M.R.O. 1—10,006—28-2-50.

(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.	2667-68	Press	
B.P. No.		Mis.	
		1636	
Dated	10-8-	195	

Not to be folded or roughly handled

No. 234. Read the following letter from ERNEST BARCLAY, Esq., Government Solicitor, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Madras, 26th July 1876, No. 360 :—

I HAVE the honor to acknowledge receipt of the Order of Government, dated 8th July 1876, No. 1,733, Public Works Department, together with its enclosure, requesting the Advocate-General's opinion relative to the liability of the Steam Ship *Duke of Devonshire* for damage attributable to overcarrying.

2. I submitted the matter for the consideration of the Advocate-General, and I now forward herewith a copy of his opinion, and return the enclosure which accompanied the above Order of Government.

OPINION.

THE Government is in a disadvantageous position for asserting a claim in respect to the damaged casks in that two Government officials have given their opinion that the damage arose from insufficient package and that the ship-owners were not to blame. It can hardly be expected that the ship-owners will, in the face of such an expression of opinion, be prepared to admit the liability, or that the liability could be legally enforced. I observe that of the whole number, 473, only 305 are described as "received in fair order" and 168 as "broken and slightly damaged"; of the 198 casks which were taken on to Calcutta only 60 were received broken; the proportion of injured casks was, therefore, less in the case of those which were carried on, which looks as if the damage was not produced by that circumstance. If the goods were supplied and packed by a firm at home, the safer course would be to inform them of the finding of the Committee and request compensation. But the finding of Mr. Beardmore will not dispose them to acquiesce unless anxious to receive Government custom by ready compliance.

(Signed) H. S. CUNNINGHAM,
Advocate-General.

25*th July* 1876.

(True Copy.)
(Signed) ERNEST BARCLAY,
Government Solicitor.

No. 235. ORDER THEREON, 10th August 1876, No. 2,067.

ACCOUNT, No. 21.

ORDERED to be recorded. It is not expedient to pursue the question of recovery of damages. A decision adverse to the ships would probably be followed by a rise in the freight, which would more than counterbalance any loss actually sustained in these cases.

2. Careful returns of all deliveries of cement casks will be kept by the Superintendent of the Harbour Works, in which their condition when landed should be noted.

3. His Grace the Governor in Council is of opinion that the constitution of these Committees of Survey should be reconsidered, so that future Committees shall be

composed of members having no direct interest in the consignments to be reported on. The modification to be suggested in Clause 9 of the "Rules* to be observed on discharging Government consignments" will be considered in the Marine Department.

* G.O., No. 333, dated 26th December 1863, Marine Department.

4. The Packing Account and Proceedings of the Committee of Survey recorded with G.O., No. 1,733, dated 8th July 1876, will be transmitted to the Home Government.

(Here enter No. 2,068, dated 10th August 1876.)

(True Extract.)

Colonel,
Offg. Under Secy. to Govt., P.W.D.

To the District Engineer, Presidency.
" Superintendent of the Madras Habour Works.
" Marine Department.

Exd. J. W. Fischer.
Spare Copies

PUBLIC WORKS DEPARTMENT,
FORT ST. GEORGE, 10*th August* 1876.

No. 236.

No. 2,068.

FROM

MAJOR-GENERAL G. W. WALKER, R.E.,
Secretary to the Government of Madras,
Public Works Department,

To

THE UNDER SECRETARY OF STATE FOR INDIA.

ACCOUNT, No. 22.

* Dated 16th April 1876.

SIR,—I am directed to retransmit the original Packing Account* of Public Works Stores shipped per Steam Ship *Duke of Devonshire*, together with the Proceedings of a Committee of Survey, from which the condition of the consignment on delivery will be perceived.

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

Colonel,
Offg. Under Secy. to Govt., P.W.D.,
for *Secretary to Government.*

Exd. J. W. Fischer.
Spare Copies

P.W.D.
12/0576

Opinion.

The Government is in a disadvantageous position for executing a claim in respect to the damaged Casks, in that the Government officials have given their opinion that the damage arose from insufficient packages used that the Ship Owners were not to blame. It can hardly be expected that the Ship Owners will pay the face of such an expression of opinion, be prepared to admit the liability or that the liability could be legally enforced. I observe that of the whole number, 473, only 305 are described as "received in fair order" and 168 as "broken and slightly damaged". Of the 198 Casks which were taken on to Calcutta only 60 were received broken. The proportion of injured Casks was therefore less in the case of those which by were carried on, which looks as if the damage were not proved by that circumstance.

If the Casks were repacked and packed by a firm of some standing & position in the opinion there of the Consulate and Agricultural Engineer's Dept the passing of the Bill would not dispose them to acquiesce unless assured to receive Government custom by ready compliance.

Signed J. H. S. Cumming Esqr
25-7-76.

/ True Copy /
Lewis Hawkins
Government Solicitor

Rd. 26 Dec/63. No 2883. Marine

No 360.

Madras, 26th July 1864.

From

Ernest Barclay
Government Solicitor
Madras

To

Major Genl J. H. Walker, R.E. C.B. A.D.C.
Secretary to Government, G.P.W.D.
Ootacamund.

Sir,

1. I have the honor to acknowledge receipt of the Order of Government dated 8th July 1864, No 1733, G.P.W.D. for me, to confer with Captain the Hon'ble Capt. Spencer relative to the building of the Steam Ship "Bute" of Bombay for damages sustained by her carriage.

2. I submitted the matter for the consideration of the Advocate General and Junior Counsel herewith a copy of the Petition and a Statement which accompanied the above Order of Government.

I have the honor to be,
Sir,
Your most Obedient Servant,

Ernest Barclay
Government Solicitor

Ex. 26 Dec/63 - N2883 Hanna
19 July/76 - 176 do
8 July/76 - 1933 Off Cadet

P.W.D.
12 AUG 76
No 5303

PUBLIC WORKS DEPARTMENT.

From the Government Solicitor
Madras. No. 360 dated 26th July 1876.

FOR ORDERS.

Major Genl. R.E.
Secretary to Government P.W.D.

N° 234

Relin - 7.8.76
Cir - 9.8.76 Rlse 2.8.76
C.L. Mail 17 Aug

FOR ORDERS.

Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

UNDER date the

READ the following:—

From
The Government
Calcutta

(P.C. No. 360 of 26th July 1776)

Ordered to be
recorded. It does not
appear expedient to pronounce
positively the precise degree of
Accession advised to
the Ships would probably
be followed by a free
or the Company freight
Vessels employed, which
would more than
Counterbalance any Loss
actually sustained
in the Sale of the Cargoes
by the Ships
in which Commodities
Pepper.

Agreed

2 Careful returns of all deliveries of Cement each will be kept by the Superintendents of the Harbour Works, in which there Conditions will be noted.

3. His Grace the Governor in Council is of opinion that future Committees of Survey should be composed of persons having no direct interest in the Consignments to the Depot or the purposes to which the Cement is applied in the Colony of the Rules to be observed in discharging Government Consignments will be recorded in the Marine Department

The Vacating Account and Proceedings of the Committee

The constitution of these Committees should be considered - so that Engineers may not be compelled to sit on Committees where they have given evidence

Committee of Survey to be conducted with G. Obs. 333 dated 8th July 1876 will be transmitted to the Home Government.

* G. Obs. 333 d/ 12th Oct 1876 (Marine Department)

Col. Sec. No. 1876

Copy

To Private Secretary Governor Cates for Excellency's

Sir,

I am directed to return herewith the Original Vacating Account of Public Works Steamer Duke of Buccleuch together with the Proceedings of a Committee of Survey upon which the condition of the Consignment on delivery

Asst Engineer Engineering Supt Breakwater Elephant Bottle. Marine Depot.

Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

UNDER date the

READ the following :—

be kept by the Superin=
=tendent of the Harbour
Works, in which their
condition when landed
should be noted.

3. His Grace the Gover=
=nor in Council is of
opinion that the consti=
=tution of these Com=
=mittees of Survey
should be considered
so that future Commit=
=tees shall be composed
of Members having
no direct interest in the
Consignments to be
reported on. The mo=
=dification to be sug=
=gested in clause 9
of the "Rules[x] to be ob=
=served in discharging
Government Consignments"
will

[x] G.O. No. 333 d/26th Decr/63
(Marine Department)

d/16th April/76

District Engineer, Presidency
Supt. Madras Harbour Works
Marine Department

will be considered in
the Marine Depart=
=ment.

The Packing Account
and Proceedings of the
Committee of Survey
recorded with G.O.
No. 1733 dated 8th July
1876 will be trans=
=mitted to the Home
Government.

(P.W. No. 1068 d/10 Aug/76)

No. 1068.
To
The Under Secretary
of State for India.

Sir,

I am directed to
retransmit the Original
Packing Account of
Public Works Stores
shipped

Despatches from the Bengal Government
with the Proceedings
of the Committee of Secrecy
appointed by the Court
of Directors of the
East India Company
dated the 10th March
1773

Presidency
Fort William
Bengal

5808 80

Govt. of Nova Scotia.
PUBLIC WORKS.

To

Hon H. E. Blanchard

Dated

Dated

Read Filed

10 Augt 1880 2067-2068

Hon 23rd Aug 23rd

Sandpiro 19 Aug

Liability of the Steam ship
"Duke of Devonshire" for
damage attributable to
over-carrying Passengers
orders on letter from the
Govt Solicitor Halifax for
warding the opinion of the
Advocate Genl relative
to the question of the