Marine (1898) Department.

G.O., No. 799 Marine

DATED 15 October 1898.

[Despatch Abstract.]

Detention of a consignment of Gunpowder at Kitangaran

Desp Jud C Deble. Records, tenders receipt of ~~for~~ Memorandum, letter for the Dist. Magistrate, Kistna, reporting the further detention taken in the matter of the ——— for infringing the provisions of the Explosives Act, & forwarding to the S.E. Circle with remarks.

Indexed.

O.B.—14.

# CURRENT FILE.

Telegram

Public Works (1898) Department.

E.7
CURRENT No. ~~6625~~ 5803/98

SUPG. ENGINEER'S OFFICE,
No. 1615
12 8
P. W. D.
SECOND CIRCLE.

No: 3512C. d/9th August 98

From The Agent & Manager
Hyderabad Deccan Company Ltd.

Referred to the Supdg. Engineer II Circle for favour of immediate report.

No.

A Russell
Under Secretary.

Dated 8th August 898
Received
Registered } 9 — 98 —.
Enclosures
Spare copies

CHIEF ENGINEER FOR IRRIGATION.
20 AUG. 1898
190
5

SUBJECT.

Appealing against the order of Mr Lewis in stopping transport of blasting powder at Bezwada for Zellandur.

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

T—14.

Class. [illegible] INDIAN TELEGRAPH. Monthly Local No. [illegible]

To Station Brisbane

From Station Government Astr

| Words. | Day. | Hour. | Minute. | Official Instruction. |
|---|---|---|---|---|
| 55 | 8 | 15 | 31 | Sept |

To (Person) Chief Secretary P. W. D.

From (Person) Agent and Govt manager A. S. Co. Ltd.

1
2
3 Mr Lewis Supt Engineer
4 has applied Passport
5 of Victory for Ly
6 of Brisbane for
7 Gellibrand Mr. Lewis
8 Licenses from Government of
9 Madras also President
10 Agricultural Assn Lewis
11 Rs 125 for powder to
12 be handed over to
13 our Agent at Rockhampton
14

Recd. from L. N. At Hrs. Mts. By

Sent to L. N. At Hrs. Mts. By

TRIPLICANE 8 AU. 98

*Date* *Postmaster.*

Public Works (1898) Department.

CURRENT No. 6666

**From** The Agent & General Manager in India.

The Hyderabad (Deccan) Company Ltd

**No.**

***Dated*** 8th August 1898.

***Received*** } 10 — 00 ——.

***Registered*** }

***Enclosures***

***Spare copies***

SUBJECT.

Requesting to direct Mr W. C. Lewis to hand over blasting powder to Mr J. Patterson at Bezwada.

CHIEF ENGINEER FOR IRRIGATION. 20 AUG. 1898 190 No. 6

6.51/1898

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | 3572C | P.W. | 9.8.98 |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

H. D. C. L. Form No. 3a.

# The Hyderabad (Deccan) Company, Limited.

*In reply please refer to*
No. 3943

*Office of the Agent and General Manager in India,*
SECUNDERABAD 8th. August 1898.

To.

The Chief Engineer,
P.W. Department,
M A D R A S.

Dear Sir,

BLASTING POWDER.

I am informed today by my Agent Mr. J. Patterson at Bezwada that a consignment of blasting powder for the Singareni Collieries which has been sent out from England via Madras and Bezwada, has been detained by Superintending Engineer Mr. W.C. Lewis at Bezwada.

On account of this detention not only may the powder be damaged but the cost of the delay will be heavy to us.

I beg to request therefore that if Mr. Lewis is in your Department, as I understand he is, that you will issue the necessary orders to him to allow the powder to be handed over to Mr. Patterson my Agent for transmission to Yellandu without delay.

This detention of powder at Bezwada is unprecedented.

A license for the carriage of this particular consign-ment of powder has been granted us by the Secretary to the Government Madras and also by the Resident of Hyderabad.

This Company is prepared to conform to any rules that may have lately been passed re: the transport of explosives, but it is urged that any delay is fatal to our interest and I trust therefore the opposition which now exists, will therefore be, with your help, removed without delay.

In this connection I wired you today as follows:-

P.T.O.

" Mr. Lewis Supg: Engineer has stopped transport
" of blasting powder at Bezwada for Yellandu we
" have licenses from Covernment Madras also
" Resident Hyderabad.
" Please issue orders for powder to be handed
" over to our Agent at Bezwada".

Which I now confirm.

Yours faithfully,

LCArslep.

Agent & General Manager in India.

No. 3545 C. dy 10-8-98

Telegram (Ordinary)

To.

The S. E. II circle

Bezwada.

General Manager
Deccan Company states
you have stopped transport
of his blasting powder.
Please report circumstances
and hand over powder
to his agent if no
insuperable objection

(sd) A. S. R.

Tel: Despd.
10/8/98

11/8/98

I [illegible] 1884 of it

H. D. C. L. Form No. 3.

The Hyderabad (Deccan) Company, Limited.

In reply please refer to
No. .....

..... 189

CHIEF ENGINEER
FOR IRRIGATION.
11 AUG. 1898
No. 182
3

CHIEF ENGINEER
FOR IRRIGATION.
11 AUG. 1898
No. 182

# Public Works (1898) Department.

CURRENT No. 182

Urgent

*From* W

*Order*

No. 3559-C.

*Dated* 11 — 8 — 98

*Received* 11 — 8 — 98

*Registered*

*Enclosures* 4

*Spare copies*

SUBJECT.

Deccan Co. Blasting powder — transfer file with the III Dir Cir telegram stating that the — is in Chief of Police in accordance with the explosives act —

Papers.

Read 5/10 pm
VCG 11/8/98

IV of 1884 covers ampey all mat

BACK PAPERS.

| No. | Date. |
|---|---|
| | |

FURTHER PAPERS.

| No. | Date. |
|---|---|
| | |

Telegram

Public Works (1898) Department.

CHIEF ENGINEER FOR INSPECTION
11 AUG. 1898
No. 182

CURRENT No. 6696

No: 3537C - d/11th August '98.

To I

From The Safety: Supt II Circ

Dft transferred for disposal, as the S.S. reports that the matter has been reported in detail by you.

A.H.K
11. 8. 98.
DW

No.

Dated 10th August 1898.

Received } 11 — DW — .
Registered }

Enclosures

Spare copies

SUBJECT.

Stating that Messrs Lecan Company's powder is in charge of Police in accordance with the Explosives Act.

Act of 1884

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

Code Class. 25

INDIAN TELEGRAPHS.

Monthly Number. 05370

To (Office) Madras

From (Office) Pulicane / Bezvada

| Words. | Day. | Hour. | Minute. | Official Instructions. |
|---|---|---|---|---|
| 23 3 | 10 | 20 | 35 | Adv |

To (Person) Works

From (Person) S. E. 2nd Circle

Deccan Comp amps powder in charge police under Explosives act reported in detail to D

64 Word Form. F. C 2.

Read. from LN. At Hrs. Mts. by

Sent to MADRAS LN At Hrs. Mts. by

10-8-98 Telegraph Master.

C & P—No. 202 T—8 12 97—3 000000

IV of 1884 covers amply all that

# Public Works (1898) Department.

**CURRENT No.** 17. II

Wright

***From*** The Superintending Engineer
II Circle

***Order***

**No.** 4862/2.

***Dated*** 9.8.98.

***Received*** 12

***Registered***

***Enclosures*** 3.

***Spare copies***

**SUBJECT.**

Dangerous handling of a large Consignment of Gunpowder on 2 boats at Sitanagaram — Submits a full report with reference — to a ——— To DE I Circle 12/8/98

Explosives Act applied for. LCC

↑ Copy sent & printed 12/8/98

that clause is of no ... Act IV of 1884 covers amply all that

BACK PAPERS.

| No. | Date. |
|---|---|

FURTHER PAPERS.

| No. | Date. |
|---|---|

Encl 053

No 4866/98
9-8-98.

Superintending Engr's office
2nd Circle dated 9th August
1898.

From

W. C Lewis Esquire.

Offg. Superintending Engr
2nd Circle.

To

The Chief Engineer,
for Irrigation

Sir,

I have the honor to report the accompanying facts with reference to the dangerous landing of a large consignment of Gunpowder and to request that the opinion of the Law Officers may be taken as to whether I have exceeded my powers in view of the notice of action served upon me

2. On the morning of 5th instant while on my way to inspect works at Sitanagaram, I found two boats Nos 1019, the property of A. Rangiah Naidu & 1058 the property of Fakir Khasimkhan loaded with 1/4 casks of

that clause 13 of the Explosive Act IV of 1884 covers amply all that I

of blasting powder.
The former had about 800 and the
latter boat 600, 25 lbs barrels of blasting
powder piled up promiscuously &
without any covering. ex No 1019 also had
two large cases of boxes of matches
adjoining the powder.

3. These boats had pasced through
Sithanagaram Lock and were moored
amongst other boats. ex No 1019 close to
a landing place with about 10 other
boats then close to the bank and
crowded with people & bullock carts.

4. Both these boats are ordinary
open cargo boats with a small covered
space forward and aft, not partitioned
off, and the crew were cooking under
the deck forward, smoke coming
out of the small hatchway.
These boats were carrying part of
a consignment of blasting powder
2000, 1/4 barrels, travelling under a
pass

pass No 873 under the Arms Act
signed by the Chief Sentary and
issued to Messrs Gordon Woodroffe
& Co., noted for transmission by canal,
cart, and rail via Bezvada to Vellore.
These boats were just about to cross
the river into Bezvada town to await
the convenience of the railway to pro-
vide trucks for their transport.

5. Boat No 1019 had returned its cargo
to the Sithanagaram Lock Superintend-
as turmeric and kerosine. It had a few
bags of turmeric and some kerosine
tins on board. ex No 1058 was entered
correctly as powder.

6. Under these circumstances seeing
what disasters have happened from
careless transport of powder, I took
their licenses to prevent their getting
through Bezvada Lock & crossed at
once and went to the town Police
Station to ascertain what the lawyer

The

The Station house officer could not give me any information and said the matter was outside his jurisdiction. I told him to inform the Sub-magistrate and Inspector and went to Bukkinghumpett and after some search found the rules under the Explosive Act, the office copy of the Act was defective.

7. The Agent of the Hyderabad Deccan company, Mr. Patterson, came to me and threatened me with responsibility for damages and I informed him that, if the magistrate would give a certificate that the boats might pass into the town, I would let them pass.

8. Next morning Mr. Patterson served me with a notice (copy enclosed). I gave him a letter to the Sub-magistrate, the Deputy Collector being absent in camp and the Sub-magistrate said he knew nothing of the rules & I sent him my copy. Then he sent me the answer (copy enclosed). I then telegraphed to the Head Assistant Collector in whose jurisdiction the boats were. On the afternoon of the 6th the crew were again cooking on the boats.

9. On the 8th, the District Superintendent of Police arrived and I reported the case to him and the Police have now got the case in hand and I will report the further course of affairs.

10. Meanwhile, I have the honor to request that the opinion of the Law officer may be taken as to whether I have incurred any personal responsibility. I imagine that clause 13 of the Explosive Act IV of 1884 covers amply all that I

I have done but in view of the formal notice of action I should be glad of legal opinion.

11. I should also be glad of opinion as to whether Mr Patterson, by his notice, has made himself an abettor and is liable to fine as I consider his case very bad, in as much as being a man of respectable position instead of taking any steps to cover the powder up and make it safe, he contented himself with threatening me.

I would also suggest for consideration the advisability of making some additional rules under the Navigation Act

(a) that all boats carrying explosives in canals should carry some distinguishing mark.

(b) that they should be obliged to report the nature of their cargo at all locks and wharves.

(c) that they should be obliged to moor at any place pointed out by a canal officer.

12. The trade in explosives is said to have been going on for years without notice having been taken of it as there is no heading "Explosives" in our traffic returns.

13. I also append a copy of a letter received from a pleader on behalf of A. Rangeah Naick and Sons giving notice of a civil suit for damages against me.

I have the honor to be
Sir
Your most obdt Servt
M Deniz
Offg: Superintending Engr
4th Circle

Bezwada 6th August 98.

To

W. C. Lewis Esq
Supty Engineer P.W.D
Bezwada.

Sir,

As Agent to the Hyderabad (Deccan) Co. Ld. I have to give you notice that the Company will hold you responsible for all loss and damage occasioned by your detention at Vatanagaram of the two boats, with their cargo of 2000 barrels of blasting powder, consigned to them by messrs. Gordon Woodroffe & Co. Madras and which cargo is covered by a License A No 873 dated 6-7-98 signed by G. Stokes Esq. Chief secretary to Government to be conveyed from Madras by "Canal, rail and cart via Bezwada"

I remain Sir,
your most obedient servant,
signed D. Paterson
Forwarding agent & Co.

Ins. Upstem (Duee Copy)
Supty Engr. 4th Circle. Manager,

CHIEF ENGINEER
12 AUG. 1898
No. 1

CHIEF ENGINEER
FORTIFICATION.
12 AUG. 1898
No. 17.

Bezwada
6-8-98.

Respected Sir,

I beg to inform you that the barrels of fuses referred to by you, are covered by licenses granted under Arms Act. I doubt much whether the explosive rules apply to it. The G.O. is herewith perused. Further, the boat is stopped in Guntoor stationary sub magistrates jurisdiction. If fire is ignited the boats-men are responsible.

I beg to remain
Respected Sir,
Your most obedient servant.

(Signed) S. Raghavendra Rau.
Stationary Sub. Magistrate

True copy.

Asst. Inspector

Manager,
Supply Engineer office Madras.

From,

T. V. Narasayya.

Pleader, Bezwada,

To,

The Superintending Engineer

II circle, Bezwada.

Sir,

I have the honor to inform you that I am instructed by messrs Anumakonda Rungiah Naidoo and sons to give you notice under sec: 424 of the Civil Procedure Code under the following circumstances.

The instructions I received from A. Rungiah Naidoo and sons are as follows.

(A) That while they have been bringing blasting powder belonging to messrs Gordon Wood-drape and Co. to be delivered to messrs J.C. Paterson at Bezwada, you unjustly and illegally withdrew the license on 4-8-98. of the boats in which the powder is loaded. Consequently the boats are impounded and are now lying in the river

river near Seetanagaram lock.

(B) That you also unjustly and illegally took away from the custody of the boatmen the licenses given to messrs Gordon Wood & co. under the Arms Act by the Chief Secretary to the Government of Madras.

(C) That you still refuse to give back the licenses of the boats in which the powder is loaded and that by these unjust and illegal acts they (Messrs A. Rungiah Naidoo & Co) have been sustaining the damages of Rs 10 a day.

They therefore requested me to give you this notice and to sue you in Civil Court for all the damages they sustained and also hereafter they may sustain unless you comply with the following conditions.

I. The immediate restoration of all licenses of the boats in which the powder is loaded.

II. The damages at the rate mentioned above from the date the licenses were withdrawn till the date of their restoration.

This notice will not deprive Messrs A.

Rungiah Naidoo and sons of their right to sue you for any other damages which they may hereafter sustain by your illegal detention of the boats.

I have the honor to be

Sir,

Your most obedient servant

(signed) T. V. Narasayya

Pleader.

(True Copy)

Thos. Thpshon Manager,

Supty. Engineers office II circle.

# Public Works (1898) Department.

**CURRENT No.** 6803

CHIEF ENGINEER FOR IRRIGATION. 20 AUG. 1898 No. 190

No: 3634C. d/19 August 98.

**Order** O.L.

Forwarded in Continuation of this office No. 3559C dated 11-8-98.

AdK 17-8-98 DW

Cy

**From** The Superintending Engineer II Circle

No. 2496 K.

| | |
|---|---|
| **Dated** | 12-8-98 |
| **Received** | 15-8-98 |
| **Registered** | |
| **Enclosures** | (6) Six. |
| **Spare copies** | |

**SUBJECT.**

Stoppage of the blasting powder boats in transit at Sitamagaram — Assigns proper reason for the — & states that a full report was already submitted on the subject

O.L.S. 290. 12/9/98

CHIEF ENGINEER FOR IRRIGATION. 12 AUG. 1898 17. II 3

BACK PAPERS.

| No. | Date. |
|---|---|
| 3559C | 11-8-98 |

FURTHER PAPERS.

| No. | Date. |
|---|---|
| | |

Copy of letter from Mr. I. C. Paterson Forwarding agreement of the Hyderabad Deccan Company to W. C. Lewis Esquire Superintending Engineer P.W.D. Bezwada. dated 6-8-98

---

As Agent to the Hyderabad Deccan Company Limited, I have to give you notice that the company will hold you responsible for all loss and damage occasioned by your detention at Veeravaram of the two boats with their cargo of 2000 Barrels of blasting powder consigned to them by messrs Gordon Woodroffe & Co Madras and which cargo is covered by a license R. No 873 dated 6.7.98 signed by G. Stokes Esq. Chief Secretary to Government, to be conveyed from Madras by "Canal rail and cart via Bezwada"

---

(True Copy)

Jno. Upston Manager

Hyderabad Deccan Company Limited

Supdg Engineer offg Havele.

CHIEF ENGINEER
FOR IRRIGATION.
20 AUG. 1898
No. 190 4

Olas. 3
6683/98

Copy of letter from the Stationary Sub-magistrate Bezwada to the Superintending Engineer II circle dated 6-8-98

---

I beg to inform you that the barrels of fuses referred to by you are covered by licenses granted under arms act. I doubt much whether the Explosive rules apply to it. The G.O. is herewith returned. Further, the boat is stopped in Gunter-stationary sub magistrate's jurisdiction. If fire re is ignated the boats-men are responsible

---

(True Copy)

Sd/- Illegible Manager,

Supdg Engineer's office Hanele.

CHIEF ENGINEER
FOR IRRIGATION.
20 AUG. 1898
No. 190

0255.4
6803/SD

Copy of Letter from V. V. Narasayya, Pleader, Bezwada, to the Superintending Engineer II circle dated 6th August 1898.

I have the honor to inform you that I am instructed by messrs Annumkonda Rengeah Naidoo & Sons to give you notice under section 424 of the Civil Procedure code under the following circumstances.

The instructions I received from A Rungiah Naidoo and sons are as follows.

(A) That while they have been bringing blasting powder belonging to messrs Garden Wood drape & co to be delivered to messrs J. G. Paterson at Bezwada you unjustly and illegally withdrew the licenses on 4-8-98 of the boats in which the powder is loaded: Consequently the boats are impounded and are now lying in the river near Seetanagaram lock

(B) That you also unjustly and illegally took away from the custody of the boat even the license given to messrs Garden Wood drape & Co under the Arms Act by the Chief Secretary to the Government of Madras

(6) That you still refuse to give back the licenses of the boats in which the powder is loaded & that by these unjust and illegal acts they Messrs A Rungiah Naidoo & Co have been sustaining the damages of Rs 10 a day.

They therefore requested me to give you this notice & to sue you in Civil Court for all the damages they sustained and also hereafter they may sustain unless you comply with the following conditions.

I The immediate restoration of the licenses of the boats in which the powder is loaded

II The damages at the rate mentioned above from the date the licenses were with drawn, till the date of their restoration

This notice will not deprive messrs A. Rungiah Naidoo & Sons of their right to sue you for any other damages which they may hereafter sustain by your illegal detention of the boats.

(True copy)

Mo. Thyssen Manager,

Supty Engineer's office Erode

CHIEF ENGINEER FOR IRRIGATION. 20 AUG. 1898 190 2

S.S.No. 853/8089

Copy of letter from W. C. Lewis Esquire, Superintending Engineer II circle to the Chief Engineer for Irrigation dated 9th August 98 No 4869 G.L.

I have the honor to report the accompanying facts with reference to the dangerous handing of a large consignment of gunpowder and to request that the opinion of the law officers may be taken as to whether I have exceeded my powers in view of the notice of action served upon me.

2. On the morning of 5th instant while on my way to inspect works at Vilanagaram I found two boats No. 1019 the property of A. Rungiah Naidoo & 1058 the property of Jakir Khasim Khan loaded with 1/4 casks of blasting powder, the former had about 800 and the latter about 600 25 lbs barrels of blasting powder piled up promiscuously without any covering, No 1019 also had two large cases of boxes of Matches adjoining the powder.

3. These boats had passed through Vilanagaram Lock & were moved amongst other boats No 1019 close to a landing place with

with about 10 other boats there close to the lock and crowded with people and bullock carts.

4. Both these boats are ordinary open cargo boats with a small covered space forward and aft not partitioned off and the crew are cooking under the deck forward, smoke coming out of the small hatchway. These boats were carrying part of a consignment of blasting powder 2000 1/4 barrels travelling under a pass no 873 under the "Arms Act" signed by the Dist Secretary. and issued to Messrs Gordon Woodroffe & Co. noted for transmission by canal, cart & rail via Bezwada. to Pellandu. These boats were just about to cross the river into Bezwada town to wait the convenience of the Rail way to provide trucks for their transport.

5. Boat no 1019 had returned its cargo to the Lilanagaram Lock Superintendent as Turmeric and Kerosine. It had a few bags of turmeric and Kerosine tins on board no 1058 was entered correctly as powder.

6. Under these circumstances seeing what disasters have happened from careless transport of powder, I took their licenses to prevent their getting through Bezwada Lock and crossed at once and went to the Town Police Station to ascertain what the law was. The Station House officer could not give me any information and said the matter was outside his jurisdiction. and I told him to inform the sub magistrate and inspector and went to Buckinghampett and after some search found the rules under the "Explosives Act", the office copy of the Act was defective.

7. The Agent of the Hyderabad Deccan Company Mr Patterson came to me and threatened me with responsibility for damages and I informed him that if the Magistrate would give a certificate that the boat might pass into the town I would let them pass.

8. Next morning Mr Patterson served me with a notice (copy enclosed) I gave him a letter to the sub-magistrate, the deputy Collector being absent in camp, and the sub-magistrate said he knew nothing of the rules & I sent him my copy, then he sent me the answer (copy enclosed). I then telegraphed to the Head Assistant Collector in whose jurisdiction the boats were. on the afternoon of the 6th the crews

were

were again cooking on the boats.

9. On the 8th the District Superintendent of Police arrived and I reported the case to him and the Police have now got the case in hand & I will report the further course of affairs.

10. Meanwhile I have the honor to request that the opinion of the law officers may be taken as to whether I have incurred any personal responsibility. I imagine that clause 13 of the "Explosives Act" of 1884 cover amply all that I have done but in view of the formal notice of action, I should be glad of legal opinion.

11. I should also be glad of opinion as to whether Mr. Patterson by his notice has made himself an abettor and is liable to fine as I consider his case very bad. in as much as being a man of respectable position instead of taking any steps to coun the founder up and make it safe he contented himself with threatening me.

I would also suggest for consideration the advisability of making some additional rules under the "Navigation Act".

(a) that all boats carrying explosives in canals should carry some distinguishing mark

(b) that they should be obliged to report nature of their cargo at all locks and wharfs.

(c) that they should be obliged to moor at any place pointed out by a canal officer.

12. The trade in Explosives is said to have been going on for years without notice having been taken of it as there is no heading "Explosives" in our traffic returns.

13. I also append a copy of a letter received from a pleader on behalf of A. Rungiah Naidoo and sons giving notice of a civil suit for damages against me.

(True copy)

Sd: Upston Manager,

Supty Engineers office Trichy.

CHIEF ENGINEER FOR IRRIGATION
20 AUG. 1898

Superintending Engineer,
II circle, Dated 12th August 1898

No 2496 K
12.8.98

From,

W. B. Lewis Esquire,
Superintending Engineer II circle

To

The Chief Engineer
Public Works Department

Encls. 6

Sir,

With reference to your No 35120
dated 9th August 98. I have the honor to
inform you that I have sent a full report
of the circumstances connected with the
stoppage of powder in transit to the Chief
Engineer for Irrigation in my No 4869 E. dated
9th August 98 and I annex a second copy for
ready reference.

2. I would point out that the parties
concerned hold licenses under the "Arms Act"
which would equally be necessary for swords
or spears and have no connection whatever with
the question of safety or otherwise of the powder
which comes under the "Explosives Act"

I

Ex 5.6
6803/SD

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

M Lewis

Superintending Engineer
Hawke.

CHIEF DRAUGHTSMAN
FOR IRRIGATION.
20 AUG 1898
No. 190

# Public Works (1898) Department.

CURRENT No. 190

From E W

Order

El

As directed by Govt. Solicitor has been addressed + to whom might be informed if action taken. If the Suits are brought against Govt. & orders of Govt. & regarding will no doubt be applied for.

+ the matter subject Govt & Contractors

19/8/98

JH 20/8/98

Dated 19 — 8 — 98

Received 20 — 20 —

Registered

Enclosures 6

Spare copies

SUBJECT.

Stoppage of the blasting powder boat in transit at Sitanagaram — forwards 5 & II letters No 2496K 12.8.98 assigning proper reasons for the — & states that a full report was already submitted on the subject —

To DE for orders if this may await the reference to the Govt Solicitor — There is nothing read in these papers, save paragraph 7 of SEs No 2496K d/12/8/98

DE 21/8/98

BACK PAPERS.

| No. | Date. |
|---|---|
| R 182 | 11—8—98 |

FURTHER PAPERS.

| No. | Date. |
|---|---|
| | |

# Public Works (189 ) Department.

CURRENT No. 348m

*From* The Govt Solicitor Madras.

*Order*

No. 348

*Dated* 23 August 1898

*Received* —do—

*Registered*

*Enclosures* 12* * including the Note in order

*Spare copies* 3/15/7/98.

## SUBJECT.

Giving his opinion on the question of the legality of the action of the S & H in having taken away the licenses of boats carrying some gunpowder & packed contrary to the provisions of the Indian Explosives Act of 1884.

BACK PAPERS. FURTHER PAPERS.

BACK PAPERS. FURTHER PAPERS.

| No. | Date. |
|---|---|

| No. | Date. |
|---|---|

Confidential

No. 348

Madras 23rd August 1898.

From,

Ernest Barclay

Government Solicitor

M A D R A S.

To,

The Chief Engineer for Irrigation

M a d r a s.

Sir,

1. I beg to acknowledge receipt of your letter of 19th instant - No.261M, with file of papers relating to the action of the Superintending Engineer II Circle with regard to two boats containing gunpowder.-

Flag H 2. From his letter of 9th instant No.486CL to you, it appears that, on the 5th instant, the Superintending Engineer found two boats - No.1019, the property of A. Rungiah Naidoo and No.1058, the property of Fakir Khasim Khan, loaded, the former with about 600 and the latter with about 600 25 lbs barrels of blasting powder, without any covering and boat No.1019 with, in addition to the gunpowder two large cases of boxes of matches adjoining the powder. In the boats the crews were cooking under the forward deck and smoke was coming out of a small hatchway.

3. It appears that the boats were travelling under a pass No.893 under the Arms Act, signed by the Chief Secretary to Government and issued to Messrs Gordon Woodroffe & Co and noted for transmission by canal, cart and rail via Bezwada to Yellanda. The Superintending - Engineer, seeing the dangerous condition in which the boats were and as they were about to cross the river into Bezwada town to be unloaded took the licenses in order to prevent the boats getting through - Bezwada lock and, as I understand, I am now asked to advise whether the Superintending Engineer was legally justified in so doing.

Kings R873-74 6-798

4. I can find no authority for the action of the Superintending - Engineer. Section 13 of the Indian Explosives Act IV of 1884, provides that, whoever is found committing any act for which he is punishable under that Act or the Rules under the Act and which tends to cause

Flag J

explosion or fire in or about any boat, may be apprehended without a warrant by a Police Officer or by the occupier of or the agent - or servant of or other person authorized by the occupier of the - place and it might possibly have been open to the Superintending - Engineer to have arrested the men in charge of the boats in question. However he did not do so and it is therefore unnecessary to consider whether he would have been justified in doing so.

5. Coming now to the Navigation Rules passed under Madras Act II of 1890, Section 7 (v) of that Act provides that any person duly - empowered by Government in that behalf may stop any vessel navigating the canal in contravention of any of the provisions of the - Act or of any rule made or any condition of license or registration prescribed thereunder and may detain it (the vessel, presumably) - until the same (the rule or condition) is complied with. The Rules provide that the management of canals for navigation is vested in the Executive Engineers of the Divisions of the P.W. D. in which - the canals are situated, subject to the supervision of the Superin -tending Engineer of the circle concerned and the control of the - Chief Engineer for Irrigation. Executive Engineers are, in respect of the canals in their charge, authorized to exercise the powers - described in Section 7 of the Act and to delegate, in writing, all - or any of those powers to any officer or subordinate working under them. Superintending Engineers therefore have not such powers.

6. Rule 35 clearly applies only to passenger boats carrying - cargo.

7. Rule 43 does not affect the present question, for, though - apparently the declaration as to the nature of the cargo of boat - No.1019 was untrue and Rule 43 requires persons in charge of vessels carrying cargo to make a true statement of the nature of the cargo on board, Section 17 of Madras Act II of 1890 provides a penalty - for breaking any rule made under that Act.

8. Rule 44 provides that a Canal Officer, who, according to - Rule 3 would be an Executive Engineer or any officer or subordinate working under an Executive Engineer to whom he has delegated his - powers in writing and not a Superintending Engineer, may, on account of the infringement of any provisions of the Act (Madras Act II of - 1890) or of any of the rules and regulations passed under it, suspend the annual license of a vessel for the periods mentioned, but I do - not understand that the Superintending Engineer purported to suspend the licenses of the boats in question, nor had he, in my opinion, the power to do so, not being a Canal Officer, he simply took the licenses away and I can find no legal authority for his so doing.

9. The rules under the Indian Explosives Act would not apply to the present case even if there were anything in those rules which refers to such a case, for, what I understand the Superintending Engineer - took away were the boat licenses and the license granted under the - Explosives Act.

10. Under all the circumstances I am of opinion that the Superintending Engineer was not legally justified in the action he took, he is not a Canal Officer within the definition of Rule 3 of the Rules passed under Madras Act II of 1890 nor is he one of those officers who are authorized to take action under the Rules passed under the Indian Explosives Act. While, however, I am of opinion that the Superintending Engineer was not legally justified in the action he took and that instead of acting as he did, he should have, at once, reported the state of affairs to the Police, for action under Section 13 of the Indian - Explosives Act, I am further of opinion that, under the circumstances, the Superintending Engineer has incurred really very little responsibi -lity and that, should the boatowners or the owners of the gunpowder - bring a suit for damages against the Superintending Engineer or agai Government, little or no damages would be awarded considering the rules that had been infringed and the dangerous condition in which the powde was exposed.

11. I return the file of papers and

I have the honor to be

Sir

Your Obedient Servant

Ernest Bardon

Government Solicitor.

CHIEF ENGINEER
FOR IRRIGATION.
23 AUG. 1898
No. 345 1/2



# NOTES.

E.I. Form No. 4—100—16 9-96.

PUBLIC WORKS DEPARTMENT,

IRRIGATION BRANCH.

READ the following:—

W.s endors.t No. 3359 C. d. H. Aug.t 98
Forwarding file in subject of
detention of Gunpowder at
Bezwada under Explosives act.
Supl.t Engr. II circle report on same
subject No. 486 G. d. d. 9. Aug.t 98.

FOR ORDERS.

On the 9.th inst. the
Chief Engr. P. W. D. received
a telegram from the agent
& manager Hyderabad
Deccan Coy. d.a appealing
against an order of Mr.
Lewis officiating S. E. II
Circle which stopped the
transport of certain
blasting powder at
Bezwada. This was
forwarded to the S.E. for
immediate report and was
followed by a letter from
the agent & manager Hyderabad
Co. d.a confirming the
telegram and from which
it would appear that the
powder in question which
had been detained by Mr.
Lewis was a consignment
for the Singareni Collieries

being carried under a licence granted by the Company by the Chief Sec^y to Gov^t Madras and also by the Resident at Hyderabad - The company represented that detention of the powder would involve a loss to them and asked that the application for transport stones be removed without delay, the company being prepared to conform to any rules that had been passed relating to the transport of explosives - by wire on the 10th inst.

The S. S. was then asked to report the circumstances and to hand over the powder to the Company's agent if there were no insuperable objection - The S.S. replied by wire the same day that the powder was in charge of the police under the explosives act and that a report had been made to

E.I.



This report has now been received and as it is represented that the case is in the hands of the police no further orders in the P.O.D. to be taken the despatch of the powder seem necessary? The question submitted for orders relates to the action of the Sup^g Eng^r with reference to the detention of the powder in the first instance and with reference to which he has received notice of an action for damages -

The facts as reported by Mr Lewis are that on the morning of the 5th two boats must be found two boats containing barrels of gunpowder moored on the Silkanagaram side of the Kistna and about to cross the river into Bezwada town to await the convenience of the railway to provide trucks for the transport of the powder to its destination.

No

Unless we can show that the navigation rules were being contravened - apparently SE Head no reason to interfere - the rules are strictly enforced rule 35 shewed only, but it chiefly concerned Passenger boats which these were not, but the spirit of this rule would doubtless cover the case, rule 36 specifies that a capable person must have charge - now in this case the person was not capable as first master not be allowed near powder -

again under rule 43, a true statement should have been made as to nature of cargo, boat 1019 with 800 casks of powder returned her cargo as turmeric & woodwork! -

Rule 35 is evidently framed in interests of Public Safety,

(over)

4

FOR ORDERS.

One boat contained about
800 and the other about
600, 25th barrels of powder
piled up without any
covering, and the crew
were cooking in the boats
One boat had two large
cases of matches adjoining
the powder - and the powder
was not partitioned off -
Mr. Lewis reports that
seeing what disasters have
happened from careless
transport of powder he took
away the boat license &
prevent them getting into the
town of Bezwada through
the lock and he then
reported the matter to the
police and to the local
magistrate - It appears
appears that the District
Supt. of Police took the
case in hand on the 5th
inst -

On the notice served on Mr.
Lewis by Mayr. & a Ramjah
Naidoo & Sons the owners of
one of the boats the S.E. is
charged with illegally withdrawing

& I think SE's action
justifiable, but he might
perhaps have squared
matters with the Barrister.
But he (SE) says Mr. G. did
nothing but threaten!
Opinion of Govt Solicitor
may be obtained on the
many rules granted.
I SE's action upheld

JCL
17/8/98

E.I. Form No. 4—100—16 9-96.

PUBLIC WORKS DEPARTMENT,

IRRIGATION BRANCH.

READ the following:—

FOR ORDERS.

The boat licenses and
the license granted under
the arms act by the Chief
Secy and in a notice
sent to him by the agent to
the Hyderabad Deccan
Co. the S.E. is informed
that the Co. will hold
him responsible for the
loss & damage occasioned
by the detention of the boats.
The navigation rules
do not appear to deal
with the case at all -
Under these rules a Canal
officer may suspend a
boat license in certain
circumstances but under
rule 45 if the boat is
carrying cargo or passengers
a pass to permit the boat
to proceed to its destination

Should be framed by
the suspending officer —
Mr Lewis thinks that
Section 13 of the Indian
Explosives act IV of 1884
Covers his action ~~but~~ This
Section appears to authorize
the apprehension without
warrant of any person committing
an act for which he is punishable
under the act or the rules
under the act which leads
because explosion or fire
in or about any places ...
... ship or boat by a Police
officer or by the occupier of
or the agent or servant of
that place — and to convey
such person as soon as conveniently
may be before a Magistrate.
~~In this does not appear~~
~~to cover the~~
The rules under the explosives
act are published in the
Fort St. George Gazette of Aug.
10th 1897 and Local Govt.
rules in the Gazette of
July 7 1896 —



The provisions of the
following rules given in
the Gazette of Aug. 1897
appear to have been
contravened — ~~Rule II~~
Conveyance of explosives
p. 996. rules II — VI. VII VIII.
~~Rule 4~~
In the Gazette of July 7 1896
the powers of superior
officers regarding detention
& forfeiture of explosives are
given but these powers
appear to be confined to
magistrates except in
Madras town —
The Supt. Govt. asks for a
legal opinion as to whether
he has exceeded his powers
and suggests the advisability
of adding to the navigation
rules —
The Govt. Solicitor might be
referred on the first
point as to the latter
suggestion ~~as to navigation~~
~~rules~~ provide the rules under
the explosives act already
published are sufficient
but that some steps should

FOR ORDERS.

to be taken & made the
Clauses affecting [illegible] ordinary
Cases more generally
known). Such [illegible] duties might
be [illegible] obtained as
an additional sheet to
the pamphlet navigation
rules for instance -

15/8
4
58

E.I. F[illegible] No. 4—100—16 9-96.

Confidential

PUBLIC WORKS DEPARTMENT,

IRRIGATION BRANCH.

READ the following :—

Opinion of the Govt. Solicitor
dated 23rd Augt. 1898.

Detention of Surveyor at Rajpoora by H.H. under Explosives Act &c —

FOR ORDERS.

Submitted with previous papers for orders -
It will be seen from this opinion that the wording of the Navigation rules does not legally give Superintending Engineers the power to suspend a license —
The words "Superintending" and "might" be inserted before "Executive Engineers" at the commencement of the second sentence of rule 3 so it was clearly never intended that Supdg Engrs should not have these powers —
If it is desired to give Canal officers power to

Flag A.

To
The Secy to Govt.
Legislative dept for
favour of Counter-initial

interfere in case of ~~&~~
careless handling of dangerous
Cargo some addition appears
to be required to the navigation
rules under act II or powers
given to them under the explosives
act – In the present case
which occurred at an
important centre such as
Bozwada ~~&~~ several days
seem to have elapsed before
the police took action, and
in a more out of the way
place the time might
be longer – If canal officers
are not given powers it
seems probable that some
special steps should be taken
{ the Police at wharves
& places where boats are
crowded together —.

Flag P.

23/8/98

It is submitted that canal
officers should have absolute
control in such cases.
In this instance a terrible
accident might have
occurred had not the SE
interfered,
The navigation rules will

Yours. Perhaps the office would draft
a rule, for approval.
A.S.H.
30.8.98

Yes. The papers should have been
sent to J.D. for C.C. so that enquiries
might have been made at once as to
the violation of the Explosives Rules (not
interpassing they should have been) which
seems to have taken place — This will

act just after
vice Flag P.

Flag W.

2nd before order ~~this~~ the
issue further prosecution of the
persons concerned, if an
offence of serious nature has
been committed, appears to
be the case.

HD
31/8/98

The rules must be made
clear & the S.E. given power
to act as well as his Executive
& other officers.
The papers should go to J.D.
as the Hon. Sir H. Bliss notes
for orders as to prosecn. under
Rules of Explosives Act.
Mr. Lewis may have been technically
wrong in urging the licensees &
stopping the boats, but he acted
like a man of sound common sense
and if any suit is successfully
brought against him he will of course
be exonerated by Govt.

HBy 7.9.98.



will required some slight
amendment – rule 35
must be made applicable to
all boats.

JCC
25/8/98
Mr. H. Lewy. Bd of Trade
Ships branch

FOR ORDERS.

# Public Works (1898) Department.

CURRENT No. 8233

Note
After issue of this
file cancelled
Re-entered in I office
Re-issued for disposal
4/10/98

From The Judicial Dept

B/Order No: 7992 Dy 15.10.98

Communicated to the Supdg Engr II Circle with reference to his letter No 486 Gl. dated 9th August 1898.

2. The revised navigation rules approved in Govt 319 J. dated 18th April 1898 will be amended shortly for the regulation of traffic in explosives.

No. 1524

Dated 28.9.98

Received

Registered 4.10.98

Enclosures 1 file & 1 papers resp.

Spare copies

## SUBJECT.

Record, pending receipt of a further report, letter from the D. M. Kistna, submitting report re. the detention of a consignment of gunpowder at Sitanagram by the Supdg Engr II nd circle.

4/10/98

I seen
JCL

4/10/98

The Chief Engr for Irrign
" Supdg Engr, second circle
" Judicial Dept

4/10/98

BACK PAPERS.

| No. | Date. |
|---|---|
| | |

FURTHER PAPERS.

| No. | Date. |
|---|---|
| | |

[ G. 53 ]

2,000-6-9-98.

Judicial Department.

GOVERNMENT OF MADRAS.

# PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper:—

From the District Magistrate, Kistna, R.C.No.1342/Mag of 98, dated 15th September 1898:-

With reference to your telegram No.543, dated the 12th instant, I have the honour to report that the consignment of gun-powder was detained at Sitanagaram by the Superintending Engineer who found that the powder was not stored in the manner prescribed by the rules under the explosives Act and while the boats were passing through the Sitanagaram lock the boatmen kindled a fire to cook their food on board one boat close to the barrels of gunpowder.

2. The Superintending Engineer reported the matter to the Police, who prosecuted the boatmen before the Joint Magistrate, who finding them guilty of breaches of clauses VI, VIII and IX of rule 4, sentenced them to pay a fine of Rs.25 each.

3. In his judgement the Joint Magistrate has stated that though these boatmen were guilty they probably sinned through ignorance, and that the real offenders were the consignors in Madras. I am collecting such information as I can on this point in view and shall then address the Commissioner of Police, Madras.

---

Order No.1524, dated 28th September 1898.

Recorded pending further report as to the action taken

taken in regard to the consignors at Madras.

(True Extract)

for Chief Secretary.

C.B.
1-10-98.

To

The Public Works Department, with papers in original ➡ returned.

,, District Magistrate, Kistna.

30588