[E.]

800—17-12-02.

# Educational (1906 ) Department.

1

ORDINARY MS.

**G.O., No.** 593

**DATED** 10 - 9 - 06

36

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[Despatch Abstract.]

School of Arts, Madras

Sanctioning, with remarks, the paymen to M.R.Ry T. Ramachandra Rao, vakil for M.R.Ry D. V. Narasimha Rao, of a sum of Rs 88-3-0. being the amount said to have been deposited by the latter with ~~the~~ Superintende of the ———— in July 1903 and the value of the aluminium articles said to have been returne by him in March 1904.

## BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| | 503 | Edl | 9. 10-03 | | | | |
| | 41 | .. | 19-1-04 | | | | |
| | 483 | .. | 5. 10-03 | | | | |
| | 433 | .. | 12-9.03 | | | | |
| | 417 | .. | 7-9.03 | | | | |
| | 323 | .. | 10. 6. 07 | | | | |
| | 161 | .. | 20-3-07 | | | | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

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[ E ]
500—10-2-04.

LOCAL & MUNICIPAL
4 FEB 1907
SECRETARIAT.

EDUCATIONAL DEPARTMENT.

2

# CURRENT FILE.

## CONTENTS.

| From | Number. | Date. | Pages. |
|---|---|---|---|
| [1168] J. Ramachandra Rao. | | 14. 7. 06 | 1-3 |
| ~~Encls with~~ D. P. I. | 341. | 26-7-06. | 4 |
| [1362] The D. P. I. | 5747 | 15-8-06 | 5-10 |
| Memo. | 405 | 22-8-06 | ~~8~~11 |
| [1444] Do | 5747 | 29-8-06 | 12-16 |
| [1481]. Collector, Madras. | 1136/D. | 5-9-06. | 17-19. |

[P. T. O. FOR PUT UP PAPERS.

### PAPERS PUT UP WITH CURRENT No.

Papers of the department to which the current belongs.

| Number. | Date. | Original (=O) or spare copy (=S. C.). | Remarks. (In this column such of the papers as have been removed for copying, printing, &c., should be marked with a cross.) | Initials of Referencer with date in token of return to Reference department. |
|---|---|---|---|---|
| 709 | 1.12.04. | Eng | | |
| 503 | 9.10.03 | Eng | | |
| 417 | 7.9.03 | S.C. | | |
| 323 | 10.6.01 | S.C. | | |
| 161 | 20.3.01 | Eng | | |

Papers of other departments.

| Department. | Number. | Date. | Original (=O) or spare copy (=S. C.). | Despatcher to note the return of the papers to the departments concerned. |
|---|---|---|---|---|
| | | | | |

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Ed CURRENT No 1168

B

Ed Current 1168.

LOCAL & MUNICIPAL SECRETARIAT 18 JUL 1906

T. RAMACHANDRA RAO,
HIGH COURT VAKIL.

52 Law Chambers
High Court
Madras, July 1906

1

Ed

To

The Secretary of State for India in Council,
through the Chief Secretary to the Government of Madras,
Madras.

Early
[illegible] Collector
Report on contract
[illegible]

CHIEF SECT. 17 JUL 1906

Most Honoured Sir,

Under instructions from my client Mr. D. V. Narasimha Rao of Guntur I beg to bring the following facts to your notice and to request that my client's claims set forth below will be considered & a reply forwarded as early as convenient. I further request that this might be treated as a notice under S. 424 of the Code of Civil Procedure.

It is represented to me on behalf of my said client Mr. D. V. Narasimha Rao that on or about the 11th day of July 1903 he entered into a contract of agency with the Superintendent of the Madras School of Arts Mr. Chatterton, for the sale of Aluminium articles manufactured by the Aluminium Department of the School of Arts, the terms of the contract being that my client as agent should deposit a sum of Rs 50 with the School of Arts which sum was to be repaid to him after the termination of the agency that my client should be allowed a discount of 25 p.c. on the ordinary price of the articles purchased by him from time to time, that the School of Arts should take back all unsold articles returned by my client & refund the amount paid for the same and so forth.

It is further represented to me that my client made

TRR

to

DIRECTOR OF PUBLIC INSTRUCTION
22 AUG 1906
Re 5747/6
MADRAS

DIRECTOR OF PUBLIC INSTRUCTION
28 JUL 1906
C. 5747/6
MADRAS

So
27.8.6.

2.

deposit of Rs 50/- mentioned above on the 11th of July 1903 and was doing business on behalf of the School of Arts till February 1904 when he returned certain unsold articles to the School of Arts & applied for a refund of the amount paid by him for the same. In reply to my client's said application Mr. Chatterton, Superintendent of the School of Arts, stated (17th. Feb. 1904) that the Alluminium Department of the School of Arts was closed & nothing could be done though as a matter of fact the unsold articles returned by my client were received by the School of Arts on the 10th. of March following. My client was on a further application referred by Mr Chatterton to the Indian Alluminium Company to which he stated the Alluminium business of the School of Arts was assigned with all liabilities. It is difficult to understand how a liability could be transferred without the consent of the obligee. My client subsequently applied to the Indian Alluminium Company aforesaid and received a reply from them to the effect that the Company cannot entertain any claim against the School of Arts. Finally on the 1st of May last, in reply to my client's letter addressed to Mr. Chatterton on the 28th. of March last, the latter wrote to say that he could not render any assistance to my client as all the accounts were handed over to the Indian Alluminium Company & he had no materials to proceed upon & once more referred my client to the said Company who had already repudiated their liability in the matter.

Under the above circumstances I am asked by my client

Tat

**T. RAMACHANDRA RAO,**
HIGH COURT VAKIL.

3

Madras, ......................190

3.

client to send this notice under S 424 of the Code of Civil Procedure, which I hereby do, requesting you to direct that my client's aforesaid claims against the School of Arts (to the extent of Rs. 113-10-3 p. being made up of Rs 50 the deposit referred to above, Rs. 38-3-0 p. the amount to be refunded to my client in respect of articles returned on the 11th of Feb 1904 and Rs. 25-10-3 the interest on the above two amounts at 12 p.c. per annum from the 11th of Feb 1904 up to date) are satisfied at an early date, failing which my client will be obliged to institute proceedings against you for the recovery of the amount due after the expiry of 2 months from the receipt of this notice by you

Hoping to be favoured with an early reply

I beg to remain
Most Honoured Sir
Your most obedient Servant
T. Ramachandra Rao
Vakil for
D. S. Narasinga Rao resident
of Guntur (Guntur dist.)

10th March ?

4

Educational Departt

**Urgent**

Cus 1168

**Endorsement.** 34/ & 26.7.06

F/C 1362/06

Referred to Mr. A. Chatterton for very early remarks. ~~as to the grounds on which the~~

2. He should ~~also~~ ascertain and state why the Indian Aluminium Company has repudiated D. V. Narasimha Rao's claim for refund of the value of unsold Aluminium articles returned by him and whether under the terms of the Agreement approved in G.O. No 417 Edl dt 7th September 1903 the Company is now prepared to meet Narasimha Rao's claims.

3. He should also state

(a) Whether ~~on~~ prior to the transfer of the aluminium business to the Company specific notice was given to all the out-agents and

(b) whether ~~the deposit of~~ the sum of Rs 50 deposited by Narasimha Rao was credited in the accounts of the late Aluminium departt of the school of Arts, or to Government and how it was exhibited in the accounts.

25/7/06

PJJ
24/7/6

Through D.P.I.

Encl. (to be returned)

Despd with C No. 1168
26/7/6

Memo 341/06 Ed CURRENT No. 1362 5

Stock Form No. 135
3,700—17-6-05.

## EDUCATIONAL DEPARTMENT. 6

urgent

LOCAL & MUNICIPAL 16 AUG 1906 SECRETARIAT.

Received 16 AUG 1906 190 , Registered 16-8-1906

Subject.

Submitting for orders of Government a letter from Mr. Chatterton regarding the claim preferred by one Mr. D. V. Narasinga Rao.

| | |
|---|---|
| ENCLOSURES. | |
| No. | 2 |
| Spare copies | |

N. Ref. on file No. 5747 of 06

Station Madras, Dated the 15th August 1906

From (Name) The Hon'ble Mr. A. G. Bourne D.Sc., F.R.S.,

(Designation) Director of Public Instruction

To The Secretary to the Government of Madras,
Educational Department.

Sir,

6

TELEGRAPHIC ADDRESS "CHROMIUM," MADRAS.

SCHOOL OF ARTS,

*Madras,* 3rd August 1906.

4-8-06

No. 802 I

From

6-AUG 1906
Rc. 5747/06.

11.8.6.

ALFRED CHATTERTON, Esq.,

Superintendent of Industrial Development,

~~Department,~~

*Madras,*

To

The Secretary to Government,

Educational Department.

Through the Director of Public Instruction, Madras.

Sir,

Page 4 supra

✓ In reference to Memorandum No.341, dated 26th July 1906, I have the honour to state that the Indian Aluminium Company have hitherto repudiated Mr.D.V.Narasinga Rao's claim for a refund as they have been unable to find any account of the transactions in the books of the School of Arts. Why this should be so I do not know as all the books and papers connected with the Aluminium Department have been handed over to them.

2. From enquiries which I have made among the staff of the Indian Aluminium Company who were formerly employed in the School of Arts there seems to be no doubt that the man deposited Rs.50 and that he returned some articles as stated in his vakil's letter. It would seem however that the deposit of Rs.50 was treated as an advance for the purchase of aluminium goods and that consequently it was not refunded. The Secretary of the Indian Aluminium Compnay is prepared to admit the claims for Rs.50 and Rs.38-3, but the claim for interest at 12% up to date he is not prepared to admit and in this I agree with him.

A

3. The whole trouble has arisen from the fact that the man took no interest whatever in the business and

allowed a period of 5 months to elapse after a notice has been sent to him that the Indian Aluminium Company have taken over the business. As all the books, papers and correspondence of the Aluminium Department have been handed over to the Indian Aluminium Company I can only now write from memory and I have no means of ascertaining whether D.V.Narasinga Rao received a specific notice of the transfer of the business, but it is almost certain that he did so as a notice was printed-copy of which is enclosed- and sent to every one. It is probable also that the sum of Rs.50 was credited to Government in the Aluminium Department and apparently it was treated as an advance.

4. The Secretary of the Indian Aluminium Company informs me that he is unable to state whether the Company is now prepared to meet Narasinga Rao's claims till after the next meeting of the Board of Directors when the matter will be laid before them. This will be before the 18th instant. As soon as I receive the Company's reply I will forward it on.

I have the honour to be,
Sir,
Your most obedient servant,

Alfred Chatterton

Supdt.of Industrial Development.

---

"The Government of Madras notify that the Aluminium Department of the

SCHOOL OF ARTS

has been transferred to

**THE INDIAN ALUMINIUM Co., Ld., MADRAS,**

to whom, in future, all communications should be addressed.

(Signed) A. G. CARDEW,
*Ag. Secretary to the Government.*

NOTICE

Is hereby given that the **Indian Aluminium Company, Limited,** is carrying on the business of the Aluminium Department, **School of Arts**, on the same terms and conditions."

Madras, ~~8~~ 9

From

The School of Arts, Madras,
Educational Department,

To

Sir,

I have the honor to acknowledge the receipt of your letter of , and to inform you that the Government of Madras have transferred the business in aluminium, which has hitherto been carried on here, to the Indian Aluminium Company, Limited, as they consider that the industry has been sufficiently established to enable them to withdraw from it. I have, therefore, transferred your to the Secretary of the Company who will attend to it without delay.

I have the honor to be,
Sir,
Your obedient Servant,

Edl. R. 3 2,000—15-9-03.

PUBLIC INSTRUCTION OFFICE, MADRAS.

*Please quote this in the reply.*

Ref. on C. No. 5747 of 1906
Dated 15th August 1906

urrent No. 5747 of 1906, From Mr A. Chatterton No. 821 dated 3.8.06.

Submitted to Government.

C. W. Insp.
For Director of Public Instruction

SW 14.8.6

Educational Dept.

Memo 405 L 22.8.6.

Mr. Chatterton is requested to be so good as to return at ~~an~~ a very early date the original of the notice of a suit ~~under Section 424 of the Code of Civil Procedure~~, ~~which was~~ forwarded to him with Endorsement no. 341, Educational dated 26th July 1906.

desp today
& return file to me
PJ
22/8/6

TKD
20.8.06.

PJ
21/8/6

Am
22.8.06

To,
Alfred Chatterton Esq.
through the D. C. I. ✓ desptd 22/8/6

12

Edl CURRENT No. 1444

Stock Form No. 135
3,700—17-6-05.

**EDUCATIONAL DEPARTMENT.**

LOCAL & MUNICIPAL 30 AUG 1906 SECRETARIAT

Received ............ 190 , Registered 30/8/1906.

12

Subject.

Submitting a communication from Mr. A. Chatterton regarding the claim of V. V. Narasimhalu Rao against the School of Arts.

| |
|---|
| ENCLOSURES. |
| No. 1 in original |
| Spare copies |

N. Ref. on fur No. 5747 of 06

Station Madras, Dated the 29th August 1906.

From (Name) The Hon'ble Mr. A. G. Bourne D.Sc, F.R.S.

(Designation) Director of Public Instruction

To The Secretary to the Government of Madras,
Educational Department.

Sir,

TELEGRAPHIC ADDRESS "CHROMIUM," MADRAS.

13

Dated 20th August 1906.

No. 883 I.

DIRECTOR OF PUBLIC INSTRUCTION
22 AUG 1906
Re. 5747/6
MADRAS

From

ALFRED CHATTERTON, Esq.,
Inspector of Technical Schools,
Madras,

To

The Secretary to Government,
Educational Department,
Through the Director of Public Instruction.

Sir,

In continuation of my No.802-I, dated 3rd August 1906, and in reply to Memorandum No.341, dated 14th July 1906, I have the honour to enclose a letter from the Secretary of the Indian Aluminium Company in which he states that his Board of Directors regret they are unable to accept any responsibility as the claim is not entered in the books of the School of Arts. The whole of the papers of the Aluminium Department have been handed over to the Indian Aluminium Company and I am unable to explain why Mr.D.V.Narasinga Rao's account is not on the books of the School of Arts.

2. The late Store-keeper of the Aluminium Department speaking from memory says that he thinks the whole transaction was treated as a cash receipt and was credited in the accounts of the Department as such. It would appear that the man came down here and asked to be appointed an agent in Guntur and deposited Rs.50 and took away a few articles. After that, he did no business and nothing was heard of him till some time in February 1904, when he returned some articles to the School of Arts which were received here and handed over to the Indian Aluminium Company.

3.

3. I do not know whether the Indian Aluminium Company are entitled to repudiate the claim on the ground that the transaction is not shown on the accounts of the School of Arts, but I would venture to suggest that Mr. D.V. Narasinga Rao be asked to produce the documents by which he substantiates his claim as, if he furnishes these, it may be possible to ascertain how his account was treated at the time.

I have the honour to be,
Sir,
Your most obedient servant,

Alfred Chatterton

Inspector of Technical Schools.

---

A. B. C. 4th & 5th EDITIONS
and
LIEBER'S CODES USED.

Telegraphic Address:
"ALUMINIUM."

THE INDIAN ALUMINIUM Co., Ld.
Sole Agents in India
- for -
THE BRITISH ALUMINIUM CO., LD.

MADRAS,

14

R 875
20-8-06

18th August 1906.

A. Chatterton., Esq.,
Superintendent of Industrial Department.,
School of Arts - Madras.

Dear Sir,

I am in receipt of your letter No.1066 of the 13th inst., enclosing papers relating to the claim of Mr. D.V. Nallasinga Rao, against the School of Arts., which are returned herewith enclosed. I append the proceeding No.3 at the meeting of the Board of Directors of this Company held to-day.

Yours faithfully.
R. J. Hawkins
Secretary.

3 - Read Letter from Mr. A. Chatterton dated 13th August 1906.

Re Mr. D.V. Nallasinga Rao.

Resolved. That as the claim is not entered in the books of the School of Arts - Aluminium Department., the Board regret that they are unable to accept any responsibility in respect of the same.

N. Ref. on Cur. No. 5747/'06,
dated 29th August 1906.

---

Submitted to Government in continuation of this office N. Ref. on Cur: No. 5747/'06, dated 15th August 1906.

C. W. Mup.
for Director of Public Instruction.

Ms.
27-8-6

F.P.
28-9-06.

Copy of telegram to the Collector of Madras,
No.43, dated 4th September 1906:-

Reference notice of suit dated 14th July given by T. Ramachandra Rao, 52, Law Chambers, on behalf (of) D.V. Narasimha Rao of Guntur, report urgently whether Narasimha Rao possesses any receipt for rupees fifty alleged deposit with School of Arts, and date thereof.

E CURRENT No. 1481 17

Stock Form No. 135
5,000—10-6-06.

**EDUCATIONAL DEPARTMENT.** 17

Received LOCAL & MUNICIPAL 6-SEP 1906 SECRETARIAT. 190 , Registered 6-9-1906.

Subject.

Enclosing a copy of receipt for Rs 50/- deposited with the School of Arts Madras. by D.V. Narasimha Rao of Guntur.

ENCLOSURES. 1
No.
Spare copies

D.Dis. No. 1136/D of 06

Station Madras, Dated the 5th September 1906.

DESPATCHED.
5 SEP 1906

Urgent

From (Name) A. R. Cumming, Esq; I. C. S.,

(Designation) Ag: Collector of Madras.

To The Secretary to the Government of Madras,
Educational Department.

Sir,

Referring to your deferred telegram dated the 4th instant, I have the honour to state that M.R.Ry. T. Ramachandra Rao, Vakil, on behalf of D.V. Narasimha Rao referred to possesses a receipt for Rs.50/- written in pencil on the back of a printed form of bill for cash sales and purporting to be initialled by the Storekeeper of the School of Arts, Madras, on the 11th July 1903.

A copy of the receipt is enclosed.

I have the honour to be,
Sir,
Your most obedient servant,

A R Cumming
Ag: Collector.
5.9.06

19

Aluminium Department,
School of Arts, Madras
Dated 18-7- 190.

LOCAL & MUNICIPAL
6 - SEP 1906
SECRETARIAT.

No.

## Cash Sale.

To

| Description of article | Amount Rs | As | P |
|---|---|---|---|
| | 97 | 6 | 6 |
| Paladai 12 | 1 | 8 | 0 |
| Oil cups 12 | 1 | 8 | 0 |
| | 100 | 6 | 6 |

(Initialled) not legible

Store Keeper.

~~(P.T.O)~~ ARB

(written in pencil)

50 Rs deposit

with the AD clerk

Al Dept;

(Initialled) not legible

11-7-03.

(Note: The initials, whatever they are, are the same as those on the previous page)

RB
5/9/06

---

[—2.—]
1,500—3-12-04

EDUCATIONAL DEPARTMENT.

C. No. 1168 From ~~the~~ M.R.Ry. T. Ramachandra Rao, High Court Vakil, Guntur. No. ? , dated 14-7- 1905. ?

SUBJECT.

Notice of a suit under Section 424 of the Code of Civil Procedure for certain moneys [illegible] due to one D.V. Narasimha Rao.

There is nothing on records to show that the Vakil resides at Guntur.
He writes from H.C. Buildings Madras

Submitted that when I added "Guntur" the account was with Mr Chatterton and I was misled by the entry in the register of current received.
4/9/6

E.

F.

In connection with the late Aluminium Departt of the School of Arts Mr Chatterton established agencies in Madras and in the Mufassal for the sale of aluminium articles manufactured in the School and his action was approved in G.O. No 161 Edl dt 20th March 1901.

2. In para. 4 of G.O. No 323 Edl dt 16th June 1901, Mr Chatterton was allowed to enter into contracts involving an expenditure not exceeding Rs 5000 & fully within the budget provision.

3. It appears that on or about 11th July 1903, one D.V. Narasimha Rao of Guntur entered into a contract of agency with Mr Chatterton as Superintendent of the School of Arts for the sale of aluminium articles manufactured at the School of Arts under which Narasimha Rao ~~deposited a sum of~~ made a deposit of Rs 50 to be repaid after the termination of the Agency and Mr Chatterton ~~promised~~ undertook to allow a discount of 25 per cent on the ordinary price of aluminium articles purchased from the School, ~~and~~ to take back all unsold articles returned by the Agent and to refund the amount paid for the same. In February 1904 certain unsold articles were returned and application made for a refund of the price paid for them when Mr Chatterton replied that the Aluminium Departt of the School of Arts was closed and

that nothing could be done. The Articles were however, it seems, actually received back on the 10th March 1904 and in reply to a further application for refund Narasimha Rao was referred to the Indian Aluminium Company to whom the Aluminium business of the School of arts was assigned with all liabilities. Application was then made to the Company and a reply was received that the Company could not entertain any claims against the School of arts. W. Chatterton was again applied to but replied that he could not do anything as all the accounts were handed over to the Indian Aluminium Company. and that application should be made to the Company.

The total of the details is 113-13-3 & not Rs 113-10-3.

4. In the circumstances Narasimha Rao proposes to file a suit against Govt. for Rs 113-10-3 (Rs 50 the deposit, Rs 38-3-0 the value of articles returned & Rs 25-10-3 interest on the two amounts at 12 per cent per annum) and gives notice through his vakil under section 424 of the Code of Civil Procedure.

Para. 1(3) of G.O. No 417 Edl dt 7th September 1903.

5. The Aluminium business of the School of arts was transferred to the Indian Aluminium Company from noon of the 15th September 1903. Under the terms of the transfer the Company ~~is~~ was liable from noon of the 15th September 1903 "for all book debts and liabilities due by the "Aluminium depart of the School of arts" and ~~is~~ was entitled "to all stock in trade, metal, tools & plant, machinery and book "debits belonging to the depart including stock and debts due "by ont. agencies". A notification was also published in the Gazette stating that the Aluminium ~~depart~~ business of the School of Arts was transferred to the Indian Aluminium Company and that all communications intended for the former should be

* This could not be verified from the Gazette – a part of which is not available at present.
P.J. 21/7/6

This part referred to also does not contain the notification in question.
P.J. 3/8/6

H.

addressed to the latter – G.O. No 503 Edl dd 9th October 1903.

6. It appears therefore that the Company is liable for the deposit and the refund claimed by Narasimha Rao and not Govt. Mr. Chatterton may however be asked to ascertain & state with the least possible delay why the Company has repudiated Narasimha Rao's claim and whether it will pay it. If not the Company will have to be made joint defendants in the suit.

The claimant was no party to the transfer? ?
S.T.

S.

PH
21/7/6

This seems to be the correct course. We must first find out whether the transaction has been entered in the books, & whether there is a book debt or liability

Clm
23.7.06

Yes. But it would have been only reasonable had Mr. Chatterton given specific notice to all our agents & closed their accounts prior to the transfer of the business. It sh.d be ascertained whether such notice was given. Also whether the R50 deposited was credited to Govt. or to the account of the aluminium section of the S. of Arts.
Please draft

24/7/06

The draft placed below is submitted for approval.

2. It is submitted that if the deposit was credited to the late Aluminium Depart of the School of Arts, the credit would be in favour of Govt. Before the transfer the Aluminium business was a Govt. concern.

C. G. M.
25.7.06

PH
24/7/6

for the exploitation of industries Mr Chatterton is under the Board of Revenue – He is under DPI for purpose of inspecting Technical schools. The present reference relates to transactions relating to industries in the School of Arts before Mr Chatterton was placed on special duty – The reference shd apparently issue through DPI, & Revenue see no objection

A

LOCAL & MUNICIPAL
26 JUL 1906
SECRETARIAT.

HDT
26-7-06.

Revenue

Desp
26/7

Eol no 5402
26.7.06

R.D.

Sy

We may agree to A.

K
26/7/06.

REVENUE - A
3048

Recd
Regd } 26.7.06

No objection in Revenue.

AG 26.7.06.

Revenue No 3026 A/06
26.7.06.

Issue
H
26.7.06

[~~Endst~~ to Mr Chatterton through the D.P.I. No. 341 d 21.7.]

From Mr Chatterton through the D.P.I. No. 5747 d/ 15-8-06.

Mr Chatterton states in reply to ~~memo~~ Endorsement No 341

Page 1 of current.

dt 26th July 1906 ~~on page 1 of current file~~ that

(1) The Indian Aluminium Company has hitherto repudiated D. V. Narasimha Rao's claim as the Company has been unable to find any account of the transactions in the books of the School of Arts transferred to it. Mr. Chatterton is unable to explain this omission but has no doubt that the deposit of Rs 50 referred to was made & that some articles were returned.

(2) The Secretary of the Company is prepared to admit the claims for Rs 50 (the deposit) and Rs 38-3-.. (value of articles returned) but not the claim for interest (Rs 25-10-3) - but ~~no definite reply~~ he cannot say whether the Company is now prepared to meet the claims till after the meeting of the Board of Directors which was expected to be held before the 18th (today). The Company's reply will be forwarded on receipt.

(3) There is no means of ascertaining whether Narasimha Rao received specific notice prior to the transfer of the Aluminium business to the Indian Aluminium Company - but it is almost certain that he did so as a notice was printed & sent to all Agents.

(4) It ~~was~~ is probable that the sum of Rs 50 was credited to Govt. in the Aluminium Dept & treated as an advance.

2. The original current (No 1168) has not been returned. This will probably be returned with the Company's reply, the receipt of which may be awaited. If it does not come by the 25th (next Saturday) a telegraphic reminder may be sent.

Pty 18/8/06

Sec.

18/8/06

The main duty of an asst Secy is to write legibly 817

not quite so certain if the deposit was not entered in the books. 18/8/06

deposit?

Is Govt to pay on a probability? 817

Better ask Mr Chatterton to return the original notice. Have we the vakil's address? Unless we hear something definite by the close of the month we may acknowledge receipt of the notice & state that the question is under the consideration of the ~~Native~~ Indian Aluminium Co. to whom all the rights and liabilities of Govt. were transferred.

WD
20-8-06

The draft memo to Mr. Chatterton placed below is submitted for approval.

TKCR
20-8-06.

The vakil's address is T. Ramachandra Rao, High Court Vakil, Guntur.

PJ
21/8/06

The memo may issue. Office please see that the paper is put up by the 29th + mark it v.u.

22-8-06

[Memo. No 405 dt 22-8-06.]

Nothing has been heard as yet from the Indian Aluminium Company about this matter. The draft placed below is submitted for approval. It has been prepared in order form. Should it be in this form or in letter form?

PJ
28/8/06

Secy. May this communication issue?

29/8/06

Have you as yet been able to trace the notification in the Gazette referred to on page 2 supra. It should be referred to in the reply?

WD
30-8-06

But wd. a notifn. bind him!
8.7

Submitted not.

H. Please see however the original of G.O. No 503 Rvl dt 9th October 1903 obtained from Madras since the Office note of the 21st July 1906 was written. The Indian Aluminium Company asked for permission to the publication of an advertizement in the leading newspapers of India – and this was given in the G.O. The docket of the G.O. is misleading, as it says "publication of a notification in the Gazette".

The Newspaper files of years previous to 1906 are in Madras, but the Nilgiri Library is likely to have files for 1903. May a clerk be sent over so that the date of publication of the notice in "the Mail" & "the Hindu" may be ascertained and inserted in the draft? The notice appeared under Mr. Carden's signature and it seems not very material whether it appeared in the Gazette or the Newspapers.

You might try tomorrow morning
30-8-06

PH
30/8/06

Mr. Chatterton's reply has been received today. The Board has declined to recognise the claim as ~~the clerk~~ does not appear in the accounts.

30-8-06

From the DPI No 5747 d/29-8-06

Pages 13-16 of current

Mr. Chatterton thinks it possible that the amount deposited by D.V. Narasinga Rao may have been treated as a cash receipt and suggests that Narasinga Rao may be asked to produce the documents by which he substantiates his claim. May the draft be altered accordingly but Narasinga Ra may decline to do so until it is necessary to produce them in Court.

P.L.
30/8/06

The question for decision is whether the claim of D. V. Narasimha Rao for refund of the deposit of Rs 50 and value of articles returned to the School of Arts (Rs 38.3.0) with interest (Rs 25.10.3) at 12% per annum from 11th Feb 04 to date of notice should be admitted by Govt.

p. 16 a 13 Sept

2 From Mr Chatterton's reports, ~~so~~ the claim to refund appears to be a valid one, and oral evidence would be unfavourable to Govt.

3. Though Govt. have transferred their rights and liabilities in the aluminium business of the S. of Arts to the Company, it seems open to doubt whether Govt. could ~~transfer~~ – as against ~~the~~ creditors of the School of Arts – effect a valid transfer of liabilities. Creditors would not, it is submitted, forfeit their rights to recover from Govt. direct all sums due to them, merely by reason of a publication of notice in the official Gazette and Press. The ~~agreement~~ conditions of transfer to ~~executed by~~ the Company would appear

817 ||

817 ||

SO 417 dt 7th Sept 03 C
p. 6

~~would merely indemn~~ merely to render the Company liable to indemnify Govt. against all valid claims preferred against Govt. - but would not bar the direct liability of Govt. to settle valid claims against the School of Arts.

4. I do not think that, in the case, Court would be disposed to allow interest on the claim, and certainly not at 12 p.c. per annum.

p3 cfli.

Interest is claimed from 11th Feb 04, whereas ~~for~~ it appears that the articles were returned only on 10th March 04.

p1 cfli

But that is not a matter.

5. Govt. may, it is submitted, admit the claim for Rs 50 + R 38.3.0 - total R 88.3.0 and direct payment of that amount. Inquiries may then be made as to whether the Company is liable to refund the amount to Govt. For this purpose they may be asked to produce their old books for Mr Chatterton's examination.

K

6 The suit notice expires on 19th Sept. having been recd. by Govt on 19th July.

Office:

7. I can find no copy of the agreement ~~or p~~ between Govt. and the Aluminium Company in the file. The original, as prepared by the Govt. Solicitor, was handed over to the Company - but surely a copy was retained - & should have been printed.

G. no 709 dt 1-12-04. J

HDP
31-8-08.

Office has had the file for six weeks – should have seen to this & looked up Gazette notification meanwhile.

Submitted that Gazette notification was looked up with the result stated at page 7 infra.
P.J.
31/8/6

The original Agreement seems to have been kept with G.O. No 41 Edl dt 19th January 1904. This G.O. is in Madras and has been called for.

The Agreement was not printed and there is nothing in the notes ~~[illegible]~~ in the G.O. No 709 dt 1st December 1904 to show that a copy has been kept. but until the original of G.O. No 41 of the 19th January 1904 from Madras is received, it cannot be said for certain that no copy has been kept.

P.J.
31/8/6

What can you expect in the Govt. Office? Arbuthnot & Co. would not keep half our clerks for a single day

If no copy of the agreement was kept it was a most unbusinesslike proceeding.

As the matter is, however, urgent, the file will be sent at once to Fin. D. for remarks, if any.

31.8.06.

Finl D.

Desp
31/8/6

Edl no. 606 D
31-8-06.

CURRENT NO.
3924
FINANCIAL

Regd. 31-8-6.

CHIEF SECRETARIAT
31 AUG. 1906
OOTACAMUND
5 P.M.

B.S.
31.8.06

Page 9 supra

Submitted that the proposal in para: 5 of ~~[illegible]~~ Educational Secretary's note of 31.8.06 may be accepted.

1.9.06.

1.9.06

Chief Secretary.

The claimant must have a receipt for the Rs 50 he paid and had that been obtained or a copy of it, it would have been easy

LOCAL & MUNICIPAL
3 - SEP 1906
SECRETARIAT

to trace the item in our accounts – at least I should think so – then if the amount has not been credited to the Aluminium business Govt would be liable to repay and would have no claim on the Company. I would suggest that Narsinga Rao be asked for a copy of his receipt. Meanwhile if Ed. are satisfied that he did pay the money in – Govt is no doubt liable and the man may be paid.

Fwd nos 3924–1
3/9/06

Edn. no

Mr. Chatterton appears to have no doubt that the Rs 50 was paid as a deposit and that some articles were returned. The man may be asked to produce copies of the receipts for the Rs 50 and for the articles said to have been returned.

A – on p6 of file

HWS
3.9.06

HM

I have rarely seen a matter so muddled & confused.

The very first thing to do was to ascertain what proof the man had of his advance. If he has none, the claim shd be repudiated, unless Mr Chatterton is prepared to go in the box & swear he received it. If he can, he ought to pay the whole expenses of the suit for ~~its~~ if the money is due it appears to be wholly ~~due~~ owing to his neglect to keep proper accounts that all this trouble has been given.

It was manifestly a fool's errand in the office to go off, wasting weeks to trace a Notifn of the transfer of the business from firm to the Co. The man is entitled to look to us & not to the Co. We cannot transfer our liabilities without the creditors consent.

Telegraph to the ~~Govt Pleader~~ Collector at Guntur to ascertain from the claimants vakil whether he holds a receipt for the money

R.J.F.
3/9

The following telegram will be despatched to the Collector, Guntur.

p1 cfile

The Claimant Vakil however writes from High Court Buildings. It is not known if he resides at Guntur or whether he receives his instructions in Madras.

No. 42 d 4/9/16.

2 - Collector Guntur

Despatched 4/9/16

Post copy despd 9/9/16.

Ascertain ~~[illegible]~~ from D. V. Narasimha Rao of Guntur or his Vakil T. Ramachandra Rao whether former holds receipt for rupees fifty alleged to have been deposited in School of Arts, and date of receipt.

~~[illegible]~~

HG
3.9.16

Issue — and look up L. A. Almanac to see if T. Ramachandra Rao practices in the Guntur Court.

HG
3.9.16

The telegram has been despatched.

2. Please see page 1303 of the Lawrence Asylum Almanack. T. Ramachandra Rao's name does not appear among the names of the vakils practising at Guntur. It appears on page 680.

PH
4/9/16

The following telegram will be despatched to Collector, Madras —

To Coll- Madras

No. 43 d/4/9/6. Reference notice of suit dated 7th July given by T. Ramachendra Rao 52 Law Chambers on behalf [of] D. V. Narasimha Rao of Guntur, report urgently whether Narasimha Rao possesses any receipt for rupees fifty alleged deposit with School of Arts, and date ~~of receipt~~ thereof.

Post copy despd 5/9/6.

Despatched 4/9/6

H2
4-9-06

[From the Collector of Madras. No. 1136/D d/. 5.9.06]

—

Page 17. cf.

The Collector of Madras reports that M.R.Ry T. Ramachandra Rao, Vakil for D. V. Narasimha Rao, possesses a receipt for Rs50, written in pencil on the back of a printed* form of bill for cash sales and purporting to be initialled by the storekeeper of the School of Arts on the 11th July 1906. These initials are illegible, ~~and~~ but whatever they are, are said to be the same as those on the previous page of the form.

*. Copy on pages 18-19 of current.

Page 18 of current.

Secy.
7-9-06

6/9/6

6/9/6

From the form (p 18 c file) it seems that there is no regular receipt. The end. on the cash bill appears to be an acknowledgment for a deposit against which the goods were issued. Perhaps the R50/- was never credited as it should have been, but is still "with the Head Clerk". I do not think that a suit can well be defended. If it be decided to pay the claim responsibility can be settled afterwards

HDJ
7.9.06

A.M.

We better pay on giving up the receipt. We can investigate the receipt independently

7/9

Please draft. It is not clear whether the Hon. Member intends that the full claim for interest &c be allowed

HJ
8.9.06

The draft placed below is submitted for approval. The Hon. apparently accepts the Secretary's suggestion in para. 5 of his note on page 9 supra. The draft has been prepared on this assumption.

There should apparently be some receipt for the articles said to have been returned. The draft refers to this receipt also.

PJ
8/9/06

Secy.

The draft has been prepared on the assumption that the amount of Rs 88.3

which the Secy recommended to should be paid, ~~and a which H.M. made no comment~~ a recommendation which H.M. apparently accepted, should be paid.

Chm
8.9.06

I am not quite certain whether the Hon. Member considered that the claim for interest should be admitted. The Draft is for approval. If the terms now offered are not accepted - the question of interest can be considered later.

AM

9.9.06

Better pay. Of course the Govt. Solr. ought to have settled the ~~letter~~ draft. ~~The~~ It is too late now however. But refer him to Govt Solr. not Govt of Madras for report. I think this is the proper course. Send the correspce in original (to be returned) to the Govt Solr.

Issue
22 06

Educational Department.

Read--

C.No.1168, from M.R.Ry. T. Ramachandra Rao, No. ... dated 14--7--1906.
C.No.1362, from the Director of Public Instruction, No.5747, d/15--8--1906.
C.No.1444, from the --Do.-- No.5747, d/29--8--1906.
C.No.1481, from the Collector of Madras, No.1136/D. , d/ 5--9--1906.

ORDER:-- 593. d/. 10- 9- 06.
Mis.

17

M.R.Ry. T. Ramachandra Rao will be informed that the Government will be prepared to pay his client M.R.Ry. D.V. Narasimha Rao the sum of Rs.88-3 (Eighty eight and annas three only) being the amount said to have been deposited by the latter with the Superintendent of the School of Arts in July 1903 and the value of the Aluminium articles said to have been returned by him to the School in March 1904. This payment will be made in satisfaction of all M.R.Ry. D.V. Narasimha Rao's claims against the School and on condition that he gives up the receipts which he now holds for the deposit of Rs.50 and for the Aluminium articles returned by him to the School. If he agrees he should be requested to hand over the receipts to the ~~Collector of Madras~~ Govt Solicitor and receive payment of the amount referred to.

2. The ~~Collector of Madras~~ Govt Solr will on presentation of the receipts referred to arrange for the payment of the amount ~~after taking the usual receipt therefor~~

and

~~3.~~ ~~and for the debit of the amount~~ ~~will be debited~~ ~~to the School of Arts. He will then forward the original receipts to Government.~~

PHJ
8/9/06

Clm
8.9.06

HDL
9.9.06

To
M.R.Ry. T. Ramachandra Rao, 57. Law Chambers High Court Madras para. 1 only. ✓
The D.P.I. ✓
" ? Collr. of Madras.
" Accountant General. ✓

Govt. T.O. with c. file [illegible] enquired (to be returned)

Desp'd
10/9/06

*When given for copying* ______ }
*When copied* ______ }
*When examined* ______ } 190 .
*When signed* ______ }

READ AGAIN G.O., No. , DATED
190 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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