M.R.O. 1—77,006—8-6-37.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Public works **DEPARTMENT.**

G.O. No. 3001 Press ~~Mis.~~

Dated 15 12 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 15th December 1862.

No. 286. Read the following letter from Lieutenant-Colonel H. W. HITCHINS, R. E., Government Superintendent and Controller, Pier Works, to Colonel W. I. BIRDWOOD, R. E., Secretary to Government, Public Works Department, dated Madras, 25th November 1862, No. 2,016:—

SIR,

1. With reference to the Order of Government No. 2,771, dated 18th instant, I beg to forward a copy of the Proceedings of the Pier Committee,* who are of opinion that no ordinary precautions on the part of the Pier Establishment would have saved the ladders, as they were bolted down to beams of timber in such a manner that the greatest difficulty would have been experienced even in fair weather in raising them and also that the tackling was so rotten as to be unequal to bear the weight of the ladders. I forwarded a copy of the Pier Committee's letter to the Pier Contractor's Agent, whose reply† is also herewith submitted for the information of Government.

* From the Chairman Pier Committee, No. 40, dated 17th November 1862.

† From the Agent to the Pier Contractor, dated 20th November 1862.

2. He still adheres to his former opinion that the bolts could have been removed with ease in fair weather, and as regards the tackling, he affirms that it was in perfect order when first attached to the ladders, and if it had been drawn up out of the water, instead of remaining submerged for so many months, it would have been now found to be quite serviceable.

3. Mr. Miller, the Agent, is quite mistaken as regards the ease with which the bolts could have been drawn out, for even in fair weather it would be dangerous to attempt to unscrew the nuts without erecting a platform to work from, in consequence of the nuts being underneath the beams.

4. The ladders were also fixed in their places by an iron tie-rod, and there would have been great difficulty in rough weather in removing the keys from the hooks of these rods, and consequently I am of opinion that the ladders could not have been loosened and lifted up so as to have prevented their being damaged.

5. It will be observed that it is stated in the Pier Committee's letter, that both the Superintendent of Marine and Master Attendant requested Mr. Gibson to fit the ladders in such a manner as to obviate all difficulty in hauling them up in rough weather, but that these injunctions were not attended to.

6. Under the above mentioned circumstances, I beg that the Government will be pleased to grant me permission to repair the ladders, and charge the expense against the sum still due to the Contractor, who is bound by the terms of his Contract to meet all expenses or losses sustained or incurred from failure or destruction of any portion of the works from any cause whatever for a period of six months after the completion Certificate has been furnished.

From J. J. FRANKLIN, Esq., Chairman of the Pier Committee, to Lieutenant-Colonel H. W. HITCHINS, R. E., Superintendent and Controller, Pier Works, dated Madras, 17th November 1862, No. 40.

SIR,

1. I have the honor to inform you that the accompanying letter from the Agent to the Pier Contractor to your address was laid before the Pier Committee at their last meeting on the 15th instant, and that it is their unanimous opinion that the repairs to the ladders should be executed by and at the expense of the Contractor.

2. Mr. Miller states that the repairs would not have been objected to, had ordinary precaution to save the ladders from damage been used, and remarks, that they are furnished with tackling to lift them in rough weather above the influence of the sea.

3. The Committee find that not only is the tackling quite rotten and unequal to bear the weight of the ladders, but that they are so bolted down to beams of timber that even in very fine weather it is a matter of much difficulty to release and raise them. Both the Master Attendant and the Superintendent of Marine expressly requested Mr. Gibson to fit them in such a manner that there would be no difficulty in hoisting them up in foul weather. These injunctions were not, it appears, attended to, and consequently the precautions which Mr. Miller states were omitted were positively not practicable.

4. The Committee believe that with this explanation the Contractor's Agent will at once withdraw his objections to repair the ladders, which should now be fitted as at first decided, namely, to admit of their being lifted with ease.

(True Copy.)
(Signed.) H. W. HITCHINS, Lieut-Colonel, R. E.,
Superintendent and Controller Pier Works.

From LEANDER MILLER, Esq., Agent to the Pier Contractor, to Lieutenant-Colonel H. W. HITCHINS, R. E., Government Superintendent and Controller, Pier Works, dated Madras, 20th November 1862.

SIR,

1. I have the honor to own receipt yesterday, of your letter of the 18th instant, together with copy of a communication, dated 17th idem, received by you from the Chairman of the Pier Committee, in which Mr. Franklin states it to be the unanimous opinion of the Committee that the repairs to the injured Pier ladders should be executed by and at the expense of the Contractor, alleging as the grounds of such opinion "that not only is the tackling" attached to the ladders "quite rotten and unequal to bear their weight," but that "the ladders are so "bolted down to beams of timber, that even in very fine weather it is a matter of much difficulty "to release and raise them."

2. The first point mooted by the Pier Committee may be disposed of by simply stating the fact that, had the tackling been hauled up out of the reach of the sea (which can at any time be done and the same refixed again in five minutes) and taken care of instead of having been allowed, as a portion of it has been, for so many months, to be submerged in or constantly washed by the water, it would now be found perfectly sound and serviceable, as it was when first attached to the ladders, and for this omission on the part of those in charge, I am sure neither the Pier Committee nor yourself can desire to exact from the Pier Contractor the penalty of supplying fresh tackling. The Contractor fairly fulfilled his part by furnishing tackling of the very best quality, which, if now unserviceable, has become so by the default of the subordinates in charge, consequently, I do not feel authorized or warranted to replace it.

3. On the second point urged by the Pier Committee, I beg to observe that the only bolt to be removed, in order to release a ladder from the beam of timber on which its lower end rests, can with ease be withdrawn in fine weather, and certainly with no difficulty, if attended to at once, on the appearance of the usual indications of bad weather.

4. I may in conclusion, be permitted to say that the Boatswain in charge of the ladders on the Pier, was anxious before the accident occurred to have the Ladders hoisted up, but the several officials to whom he referred the matter declined to arm him with authority to do so, hence the protection of the ladders was not even attempted, under these circumstances I submit that the Pier Contractor is not responsible for the injury done to the ladders during the recent rough weather.

(True Copy.)
(Signed.) H. W. HITCHINS, Lieut.-Colonel, R. E.,
Superintendent and Controller Pier Works.

No. 287.

ORDER THEREON, 15th December 1862, 3,001.

Resolved that the foregoing letter and its enclosures, together with the correspondence* noted in the margin, be forwarded to the Government Solicitor, with a request that he will lay the same before the Advocate General for his opinion as to whether, under the circumstances therein set forth, the Government Superintendent and Controller of the Pier Works can be authorized to repair the ladders and debit the charge against the sum still due to the Pier Contractor.

* Procs. of Govt., dated 10th November 1862, Nos. 197 & 198.
Do. " 18th " " " 341 & 342
Contract for the construction of the Pier.

(Signed.) W. I. BIRDWOOD, Colonel, R. E.,
Secretary to Government.

No. 2,016. Madras, 25th November, 1862.

From

The Govt. Supdt. and Controller,
Pier Works.

To

The Secretary to Government P. P. W.

Sir,

With reference to the order of Government No. 2771 dated 18th Instant, I beg to forward a copy of the Proceedings of the Pier Committee who are of opinion that no ordinary precautions on the part of the Pier Establishment would have saved the ladders as they were bolted down to beams of timber in such a manner that the greatest difficulty would have been experienced even in fair weather in raising them and also that the tackling was so rotten, as to be unequal to bear the weight of the Ladders. I forwarded a copy of the Pier Committee's letter to the Pier Contractor's Agent, whose reply is also herewith submitted for the information of Government.

2. He still adheres to his former opinion that the bolts could have

+ From the Chairman Pier Committee No. 40 D/17th Nov. 62

† From the Agent to the Pier Contractor D/20th Nov. 1862.

have been removed with ease in fair weather and as regards the tackling, he affirms that it was in perfect order when first attached to the Ladders, and if it had been drawn up out of the water, instead of remaining submerged for so many months, it would have been now found to be quite serviceable.

3. Mr. Miller the Agent is quite mistaken as regards the ease with which the bolts could have been drawn out, for even in fair weather it would be dangerous to attempt to unscrew the nuts without erecting a Platform to work from, in consequence of the nuts being underneath the Beams.

4. The Ladders were also fixed in their places by an Iron tie Rod and there would have been great difficulty ~~in~~ in rough weather in removing the keys from the hooks of these Rods and consequently I am of opinion that the Ladders could not have been loosened & lifted up so as to have prevented their being damaged.

I

5. It will be observed that it is stated in the Pier Committees letter, that both the Superintendent of Marine & Master Attendant requested Mr. Gibson to fit the Ladders in such a manner as to obviate all difficulty in hauling them up in rough weather but that these injunctions were not attended to.

6. Under the above mentioned circumstances I beg that the Government will be pleased to grant me permission to repair the Ladders, and charge the Expense against the sum still due to the Contractor who is bound by the terms of his contract to meet all expenses or losses sustained or incurred from failure or destruction of any portion of the works from any cause whatever for a period of six months after the completion certificate has been furnished.

I have the honor to be.
Sir.
Your most Obedt Servt.
R. Rothwell Lieut Colt.
Govt Supt & Controller of Pier Works

No. 10. 2

From

J. J. Franklin Esquire

Chairman of the Pier Committee

To

Lieut.t Col.t H. W. Hitchins R. E

Sup.t and Controller

Pier Works

Sir

I have the honor to inform you that the accompanying letter from the agent to the Pier Contractor to your address was laid before the Pier Committee at their last meeting on the 15th instant, & that it is their unanimous opinion that the repairs to the ladders should be executed by and at the expense of the Contractor.

2. Mr. Miller states that the repairs would not have been objected to had ordinary precautions to save the ladders from damages been used, and requests that they are furnished with tackling to lift them in rough weather above the influence of the sea.

3. The Committee find that not only is the tackling quite rotten and unequal to bear the weight of the ladders, but that they are so bolted down to beams of timbers that even in very

Rec.d 18th November 62 in Reply

To Capt. Luttley R.E. Pier Works

From The Gov.t Chief Contractor Pier Works.

Dated 25th Oct.r 1862

Rec.d 26th do 1862.

No 2016.

Enclosure 2

Forwarded by the Pier Committee

Proceedings of the Pier Committee are of opinion that no ordinary precaution on the part of the Pier Contractor was used to save the ladders from damage. may forward the agent to the Pier Contractor for information and they think that the ladders and chains should be repaired at his own expense and charge the amount against the sum still due to the Contractor. R. H.

No 2016.

No. 2016. 18th November.

C. Land Dec.r 1862.

very fine weather it is a matter of much difficulty to release and raise them. Both the Master Attendant and the Superintendent of Marine expressly requested Mr. Gibson to fit them in such a manner that there would be no difficulty in hoisting them up in foul weather. These injunctions were not, it appears, attended to, and consequently the precautions which Mr. Miller states were omitted were positively not practicable.

4th. The Committee believe that with this explanation the Contractor's Agent will at once withdraw his objections to repair the Ladders, which should now be fitted as at first decided, namely, to admit of their being lighted with Gas.

I have the honor &c.

Madras 17th November 1862.

Signed/ J. J. Franklin
Chairman of the
Pier Committee

/True Copy/

W. H. Hitchins / Lieut. & C.

Supt. and Controller Pier Works.

Madras 20th November 1862.

From

Leander Miller Esqr.

Agent to the Pier Contractor

To

Lieut. & Col. H. W. Hitchins

Govt. Supt. & Controller Pier Works.

Sir,

I have the honor to own receipt, yesterday, of your letter of the 18th Inst. together with copy of a communication, dated 17th idem, received by you from the Chairman of the Pier Committee, in which Mr. Franklin states it to be the unanimous opinion of the Committee, that the repairs to the injured Pier Ladders should be executed by and at the expense of the Contractor, alleging as the grounds of such opinion "that not only is the Tackling" attached to the Ladders" quite rotten and unequal to bear "their" weight, but that" the Ladders" are so bolted down to beams of Timber, "that even in very fine weather it is a matter" of much difficulty to release and raise them."

The first point mooted by the Pier Committee may be disposed of by simply stating the fact that, had the Tackling been hauled up out of the reach of the Sea (which

can

can at any time be done & the same refixed again in 5 minutes) and taken care of instead of having been allowed, as a portion of it has been, for so many months, to be submerged in or constantly washed by the water, it would now be found perfectly sound and serviceable, as it was when first attached to the Ladders. and for this omission on the part of those in charge, I am sure neither the Pier Committee nor yourself can desire to exact from the Pier Contractor the penalty of supplying fresh Tackling. The Contractor fairly fulfilled his part by furnishing Tackling of the very best quality, which, if now unserviceable, has become so by the default of the Subordinates in charge, Consequently, I do not feel authorized or warranted to replace it.

On the second point urged by the Pier Committee, I beg to observe that the only bolt to be removed, in order to release a ladder from the beam of Timber on which its lower end rests, can with ease be with drawn in fine weather, and certainly with no difficulty if attended to, at once, on the appearance of the usual indications of bad weather.

I may in conclusion, be permitted to say that, the Boatswain in charge of the Ladders on the Pier, was anxious, before the accident occurred, to have the Ladders hoisted up, but the several Officials to whom he referred the matter declined to arm him with authority to do so, hence the protection of the Ladders was not even attempted. under these circumstances I submit, that the Pier Contractor is not responsible for the injury done to the Ladders during the recent rough weather.

I have the honor to be Sir
Sig[d] L. Butler
Agent to the Pier Contractor.

/True Copy/
Geo Robertson Lt Colonel
Engr & Constructor Pier Works

Pros of the Harbour Masters

Forwarding copy of the Pros: of the Pier Committee who are of opinion that no ordinary precautions on the part of the Pier Establishment would have saved the ladders from damage forwards also a requisition from the Agent to the Pier Contractors for information and beg that he would permit him to repair the Ladders and charge the expence against the sum still due to the Contractors Vce - Vce —

N.R. 29th Nov/62
Vo 2016.

Progs of Govt dated 10th Nov/62 Nos 197+198
" " " 18th Nov/62 Nos 341+342
Contract for the construction of the Pier.

Resolved that the foregoing letter and its enclosures, together with the correspondence noted in the margin, be forwarded to the Government Solicitor, with a request that he will lay the same before the Advocate General for his opinion as to whether, under the circumstances therein set forth, the Govt Supts and Controller of the Pier Works can be authorized to repair the ladders and debit the charge against

against the sum fixed
due to the Pier Contrac-
tor.

1 Copy

To

The Govt Solicitor Sept. 16th

" Govt Supt & Controller
of the Pier Works

" Chairman Pier Committee.

C. 2nd Dec. 1862. P. 6th

No. 286

P. W. 1862 Departt.
Ltr. of Govt. for Dec.

No. 2807

Ltr. of the Dl Govt.
Dd 15th Dec. 1862.

Forwarding to the Govt.
Solicitor letter from the Superintendent and Controller Pier Works
together with their enclosures with
a request to refer them to the
Advocate General and ascertain
whether the Superintendent and
Controller of the Pier works can
be authorized to retain the Caddalore
and debit the charges against the
sums still due to the Pier contractors

No. 286. 287.