

Ms. 8248

**Gobt. of (1884) Madras
MILITARY.**

To THE GOVERNMENT SOLICITOR,
&c., &c., &c.

No 2452 W of 4th October
B

Recorded in
Continuation of G.O.
No 2112 W of 27th
August 1884

Cb.
3-10-84

Dated September,

Issued

Recd. 3/10/84

Encl.

G.O., 30th September 1884, No 4818.

No 2452 W of 4th October

**SEPTEMBER.
Nos.**

Miscellaneous.

Beardmore, Mr. N. St. B.—Government
Solicitor informed that Government have offered
— all that they consider he is strictly entitled to
on account of damages sustained by him owing
to an accident caused by a gun being placed on
the roadway near Clive's battery.

MS 107/9

od 6/10/84

With order

GOVERNMENT OF MADRAS.
MILITARY DEPARTMENT.

30th September 1884, No. 4878

Miscellaneous.

Read the following paper :—

No. . From E. BARCLAY, Esq., Government Solicitor, to Lieutenant-Colonel A. KENNEY-HERBERT, Officiating Secretary to Government, Military Department; dated Madras, 11th September 1884, No. 493.

With reference to G.O., Military Department, dated 14th August 1884, No. 3943, I forward herewith copy of a letter, dated 9th instant, received by me from Mr. Beardmore.

2. On the 19th August I wrote Mr. Beardmore offering him the sum of Rs. 493-4-0 in full of his claim. On the 21st idem he wrote to me inquiring of what items the sum of Rs. 493-4-0 was made up. This information I told Mr. Beardmore I could not give him, and the enclosed is a copy of the next communication I have received from Mr. Beardmore.

3. Awaiting the orders of Government.

From N. St. B. BEARDMORE, Esq., to E. BARCLAY, Esq., Government Solicitor; dated Madras, 9th September 1884.

I presume the Rs. 493-4-0 offered to me by you on behalf of Government is made up of the following items :—

	RS.	A.	P.
Repairing my carriage	82	0	0
„ Dr. Cockerill's carriage	65	4	0
„ my harness, Rs. 1-10-0—4 annas=	1	6	0
Value of my horse, Rs. 460—Rs. 114	346	0	0
Total	494	10	0

less Rs. 1-6-0 for repairs to harness, and then the addition makes the exact sum, Rs. 493-4-0, which has been offered. I gather this because in your letter, No. 296, of 5th June you give me to understand you are prepared to recommend payment of those items.

2. In para. 3. of that letter you remark : *The most Government would be liable for, if anything, would be the damages actually sustained by you by reason of the accident.* With my letter of 15th June I forwarded you an estimate from Messrs. Runga Pillay and Co. detailing the damage done to my carriage by reason of the accident and estimating the repairs necessary, item by item, to amount to Rs. 266-4-0. As you have the estimate, I cannot refer to it in detail, but if you deduct therefrom the sum of Rs. 65-8-0 for lining, &c., plus Rs. 1-8-0 for fixing fall to hind seat, plus the Rs. 82, which I understand is offered by Government on your recommendation, in all Rs. 149, you have Rs. 117-4-0, the cost of further “damages actually sustained by me by reason of the accident” as estimated, not by me, but by an independent professional coach-builder. Have you or Government considered this? I repeat that I do not see that I have relinquished my claim to have my carriage properly repaired at this date, or claim for compensation for damages caused; and I gave my reasons for not having at the time the repairs thoroughly done as recommended by the coach-builder in para. 6 of my letter to you of 16th June. It is loss enough to me for the keep of my horse (Rs. 70) for three and a half

months and other items to be struck out of consideration; for, as I have remarked in my previous letter, it was no fault of mine that Government gave no sign in reply to my letter of 25th January from the date of receipt until on the 8th May I received your first communication.

3. It seems to me if I had said to Messrs. Runga Pillay and Co. "proceed with the repairs on the first estimate" the Government would have offered me the full sum less the cost of relining the carriage, &c., which I always admitted was not immediately due to the accident, (*vide* my first letter to you of the 9th of May). I shall be obliged therefore if this one point has not been considered, if you will kindly, though I am sorry to trouble you so much, refer it again to Government.

No. . ORDER THEREON, 30 September 1884, No. 481A.

The Government have offered Mr. Beardmore all that they consider he is strictly entitled to, and see no reason for any further orders on the subject.

(True Extract.)

Herbert E. Rungney Lt.-Col.,
Offg. Secretary to Government.

To the Government Solicitor.
„ Controller of Military Accounts.
„ Public Works Department.

No 2452 W of 4th October
Govt. of (1884) Madras.
MILITARY.

To
THE GOVERNMENT SOLICITOR,
&c., &c., &c.

No 2112 W of 27th August 1884
Dated September, *1884*

Issued

Recd. *3/10/84*

Encl.

G.O., 30th September 1884, No. 4818.

No 2452 W of 4th October
SEPTEMBER.
Nos.

Miscellaneous.

With order
10/10/84
ad copy
Beardmore, Mr. N. St. B.—Government Solicitor informed that Government have offered — all that they consider he is strictly entitled to on account of damages sustained by him owing to an accident caused by a gun being placed on the roadway near Clive's battery.

Govt. of (1884) Madras.
MILITARY.

To
THE GOVERNMENT SOLICITOR,
&c., &c., &c.

Dated August, .

Issued

Recd.

Encl.

G.O., 14 August 1884, No. 3943.

AUGUST.
Nos. — .

Miscellaneous.

Beardmore, Mr. N. St. B.—Government Solicitor authorized to offer, and, if accepted, to pay — Rs. 493-4-0 in settlement of his claim for compensation for loss sustained by him on account of an accident caused by a gun being placed on the roadway near Clive's battery.

2112 W of 27-8-84

With order

11. I have also addressed His Excellency the Commander-in-Chief, but it has occurred to me since that, in consequence of the battery being under repair, it may be that the cannon is considered to be in the charge of the Public Works Department, so I thought I had better also address you.

No. 376-C.

Transferred to the Military Department, as the gun alluded to appears to have been in charge of the Ordnance Department at the time of the carriage accident brought to notice.

CHEPAUK, (Signed) J. SHAW-STEWART, Col., R.E.,
16th February 1884. Secretary to Government, P.W.D.

No. 858.

Referred to the Inspector-General of Ordnance, for report, to be submitted through His Excellency the Commander-in-Chief with reference to para. 7 of Colonel Burton's letter.

(By Order.)
FORT ST. GEORGE, (Signed) A. KENNEY-HERBERT, Lt.-Col.,
20th February 1884. Offg. Secretary to Government.

No. From Colonel S. CHAMIER, Inspector-General of Ordnance, to Lieutenant-Colonel A. KENNEY-HERBERT, Officiating Secretary to Government, Military Department; dated Fort St. George, 5th March 1884, No. 227-G.

Adverting to your memorandum, No. 858, dated 20th ultimo, and the accompanying correspondence (herewith returned), I have the honor to state, for the information of the Right Honorable the Governor in Council, that appliances for the removal of the 9" R.M.L. guns being available at the Arsenal, Fort St. George, the Commissary of Ordnance undertook the removal of the guns required for the Beach batteries to their respective positions, or rather to such positions as would be convenient for their subsequent mounting when the emplacements were ready.

2. The gun required for the Clive battery was conveyed on what is technically known as a drag, drawn by 33 pairs of bullocks, and it was impossible for the small party from the Ordnance Department which accompanied it to attempt to move it up the ramp of the battery. It was placed therefore on the side of the road next to the battery and as near to the South Indian Railway Company's line as was possible without fear of injury to the sleepers. There was considered to be plenty of room for traffic, but, for greater security at night, a small guard of lascars was placed over the gun to warn carriages not to pass too close to it, or to run against it in the dark.

3. It was believed that the gun having been asked for by the Department Public Works, early steps would have been taken to place it in or near its future position; a work which would have to be performed by a party of Royal Artillery men from the fort in communication with the Executive Engineer. For reasons, however, not known to this department, the gun was not moved from the drag on which it rested at the roadside for some days; but had its position been considered dangerous for traffic, the Executive Engineer, who is supervising the remodelling of the battery and visits the work several times a week, would doubtless have applied for early steps being taken for its removal inside the work.

4. The roadway at this part of the beach is broad, and, but for the excavation made by the Municipality, there would be no necessity for anybody whose horses were nervous to drive at all near the gun. Many hundreds of carriages proceeded to and fro daily without accident, or, as far as is known, any complaint being made of the gun being inconveniently placed. Mr. Beardmore himself, it is true, considered that the presence of the gun was attended with danger to carriages and horses, but apparently took no steps to bring his fears to the notice of any public authority until after he had actually met with an accident, and, strange to say, the

accident did not occur (as is shown in the correspondence) until after the hole in the road made by the Municipality, which had of necessity narrowed the roadway for a time, had been filled up, and when the whole breadth of the roadway had again become available for traffic.

5. Had Mr. Beardmore brought to the notice of the Municipality or the Department Public Works or this department that his driving past the gun was attended with risk on account of his horses being nervous, immediate steps would doubtless have been taken to have the piece of ordnance removed into a more secluded spot.

No. From Brigadier-General GODFREY CLERK, Adjutant-General, to Lieutenant-Colonel A. KENNEY-HERBERT, Officiating Secretary to Government, Military Department; dated Ootacamund, 7th April 1884, No. 168.

In forwarding the report by the Inspector-General of Ordnance, called for in your memorandum of the 20th February last, No. 858, having reference to the claim for compensation by Mr. Beardmore for loss sustained by him on account of an accident alleged to have been caused by a gun being placed on the roadway near Clive's battery, I am desired to state, for the information of Government, that full inquiry has been made into this matter from the various officers and departments concerned, showing that the guns which were to be mounted on the coast batteries were placed by the Ordnance Department in such positions as would be convenient for their subsequent mounting when the construction of the batteries was sufficiently advanced.

2. The report of the Officer Commanding Royal Artillery shows that there was no avoidable delay in mounting the gun referred to by Mr. Beardmore on the Clive battery.

No. From the Government Solicitor; dated 24th April 1884, No. 228.

No. From the same Officer; dated 22nd July 1884, No. 373.

No. ORDER THEREON, 14th August 1884, No. 3943.
The Right Honorable the Governor in Council authorizes the Government Solicitor to offer, and, if accepted, to pay Mr. Beardmore the sum of Rs. 493-4-0, in settlement of his claim.

(True Extract.)

(Signed) A. KENNEY-HERBERT, Lt.-Col.,
Offg. Secretary to Government.

To the Government Solicitor.
" Controller of Military Accounts.
" Marine Department, with notes by the Governor and the Commander-in-Chief.
" Pub. Works.

Exd. P. L. Pereira.

Govt. of (1884) Madras.

MILITARY.

To
THE GOVERNMENT SOLICITOR,
&c., &c., &c.

Dated August, .

Issued

Recd.

Encl.

G.O., 14 August 1884, No. 3943.

AUGUST.

Nos. — .

Miscellaneous.

Beardmore, Mr. N. St. B.—Government Solicitor authorized to offer, and, if accepted, to pay — Rs. 493-4-0 in settlement of his claim for compensation for loss sustained by him on account of an accident caused by a gun being placed on the roadway near Clive's battery.

2112 Wd 27-8-84

Examd J. W. Acet
over 20th

14th 1884

Will be