

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1307	<u>Press</u> <u>Mis.</u>
	5-6	
Dated	2-7-	1861.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
2nd July 1861.*

No. 5. Read the following Proceedings of the Board of Revenue, dated 21st June 1861,
No. 3,214:—

Read the following letter from W. E. COCHRANE, Esq., Collector of Sea Customs, to J. D. SIM,
Esq., Secretary to the Board of Revenue, Fort Saint George, dated Madras, 27th March 1861,
No. 133.

SIR,

1. I have the honor to acknowledge Proceedings of the Board of Revenue, dated 21st instant, No. 1,469, forwarding copy of a letter from the Chairman Chamber of Commerce, and the correspondence which passed between this Office and Messrs. Binny & Co, regarding a claim preferred by the latter for compensation for damage to a bale of Shirtings whilst in the custody of this Department, and in reply to the queries put by the Board, beg to state:— (1.) The goods in question were bonded in the Government building. (2.) The servants of the merchants have constant access to goods while in bond, whether in the private or Government warehouse, under Section 16, Act XXV. of 1836. (3.) Every precaution which this Department can take is adopted for the preservation of bonded goods. The Warehouse-keeper exercises a constant supervision over the buildings.

2. In reply to paragraph 2, I beg to state that I cannot discover any decision on a similar claim to that made by Messrs. Binny & Co. I can only add that the Officers of the Bonding warehouse remove as much as possible all probability of damage occurring to goods under their custody, and the present claim being the first that I can discover, proves that a careful supervision has been and is exercised over the warehouse by the small establishment allowed.

(True Copy.)

(Signed) C. COLLETT,
Acting Collector of Sea Customs.

1. Ordered to be submitted to Government, with reference to their Proceedings, No. 562, Revenue Department, dated 12th March 1861, forwarding to the Board for report certain correspondence relative to a claim preferred by Messrs. Binny & Co. to the Collector of Sea Customs for compensation for damage by white ants to certain Shirtings lodged in the Bonded warehouse.

2. It appears that 17 bales were deposited by Messrs. Binny & Co. in bond on 28th July 1860. Five bales were cleared in August, four more in September, and seven more in January 1861, when the goods had been six months in bond. It would seem to be one bale of this last batch which was damaged.

3. The warehouse is a public one, under charge of the Warehouse-keeper; but under Section 16, Act XXV. of 1836, the owners or consignees or their agents can have access at any time during office hours to the goods. Section 17 expressly declares the Collector or Warehouse-keeper to be responsible only for loss or injury caused by wilful act or neglect.

4. In the circumstances of the present case, the Board see no reason to suppose that wilful neglect occurred. One bale out of seven that had for six months been lying in bond was found to be damaged, and this might certainly have occurred without any blameable neglect on the part of the Warehouse-keeper, who, under Section 14, is "responsible for all duties connected with the charge of goods, their reception into and delivery from the warehouses," but cannot, in the Board's opinion, be expected to relieve the owners of all responsibility in the matter when it is open to them at any time to examine their goods, and when, as in the present case, they appear to have left their goods untouched from September to January.

5. As a matter of right the Board think Messrs. Binny & Co. have no claim, and to grant compensation as a matter of grace might establish a mischievous precedent.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 6. ORDER THEREON, 2nd July 1861, No. 1,307.

Referred for the opinion of the Advocate General through the Government Solicitor, together with the letter from the Chamber of Commerce, dated 4th March 1861.

(Signed) J. D. SIM,

Secretary to Government.

goods are expressly declared the Collector or Warehouse keeper to be responsible only for loss or injury caused by wilful act or neglect.

4. In the circumstances of the present case the Board see no reason to suppose that wilful neglect occurred. One bale out of 7 that had for 6 months been lying in bond was found to be damaged, and this might certainly have occurred without any blameable neglect on the part of the Warehouse keeper: who under Section 14 is responsible for all duties connected with the charge "of Goods. their reception into and delivery from the Warehouses" but cannot in the Board's opinion be expected to relieve the owners of all responsibility in the matter, when it is open to them at any time to examine their goods, and when as in the present case they appear to have left their goods untouched from September to January.

5. As a matter of right the Board think Messrs. Wain & Co. have no claim and to grant compensation is a matter of grace might establish a mischievous precedent.

per Secy & Extract

L. Krishnamoorthy
Secretary

To *J. P. Sim Esq.*
Secretary to Government.
Revenue Department.

Per M. Balakrishnamah

12-12-1901

Proceedings of the Board
Revenue

Sept 21st June 1861
No 244

Revenue

When the case of the
Revenue of 1861 was
decided in 1861

No 5461

229 June 1861

to 1307

Referred for the opinion
of the Government solicitor, to-

gether with the letter from the
Chamber of Commerce dated

4th March 1861.

22 July 1861

W. R.

As there is nothing to
prevent Mr. Baring to
seeing that it may be well
to take legal advice in the
first instance.

3 copies to Mr. Baring
with No 5461. D. J. 3 =

No 1307: 22 July
With an Order -