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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 1512-1513 Press Mis.

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Dated 9. 8. 1881.

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PUBLIC WORKS DEPARTMENT.
Public.
FORT SAINT GEORGE,
9th August 1861.

No. 1,513.

From

J. D. SIM, ESQ.,
Secretary to the Government of Fort Saint George,

To

The Colonial Secretary at Colombo.

SIR,

1. In reply to your letter of the 22nd December last, No. 114, transmitting a bill of £130 for repairs executed to the Paumben Steam Dredge, while in the service of the Ceylon Government in deepening the Mandativoe Channel at Jaffna, I am directed by His Excellency in Council to forward the accompanying correspondence from the Officers of this Government, reporting on the condition of the Dredge on its arrival at Paumben.

From Chief Engineer, 3rd May 1861, No. 107, with enclosures.
From do. 18th May 1861, No. 644, with enclosure.

2. In their letter of the 22nd November 1860, the Government certainly promised to re-imburse the Colonial Government the expenses incurred by them in repairing the Dredge ; but it appears proper to review the circumstances of the loan, in order to determine whether this Government ought to be called upon, or not, to meet the claim advanced by the Ceylon Government.

3. The loan of the Paumben Dredge and crew was applied for in September 1859, to deepen the bar to the Small Pox Island Channel off Jaffna ; and the Chief Engineer having been instructed to despatch the Dredge to Ceylon, your Government were informed that the vessel, with its Engineer and crew, would be at their disposal from the 25th November 1859 to the 1st January 1860, when operations were to be resumed at Paumben. In January 1860, however, your Government expressed their desire to detain the Dredge for work in the Mandativoe Channel; and in August last transmitted certain correspondence with their Engineers regarding the state of the ladder gear of the Dredge, owing as it was said to the "rotten crystallized state of the iron," and stated that they had authorized the re-placement of the iron work at an expense of £130, which they hoped the Madras Government would not, under the circumstances, object to re-imburse.

4. This letter was communicated to the Chief Engineer to this Government, and he was requested to report as to the unserviceable state of the Dredge, the amount of work it had been doing at Paumben, and whether the complaints of its impaired condition had reached his Office. His reply was to the effect that the District Engineer of Madura admitted that the iron ladder hoist did give way twice during the period (two years) he had charge of her, and the iron buckets were old, but that he had always spare ones ready to re-place any that might be damaged ; that some parts of the machinery had been repaired from time to time, and some of the cross beams of the uprights were in a bad state, but were to be re-placed by others when he could procure good timber. It was added that there was no reason whatever why the Dredge should not have done the same work in a *sand and mud bottom* at Ceylon, as she did at Paumben ; but that if she had been worked in *coral and boulders of rock*, the machinery was liable to be damaged. Before being lent to the Ceylon Government she had lifted 3,04,603 cubic feet of mud and sand from May to October 1859, during which period no complaints of inefficiency had ever reached the Chief Engineer's Office.

5. It was on the occasion of forwarding this report to the Colonial Government, that this Government offered to re-imburse the £130; but they called attention to Colonel Horsley's remarks, especially as to the nature of the bottom in which alone the Dredge was fitted to work, viz., sand and mud, and not coral and rock. With your letter of the 22nd December last, No. 114, however, a bill of £130 was simply received, without any allusion to the particulars that had been submitted by this Government; but from a letter written by the Civil Engineer and Commissioner of Roads at Ceylon, which accompanied your communication last referred to, it is observed that the following admission was made, viz., that the "soil in which the Dredge "had been employed, was of a *very stiff nature, and caused the necessity for the constant repair of "the tackle,*" which he reported and considered "*as an incidental charge upon the operation of "dredging the Mandativoe Channel.*"

o, Rs 2419.

6. From the reports of the Madras Engineers which now accompany this letter, your Government will learn that the Paumben Dredge left Madras in a working condition though much in need of repair, but that she was returned from Ceylon actually in a far worse state than she was in when she was sent to Jaffna, and that in consequence of her damaged state, she has not been worked since her return to Paumben, so that the whole working season will have been lost. It will be observed that Colonel Horsley remarks that this Government will have suffered considerably by the loan, considering the deterioration meanwhile of the Paumben Pass, and the outlay necessary to restore the vessel to a working condition. It may be added that this Government have just sanctioned an estimate of 2,400 Rupees for that purpose.

7. In determining the question herein submitted, it occurs to this Government that the following points must be taken into consideration :—

(1.) That it was a service rendered by this to the Colonial Government to lend the Paumben Dredge.

(2.) That the Dredge was detained at Ceylon until the 14th January 1861, whereas it had only been originally placed at the disposal of that Government for a month and five days, or from 25th November 1859 to 1st January 1860.

(3.) That this detention was at the expense of the Paumben works, inasmuch as they were deprived of the services of the Dredge during all the period of its detention.

(4.) That it is admitted the Dredge was strained by its employment in "*very stiff ground.*"

(5.) That the Ceylon Officers themselves consider the repairs "*an incidental charge on the operations of dredging the Mandativoe Channel.*" *See* Civil Engineer J. F. Churchill's letter, 11th December 1860, No. 1,373.

8. With these observations this Government leave it to the Ceylon Government to determine who should pay the £130 incurred at Ceylon in repairing the Paumben Dredge; but I am to add that, in the opinion of this Government, so far from being called upon to re-imburse the Colonial Government the above-mentioned sum of £130, they have an equitable claim on the Colonial Government for the 2,400 Rupees necessary to restore the Dredge for employment on the Paumben works.

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

Secretary to Government.

Exd. S. T. Augustin.

0, Rs 2419.

3 Copies
Disp: to

Public Works Dept.

No. 1513.

To

The Colonial Secretary

at Colombo,

Sir,

1. In reply to your letter of the 22d December last, No 114, transmitting a bill of 130£ for repairs executed to the Pamunkem Steam dredge, while in the service of the Ceylon Govt in deepening the Mandativoe channel at Jaffna, I am directed by His Excellency in Council to forward the accompanying correspondence from the Officers of this Govt, reporting on the condition of the dredge ~~on~~ its arrival at ~~her return to~~ Pamunkem.

2. ~~With reference to your~~ In ~~their~~ letter of the 22 Novr. 1860 ~~previous letter of the 10th and~~ 1860, ~~25th~~ August last, ~~Nos 69 and 70, the~~ cent ~~and~~ Govt ~~has indented~~ promised to reim-

From Chief Engr. 3d May/61. No 107, with enclosures.

From do. 18 May/61, No 624, with enclosure.

~~From do. 13th July/61, No 2624.~~

* vide letter of this Govt dated 22d Nov. 1860, No 2419.

burse the Colonial Govt the expenses incurred by them in repairing the dredge; but it appears proper to review the circumstances of the loan, in order to determine whether the Govt ought to be called upon, or not, to meet the claims advanced by the Ceylon Govt.

3. The loan of the Pamben dredge and crew was applied for by ~~the Colonial Govt~~ in September 1859, to deepen the bar to the small pox island channel off Jaffna; and the Chief Surveyor having been instructed to dispatch the dredge to Ceylon, your Govt were informed that the vessel, with its Engineer and crew, would be at their disposal from the 25th November 1859 to the 1st January 1860, when operations were to be resumed at Pambem. In January 1860, however, your Govt expected their

desire to obtain the dredge for work in the Mandakiwe Channel; and in August last transmitted certain correspondence with their Engineers regarding the state of the ladder gear of the dredge, which was said to be "rotten crystallized state of the iron", and stated that they had authorized the replacement of the iron work at an expense of £130, which they hoped the Madras Govt would not, under the circumstances, object to reimburse.

4. This letter was communicated to the Chief Surveyor to this Govt, and he was requested to report as to the unserviceable state of the dredge, the amount of work it had been doing at Pambem, and whether the complaints of its impaired condition had reached his office. His reply was to the effect that the District Surveyor of Madura admitted that the iron ladder work did give way twice during the

period (2 years) he had charge of her, and ~~found~~ the iron buckets were old, but that he had always spare ones ready to replace any that might be damaged; that some parts of the machinery had been repaired from time to time, and some of the cross beams of the uprights were in a bad state, but ~~that he had intended to~~ were to be replaced ~~them~~ by others when he could procure good timber. It was added that there was no reason whatever why the dredge should not have done the same work in a sand and mud bottom at Ceylon, as she did at Caumbem; but that if she had been worked in coral and boulders of rock, the machinery was liable to be damaged. Before being sent to the Ceylon Fort, she had lifted 3,04,603 cubic feet of mud and sand from May to October 1859, during which period no complaints of inefficiency had ever reached the Chief Engr's Office.

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Enclosure

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5. It was on the occasion of forwarding this report to the Colonial Govt, that this Govt offered to reimburse the £130; but they called attention to Col Horsley's remarks, especially as to the nature of the bottom in which alone the dredge was fitted to work, viz sand and mud, and not coral and rock. ~~And~~ With your letter of the 22d December last, No 114, ~~a~~ however a bill of £130 was simply received, without any allusion to the particulars that had been submitted by this Govt; but from a letter ~~since~~ written by the Civil Engr and Comr of Roads at Ceylon, which accompanied your communication last referred to, it was observed that the following admission was made, viz that the soil in which the dredge

had been employed was of a very stiff nature, and caused the necessity for the constant repair of the tackle," which he reported and considered "as an incidental charge upon the operation of dredging the Mandatives channel."

6. From the reports of the Madras Engineers which now accompany this letter, You Lordship will learn that the Pamban dredge left Madras in a working condition tho' much in need of repair, but that she was returned from Ceylon actually in a far worse state than she was in when she was sent to Jaffna, and that in consequence of her damaged state she has not been worked since her return to Pamban, so that the whole working season will have been lost. It will be observed that Col Ryder remarks that this Govt will have suffered considerably by the loan, considering the determination meanwhile of the Pamban Pier, and the necessity to restore the vessel to a working condition. It may be added that this Govt have just sanctioned an estimate of £2,400 Rs for that purpose.

7. In determining the question herein submitted, it occurs to this Govt that the following points must be taken into consideration:-

1st, that it was a service rendered by this to the Colonial Govt to lend the Pamban dredge.

2d, that the dredge was detained at Ceylon until the 14th Jany/61, whereas it had only originally been placed at the disposal of that Govt for a month and five days, or from 25th Nov/59 to 1st Jany/60.

3d, that this detention was at the expense of the Pamben works, inasmuch as they were deprived of the services of the dredge during all the time of its detention.

4th, that it is admitted the dredge was strained by its employment in "very stiff ground."

5th, that the Ceylon officers themselves consider the repairs "an incidental charge on the operations of dredging the Mandalivoe channel." see Civil Engr J. F. Churchill's letter, 11 Dec/60, No 1373.

~~6th, that it is a recognized principle that the party using an article (not his own) must bear the expense of all damages caused to such article while in his use and custody.~~

8. With these observations this Govt ~~commends~~ leaves it to the Ceylon Govt to determine who shall pay

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the £130 incurred at Ceylon in repairing the Paumben dredge, but I am to add that, in the opinion of this Govt, as far from this being called upon to reimburse the Colonial Govt the above mentioned sum of £130, they have an equitable claim on the Colonial Govt for the £2400 Rs necessary to defray the employment of the dredge for the Paumben works.

I. D. S

Fort St George
9th augt 1861.

(12)

To

The Ceylon Govt.

Repairs to the Paumben dredge.

Public Works 1861 Departt.
Pro: of Govt. for August.

No: 1513.

To

The Colonial Secretary
at Colombo.

Dg 9th August 1861.

Letter to the Govt. of Ceylon
on the subject of the Paumben
Steam Dredger.

No: 175.

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c3. Augt. R 6.