

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2211	Press <u>Mis.</u>
	34. 312	
Dated	14-9-1865.	

Not to be folded or roughly handled

Read the following Endorsement of the Consulting Engineer for Irrigation and Canal Company, dated Madras, 25th August 1865, No. 80.

No. 311. Read the following letter from F. H. HENSLOWE, Esq., Agent and Manager, Madras Irrigation and Canal Company, to Colonel J. MULINS, R. E., Consulting Engineer, Madras Irrigation and Canal Company, dated Madras, 24th August 1865, No. 277 :—

SIR,

1. I have received the Order of Government No. 1,884 of 14th August 1865, and have perused your letter No. 62 of 31st July 1865, thereto attached, with considerable surprise, exhibiting you, as it does in a new character, no longer the adviser of the Government, but the warm, and I must say, aggressive partisan of a body of private individuals.

2. The decision of the Government having, regardless of your partisanship, left the matter as it stood, I should not have deemed it necessary to notice your letter, containing as it does an elaborate misrepresentation of my communication, were it not that I find this morning that that misrepresentation has been made public through the medium of the Madras Press; and I must once more beg you to submit to Government my very respectful protest against a practice which must prove so unfair to one of the parties to a discussion—the practice of printing, not my statements, but your partial and incorrect reports of them.

3. I will at once notice those statements in your letter which do me injustice, and the observations which require refutation.

(1) You state broadly in paragraph 3, that "*it is intended to demand for the Kurnool Town supply the maximum rate fixed.*" I fail to discover in any part of the correspondence the grounds upon which you base this assertion, or whose intention it is which you so unhesitatingly assert has been formed. It is not my intention, for I have no power to make any demand. For the same reason it cannot be the intention of the Chief Engineer, and up to the present moment I do not believe the Board, (which is the only body competent to decide upon the question), have arrived at any conclusion, or formed any intention thereon, seeing that it was only by the Mail of the 18th July 1865 that I submitted the question for their consideration. But I cannot refrain from expressing my surprise that when making so positive and (so far as I can learn) unfounded a statement, you carefully abstain from any notice of what I *did* state, and which was as follows, "while I express my opinion that the *maximum* price fixed is an extraordinarily low rate, I have recommended to the Board to accept for the ten remaining months of the year 1865-66, a lump sum of Rupees 1,000 or Rupees 1,500; and in the meantime I have requested the Board to go fully into the matter, and to favor me with their instructions."

4. Mr. Latham's letter to Mr. Minchin, dated 7th July is written in a similar liberal spirit. If therefore you have any foundation for stating that "*it is intended to demand the maximum rate,*" it rests upon facts of which I am wholly ignorant.

5. (2.) Your paragraph 2 appears to me to convey that I am wrong in stating that the "Company is not bound by the figures which Colonel Cotton may, at

"the outset, have hazarded in opening a proposal" to supply the town; and indeed the enthusiasm with which you have assumed the championship of the Kurnool Municipality leads you into observations (paragraphs 2, 3, and 4) which appear to me to be quite uncalled for. No one knows better than yourself, and the Collector of Kurnool, that the Board reserves to itself the power of making all such arrangements as that now under review, and even the Agent, who is the Company's sole Attorney in India, is authorized to make arrangements on behalf of the Company to such extent ONLY as the Company shall, by writing under the hand of their Secretary, authorize or direct.

6. (3.) I do not give to Colonel Cotton's observation (paragraph 5 of letter No. 1,138, 29th November 1864) the same interpretation which you do. What I understand Colonel Cotton to mean was, that, whatever might in the first instance be the rate fixed for the supply of water to Kurnool, inasmuch as the rate temporarily fixed for irrigation was likely to be considerably increased, so the town water rate would also increase.

7. (4.) But when Colonel Cotton first introduced the subject (21st October 1863, No. 755), and this was at a Public Meeting at Kurnool, he estimated that the Company's returns would be Rupees 6,500, and the expenditure by the Company Rupees 16,420; whatever deduction you may consider necessary, in consideration of the works being now undertaken by the Municipality (say 20 per cent. on the outlay, or Rupees 3,280, leaving Rupees 3,220), you must see that our present proposal, submitted to the Board, of charging less than half that sum for the current year, is one which certainly does not merit the aggressive terms in which you have commented on my letter.

8. (5.) Inasmuch as after correspondence with the Board, and due consideration by Government, a maximum has been fixed, of 400 cubic yards for 1 Rupee, it is scarcely necessary to discuss the question now whether that rate is too high or too low; but I cannot accept the offhand and flippant manner in which you dispose of the arguments which I used in support of my opinion. Those arguments were founded on tangible data, and you have not attempted to adduce either argument or data to shew that the comparison which I instituted "can be but matter of curiosity, rather than a foundation for calculation;" neither can your argument in regard to the "costly system of pipes," constructed by Companies in England, hold water; for in order to bring the water to Kurnool, the Company has constructed a most costly system of head works and a canal, and the Company are fairly entitled to adequate returns upon that expenditure from the town of Kurnool, just as clearly as they are entitled to their returns for irrigation.

9. (6.) You use as an argument against me, that "*I did not object to*" the price mentioned by Colonel Cotton, this fact is all in my favor; for inasmuch as I knew that neither Colonel Cotton nor myself had any authority to settle the charge, all that I deemed myself called upon to do last year was to submit your views and Colonel Cotton's to the Board, for their consideration and instructions. Having so recently arrived in India, I felt that I could add little or no information to that

contained in the communications then in my hands, and therefore it was quite useless for me to enter into an examination of your figures at that time.

10. (7.) You cavil at the expression used by me "*pure water*." It is quite true that inasmuch as the Company, under the proposed arrangement, does not construct the works, they cannot be responsible for the purity of the water; but it certainly was a part of Colonel Cotton's scheme that the water *should* be filtered; and inasmuch as the Company brings the water to that point where (although it does not itself construct the works) it gives the Municipality facilities for obtaining "*pure water*," I cannot admit that the term was improperly used, even looking at it from your technical point of view. But independently of this, I imagine that surface water brought from a distance must be considered pure in a somewhat higher "sense" than "*that in the River*" which washes the walls of a Native Town of 30,000 souls to be dipped up in chatties at the most convenient place.

11. Had my letter been laid before the public, together with yours, there would have been no necessity for my troubling you with this communication; but as it is, I feel bound to point out the misrepresentations which your letter contains, and at the same time to express my surprise at the new position you have assumed, as between the Municipality of Kurnool, whose cause you so warmly espouse, and which you nevertheless designate an "*Independent body*," (and as such, I imagine, competent to take care of itself), and the Company which you also admit is an "*independent body*." Furthermore, I feel it to be my duty to submit, on behalf of the Company, for the consideration of Government, the following question:—Whether it is desirable that in a transaction between the Company and "*an independent body*" of private individuals, the weight of Government influence should be thrown into the scale against the Company?

12. Your letter not only tends, by its tone throughout, to throw suspicion and discredit upon the Company, but it contains a direct and strenuous attack upon our legitimate and equitable profits; it is published in the Madras Newspapers, in connection with an Order of Government, and in so far bears the Government Impress. In a country constituted as this is, where the relations between the governing and the governed are so peculiar, such a publication cannot fail to exert the most injurious effects upon the interests of the Company. Is this fair to the Company? Is it fair to the public? It is quite true that the Government (that is the public) will not directly participate in the profits to be derived from the supply of water to Kurnool, but the amounts to be annually drawn from the public coffers in the shape of guaranteed interest cannot fail to be more or less influenced by the prosperity of the Company, and therefore the Public is directly interested in its prosperity. You have undoubtedly struck a heavy blow at the credit of the Company, and I most respectfully submit, for the consideration of Government, whether it is proper that their Officer should assume so exceptional a position as that which you now occupy of the adviser and advocate against the Company, not of the Government, but of our private customers.

13. In the words of the G. O. "*the Company is doubtless aware that their own interests require that they should dispose of their surplus water at an equitable*

charge," and if I know myself, I shall never assist the Company to realize any profits that are not equitable.

1. Endorsement to a letter, No. 277 of the 24th instant, from the Agent and Manager Madras Irrigation and Canal Company.

1 Letter, in original, from Agent, General No. 436.

2. Transmitted for the consideration of Government, with reference to their Order, in the Revenue Department, No. 1,884 of the 14th instant.

3. Mr. Henslowe, paragraph 3, considers that the expression in paragraph 2 of the letter No. 62 of the 31st ultimo, from this office, wherein it was supposed that the maximum rate for exceptional supplies would be charged for the supply of Kurnool, was used on insufficient grounds. It rested, however, first upon paragraph

Proceedings Madras Government, 19th July last, No. 1,662.

of the Company had expressed the opinion, that there was no reason why a lower charge should be made; and secondly, on the fact that Mr. Henslowe himself, when referred to on the subject, his attention at the same time being called to the circumstances under which the project for the

supply had originated, expressed the opinion that this maximum price was unreasonably low, and that he could not understand any one being found to object to such an infinitesimal rate, much less that the people of Kurnool should prefer to revert to their old inconvenient system of procuring water from the rivers on which Kurnool is situated.

4. The Agent, in the latter part of paragraph 3 of his letter, appears to consider that the omission in the report to Government of any notice of his recommendation to the Board to accept, for the ten remaining months of 1865-66, a lump sum of Rupees 1,000 or Rupees 1,500 for the supply of Kurnool, did him an injustice. It appeared to be a matter of exceedingly small consequence what the reduction in the charge for this year might be, if thereafter the rate was to be altogether different to that which the Municipality expected to have to pay when they undertook the distribution works; and moreover the recommendation made to Government was that the Municipality should be left to make their own arrangements with the Company.

5. The Agent lays some stress on the absence of the intention on his part to make any particular demand in return for the supply of water to Kurnool, owing to his being without the power to do so in the absence of instructions from the Board; and in paragraph 5 it seems to be assumed that this office knew that the Agent had no instructions, and therefore would not and could not act; but it must be remarked that it is not usually known under what instructions, general or specific, the Agent does act, nor is the undersigned concerned to know, as the Contract recognizes the Agent as fully empowered to act for the Company, and practically the Agent does act, every day perhaps, in far more important matters than the Kurnool town supply, in accordance with what he believes will be approved by the Directors, and in anticipation of their knowledge of the circumstances which would enable them to

instruct him. In the present case nothing was known, but had a supposition been made, it would have inclined to the belief that there were instructions; that they were in favor of the maximum charge; and that the Agent's own opinion entirely coincided with his instructions.

(Signed) J. MULLINS, R. E.,
Consig. Engr. for I. and C. Company.

Referred to the Revenue Department.

FORT SAINT GEORGE,
30th August 1865.

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government, P.W.D.

No. 312. ORDER THEREON, 14th September 1865, No. 2,211.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) J. GROSE,
Acting Under Secretary to Government.

To the Board of Revenue.
the Public Works Department.

Ed. T. O'Connor.

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pany, and practically the Agent does act, every
day perhaps, in far more important matters
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what he believes will be approved by the directors
and in anticipation of their knowledge of the
circumstances which would enable them to
instruct him - In the present case nothing was
known, but had a suggestion been made it

coming to discontinue
at the low price fixed, would have inclined to the belief that there were
depressed at the last
General Meeting of the
Shareholders & referred
to in para 3 of the
Agent's No. 203-28
Ultimus - instructions, and that they were in favor of the
maximum charge, and that the Agent's own opi-
nion entirely coincides with his instructions

Coast Engineer's Office
Messrs. H. & A. Company
Madras 25. August 1885.

W. L. L. L. L.

Capt. R. E.
Consulting Engineer & Co.

To
The Secretary to Government
Department of Pub. Works.

Admnd to the

Therese Charlotte.

2. *[Signature]*

Secretary to Govt

Williams 1948

Mont-Allegre
30th August 1885

Donec

Lucas

5-4-65

14-28/10/85

Wm. D. Stearns and Associates

Ms. B. 1. 2

OTC

~~Atty Genl~~
Sept 2408
New York N.Y.

Waiting for

The Secretary to Congress

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17. (ed. 125)

Aug 29. 1868.

2
1. Carl. Berg.

Recommend for the course

division of your interest with
 Lawrence & the others. p 23.

Statement of 11/18/84 of the 11/18/84

Letter from the Grand Pring of

in order for the volume of the Journal

1924. 16. 15. 1924.

Elle est grande.

If Mr. Newstone really believes that a man
 who has been struck at the shoulders of his
 company, some relief might be
 afforded by ~~protesting~~ laying on the 18th of
 1860, Mr. H. present some & Captain Mulling
 present on it. The latter officer orders that
 should have been well satisfied in order to
 in the letter that Mr. Newstone was
 exception. But in the whole of my
 best company is second Captain H. letter
 and of interest without formal notice
 of any kind
 W. H.

We thank so. Subject to the time of the operation
 after. He has no right to find fault with the men
 or with the country. By instruments his is a
 vision to the eye or he sees him as acting as
 an advocate for a party opposed to the Company.
 He is a man who acts very properly in common
 sense a person who he considered as a
 man of the community of the world, and the
 world in general to see that the Company
 does not take advantage of its position to the
 inhabitants.