

Cinco

Mr. Ashpitel's resignation of
his appointment as a member
of the Harbor -

26-

No 104 Marine of 19 July
1896

To the Hon. Secy. of the
Commerce
Chas. Ashpitel
10/2 - 24/2

Heading.

No. 1056
39 y

PRESIDENCY PORT OFFICE,

Madras, 13 February 1896.

From

Commander H. J. Powell, R.N.,
PRESIDENCY PORT OFFICER,
Madras,

To

THE CHIEF SECRETARY TO GOVERNMENT,

MARINE DEPARTMENT,

Fort Saint George.

Chepauk

SIR,

With reference to G.O. Marine No 473,
dated 23rd December 1892 I have the honor
to report that under Rule 10(c) of the
Rules for the working of the Goods Shed
at Tuticorin (which Rules have since
been revised and Rule 10(c) made into
Rule 9 reading as quoted in the margin)

9. A notification in the district Gazette
will be published giving a
description of unclaimed goods
of a non-perishable nature and
such notification shall be deemed
sufficient notice to the owners
that their goods will be sold
by public auction unless claimed
within one month from date of
publication.

notice was given
in the "Tinnevely
district Gazette"
that certain
packages lying
unclaimed
in the Goods
Shed at
Tuticorin

would be sold in accordance with
the said Rule. They were afterwards
sold and realised Rs 46/8/- and a
further

Barrow Street Road

further notice was given in the District Gazette on 29th June last that if there were no claimants for this amount within six months the same would be credited to Government. As up to this date no claims have been preferred I request sanction of Government to the amount being credited to Port Funds.

I have the honor to be,

Sir,
Your obedt. servant,
Walter Bowles

Commander, R. I. M.,
Presidency Port Officer

Marine (1896) DEPARTMENT.

From

THE PRESIDENCY PORT OFFICER,

Madras,

To

THE SECRETARY TO GOVERNMENT,

PUBLIC WORKS (MARINE) DEPARTMENT,

Madras.

No. 1056
39 4

Dated

13

Received

February 1896.

No.

Subject.

Requesting sanction to the sale proceeds of certain unclaimed property at Tuticorin being credited to Port Funds.

Marine current No. 12

30.1.96 R-54
15.1.96 Memo R-20.
23.12.92 473.

Acad: 17.2.96

No 105 Marine of 19 Feb 1896

Sanctioned

17/2/96

copy 172/56



The P.P.O.
Acctt Genl.

L.S.

B/

3-10

20/2

No 104 Marine of 19 Feb 1886 by 896

NOTE.

It is submitted that if the --
Chamber be allowed to elect a member
in the room of Mr. Ashpitel it will
upset the special arrangement come
to under which they were to forego
one nomination while the Government
surrendered two. Vide Sir Henry --
Stokes d/o letter attached to G.O.
77 Marine dated 28th February 1889.

The Chamber already have three of
their members on the Board, viz,

1. The Hon. Mr. G. L. Chambers.
2. Mr. W. S. Shaw.
3. Mr. R. J. Black.

while the Government have only 2
Government officers, viz,

1. Commander W. Powell. R. I. M.
2. Vacant *in Mr. Ashpitel's*

the other members being

1. Mr. W. Austin, Chairman.

1. Trades Association Member
Mr. J. F. Davies.

- 3 Natives of India
Mr. Cowasjee Eduljee Panday

,, Mirza Mehdy Ispahani

M. R. Ry. G. Subrayala Chetty Garu

Total 10 as against 13 allowed.

The number was restricted to 10 on
the understanding that the Chamber
were to let 1 election go by default.

This is how Mr. Ashpitel got in, and
it seems only right that Mr. Ashpitel's
vacancy

The position as explained now
has a totally different complexion.

My attention had not been
drawn to the arrangement now
referred to in the note, from
which it is clear that the Govt.
in addition to the Chairman
has the nomination of two members,
and that Mr. Ashpitel's vacancy
really falls to the Govt. to fill up.

But to prevent any awkwardness,
it would be well to explain to
the C. of Commerce what the position
is, and that it is the intention of
Govt. to ^{make an} appoint *Mr. Wilson* in the
place of Mr. Ashpitel, under the
terms of the arrangement come to
in 1889. We sh^d. add that on
hearing from them that they acquiesce,
the nomination ^{is notified} will ^{be notified} ~~be notified~~ accordingly.

WJ 17/2/96 25 15 Feb 17/2/96

vacancy should be filled up in the same way, i.e. a Government nominee should be put in on the Chamber -- failing to elect during the prescribed period of 1 month. If this be admitted, the order might issue as drafted.

A d/o might be sent to the -- Chairman of the Chamber of Commerce explaining the position as stated above.

[Signature]
14/2/96
W.

Compd 14.2.96

Circ
Nomination of a Trustee
the Harbour Board --
Mr. Ashpitel.

No 104 Marine 19 Feb 1896

P. W. DEPARTMENT.

Marine.

READ the following:—

From the Chairman, Harbour Trust Board, Madras,
No 4094 dated 31 January 1896.

FOR ORDERS.

Mr. Ashpitel appears to have come on the Board under Sec 6 para 2 and deemed to be a Trustee, as if he had been duly elected by the Chamber of Commerce. Therefore I suppose for purposes of the Act he becomes a Trustee elected by the C. of C. and the vacancy created by his resignation falls to the election by the C. of C. under para 2 of Sec 12.

At least this is how I read it.

to
6 Feb

Circ
10/2/96
10/2/96

Mr. F. W. Ashpitel having resigned his post as a Trustee of the Madras Harbour Board, I strongly recommend that Mr. F. J. Wilson, Executive Engineer 2nd Grade and Assistant Chief Engineer for Irrigation, be appointed in his stead. Ever since the Harbour Trust Board was formed, either the Deputy Chief Engineer in the General Branch, or the Assistant Chief Engineer in the Irrigation Branch, of this Department, has been appointed as a Trustee. Mr. Wilson is specially well fitted for the post as he was in

charge of the Harbour
works for one year during
the absence of Mr. Poggson.

As regards the new
appointment, however, a
legal difficulty seems to
exist. It will be
observed from G.O. 92
Mairne dated 26 March
1895 that Mr. Ashpitel
was appointed under the
2nd clause of Section 6
of the Act, and that he
must therefore be deemed
to be a Justice as if he
had been duly elected by
the Chamber of Commerce.
The vacancy caused by his
resignation would thus,
apparently, have to be
filled up in the manner
laid down in the 2nd clause
of Section 12; that is, by
election by the Chamber
of Commerce; and there
seems to be no provision
in the Act for the
appointment of a
Government nominee,
even in the event of the

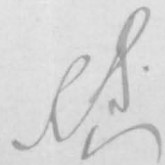
I think it is necessary to
check any further ~~with~~ the
period presented in this
case, I must be.

JG

Chamber failing to make
such election - unless
indeed the 2nd clause
of Section 6 is held to
govern not only an original
appointment under Section
6 but also a "casual
vacancy" falling under
Section 12.


3/2/96

CMSY
3/2/96



H. H. S.
FOR ORDERS.

*Appointment of a Member
in the H. T. Board via
Mr. Hospital resigned.*

MARINE DEPARTMENT.

FROM

THE CHAIRMAN,
HARBOUR TRUST BOARD,
MADRAS.

TO

THE SECRETARY TO GOVERNMENT,
Marine Department.

DATED *31st Decy '96*

DESPATCHED *3rd Jan*

RECEIVED

ENCLOSURE *one*

No. 4094.

SUBJECT.

*Submitting a letter
from Mr. F. W. Hospital as
a Trustee of the Madras
Harbour, resigning his
seat upon the Board*

Marine Current No. 86.

Encls 1

Recd: 1.2.96

No. 21145-6-90 marine. X

" 77 " 28-2-89 - X

" 92 " 26-3-95 " X

" 212 " 6-6-90 " X

" 469 " 23-10-91 " X

" 190 " 8-6-95 " X

" 83 " 12-3-94 " X

" 330 " 12-11-95 " X

" 336 " 14-11-95 " X

" 353 " 26-11-95 " X

" 462 " 4-2-96 " X

" 91 " 14-2-96 marine.

Madras Act I of 1892 ✓

" II of 1886 ✓

NOT TAKEN PHAS.

*H. S. 3/2 R 8/2
enc 8/2 R 11/2*

*Recd
a 100 96*

Harbour Trust Office,

MADRAS, 31st January 1896.

No. 4094.

FROM

Wm Austin Esq D. L. S.

CHAIRMAN, HARBOUR TRUST BOARD,

MADRAS.

TO

Lieut-Col. D. McNeil Campbell R.E.

SECRETARY TO GOVERNMENT,

Marine Department.

Sir,

I have the honour to submit for the information and for favour of the orders of Government a letter from Mr. F. W. Ashpitel, (a Trustee of the Harbour appointed by His Excellency the Governor in Council under Section 7 Act II of 1886) resigning his seat upon the Board as he is leaving Madras.

I have the honour to be
Sir

Your obedt. Servant

Wm Austin

Chairman

Harbour Trust Board

P. sec

HARBOUR TRUST
MADRAS 31 JAN 96
SECRETARY'S OFFICE



Madras

30th January 1896

To the Secretary to Government
Marine Department
through the Chairman Harbour Trust Board.

Sir

I have the honour to resign my appointment as a
member of the Harbour Trust Board as I am leaving
Madras.

I have the honour to remain, Sir

Yr most obedt servant

W. Ashpitt

W
Mr. Ashpitt's vacancy
on the Harbour Trust Board

It is suggested that
the draft order on this
case be taken into Council
with reference to the
letter below the draft.

L.A.
11 Feb 96

I don't think it necessary
to take this to Council
the letter below the draft
is sufficient information

L
11/2/96

LIST

Ch. 81

Ch. 86

PUBLIC WORKS DEPARTMENT.

W. It is suggested that
 the draft notification be
 submitted to H. E. with the
 name blank - but that a
 separate note from you be
 sent up containing a
 recommendation - H. E. can
 then insert in his own
 hand the name of the
 gentleman he approves of.

R. F.
 1 Feb 96

I do not understand the
 form of the notification
 if Mr. H. E. E. signature
 is required. Much to be done
 after A. L. & H. E. E.

L

board will go out of office
on the 31st Mar 97, and
we will then ~~be~~ ^{be} ~~is~~ ^{is} ~~appointed~~ ^{appointed} ~~independently~~ ^{independently}
be ~~independently~~ ^{independently} ~~be~~ ^{be} ~~independently~~ ^{independently} ~~be~~ ^{be} ~~independently~~ ^{independently}

A.S.

R. S. S.

W

Chs 86

The draft was based on
present - Please see the
form of notification in R.D.
467 Marine, of 23rd Oct 91.
I was myself doubtful as
to the correctness of the
form, and attend is
slightly - Section 13 of the
Act is the one which was
applied in the case of the
precedent, and under
this Section, nothing but
an acting appointment
can be made, this involves
the fiction that the ori-
ginal Trustee is still
affected - having only
"departed from his office".

It would be more more
correct, I think, to proceed
under Section 12. But
here, another difficulty
presents itself - Mr.
Ashpitt was appointed
under the second clause
of Section 6 - vide R.D.
92, Marine of 26th Mar 95,
and he thereby becomes
not a "nominee", but
an "elective" Trustee, and
under the second clause
of Sec 12, the office can
be vacated much be
filled up by the Chamber
of Commerce. There seems
no provision for the 90th

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page.]

if acting even in case of
default by the Chamber.
Clause 3 of Section 12.

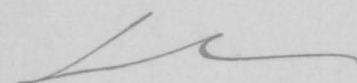
provides for ^{abstaining} ~~abstaining~~ from
action on the part of the
Govt, but I cannot find
anything which empowers
the Govt to nominate in
a case of this kind -

Hon: Members may,
perhaps, see a way out
of the difficulty. The
Act ^{is the portion of it} itself is quite new
to me -

L.B.
3 Feb 96.

I cannot find G.O.
469. Main + 25-100/81
in the file

(2) I am a Member, a case
Mr. Paddy + Mr. Paddy
that in some cases
each of the members +
members of some on the.


3/2/81

(3) The matter seems a complication
on + policy + not explaining
the circumstances will have
to be written for the.

(1) The G.O. number should be
469. It is marked with a
red tape.

(2) All these officers were
Government nominees and
there was no legal difficulty.
Another Govt. officer was
simply put into their place.
In the present case, the
question arises as to whether

shall have the nomination.
(3) The question for order as
stated accordingly.

L.F.
3 Feb 96.

Brooklyn

Mr. F. W. Schupfer having
suggested his friend
Master of Marine Harbor
Board I strongly recommend
that Mr. F. J. Watson
be in 2nd place & that
Ch. L. & Impton be
appointed in his stead.

Can you the Harbor Trust
Board be formed with
the Supt. Ch. L. in the
general board in the ^{Asst to} Supt.
Ch. L. in the Harbor Trust
& the Supt. has been
appointed in a Harbor

Mr. Watson is specially con-
sidered by the Board in the
position in charge of
the Harbor Trust for
the year during the absence
of Mr. Poyner.

1/2/96

No 104 Marine of 19th July 1896. (Marine)

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

Letter from the Chairman H. J. B. (H. J. B. 4094 d/31st January 1896)

The resignation of
Mr. J. W. Ashpitel of his
appointment as a Justice
of the Madras Harbour
is accepted.

To
The Chairman H. J. Board
The Chairman Chamber of Commerce.

Note. The Honble Mr. Crose is
of opinion that the second clause
of Section 6 of the Act governs a
"casual vacancy" falling under
Section 12. In this case, the Govt
will be at liberty to supply Mr.
Ashpitel's vacancy if the Chamber
fails to elect in one month's time,
counting it is supposed from
the date of the acceptance of
Mr. Ashpitel's resignation. If
approved therefore, no steps will
be taken at present to fill the
appointment. If the Chamber fails
to elect, the Government can then
nominate as they did in Mr. Ashpitel's
case.

CHM
11.2.96

3PL
19 FEB 1896

Just so
w

Yes. But the circumstances are rather
peculiar and it would seem to be
only fair to point out to the Chamber
that they should proceed to elect
a fresh trustee.

13/2/96