(1) பக்கங்களின் எண்ணிக்கை 20 (12)

(2) புதுக்கித் திருப்பிய நாள் 2/12

(3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம் 2/

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

P.W துறை

அரசாணை எண். 173	அச்சகம்
மு. கோப்புத் தாள் எண்.	பலவகை
நாள் : 19.1.1990	199

மடிக்கவோ கண்டபடி கையாளவோ கூடாது.

ஆவ

ஆவண. கா. 1—18,006—6-9-90.

From Lt. A. Smith Esqre Executive Engineer, Kistna Eastern Division to the Superintending Engineer, N. Circle, dy 25th October 1893. No. 3822.

173/1

I have the honor to bring to your notice that 56 out of 100 logs of Burmah Timber in S. S. Cawarta and discharged at the port of Masulipatam have been reported by Messrs Maiden & Co to have been blown to sea in consequence of the heavy squally weather which commenced on the night of 27th and continued up to 30th July 93. Of the remaining 44, only 3 logs were brought to the port and on sending men in search 16 were found stranded near Sattampallam Salt Kotaru 11 near Pedapatam and 14 near Samaladevi, but about the 56 that broke, Messrs Maiden & Co have given intimation to the Collector of the District the Superintendent of Police and the Port Officer in order that instructions might be issued to maritime villagers between Masulipatam and Bimilipatam to secure and report to them when found. The logs were not found upto 15th September 1893.

3/16 11 66

2. The question how the cost of these logs should be shown in the

the accounts will be duly sub-
mitted for orders when it is
finally reported by Maiden & Co
that none of these logs were found
in spite of their efforts to to secure
any or all of them.

3. In the meantime the question
of responsibility of Maiden & Co
for the loss of logs in the event
of all or any of them are not found,
requires to be authoratatively
settled, for, on being written to,
the firm has disclaimed any re-
sponsibility for the loss.

4. There was no specific agree-
ment with Maiden & Co to
land the above consignment,
and hand over the timber to
our department; but the intimation
of arrival of timber on Steamers
was given them and they were
asked to make arrangements
for landing &c as they were
landing our timber for the last
three years. This they agreed to do.
It would appear from my records
that no specific agreement in
respect to any of the previous years
consignment was ever entered into.

5. They represented that landing
charges of Rs 2/- per ton agreed to
in November 1890 were not suf-
ficient to meet all their expenses
and

Maiden & Co's letter dy 18-11-90

Maiden & Co's letter dy 23-3-91

wished it to be raised to Rs 2½ per ton in March 1891. This arrangement was accepted by my predecessor. Again in December 1892 Maiden & Co, represented that their rate of Rs 2½ did not pay them and had the rate raised to Rs 3/- per ton with the approval of the then Engineer.

do - 13-12-92

6. In these circumstances I Messrs Maiden & Co cannot, I consider, evade their responsibility for the loss, on the ground of there being no specific agreement in respect to the Consignment in question.

7. I have, therefore, to request that you will be good enough to refer the matter to the Chief Engineer for obtaining the opinion of legal authorities on the matter, i.e. whether Messrs Maiden & Co of Masulipatam are, or are not responsible for the loss legally of timber and what further action is to be taken.

Copies of all the correspondence are enclosed.

Letter from Messrs Maiden & Co, Masulipatam to the Dy Engineer, District Eastern Dn, dy 22nd Nov 93.

In reply to your letter of 3rd Current

current, we have the honor to inform you that the weather on the morning of the 29th July last while your timber was being discharged here, was fine and as far as we could see there were no signs of bad weather. It was only after the timber had been discharged and when the boats were returning during the afternoon, that the weather suddenly got bad and the boats with the rafts blown out to sea. No special arrangements could be made after the timber had been rafted and bad weather had set in. The following day pinnaces and men were sent out but the lighters with the rafts were no where to be seen.

Had there been the slightest symptoms of bad weather we would not have allowed the discharge of timber and had it been in progress when the steamer arrived, discharge of timber would have been an impossibility and the steamer would have been to over carry it until the timber could have been safely landed.

/ Spun Co/mv /

No E-1
to 78/93
1102/94

J. W. Machin.
Supg. Engineer
1-12-93

1

4214
1

For orders
whether the opinion of the Gov. Solicitor should be asked as to the responsibility of the landing Agents for the loss. The cause was beyond control, and it therefore, seems clear that no recovery can be made.

C. might be asked to report on the circumstances of the charge.

R.S.
4 Dec

W. H. S.

D 5/12

Superintending Engineer's Office,

No. 2134/Ho. 93/3

II Circle, Bezwada

Dated 1st Dec. 1893.

From,

J. W. Martin *Esquire,*

Superintending Engineer,

II Circle.

To,

The Chief Engineer

P. W. Department

Madras.

Encls

1. letter from the Exc. Engr. M. C. Div.
1. do from Messrs. Maiden & Co.

Sir,

I have the honor to forward copy of letter No. 3822 dy 25th October 93 from the Executive Engineer Eastern Division Krishna reporting that 56 out of 100 logs of Burmah teak were blown out to sea while Messrs Maiden & Co, Masulipatam were trying to convey them from the "S.S. Camorta" to the port at Masulipatam.

2. I am also forwarding copy of letter dy 22nd November 1893 from Messrs Maiden & Co to the Executive Engineer explaining that the timbers broke away from the men in charge owing to the weather suddenly having become so bad that the boats were blown out to Sea,

3.

3. I think we cannot do anything as regards recovering from Messrs Maiden & Co the value of the timber and therefore I recommend that its value should be written off.

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

L. W. Martin.
Superintending Engineer,
II Circle.

Government of Madras.

1893

P. W. DEPARTMENT.

CURRENT No. 10278
10624

From
Examiner P.W. Accts

ENCLOS.

No. 2177 D
Dated 13-12-93
Received 14-12-93

SUBJECT.

Stating that the responsibility or otherwise of the Landing agents with regard to the 56 logs of Bummah teak in the Vizitura Eastern Division blown out to sea be decided by a reference to the Govt. Solicitor.

29—1,000—16-8-93.

DISPOSAL.

No. 4436 dated 21st December 1893

To
C

Assuming that the landing agents are not liable, please report how the loss should be shown in the accounts.

/sd/ J. S
15

23/12

DESPATCHED
23 DEC. 93

4214 Cd/ 8-12-93
6531 Cd/ 6-3-91
1042 Cd/ 24-2-91

212

No. 4436 Cd/ 21st Dece

Ch. 10624. C's Office
Note 21771 Dd/ 28th Dec. 93
For orders. [illegible]

C has misunderstood the question apparently. He was asked for a report as to how the loss showed as shown in the accounts. His reply raises the question of the liability of the Landing Agents. This is a matter for the decision of Govt., and in the face of the legal opinion given in a similar case - vide No. 6531 Cd/ 6 March 91 - it would seem useless to refer again to the Govt. Solicitor.

As regards the case becoming "a precedent" it is submitted that no precedent in a matter of this kind can be created except by the decision of a competent Court.

R.B.
15 Dec.

Under the terms of the Writ of Landing Rent is no claim

That the Company's liability ceased after the timber left the Chiefs tackle – there does not seem to be any dispute as to opening the question that Govt. Solicitor.

The papers should accordingly be returned to Govt. for report on the circumstances of the case.

O.U.H
15.12.93

30 Dec 93

No 4436 Cal/21st December 1893

433/9

To C

Assuming that the landing agents are not liable, please report how the loss should be shown in the accounts.

Dec 93
W.

O.U.S
16.12.93
No 50 Dd/11-1-94.
W

On the principle laid down at India Code XIII. 39, if the timber was obtained for any specific work the loss must be charged to it, otherwise to works in progress.

11/1
C

~~P. W. CURRENT No. 10278~~
~~10644~~
212

~~26 DEC 1893~~
P. W. ACCOUNTS

From
The Supg. Engineer
2nd Circle

To The Chief Engineer
P. W. dept.
Madras

Dated 14-12-93
Despd 2nd Dec. 1893
Rect 16-12-93
No. 2134 Ms.
Encs 2

From,
The Superintending Engineer,
II Circle.

To,
The

Dated
Received } 18

Enclosures.

NO.

SUBJECT.

26 Logs of Burmah teak

Forwards Kistna eastern Dn. Exc. Engrs letter as well as that from Messrs Maiden & Co. reporting that ——— were blown out to sea — and Requests that their value may be written off.

No

No. 42146 C dy/8th December 1893
To C
For favour of report as to the incidence of the charge due to the loss.

DWB
No 2177 Dd/23-12-93 6-12-93

W.

In my opinion, the responsibility or otherwise of the landing agents should be decided by a reference to the Govt Solicitor, especially as the case may become a precedent.

Sd 22/12

Government of Madras.

1893.

P. W. DEPARTMENT.

CURRENT No. 10278

From S. E. II Circle.

Encls. 1

No. 2134 MS.
Dated 1—12—1893
Received 4—"—.

Subject.

56 Logs of Burmah teak

— Forwards letters from the Executive Engineer Kistna Eastern Division and from Messrs Maiden & Co reporting that — were blown out to sea and requests that their value may be written off.

29—1,000—16-8-93.

4214
2 8

Disposal.

No. 42146 dated 8th December 1893
To C

For favour of report as to the incidence of the charge due to the loss.

Sd DWB
DW.

Dept 8/12

5
5.

123/5

No 4214 Cd/8. December
1853

Government of Madras.

1898.

P. W. DEPARTMENT.

212

CURRENT No. 10624

EXAMINER
26 DEC 1898
W. ACCOUNTS

DISPOSAL

No. dated

From

The Examiner of P.W. Accts.

No 5830 of 3-2-91
" 1042 c. 24-2-91
" 6530 c. 6-3-91

ENCLOS.

No. 2177 D

Dated 13.12.93

Received 14.12.93
12-1-94

SUBJECT.

56 Logs of Burmah Teak:

Reporting that the responsibility or otherwise of the landing agents for the — blown out to sea while being conveyed from the S.S. "Comarta" to the port of Masulipatam should be decided by a reference to the Govt Solicitor.

29—1,000—16-8-93.

PUBLIC WORKS DEPARTMENT.

No. 173. Wdy 19 January 1894

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Letter from the Supdg. Engr II circle H.S. No 2134 K.S. dy 1st Dec. 93
Office Note from the Exr. P.W. Accts - - 2177 D dy 23 Dec. 93
— do — do — - - 50 D dy 11 Jany 94

As the loss of the timber is reported to be due to causes beyond human control it seems unnecessary to attempt to fix liability on the Agents. The value will be adjusted on the principle laid down in para 39, Chap XIII of the P.W. Code. If the timber was obtained for a particular work, the loss will be charged to that work, otherwise it will be distributed over works in progress.

DESPATCHED
19 JAN 94

II circle
P.W Accts

(40—2,000—11-10-93.)

WDS
15.1.94

Destruction

Loss of Kipker in landing at Nsambi. Return.

No. 173. W.d/19 January 1894

C.20.i

H.E.65/1.R.12/1

1/2