

(1) Number of pages 10(2) Date of repair 3-11-38(3) Initials of the Referencer G

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.*Case 20-2-1860*

G.O. No.	377	Press Mis.
<i>94-95</i> Dated	<i>20-2-</i>	<i>1860</i>

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
for the month of February 1860.*

No. 94. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras; to T. PYCROFT, Esq., Chief Secretary to Government, dated 13th February 1860, No. 110.

1. I have the honor to acknowledge the Proceedings of Government noted in the margin, and the papers which accompanied them.
2. I submitted them for the consideration of the Advocate General and have since conferred with him thereon and
3. I now forward a copy of his Opinion and return the enclosures above referred to.

Proceedings of Government in its Public Works Department,
dated 31st January 1860, No. 254.

OPINION.

Taking as proved the facts stated in Colonel Bell's letter to Government, I am of opinion that any Court must come to the conclusion that the delivery of the two iron plates (if they were so delivered) into boats No. 22 and 250 was no delivery to the Government, or to any one authorized on their behalf, and therefore, that the demand of Messrs. Dymes and Co. cannot be sustained.

If there was no boat sent on behalf of Government to receive delivery, the iron plates should have been delivered at the Custom House, if the Captain of the steamer, or her Agents, had no time to give notice to Government or some offices of the Public Works Department to clear them.

The B. S. N. Company unfortunately cannot be sued in Madras, so that the recovery of the Rupees 150, the value of the missing plates seems hopeless, unless the Captain returns here in which case the Government Solicitor can sue him on his Bill of Lading.

(Signed) THOMAS SYDNEY SYMTH,
Advocate General.

No. 95. ORDER THEREON, 20th February 1860, No. 377.

Communicated to the Chief Engineer for his information and guidance with reference to his letter dated 25th January 1860 No. 9570. The correspondence received with Colonel Bell's letter will be returned at the same time.

(Signed) T. PYCROFT,
Chief Secretary.

For Sec.

Copy Opinion -

Taking as proved the facts stated in Colonel Bell's letter to Government. I am of opinion that any Court must come to the conclusion that the delivery of the two iron plates, if they were so delivered, into boats No 22 and 250 was no delivery to the Government or to anyone authorised on their behalf, and therefore that the demand of Messrs Dymess & Co cannot be sustained.

If there was no boat sent on behalf of Government to receive delivery, the iron plates should have been delivered at the Custom House, if the Captain of the Steamer or her Agents had no time to give notice to Government or some Officer of the Public Works Department to clear them.

The B.M. Company unfortunately cannot be sued in Madras so that the recovery of the Rupees 150, the value of the missing plates seems hopeless unless the Captain returns here in which case the Government Solicitor can sue him on his Bill of Lading.

I signed, Thomas Sydney Smith
Attorney General.

True Copy

J. Mayson

Secy. Secy.

No. 110.

From
To.The Government Solicitor Madras
The Chief Secretary to GovernmentMadras. 13th February 1860.

Sir,

1. I have the honor to acknowledge
 Proceedings of Government in the Proceedings of Government
 the Public Works Department } noted in the margin and
 dated 31 January 1860 No. 234 } the papers which accompanied them

2. I submitted them for the consideration
 of the Advocate General and have since
 conferred with him thereon and.

3. I now forward a copy of his Opinion
 and return the Enclosures above referred
 to.

I have the honor to be,

Sir,

Your Most Obedient Servant,

M. A. J. S.

For L. S. S.

The

The Office Secretary
 of the Government
 offices conveyed from
 the Secretary for Public
 Works to the Advocate
 General.

1860 24/60.

Copy

also addressed to the

No. 110 from the
 Secretary to the
 Government dated 13th
 February 1860.

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 Government dated 13th
 February 1860.

187-31st January to 18-1953
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187-31st January
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