (Limited), Ambasamudram, on 21st March 1899.

2. I submit a copy of the reply received from the Managers.

ENCLOSURE.

From the Managers, Tinnevely Mills Company (Limited), Tuticorin, to the Collector of Tinnevely, dated 25th March 1899.

We have the honour to acknowledge receipt of your No. 348-G.B.P. of 1899, dated 21st March 1899.

Referring to the proposals contained therein, the terms and conditions are so onerous, and the yearly rent so heavy that our only course is to place the question before the shareholders in England who control the company and await their instructions, and the better to attain this end, Mr. A. Harvey has resolved to proceed to England by next available steamer.

Referring to paragraph 2 of your letter calling for "any observations which the company may wish to make," we will comply with this request immediately we receive our instructions from England, but in the meantime we beg to be permitted to point out that the original Government Orders granting the concession, and on the good faith of which the industry was established, make no mention of limiting the supply to 12 consecutive hours per day, nor do they in any way limit the time for which the concession was granted, and further they guarantee that the charge to be made for the use of the water "will not be of an amount in any way calculated to be repressive of the development of the contemplated industry."

If the terms and conditions stated in the G.O., No. 174A, Revenue, dated 10th March 1899, of which you have just sent us an extract, are insisted on, we may at once say that not only will all further "development" be absolutely prevented, but an industry which has taken many years of painstaking labour to establish will be effectually stifled, and the members of about 800 families deprived of their daily bread.

Resolution—Mis. No. 1835, dated 7th April 1899.

Submitted to Government, with reference to the concluding sentence of paragraph 15 of G.O., No. 174A, dated 10th March 1899.

(True Copy and Extract.)

(Signed) R. V. SRINIVASIAH,
Secretary.

To the Secretary to Government, Revenue Department,
with enclosure to Collector's letter in original.

Order—No. 283, Revenue, dated 1st May 1899.

Miscellaneous.

Recorded with the remark that under paragraph 14 of G.O., No. 174A, Revenue, dated 10th March 1899, a lump

charge of Rs. 12,000 per annum should be made for all water taken by the company, pending the execution of the agreement to be entered into with it and the construction of the necessary regulating works. The Government considers that the above lump charge should be collected by monthly instalments of Rs. 1,000.

(True Extract.)

(Signed) G. S. FORBES,
Secretary to Government.

To the Collector of Tinnevely.

„ the Board of Revenue (Revenue Settlement,
Land Records and Agriculture).
„ the Board of Revenue (Land Revenue).
„ the Public Works Department.

READ—also the following despatch from the Right Honourable the Secretary of State for India, to His Excellency the Governor in Council of Fort St. George, dated India Office, London, 8th June 1899, No. 2, Public Works:—

I transmit herewith, for the consideration of Your Excellency's Government, copy of a representation submitted to me by Sir J. Rankin, Bart., M.P., on behalf of the Tinnevely Mills Company as to the restrictions imposed by the general order of your Government, in the Revenue Department, No. 174A, of the 10th March 1899, in respect to the supply of water from the Tambraparni river to the spinning mill worked at Pápanásam by the Company.

ENCLOSURES.

From Sir JAMES RANKIN, Bart., M.P., to the Secretary, Public Works Department, India Office, dated Bryngwyn, Tram Inn, K.S.O., Herefordshire, 22nd May 1899.

At our interview last Wednesday, 17th instant, relative to the recent order of the Madras Government affecting the water-supply to the mills at Tinnevely, belonging to Messrs. Harvey, you were good enough to say that, if they would draw up a memorandum of their observations upon this order, you thought that the Secretary of State for India would forward the memorandum to the Governor of Madras. I now beg to enclose the Messrs. Harvey's observations, and I trust that the Secretary of State will find it possible for him to send them on to Madras, asking the Madras Government not to impose such conditions as would inevitably put an end to the industry now carried on at these mills, thereby throwing some 2,000 native workers and their families out of employment and seriously discouraging the employment of British capital in India. Thanking you for your courtesy, I am, &c.

WATER-SUPPLY to the Tinnevely Mills Company (Limited).

The Tinnevely Mills Company, Limited, having received from the Collector of Tinnevely a letter, dated 21st March 1899, enclosing copy extract from G.O., No. 174A, Revenue, dated 10th March 1899, relative to the water-supply, and requesting that any observations thereon which the Company might wish to make should be made without delay, the Company begs to submit the following observations:—

Quantity to go over falls.—If a minimum supply of 15 cubic feet per second is at all times to pass over the falls, it will prove fatal to the industry, as it frequently happens during the dry season that after sufficient water to drive the mill is taken there is not enough left in the river to fulfil this condition. Colonel Pennycuik, the then Superintending Engineer, in his report to Government, dated 29th July 1887, writes as follows: "The Collector agrees with me in considering that for this purpose a minimum of 5 cubic feet per second is ample, this is equal to 2,700,000 gallons per day, or the water-supply at 15 gallons per head for a city of 180,000 inhabitants.

"It is therefore suggested that this quantity be taken as the minimum to be allowed to pass over the falls.

"After this has been provided for there is no objection to the Tinnevely Mills Company taking the full 20 cubic feet which they require so long as it is available in the river."

Further, Colonel Hasted, the then Chief Engineer for Irrigation, in his report to Government, dated 13th August 1884, writes: "I recommend that Government should extend the concession already given by allowing Messrs. Harvey & Co. the right to take 20 cubic feet a second from the river for eight months in the year, viz., from 1st June to 1st February, and that careful measurements of the discharge of the river should be made after the end of next north-east monsoon and during the dry season and compared with the rainfall of previous years in order that it may be seen whether this concession can be given for the whole year in future." The fact that for 13 years the Company has taken from the river enough water to drive the mill and that an ample quantity has at all times been left in the river to flush the sacred pool surely proves that "this concession (to take 20 cubic feet a second all the year round) can be given for the whole year."

Interpretation of G.O., No. 762 I., dated 26th August 1884.—Referring to the interpretation which Government puts upon G.O., No. 762 I., dated 26th August 1884, Colonel Hasted writes on 31st January 1890: "there can be no doubt from what is said in my notes printed with G.O., No. 762 I., dated 26th August 1884, that I contemplated allowing you to take 20 cubic feet per second from the river all the year round, free of charge for ten years, if it appeared after careful measurement of the hot weather discharge that there was a sufficient supply in

the river to enable 20 cubic feet per second to be taken off without injury to existing rights." Therefore it is respectfully submitted that the true interpretation of this order is that the Company was to be allowed to take a supply of not more than 10 cubic feet per second during the dry season except with the permission of the Superintending Engineer, and not more than 20 cubic feet per second during the remainder of the year. The question of taking more than 20 cubic feet per second during the remainder of the year was never discussed. Government would hardly go out of its way to grant what was never asked for.

Restriction of supply to twelve consecutive hours per day.—To restrict the supply to twelve consecutive hours per day would be most harassing, and is in the Company's opinion contrary to G.O., No. 490 of 14th June 1889, which distinctly states "by day or by night."

Government right to stop supply.—The Government "reserves to itself absolutely the right at any time to cut off without payment of compensation the whole or any portion of the supply to the Company." The Company could not be expected to carry on business and expend capital under such uncertain conditions.

Charge proposed to be made for water.—The charge which the Government proposes to make for the water amounts to more than three per cent. on the capital of the Company; in other words, the Government proposes to take a cumulative preference dividend of over three per cent. per annum before, and whether or not, the shareholders get anything, and this from an industry, which the Government has not spent a rupee to foster. Whatever charge is agreed upon should, in the Company's opinion, be dependent on the profits earned, like the income-tax.

Revision of arrangement in seven years.—The Company would much prefer to have a final arrangement entered into in place of making it in force for seven years. To carry on business satisfactorily, reasonable security and finality are essential.

Penal clause.—The penal clause is very humiliating, and the Company can scarcely be expected to place itself so absolutely at the mercy of the Superintending Engineer who may for the moment be in charge. Further, what is there in the past history and relations of the Company with the Government or any one which calls for the imposition of such a condition?

Measuring of water.—The proposed measuring of the water is a condition almost certain to lead to disputes; in fact the measuring of the quantity of water in a river is under the best conditions to a great extent approximate. The Company cannot use more water than the exact quantity required to drive the mill, and this quantity varies very little throughout the year.

To sum up: the Company requires sufficient water to drive the mill. This it has always had for the last 13 years, and for this supply the Company would be willing to pay a sum equal to double the income-tax. Thus the higher the Company's earnings the greater would be the revenue to Government. To restrict the quantity to ten cubic feet per second for four months will benefit no one, and cause the Company more loss than it could recoup in the eight months' full working, not to speak of depriving half the workers of their means of livelihood.

If Government insists in carrying out its proposals, the Company will be compelled to abandon the industry, and apart from the heavy loss to the shareholders, it means loss of employment to 1,500 to 2,000 persons, who are directly or indirectly dependent on it for their daily bread.

Surely the Government overlooks the terms of the original concession, on the good faith of which the shareholders were induced to risk their capital, and which reads that "any charge to be made would not be of a kind calculated to be repressive of the development of the contemplated industry." The present proposals will not only entirely prevent development but will stifle what has already been accomplished, and will not encourage home capitalists to risk further investments in India.

It may be pointed out that the Company has incurred an outlay of over Rs. 60,000 in erecting over the river an iron girder bridge and keeps it up entirely at its own expense. This bridge is open to all and has proved an inestimable advantage to the neighbourhood.

For Tinnevely Mills Company (Limited),

(Signed) A. and F. HARVEY,
Managers.

ORDER—No. 601, Revenue, dated 7th September 1899.

Miscellaneous.

In the memorandum forwarded by the Right Honourable the Secretary of State for India with the despatch read above, Messrs. A. and F. Harvey, Managers on behalf of the Tinnevely Mills Company, submit certain observations with reference to paragraph 15 of Government Order,

No. 174A, Revenue, dated the 10th March 1899, which laid down the terms on which the concession of utilizing the water of the Tambraparni river for the spinning mill at Pápanásam would be continued to the Company.

2. *Minimum supply of water to be allowed to pass over the Pápanásam Falls.*—So early as 1889, the Government, after a careful consideration, decided in Order, No. 490, Revenue, dated 14th June 1889, that a minimum supply of 15 cubic feet per second should at all times be allowed to pass over the falls both by day and by night. The Tinnevely Mills Company appealed to the Right Honourable the Secretary of State for India against the decision of the Government, but without effect (Government Order, Mis. No. 2067, Revenue, dated 25th March 1891). In defining, in March last, the terms of the concession, His Excellency the Governor in Council considered it essential in the public interests to maintain the decision arrived at in 1889 that a minimum supply of 15 cubic feet per second to pass over the falls should be the first charge on the river, subject, however, to the modification that the Superintending Engineer of the Circle might at his discretion reduce the minimum supply to 10 cubic feet per second during the dry season, namely, from 1st February to 31st May. His Excellency in Council has given careful consideration to the objections now urged by Messrs. A. and F. Harvey, but does not see any sufficient reason for modifying this decision.

3. *Charges payable for the water supplied to the Company and the restriction of the supply to twelve consecutive hours per day* (vide paragraphs 10 and 11 of Government Order, No. 174A, dated 10th March 1899).—On reconsideration, His Excellency the Governor in Council is willing to dispense with the condition restricting the supply of water to 12 consecutive hours per day. In modification of paragraph 10 of Government Order, No. 174A, Revenue, dated 10th March 1899, the Superintending Engineer will, subject to the conditions as to the quantity of water passing over the falls, be empowered to permit the Company on its written application to take, in addition to the supply ordinarily allowed, any additional quantity of water it may require. Further, in modification of paragraph 11 of Government Order, No. 174A, Revenue, dated 10th March 1899, His Excellency the Governor in Council is prepared to concede that the total charge to be made for the water shall be limited to a lump annual payment of Rs. 10,500, payable on the 1st April. If from any cause the supply is reduced below 10 cubic feet per second from 1st February to 31st May or below 20 cubic feet per second during the remainder of the year, such reduction of the above annual payment may be made as the Government thinks fit. This decision will be in force for the next seven years from the date on which notice was given to the Company under paragraph 15 of Government Order, No. 174A, Revenue, dated 10th March 1899; and the Government reserves to itself the right at the end of that period to revise the charge made for the water.

Regulating works will now be necessary only to ensure that the prescribed minimum of water shall pass over the falls. Very early orders will issue in the Public Works Department for the construction of such works.

In modification of paragraph 14 of Government Order, No. 174A., Revenue, dated 10th March 1899, and Government Order, No. 283, Revenue, dated 1st May 1899, a lump charge of Rs. 12,000 per annum (to be collected by monthly instalments of Rs. 1,000) should be made for the use of the water by the Company, up to the date on which the Company signifies to the Collector its acceptance of the conditions now laid down.

4. *Right of the Government to restrict or cut off supply of water.*—In paragraph 10 of Government Order, No. 174A, Revenue, dated 10th March 1899, the Government reserved to itself the right to cut off without payment of compensation the whole or any portion of the supply of water to the Company, if at any time it should, in the opinion of the Government, be necessary to satisfy public requirements. With reference to the objections urged by the Company against the right in question, the Company's attention will be drawn to the fact that this is no new condition, it having been laid down in Government Order, No. 361 I., dated 1st May 1883, in which Messrs. A. and F. Harvey were originally allowed to utilize the water of the Tambraparni river for the spinning mill at Pápanásam. Substantially the same condition was repeated in

6. The Collector of Tinnevely is requested to ascertain and report at an early date whether the Company assents to the terms defined in G.O., No. 174A., Revenue, dated 10th March 1899, as modified by the present order, so that action may be taken without further delay for the preparation of a draft of the agreement to be entered into with the Company.

(Signed) H. TREMENHEERE,
Ag. Secretary to Government.

Copy to the Managers, Tinnevely Mills Company,
through the Collector of Tinnevely.

50 Copies

PROCEEDINGS OF THE MADRAS GOVERNMENT

READ the following

Recd Sept 40. no bot. of 7 Sept 1899

No: 797 Lg 16. 9. 98. Communicated
to the officers concerned

2. The Surveyor,
N. Irish, will submit
as soon as possible the
plans & estimates for
the required regulating
works referred to
in para 3 of the foregoing
order.

I am ever yours

To
The Chief Eng for J.
Supp Eng. W. C. C. C.
E. P. W. C.
Div. Dept.

1000
1000

Public Works (1899) Department.

Irrigation
CURRENT No. 7586

*Working to survey
14/9/89*

From

The Revenue Department.

Order

Press No. 601

*As per the former copy, the
S.S. should be asked to submit
from formation the plan of the
canal used for measure, the water
falling, overfalls and to state the
depth formula used in calculating
the discharge, the depth of the
passage over the weir, height of
discharge, taken place discharge
and the arrangements made
for keeping a register during the
winter months when the water is high
low*

Dated 7th September 1899.

Received } 14.9.99.
Registered }

Enclosures

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SUBJECT.

Passing Orders on certain representations made by Messrs. A & F Harvey Managers on behalf of the Tinnevely Mills Company with reference ^{ence} ~~to~~ to the terms laid down in G.O. No. 174 A Rev. dated 10th March 1899 on which the concessions of utilizing the water of the Tambraparni river for the spinning mill at Papanasam would be continued to ^{the} ~~both~~ Company.

Recd. 12 Nov. 1899

MS 9

BACK PAPERS.

No.	Date.
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FURTHER PAPERS.

No.	Date.
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to the modification that the Superintending Engineer of the
Proceedings of the Madras Government.

10 cubic feet per second during the dry season, namely, from
1st February to 31st May. His Excellency in Council has given
Read again Government Order No.174 A, dated 10th
careful consideration to the objections of Messrs.
March 1899.
A and F Harvey, but does not see any sufficient reason for
modifying "this" decision". No.283, dated 1st May 1899
also despatch from the Right Hon'ble the Secre-
tary of State for India, No.2, Public Works, dated 8th June 1899.
and the modification of Government Order No.174 A dated 10th
day (vide paragraphs 10 and 11 of G.O.No.174 A dated 10th
March 1899). On reconsideration, His Excellency the Governor
in Council is willing to dispense with the condition restrict-
ing the supply of water to the Company.
Order thereon Press No.601, dated 7th September 1899
modification of paragraph 10 of Government Order No.174 A,
In the memorandum forwarded by the Right Hon'ble
Revenue, dated 10th March 1899, the Secretary of State for India with the despatch read above,
Messrs.A.F. Harvey, Managers on behalf of the Tinnevely Mills
Company, submit certain observations, with reference to para-
graph 15 of Government Order No.174 A, Revenue, dated the 10th
March 1899, which laid down the terms on which the concession-
of utilizing the water of the Tambraparni river for the spin-
ning mill at Papanasam would be continued to the Company.
2. Minimum supply of water to be allowed to pass over the
Papanasam Falls. So early as 1869, the Government after a
careful consideration decided in Order No.490, Revenue, dated
14th June 1889 that a minimum supply of 15 cubic feet per se-
cond should at all times be allowed to pass over the falls
both by day and by night. The Tinnevely Mills Company appeal-
ed to the Right Hon'ble the Secretary of State for India
against the decision of the Government but without effect.
(G.O.Hisc.No.2067, Revenue, dated 25th March 1891). In defining,
in March last, the terms of the concessions, His Excellency the
Governor in Council considered it essential in the public in-
terests to maintain the decision arrived at in 1889 that a
minimum supply of 15 cubic feet per second to pass over the
falls should be the first charge on the river, subject, however,

to the modification that the Superintending Engineer of the Circle might at his discretion reduce the minimum supply to 10 cubic feet per second during the dry season, namely, from 1st February to 31st May. His Excellency in Council has given careful consideration to the objections now urged by Messrs. A and F Harvey, but does not see any sufficient reason for modifying this decision.

3. Charges payable for the water supplied to the Company and the restriction of the supply to 12 consecutive hours per day (vide paragraphs 10 and 11 of G.O.No.174 A dated 10th March 1899). On reconsideration, His Excellency the Governor in Council is willing to dispense with the condition restricting the supply of water to 12 consecutive hours per day. In modification of paragraph 10 of Government Order No.174 A, Revenue, dated 10th March 1899, the Superintending Engineer will, subject to the conditions as to the quantity of water passing over the Falls, be empowered to permit the company on its written application to take in addition to the supply ordinarily allowed, any additional quantity of water it may require. Further in modification of paragraph 11 of Government Order No.174 A Rev. dated 10th March 1899 His Excellency the Governor in Council is prepared to concede that the total charge to be made for the water shall be limited to a lump annual payment of Rs.10,500, payable on the 1st April. If from any cause the supply is reduced below 10 cubic feet per second from 1st February to 31st May or below 20 cubic feet per second during the remainder of the year, such reduction of the above annual payment may be made as the Government think fit. This decision will be in force for the next seven years from the date on which notice was given to the company under paragraph 15 of Government Order No.174 A, Revenue, dated 10th March 1899; and the Government reserves to itself the right at the end of that period to revise the charge made for the water.

Regulating works will now be necessary only to en-

to the satisfaction of the Government and the Public Works Department. The Government has no objection to the Company's right to use the water of the river for the purpose of generating electricity, provided that the prescribed minimum of water shall pass over the Falls. Very early orders will issue in the Public Works Department for the construction of such works.

In modification of paragraph 14 of Government Order No. 174 A, Revenue, dated 10th March 1899 and Government Order No. 283, Revenue, dated 1st May 1899 a lump charge of Rs. 12,000 per annum (to be collected by monthly instalments of Rs. 1000) should be made for the use of the water by the Company, up to the date on which the Company signifies to the Collector its acceptance of the conditions now laid down.

4. Right of the Government to restrict or cut off supply of water. In paragraph 10 of Government Order No. 174 A, Revenue, dated 10th March 1899 the Government reserved to itself the right to cut off without payment of compensation the whole or any portion of the supply of water to the company, if at any time it should in the opinion of the Government be necessary to satisfy public requirements. With reference to the objections urged by the company against the right in question, the company's attention will be drawn to the fact that this is no new condition, it having been laid down in Government Order No. 361 I, dated 1st May 1883 in which Messrs. A and F. Harvey were originally allowed to utilize the water of the Tambra-parani river for the spinning mill at Papanasam. Substantially the same condition was repeated in Government Order No. 469, Revenue, dated 14th June 1889. It is necessary to reaffirm this condition, but so far as the Government can foresee, the likelihood of circumstances arising such as would necessitate the exercise of the right reserved by the Government, may be regarded as extremely remote.

5. The objections urged by the Company to a measuring of the water and to the penal provisions for tampering with the regulating apparatus will be largely removed by the present orders. As regards the objections urged against the penal provisions for failure to pay the Government dues, and against future revision of the charges payable by the Company, the

ensures that the prescribed quantity of water shall be over the falls. Very early orders will issue in the Public Works Department for the construction of such works.

In addition to the order of Government Order No. 174 A, Revenue, dated 10th March 1899, and Government Order No. 383, Revenue, dated 1st May 1899, a large charge of Rs. 12,000 per annum (to be collected by monthly instalments of Rs. 1,000) should be made for the use of the water by the company, on the basis on which the company's rights to the collector's acceptance of the conditions now laid down.

4. Right of the Government to restrict or cut off supply of water. In paragraph 10 of Government Order No. 174 A, Revenue, dated 10th March 1899, the Government reserved to itself the right to cut off without payment or compensation the whole or any portion of the supply of water to the company, if in any case it should be in the opinion of the Government to be necessary to satisfy public requirements. With reference to the objections urged by the company against the right in question, the company's attention will be drawn to the fact that this is no new condition, it having been laid down in Government Order No. 381 I, dated 1st May 1899, in which Order, a similar provision was originally allowed to utilize the water of the Government for the spinning mill at Ponnai. Subsequently, the same condition was repeated in Government Order No. 422, Revenue, dated 14th June 1899. It is necessary to mention this condition, but so far as the Government can foresee, the likelihood of circumstances arising such as would necessitate the exercise of the right reserved by the Government, may be regarded as extremely remote.

5. The objections urged by the company to a restriction of the water and to the special provisions for watering with the restricting restrictions will be largely removed by the proposed Order. As regards the objections urged against the special provisions for water to pay the Government fees, and against the revision of the charges payable by the company, or

Government does not consider that the company has adduced any sufficient grounds for modification of the previous orders. 6. The Collector of Tinnevely is requested to ascertain and report at an early date whether the company assents to the terms defined in Government Order No. 174 A, Revenue, dated 10th March 1899, as modified by the present order, so that action may be taken without further delay for the preparation of a draft of the agreement to be entered into with the company.

(True extract)

A. Tinnavelur

Acting Secretary to Government

To the Board of Revenue, Revenue Settlement.
" " " " Land Revenue.
" " " " Public Works Department (Irrigation)
" " " " Collector of Tinnevely.
Copy to the Managers, Tinnevely Mills Co.
through the Collector of Tinnevely.