No. 7553

P. W. D.

SUPG. ENGINEER'S OFFICE P.W.D.
No. 795 C.9
1-OCT.95
FOURTH CIRCLE.

From

The Executive Engineer,
Coimbatore Division.

Recd 5-10-95

To

The Supg. Engineer,
Fourth Circle,
Coimbatore.

No. 2542 W. of 15th October 1895

B

Sanctioned
Sanctioned
under Article 1137
under Art. 1137 C.S.
Civil Service Regulations.
Regns

Dated 29th
Despatched 30th } September 1895.
Received

No. 3985

ENCLOSURES

SUBJECT.

Travancore Planters' road

Requests permission to inspect the — from its south-western end reaching it via Karur Ammayanayakanur & the Bodinayakanur ghant.

7/10 95

DESPATCHED
16 OCT. 95
INDEXED

Dis 15/10

S. E. IV circle
S. E. IV Circle
Exr. P. W. Accts.

Within

O.S. 416

R 16/10

No. 3985

EXECUTIVE ENGINEER'S OFFICE,
COIMBATORE DIVISION,
COIMBATORE, 29th September 1895.

FROM
W. B. deWinton Esq
EXECUTIVE ENGINEER,
COIMBATORE DIVISION.

To
THE SUPERINTENDING ENGINEER,
FOURTH CIRCLE, COIMBATORE.

SIR,

Enclosures.

I have the honor to request permission to inspect the Travancore Planters' road from its south-western end, reaching it via Karur, Ammayanayakanur and the Bodynayakanur ghaut. I understand that it is 70 miles long and for the most part unrideable, so that if I have to walk this distance both ways from the Coimbatore frontier, it will take me a much longer time than I can spare from my work in Coimbatore where there are many things

as soon as possible.

1/10/9 No.

things requiring attention.

2 I propose leaving Karur on 8th October and turning off at Periyakolam to attend the opening of the Periyar Project works, if you will be good enough to give me 2 days casual leave for the purpose.

I have the honor to be
Sir,
Your most obedt. servant

Executive Engineer

No. 372/W. d/2nd October/95.

Submitted to the Chief Engineer, P.W.D., for favor of sanction.

Permission given to the Executive Engineer to inspect the road in question in the way proposed in anticipation of sanction.

Supg. Engr. 4th Cir.

S.E. 28/9

16/9 No.

P. W. D.

SUPG. ENGINEER'S OFFICE P.W.D.
No. 795 C-9
1-OCT. 95
Enclo ....
FOURTH CIRCLE.

From
The Executive Engineer,
Coimbatore Division.

To
The Supg. Engineer,
Fourth Circle,
Coimbatore.

Dated 29th
Despatched 30th } September 1895.
Received

No. 3985

ENCLOSURES

SUBJECT.

Travancore Planters road

Requests permission to inspect the – from its south-western end reaching it via Karur Ammayanayakanur & the Bodinayakanur ghaut.

Within

No. 7553

Recd 5-10-95

No. 2542 W. of 15th October 1895

B
~~[illegible]~~

Sanctioned under Article 1137 Civil Service Regulations.

CHB 2/10 95

DESPATCHED
16 OCT. 95
INDEXED
W. 16/10

On
S.E. IV circle
Exr. P.W. Accts.

Des 16/10

O.S. 416

R 16/10

Ed. Cor. 17. 2,000–29-3-94.

1895.

Educational Department.

~~Current No. 1062~~

From
The Director of Public Instruction,
Madras,

To
The Honorable the Chief Secretary
to Government,
Fort St. George.

DESPATCHED
SEP

No. 9724

Dated 5th
Despatched do
Received 6th } September 1895

Re. PWD 1-10-95

No.

Encl 1 Conveyance Deed

ENCLOSURES. a (Deed)

Subject.

Reporting that the building occupied by the Government Training School for masters at Coimbatore has been formally transferred to Government and requesting that the P.W.D. may be asked to proceed with the construction of the upper storey to the building as soon as possible.

No. 7512

12 : 11 1 93
928 : 26 12 93
R 125 : 31 7 94
89 : 15 2 94
711 : 23 8 95

Encl : 2

Recd 4-10-95

CS

Endt. No. 2317

Transferred to the Public Works Department.

Ld 26/9/95 Lionel Davidson
19-9
Ag Under Secretary

Ootacamund }
30th Sept. 1895 }

No. 2544 W. of 15th October 1895

Communicated to the Suptg. Engineer IV circle who is now authorised to proceed with the work.

CHB 2/10 95

T
B

S.E. IV circle
Exr. P.W. Accts
Edl: Dept with Deed.

DESPATCHED
16 OCT. 95
INDEXED
W. 16/10

P 40

R

711/16/9

P. W. D.

SUPG. ENGINEER'S OFFICE P. W. D.
No. 795 C-9
1-OCT. 95
Enclo:
FOURTH CIRCLE.

INWARD No. 7553

Recd 5-10-95

From

The Executive Engineer,
Coimbatore Division.

To

The Supg. Engineer,
Fourth Circle,
Coimbatore.

No. 2542 W. of 15th October 1895

B
[illegible]

Sanctioned
Sanctioned
under Article 1137
under Art. 1137 C.S.
Civil Service Regulations.
Regns

Dated 29th
Despatched 30th } September 1895.
Received

Ch BB
2/10 95

No. 3985

ENCLOSURES

SUBJECT.

Travancore Planters road
Requests permission to inspect the — from its south-western end reaching it via Karur Ammayanayakanur & the Bodinayakanur ghaut.

DESPATCHED
16 OCT. 95
INDEXED
W. 18/10

Des 14/10

Cm
S. E. IV circle
S. E. IV Circle
Exr. P. W. Accts.

Within

O.S. 416

R 18/10

Current No. 1062

Office of the Director of
Public Instruction,
Madras, 5th September 1895.

No. 9724

From

The Honorable Mr. D. Duncan, M.A., D.Sc.,
Director of Public Instruction,
Madras,

To

The Honorable The Chief Secretary to Government,
Fort St. George.

Sir,

With reference to para 2 of G.O. No. 1955 W, dated, 7th ultimo communicated with endorsement No. 711, dated, 23rd idem, I have the honour to report that the building occupie by the Government Training School for Master at Coimbatore has been formally transferre to Government and to request that the P.W.D may be asked to proceed with the constructio of the upper storey to the building as soon as possible. The transfer deed is sub mitte

Ed. Cor.
15 (b) 1,500—17-11-94.

mitted for perusal and return.

I have the honour to be,

Sir,

Your most obedient Servant

D Duncan

Director of Public Instruction

Pw 81/75 12/95

Ed. Cor. 17. 2,000—29-3-94.

1895.

Educational Department.

~~Current No 1062~~

From

THE DIRECTOR OF PUBLIC INSTRUCTION,
Madras,

To

THE HONORABLE THE CHIEF SECRETARY
TO GOVERNMENT,
Fort St. George.

DESPATCHED
SEP

No. 9724

Dated 5th
Despatched Do
Received 6th
} September 1895

Rec PWD 1-10-95

No.

Encl 1 Conveyance Deed:

ENCLOSURES. 1 (Deed)

Subject.

Reporting that the building occupied by the Government Training School for masters at Coimbatore has been formally transferred to Government and requesting that the P.W.D. may be asked to proceed with the construction of the upper storey to the building as soon as possible

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×

P.W. CURRENT No. 7512

12 : 11 1. 93
928 : 26 12 93
R 125 : 31 7. 94
89 : 15 2 94
711 : 23 8 95

Encl : 2

Recd 4.10.95

Cs

Endt No 2317

Transferred to the Public Works Department.

Sd Lionel Davidson
Ag Under Secretary
25/9/95
19-9

Dotacamund
30th Septr 1895 }

No 2544 W 15th October 1895

Communicated to the Suptg Engineer IV circle who is now authorised to proceed with the work.

Communicated to the Suptg Engineer IV circle who is now authorised to proceed with the work.

CARS
2/10/95

T
B

S. E. IV circle

Exr. P.W. Accts

Edl: Dept with Deed.

DESPATCHED
16 OCT. 95

INDEXED

V. C. 10

P 40

R

5.10.95 No 2450 W
19.9.95 " 2331 W
12.9.95 " 2226 W
5-9.95 " 2199 W
19.2.95 " 425 W

P. W. CURRENT No. 784

Recd: 14.10.9

No 2545 W 16th October 1

Received 10. x. 95

Communicated to officers concerned

CHBB
8/10/95

The E.n P.W.D
- C. Engr I
- C Engr Rys.

DESPATCHED
16 OCT. 95
INDEXED

V. 18 Oct

Ch to write

Oct 4 22

All communications
should be addressed
to the Secretary.

No. 2675 G.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

GENERAL.

To

The Secretary to the Government of Madras,
Public Works Department.

Simla, the 1st October 1895.

Sir,

In reply to your letter No.2331 W.dated 19th September last, I am directed to say that exchange compensation allowance is admissible to the Under Secretaries to the Government of Madras in the Public Works Department, irrespective of the maximum of Rs,1,050 to which their pay and allowances are limited,provided the officers holding the appointments are otherwise entitled to the allowance.

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

G.K. Walker

Under Secretary to the Govt.of India.

Documents accompanying:-
Nil.

S.D.

W. CURRENT No. 7491

25-7-95 No 2381 C
13-3-95 " 1037 C
7-3-95 " 533 W
5-11-94 " 2809 W
17-5-94 - 1204 W
2555 W 13-10-94

Recd: 3-10-95

Enc: 1

From,

The Supdg Engineer,
II Circle,
Bezwada.

To,

The Chief Engineer,
P.W.D.
Madras.

Dated 30 September 1895.

No 1371 KS

Enclosure 1.

Subject.

P.W.D. Offices at Guntur — Requesting to obtain sanction of Government for the employment of an additional watcher on Rs 6 per mensem ~~on~~ as the present arrangement of watching the buildings is not satisfactory

No 2546 W of 16th October 1895

In the circumstances stated the employment of a watchman on Rs 6 per mensem for the P.W. offices at Guntur is sanctioned.

DESPATCHED
16 OCT. 95

S.E. II circle
Exr. P.W. Accts.

All communications should be addressed to the Secretary.

No. 2675 G.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

GENERAL.

To

The Secretary to the Government of Madras,
Public Works Department.

Simla, the 1st October 1895.

Sir,

In reply to your letter No.2331 W.dated 19th September last, I am directed to say that exchange compensation allowance is admissible to the Under Secretaries to the Government of Madras in the Public Works Department, irrespective of the maximum of Rs,1,050 to which their pay and allowances are limited, provided the officers holding the appointments are otherwise entitled to the allowance.

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

G. K. Walker

Under Secretary to the Govt.of India.

Documents accompanying:-
Nil.

S.D.

No. 1371 K.S.

Superintending Engrs office
Madras,
II Circle.
Dated 27th Sept. '95.
Despd 30

From,

A. S. Russell Esquire,
Offg Superintending Engineer,
2nd Circle.

To

The Chief Engineer,
Public Works Department,
Madras.

nclosure one

Sir,

With reference to Govt No 5334, dated 7th March, 1895, Sanctioning the increase to the Sweeper attached to the Public Works Department buildings in the Jail Compound at Guntur, I have the honor to bring to your notice that the Executive Engineer, Kistna Western Division, reports that the existing arrangements for lascars to sleep during nights is not working satisfactorily.

2. In addition to the Sweeper, three messengers (2 Division office & one Sub Division office) take it

in

in turns to alternately sleep, two each night, at the building.

3. None of the three messengers can in such circumstances leave Guntur, and there is no one available to take his turn to sleep at the Sub Division office when the Sub Divisional messenger is sent to camp to the Sub Divisional officer with papers.

4. The building, as already reported, is an old Jail, and the lascars are afraid to sleep singly in it.

5. I recently visited Guntur, and found that it is a general belief among the native population that the building is haunted by the ghosts of those executed there. There is no reasoning with such superstition, and as the Executive Engineer reports (vide copy of his letter No. 231.S., of 31st August '95) that he cannot arrange for safe custody of the building without an additional man, I request you will be so good as to obtain sanction of Government for the employment of another watcher on Rs: 6 per mensem.

I have the honour to be,
Sir,
Your most obdt. Servt.,
A.S. Russell.
offg. Superintending Engr.,
II Circle.

R30-9-95

From,

The Deputy Engineer,
II Circle,
Bezwada.

To,

The Chief Engineer,
P.W.D.
Madras.

Dated 30 September 1895.

No. 1371 KS

Enclosure 1.

Subject.

P.W.D Offices at Guntur — Requesting to obtain sanction of Government for the employment of an additional watcher on Rs 6 per mensem ~~on~~ — as the present arrangement of watching the buildings is not satisfactory

P.W. CURRENT No. 7491

25-7-95 No 2381 C
13-3-95 .. 1037 C
7-3-95 .. 533 W
5-11-94 .. 2809 W
17-5-94 - 1204 W Recd: 3-10-95
2555 W 13-10-94

Enc: 1

No. 2546 W, 16th October 1895

In the circumstances stated the employment of a watchman on Rs 6 per mensem for the P.W. offices at Guntur is sanctioned.

DESPATCHED
16 OCT. 95

S.E. II circle
Ex. P.W. Accts.

P.W. Enl
7491/95

From,

The Deputy Engineer,
II Circle,
Bezwada.

To,

The Chief Engineer,
P.W.D
Madras.

Dated 30 September 1895.

No 1371 KS

Enclosure 1.

Subject.

P. W. D Offices at Guntur — Requesting to obtain sanction of Government for the employment of an additional watcher on Rs 6 per mensem ~~on~~ as the present arrangement of watching the buildings is not satisfactory

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P.W. CURRENT No. 7491

25-7-95 No 2381 C
13-3-95 " 1037 C
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5-11-94 " 2809 W
17-5-94 - 1204 W
Recd: 3-10-95
2555 W 13-10-94

Enc: 1

No 2546 W of 16th October 1895

In the circumstances stated the employment of a watchman on Rs 6 per mensem for the P.W. offices at Guntur is sanctioned.

B

DESPATCHED
16 OCT. 95

S.E. II circle.
Exr. P.W. Accts.

U. C. 16/10.

Letter from the Executive Engineer, Kistna Western Division, to the Superintending Engineer, 2nd Circle, No 231 S, dated 31st August 1895.

In reply to your letter No 1094 K.S., dated 14th August 1895, I have the honour to inform you that the present arrangement is not altogether satisfactory.

As explained in previous correspondence, it is necessary for two men to sleep at the office every night and to allow of this it is necessary to have a staff of four men available for the purpose.

This staff is at present composed of

2. Division office messengers
1. Eastern Sub Dn office messenger
1 Sweeper (Dhoby by caste) attached to Division & Sub Dn offices.

It follows that none of the three messengers can leave Guntur & that no one is available to sleep at the Sub Division office.

3 The Sub Division Cash chest is

is removed to the Division office every night and the Sub Division office is only protected by being locked up.

4. My private office, the Eastern Sub Division officer's private office, and the store room which with the Eastern Sub Division office form one block of rooms in the front part of the jail, are only protected by being locked up at night.

5. Access to them can be readily obtained by any one.

6. This protection is however probably sufficient in the case of this block of rooms as they are not likely to be injured or their contents being tampered with except owing to spite or wilful malevolence.

7. When the Sub Division clerk goes into camp, which is not often, the messenger has to be left behind and the Sub Division clerk cannot employ the messenger for sending any special or urgent papers to the Sub Division officer.

8. For the same reason I cannot employ either of my messengers for this purpose.

9. I cannot say that the existing arrangements are working altogether satisfactorily.

10. The employment of one extra watchman would probably meet the difficulty.

(True Copy)

A. L. Russell
Offg Supdg Engr,
II Circle.
D 30-9-95

P.W. Encl
7491/95

20-9-95 No. 2789 C
09-1-94 .. 173 W
21-12-93 .. 4436 W
8-12-93 .. 4214 C
6-3-91 .. 653 W

P. W. CURRENT No. 747

Recd: 3-10-

Enc: 3

Read Cases 7133 &
7424

No. 2549 W of 16th October 18

B
Lett. 5 w

The Govt. Solicitor's letter will be communicated to the Supdg. Engr. II Circle who will dispose of Messrs Maiden & Co's claims in the manner suggested

S 5-w

DESPATCHED
16 OCT. 9

S.E. II Circle

P.W. Encl 7491/95

Extract from bill of Messrs Mawden & Co.

1893 December	5th	To Salvage & shipping charges on E E B 1 teak log found at Calingapatam and shipped per S.S Hugara	11	4	8.
"	21st	" " " on E E B. 1 teak Square from Cuddalore Ex. SS Rajaputana	9	2	"
1894 January	23.	" " " on E E B1 teak log found at Gopalpore & shipped Ex. SS Nuddia	25	-	-
"	24.	" " " on E E B1 Teak Square found at Poondy & shipped per SS Japan	5	12	8.
February	8	" " " on E E B1 Teak Square from Nagapatam Ex S.S Sirdhana	7	"	"
April	3.	" " " on E E B1 Teak Square from Trincomali Ex SS Patna	21	"	"
June	11	" " " on E E B1 Teak Square found at Tornmal Vassal & Conveyance to Nagapatam where shipped Ex. SS Chandwara	11	4	"

1894 June	22.	To Salvage & shipping charges on EEB & EEK 2 Teak Squares found at Pamban & conveyed to Negapatam where shipped per S.S. Jarrow -	32	2	"
August	11	To Salvage on 2 Teak Squares marked EEB & EEK and boat hire for ~~removing~~ recovering the same from Kayts to Kangasantoria Ex S.S. "Culna"	67	8	-
December 1894	5	" Salvage & Shipping charges on EEB 1 Teak log found at Jaffnapatam & Shipped Ex. S.S Bancoora	34	"	"
		" Landing charges on the above 12 Squares	25	"	"
		Coolies sent in search of drifted and Boat and cooly labour in securing 36 logs stranded along the coast from Pedu-gollapalem to Masuli-palam	300	2	3.

(True extract)

Captain R.E.

Executive Engineer

AK
28/8

29/8/

CHIEF ENGINEER
FOR IRRIGATION.
6 SEP 95
No. 1712

31 AUG. 95
SECOND CIRCLE

Copy of letter from Messrs Maiden and Co to W. Jopp Esquire, Executive Engr. Kistna Eastern Division dated 11 March/91

Sir,

We have the honor to inform You that the rate we have quoted for landing Your timber was for the fair season. The 90 logs by the Scindia in Consequence to rough weather suddenly coming, when landing the timber, they drifted all along the Coast and we were put to enormous expense in recovering them. Under the Circumstances, We request you will be pleased to permit us to charge one rupee per Ton extra for landing. Although this amount will not pay us for the heavy expenses we have been put to, it would tend to decrease our loss. An early reply will oblige to enable us to submit our bill at an early date.

Copy of letter from C. A. Smith Esquire Executive Engineer Kistna Eastern Division to Messrs Maiden & Co. No $\frac{2018}{16-7-93}$

Gentlemen,

I have the honor to inform You that Bombay Burmah Trading Company have wired the despatch of one hundred Squares Seventy Eight tons by steamer "Comorta" leaving Rangoon on the 12th instant and to request you will be good enough to have them landed and handed over to the Tidal Lock Superintendent at Masulipatam.

Copy of letter from C. A. Smith Esquire Executive Engineer Kistna Eastern Division, to Messrs Maiden & Co. No. $\frac{2816}{2-9-93}$

Gentlemen,

In Continuation of this office No 2638 of 20-8-93, I have the honor to forward herewith a bill of lading for 50 Squares of Teck Wood per Ss Sirdhana and to request that you will be good enough to unload and hand them over to the Tidal Lock Superintendent at Masulipatam as usual.

(True copies)

Captain R.E.

Executive Engineer

Ak
28/8 29.8

P.W.E + 26
474
55 55

SUPERINTENDING ENGINEER'S OFFICE
No 1256 Kis
31 AUG. 95
P.W.D.
SECOND CIRCLE

CHIEF ENGINEER
FOR IRRIGATION.
6 SEP 95
No 171 K

Letter from the Executive Engineer, Kistna Northern Division, to the Superintending Engineer, 2nd circle, No. 317 S.E. dated 30th August 1895.

I have the honour to submit for your instructions, extracts of a bill of Messrs Maiden & Co. in connection with certain consignments of timber from Burmah for the Government work shops here per steamers Sindhana and Comorta. The unloading and landing was entrusted to Messrs Maiden & Co. at a previously fixed rate of Rs 3 per ton. In landing the sea became rough and the logs broke adrift. Many were lost and have never been recovered while some were recovered months afterwards at different places along the coast and a further lot were recovered along the coast within a few miles of Masulipatam within a few days of going adrift by coolies sent out by Messrs Maiden for the purpose.

2. Regarding the logs totally lost, it has been held G.O. 173 W. of [illegible] 19th January 1894, that Messrs. Maiden cannot be held responsible, and the Government authorized the writing off of the amount of the loss.

3. This being so, the charge for salvage of the logs found in remote places, down the coast by persons other than Messrs. Maiden employe's appears to be a fair one, and I recommend that such charges be passed for payment.

4. With regard to the item "Boat and cooly labour for securing 36 logs stranded along the coast from Pedda-Gollapalem to Masulipatam Rs 300-2-3" I wish to point out that the rate fixed for landing timber includes in my opinion, such expenses, and the same is admitted by Messrs. Maiden & Co's letter, dated 11th March 1891 (a copy of which is enclosed) regarding a previous consignment. In this letter the Firm explain that they trust an extra rate to that then agreed to (Rs 2/-) may be allowed with respect to a consignment of timber which had broken adrift to partially compensate them for the expense of sending coolies along the coast although that expense was actually considerably greater.

In subsequent correspondence on the Executive Engineer's pointing out that "this was not business" they dropped the claim and charged the rate agreed upon Rs. 2/- per ton.

This rate was raised by Messrs. Maiden to Rs 3/- in their letter of 13th December 1892, but no mention is made in this of any alteration of conditions and in consequence this rate includes liability for charges incurred in recovering logs which break adrift as in the previous case.

Copies of the letters requesting Messrs. Maiden to land the consignments now in question ex. Sirdhana and Camorta are enclosed (viz letters from Executive

Executive Engineer, Kistna Eastern Division; Nos. 2018/16.7-93 and 2816/2.9-93).

From the above considerations, I recommend that payment of the item Rs 300/2/3 be refused.

4. In addition to the above item Rs 300/2/3 for cost of searching for and landing 36 logs, a charge is made* for landing these logs at the rate agreed upon on tonnage measurement (viz, Rs 3/- per ton) - If the former charge is not paid, this must of course be paid, but it seems to me that under no circumstances should both charges be paid.

*not included in the extent of the bill.

5. I propose to debit the saw-pit account with all payments made to Messrs. Maiden and Co. on account of their bill.

No. 1218 MS/4.9.95

Forwarded to the Chief Engineer, for Irrigation, with a recommendation that the opinion of the Government Solicitor may be obtained.

Enclos. 2.
1 Copy of bill
1 Copy of Correspondence
2

---

2. The Superintending Engineer is not satisfied that the fact of the 36 logs (referred to in the last item of the contract of bill from Messrs. Maiden & Co.) having been recovered in the neighbourhood of Masulipatam, deprives Messrs. Maiden and Co. of a claim for "salvage".

3. If, however, the claim of Rs 300-2-3 is admitted, the firm cannot apparently make good their claim also to a rate of Rs 3 per ton for the ordinary landing charges in connection with the 36 logs under reference.

J. M. Ellis Captain R.E.
for Supg: Engineer II Circle.

Le
3/9

CHIEF ENGINEER
FOR IRRIGATION.
6 SEP. 95
No. 171 K.

From.

The Supt. of Engineer,
II circle,
Bezwada.

To.

The Chief Engineer,
for Irrigation.
Madras.

Dated 4th September 1895.

No. 1218 K.S

Recd 13.9.95

Enclosures 2

Subject.

Timber consignments — Forwards for orders copy of E.E. K.E.Dn's letter enclosing a copy of bill from Messrs Maiden & Co in connection with — with remarks

Referred

No 524 p/ Ent 5

P. W. CURRENT No. ~~7133~~ 7479/95
3557

Encls 2
Recd: 19.9.95
No. 58 Ed.

Transferred to the Chief Engineer P.W.D. for disposal

Rue Drake-Brockman
Col. R.E.
Chief Engineer for Irrign
Ootacamund
11th Septr 1895

20.9.95

No 2789 C d/ 20th Septr: 1895.

Referred to the Government Solicitor for favour of opinion on the claims preferred.

Colonel R.E.
Secretary to Govt: P.W.D.

CHAS
14/9/95

To
The Govt: Solicitor — to be retd.

O.3 37

No. 559

Madras. 26th September 1895.

From,

Ernest Barclay,
Government Solicitor,
Madras.

To,

The Secretary to Government,
Public Works Department,
Ootacamund.

Sir,

1. I beg to acknowledge receipt of your endorsement No.2789 C. dated 20th instant with reference to a claim of Messrs Maiden & Co - for landing timber per "Sirdhana" & " Camorta "

2. It is to be regretted that there is no written contract - between Messrs Maiden & Co and Government showing the terms on which the former were to land the timber.

3. In his letter dated 16th July 1893 No.2018 to Messrs Maiden and Co, the Executive Engineer, Kistna Eastern Division, informed them of receipt of a telegram from the Bombay Burmah Trading Company - advising the despatch of 100 squares, 78 tons timber by the "Camorta", and requested Messrs Maiden and Co to have the timber landed and - handed over to the Tidal Lock Superintendent at Masulipatam.

4. Again, in his letter of 2nd September 1893 No.2816 to Messrs Maiden and Co, the same Executive Engineer forwarded a Bill of Lading for 50 squares Teakwood per "Sirdhana" and requested them to unload and hand same over to the Tidal Lock Superintendent at Masulipatam.

5. From the letter of 30th ultimo No.317 S.E. from the Executive Engineer, Northern Division, to the Superintending Engineer 2nd Circle, I gather that the fixed rate for Messrs Maiden & Co's landing Government timber was Rs 3 per ton, but that, when landing the timber per the "Camorta" and the "Sirdhana", the sea became rough and the logs - broke adrift, that many were lost and never recovered while some were recovered months afterwards at different places along the coast, while, others again were recovered within a few miles of Masulipatam and - within a few days of going adrift, by coolies sent out by Messrs Maiden and Co for the purpose.

6. Messrs Maiden and Co have sent in a bill against Government for various sums said to have been incurred by them in recovering such of the timber as was recovered from different places along the Coast and shipped by various vessels from the places where the logs were found to, I understand, Masulipatam. The sums thus charged appear to consist of salvage, cartage and shipping charges paid by Messrs Maiden & Co in respect of these logs and squares, an item of Rs 25 for landing same, 12 in number, and an item of Rs 300-2-8 incurred for coolies sent in search of drifted, and boat and cooly labour in securing, 36 logs stranded along the Coast from Peddugollapalem to Masulipatam.

7. As regards the logs totally lost, Government has apparently decided not to claim upon Messrs Maiden and Co for these.

8. In para 3 of his letter the Superintending Engineer says that the charge for salvage of the logs found in remote places down the Coast by persons other than Messrs Maiden and Co's employés appears to be a fair one. These charges are for money paid by Messrs Maiden and Co for salvage of such logs and their conveyance to original port of destination, and the question is whether Messrs Maiden & Co, having undertaken the landing of these logs from the vessels in which they originally arrived, are entitled to recover these charges. It seems to me that this is a case of bailment, that is, the delivery of goods by one person to another for some purpose upon a contract that they shall, when the purpose is accomplished, be returned or otherwise disposed of according to the directions of the person delivering them. The delivery to the bailee may be made by doing anything which has the effect of putting the goods in the possession of the intended bailee or of any person authorised to hold them on his behalf and what was done in the present case is shewn by the Executive Engineer's letters of 16th July and 2nd September 1893 to Messrs Maiden & Co. In all cases of bailment the bailee is bound to take as much care of the goods bailed to him as a man of ordinary prudence would, under similar circumstances, take of his own goods of the same bulk, quality and value as the goods bailed. The bailee, in the absence of any special contract, is not responsible for the loss, destruction or deterioration of the thing bailed if he has taken the amount of care of it already described, so that, Government was right in deciding not to claim on Messrs Maiden & Co for the value of the timber that was totally lost, for, it is nowhere suggested that Messrs Maiden and Co did not take proper care of the timber.

9. Where, by the conditions of the bailment, the goods are to be kept or to be carried or to have work done upon them by the bailee for the bailor and the bailee is to receive no remuneration, the bailor must repay to the bailee the necessary expenses incurred by him for the purpose of the bailment. In the present case the timber was to be carried from the Steamers in which it had arrived and delivered by Messrs Maiden & Co to the Tidal Lock Superintendent at Masulipatam for a fixed remuneration of Rs 3 per ton, so that, I do not see how Government can be expected to pay Messrs Maiden & Co any expenses incurred by them in carrying out their part of the contract.

10. In their letter of 11th March 1891 Messrs Maiden & Co made a claim similar to the present one but they made the claim, not as a matter of right, but as a matter of favour and, when it was pointed out to them by the Executive Engineer that their claim "was not business", Messrs Maiden & Co dropped it, but their rate for landing timber was thereafter raised from the former agreed rate of Rs 2 to Rs 3 per ton, the extra Rupee per ton being the very amount they had asked in their letter of 11th March 1891 to be allowed to charge.

11. I see no difference in principle between the charge of Rs 300-2-3 in Messrs Maiden & Co's bill and the other items therein, and I am of opinion that no part of their claim should be paid. Government is not, in my opinion, legally liable for any part of the claim and I think it is clear from Messrs Maiden & Co's letter of 11th March 1891 and the fact that, when the claim then made was disallowed, they raised their charges from Rs 2 to Rs 3 per ton for landing timber, they did so with a view to covering any additional expenses they might incur in cases like the present.

12. I return the papers sent to me &

I have the honor to be,
Sir,
Your Obedient Servant,
Ernest Barclay
Government Solicitor.

20-9-95 No. 2759 C
19-1-94 .. 173 W
21-12-93 .. 4436 W
8-12-93 .. 4214 C
6-3-91 .. 653 W

5-4

P. W. CURRENT No. 7479

5599/95

Recd: 3-10-95

Enc: 3

Read Cross 7133 &
7424

No. 2549 W of 16 October 1895

B.
Sent 5/10/

The Govt. Solicitor's letter will be communicated to the Supdg. Engr. II Circle who will dispose of Messrs Maiden & Co's claims in the manner suggested

The Govt. Solicitor's letter will be communicated to the S. E. II Circle who will dispose of Messrs Maiden & Co's claims in the manner suggested

S 5-10

DESPATCHED
18 OCT. 95

S. E. II Circle

S. E. II Circle

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