

Public Works (1897) Department.

G.O., No. 29372

DATED 20 Oct 1897

[Despatch Abstract.]

Comd. Architect
Claim for Damages. Authorizing the ~~Examiner~~ to defray the — preferred by Mr Wood Seawen on account of an accident to his horse & carriage at night near Grant Duff bridge where a ~~car~~ cartload of late lime was deposited without caution lamp and directing that the attention of Subdivisional & other officers in charge of roads be drawn to certain sections of ~~various~~ Act of 1884 and that they be warned of their personal responsibility in future, in cases of accidents occurring on account of their negligence.

The Consulting architect is authorized to defray the claims and to charge the amount to the contingencies of the estimate. He should at once issue to his subdivisional officers departmental orders calling attention to section 292 of Madras Act I of 1884 (as amended by Madras Acts VII of 1884 and II of 1897) and to ^{such} ~~various~~ other sections of the Act as affect buildings or roads in charge of the P. W. Dept. & he should ^{make them} ~~make them~~ aware that they will, in future, be held personally responsible for any accidents that may occur ^{owing to their negligence}.

This order will also be ^{communicated} ~~communicated~~ to other officers of the Dept. in charge of roads for information & guidance.

NOTE. Under section 292 of Act I of 1884, The Municipal President

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is required to cause any street under repair to be sufficiently lighted and guarded during the night. In the case of roads at Madras in charge of the P.W. Dept, this duty apparently devolves on the Eng: Architects. It has been ascertained however that it has never ~~been~~ hitherto been the practice to guard by lights at night, road metal deposited on the sides of roads in charge of the P.W. Dept, the clause in the Municipal Act having apparently been overlooked, or not being considered applicable to Govt roads. In the absence of any departmental orders calling the attention of Subdivisional officers to the provisions of the Act, it does not seem equitable to hold Sergeant Cornwell responsible for the accident, he having been guided by precedent. The claim for compensation might therefore be defrayed by Govt, and the Eng: Architects might be directed to issue the departmental orders above indicated, after which Subdivisional officers would be responsible for any infringement of them. The Grant - Buff road was made over to the Municipality shortly after the accident in question occurred.

Public Works (1897) Department.

CURRENT No. 9851

From

The Consulting Architect

No. 1832

Dated 2^d October }
 Received } 6th " } 1897
 Registered }
 Enclosures
 Spare copies

SUBJECT.

Requesting permission to defray the amount claimed by Mr. Woods Seawen for damages done to his carriage and horse running up against a cartload of laterite deposited near the Grant - Buff bridge, from the Contingency of the Estimate.

BACK PAPERS

BACK PAPERS

G.O.	No.	Department.	Date

FURTHER PAPERS.

G.O.	No.	Department.	Date.

C. A. 250-29-10-96.

Office of the Consulting Architect to Govt.,
Chennai, Madras,
2 October 1897.

No. 1832

From
G. I. T. Harris, Esq.,
Consulting Architect
to the Government of Madras,

To
The Chief Engineer
Public Works Department

Sir,

Enclosures.

I have the honour to report that on the evening of the 9th September last an accident happened near the Grant Duff Bridge, the carriage of Mr. Woods Seawen ran up against a cart load of laterite deposited on the roadside for immediate repairs to the road. There was no caution lamp placed, it was a moonlight night & the Municipal lamps were unlit, but as the evening happened to be very cloudy the driver was unable to see the heap. I am told that it has been the custom to deposit laterite required to be spread at once on the sides of the roads adjacent to the place to be repaired. Mr. Seawen claims a sum of Rs. 150/- as damages which

which I think is a reasonable sum as his horse died subsequently of the wounds & his carriage was somewhat damaged. As it is the first time such a thing has occurred, I beg permission to defray the amount claimed from the contingencies of the Estimate.

I have consulted the Government Solicitor whose opinion is, that, it is absolutely useless to contest the demand. Mr. Casswell has accordingly paid it: he being responsible, but I am of opinion that under the circumstances, the case was one of misfortune not of blame, the loss of the money to him is a serious one.

I have the honour to be
Sir
Your most obedient servant
Ch. Smith
Consulting Architect
to Government