

12-7-97

Revenue (1897) Department.

Misc
ROUTINE SERIES.

G.O., No. 2072

DATED 22^d April 1897.

[Despatch Abstract.]

States that there is no objection to
publishing Mr Chatterton's monograph
in water left in the manner suggested by
the Board

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue (1897) Department.

CURRENT No.

From

*The Government Solicitor
Madras.*

Order

No. 199

Dated 27th March 1897

Received 30th

Registered 30th

Enclosures 4

Spare copies

SUBJECT.

*Forwarding opinion^{of the Advocate Genl.} regarding
the publication of Mr. Chatterton's
pamphlet on water lifts.*

Rev. 31/3/97

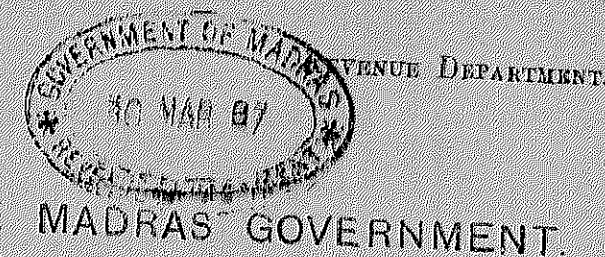
BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

F 16 2,000-23-1-07.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following :-

Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture) dated 5th February 1897, No. 802 Mis

Read again Board's Proceedings No. 6443 Mis, dated 11th December 1896, informing Messrs. Sultan and Co. that before their water-lifts are exhibited at Coimbatore by this Department, it is necessary that one of their lifts should be subjected to full trial as laid down in para 3 of Board's Proceedings No. 201 of 96 and requesting him to inform the Board when and where such trials of one of their water lifts can be conducted.

Read also Board's Proceedings No. 365 Mis, dated 18th January 1897, informing Messrs Sultan and Co. that if their water lift is submitted to public trial on behalf of this Department full discretion will be reserved to take such use of the report of the trial as may seem desirable.

Read also the following letter from Messrs. Sultan and Co. dated 28th January 1897 :-

With reference to Board's Resolution, dated 18th January 1897, we beg to say that we cannot accept any arrangement that is risky and may prove disadvantageous to ourselves and the public. We do not think the Board either intends or will do anything that will prove disadvantageous to us, but we have the example of two other lifts though they were reported favourably by the Committee, yet they have failed to receive public patronage on account of the criticisms passed on them. Besides the Committee already went to the length of alluding to the inferiority of valve benefits while ours are the only buckets in trial ^(which) have such an arrangement. There was no necessity for making such an allusion before examining them. Under the above circumstances we are afraid to do any risky business. Our lift is before the public and has been so for a considerably

considerably long time and there is no secret about it. It has been considered to be, all in all, superior and certified so by all who have seen and examined it. Now no prize is offered nor any advantage is held out to us by the trial and consequently we cannot possibly do anything unless we are distinctly told what gains we will have by the trial. As we said before, we have no objection to the lift being examined by the Committee for its own information. We have no guarantee that the lift approved of by the committee will be approved by the ryots or that what will suit the ryots will be approved by the Committee.

Resolution.

Recorded with the remark that the Board understands that Messrs. Sultan and Co. decline to submit their water lift to a public trial. It will be pointed out to them that by doing this, they lose the advantage of having one of their lifts tested under conditions the most favourable to successful working.

Order thereon No. 1041 M.D. 4/22nd February 1897.

Recorded.

(True Extract)

(Sd.) G. Stokes.

As: Secy. to Govt.

(True Copy)

Don C. Davidson
Under Secretary to Government.

S/KS.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

dated 22nd Feb. 1897.

Read again G. O. No 1041

Read the following letter from

Messrs. Sultan Co., Commission Agents and Merchants, Madras, dated 9th February 1897 :-

With reference to the Board's Proceedings, No. 802 of the 5th instant recording our letter dated 25th January 1897 with the remark that we are not inclined to sell our water lift for Public trial, we beg to state that the Board is ill-advised in insisting on the publication of criticisms just as they have done in the case of two other lifts. No merchant will be prepared to allow his machines to be criticised in the way it has been done in the above case. We do not certainly object to a public demonstration of our lift but we certainly object to the publication of any incorrect or mistaken remarks which will prove injurious to the utility of the machine and detrimental to our business in which a very large capital is invested. In exhibitions the judges form a certain opinion of the exhibits and if they meet with their approval, they grant a prize but it is not common to publish reports condemning those that have not met with their approval. Such a course will certainly vitiate the principle of free trade. We completely fail to understand of what use will the publication of criticisms, be to us or to any body else. If any machine is considered by the Government to be all in all better than others of its kind and if the Government is of opinion that it should be made known to the public then the results of the work done by it for a certain period and its mechanism may be published without passing damaging remarks and strictures.

We do not know of any precedent such as the Board is advised to insist on. If the Government thinks that any

any arrangement will be to our advantage and if we are ap-
praised of it, we shall thankfully be prepared to avail our-
selves of such advantage.

Order of the Board, No. 120 D.O. 22nd February 1897.

Messrs. Sultan and Co. will be informed that
the Board of Revenue does not propose to subject their lift
to trial and criticism without their consent.

(True Extract)

(Sd.) G. Stokes.

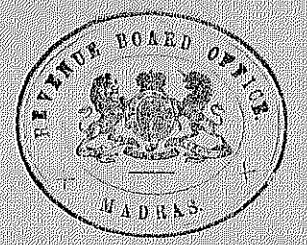
Ag: Secy. to Govt.

(True Copy)

G. Stokes

Ag: Secy. to Govt.

2/KS.



Proceedings of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture.)

Dated 12th March 1897

No. 1870 Mis.

READ

Government Order, ^{Revenue} No 348X
dated 22nd February 1897:-

Resolution.

With reference to the order
read above, the Board begs
to submit herewith a proof copy
of a report on water-lifts prepared
by Mr. Chatterton before he
left India, which only awaits
the preparation of a diagram
for issue as a Bulletin of
the Agricultural Department.

2. In this report Mr. Chatterton
Comments on Sultan's water-lift

and the Board would ask whether the report may not be published with a note, similar to that at the end of Mr Benson's introductory remarks regarding Mr Subba Rao's claims stating that the conclusions and comments are Mr Chatterton's and not those of the Board in the Agricultural Department. Mr Chatterton appears to have made his investigations of the Sultan's life with the consent of the makers and in any case, they cannot prevent his publishing any fair criticism thereof where and how he pleases.

3. In case the course now proposed does not commend itself to Government,
the

the Board will have to refer the report back to Mr Chatterton, who is on leave, for revision for it cannot itself revise his references to Sultan's life, and the paper is too valuable to be lost to the public.

(True Extract)

P. V. Subramanian
Secretary

To The Secretary to Government
Revenue Department.
with a proof copy

12-3-57



Re Mr Chatterton's Notes on Water-lifts.

O P I N I O N.

1. I see no objection to the publication of Mr Chatterton's pamphlet in the manner suggested in para 2 of the Board's Proceedings.
2. If Mr Chatterton's criticisms on the Sultan Water lift were, in themselves, defamatory, the publication thereof by the Agricultural Department with a prefatory note as suggested in the Board's Proceedings will not absolve it from being defamatory. Assuming the statement of facts by Mr Chatterton in respect of the Sultan water-lift is substantially correct, there is no room for any doubt that his comments on it are fair; the water-lift itself, in respect of which, I believe, advertisements, hand-bills and circulars were published or issued by the inventor, is a matter of public interest, and therefore the publication will not be libellous (vide Exception 6 to Section 499 of the Indian Penal Code, Wayne's Criminal Law §§ 664 to 667, Odgers on Libel and Slander (2nd Edition) page 50, and Merivale v. Carson L. R. 20. Q. B. D. page 275).

V. Phashyam Iyengar

Acting Advocate General.

Madras

26th March 1897.

True Copy

Ernest Maclean

Government Solicitor.

(1897) Department

From Ernest Barclay
Government Solicitor
Madras

To The Secretary to Government
Revenue Department
Madras

No 199

Dated 27th March 1897
Recd

Enclos

Forwarded with enclosure
with reference to the Order
of Government U.O. dated
18th March 1897 N^o 493.

Revenue Ernest Barclay
Government Solicitor

D
1,000-11-6-96.

water lifts
No. 1493
18-3-97

REVENUE DEPARTMENT.

C. No 2796

From the Joint Solicitor

The Hon: Mr Justice C. J. J.

Dated 27th March 1897.

FOR ORDERS.

With its Procs No
1870 Misc. dt 12th March 1897
the Board submitted a proof
copy of a monograph on
water lifts, prepared by Mr
Chatterton, containing among
other things a criticism on
the "Sultan water-lift", and
enquired whether with re-
ference to G.O. N^o 348 R dt
22nd Feb^r 1897 there was any
objection to its publication
in the Govt Bulletin Series
if a prefatory note was added
clearly explaining that the
criticisms were Mr Chatterton's
and not the Board's.

2. From the notes
under G.O. 1041 dt 22nd Feb^r
1897 it will be seen that at
the time of the issue of the
C.O.

copy
1897

FOR ORDERS.

G.O. quoted above it was feared that the Board might involve itself in legal troubles if it were to publish adverse criticisms on the "Sultan water-lift" without the proprietor's consent. When therefore the Board ~~was~~ made an express request for permission to publish Mr Chatterton's monograph with the prefatory note already referred to above, it was thought desirable to consult the Advocate General on the point and the papers were referred to that officer for opinion in G.O. 1493 d/18th March 1897.

3. The Advocate General now states that there is no objection to the publication of the monograph in the manner suggested by the Board, not because the prefatory note would absolve it from a prosecution for defamation if the contents of the monograph are defamatory but because, the water lift in question, in respect of which handbills

handbills circulars &c have been issued is in itself a matter of public interest, any ~~un~~ fair criticism therein, like Mr Chatterton's, will fall within the provisions of Sec 499 of the I.P.C. and will not therefore be libellous.

4. In G.O. 3484 d/22nd Feb 1897 Messrs Sultan & Co were merely informed that "the Board does not propose to subject their lift to trial and criticism without their consent" and it can hardly be contended that this ~~would~~ prevents the Board from ^{now} publishing Mr Chatterton's criticism. Orders are in these circumstances solicited as to whether the Board may be told that there is no objection to publishing the monograph in the manner suggested by it. The Board thinks that the monograph is too valuable to be lost and if any alteration is to be made in it

The Board may be told so.

JG
14/4/97

17/5/97

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Recd ag^o 2247-10 1193
 Read C. Nos. 2796 18-3-97

Leay

from orders

G.O. No: 2072 d/22^d April 1897

Govt considers that there is no objection to the publication of Mr Chatterton's report in the manner suggested by the Board

Mlls
 22/4/97

Mlls

To the Bd of Res. A. B. No. 2796
 with photocopy

Des. 27-4-97

it will have to be sent to Mr Chatterton who is now on leave in England.

MD
 7/12/97

The difficulty in the way is G.O. No 348 R dated 22 Feb 1897 which informs Messrs Sullan so that the Bd does not propose to subject them left to trial & criticism without their consent. The advocate genl in his opinion does not appear to have noticed this promise, if it may be called so, to Messrs Sullan &c.

Mlls
 22/4/97

I do not think the G.O. stands in the way. It was passed in regard to a genuine account of competition

Mlls

This was with reference to proposed trial by the Board previous to trial at Coimbatore

28
 14/4/97

When given for copying _____
When copied _____
When examined _____
When signed _____

189

READ AGAIN G.O., No.
189

DATED

CURRENT

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BRING AHEAD FOR DESPATCH
IN ORIGINAL

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.