M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 562 Press Mis.

1908-191

Dated 12. 3 - 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 12th March 1861.

No. 190. Read the following letter from A. J. BYARD, Esq., Chairman of the Chamber of Commerec, to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department, Fort St. George, dated Madras, 4th March 1861 :—

SIR,

1. The Chamber of Commerce has had brought to its notice, a correspondence between Messrs. Binny & Co. and the Collector of Sea Customs, regarding a claim by the former for compensation for damage to a bale of Shirtings, by white ants, whilst deposited in the Bonded Warehouse, which claim the Collector repudiates on the ground that the damage was not caused by wilful neglect, and for your information a copy of that correspondence is annexed.

2. It will be observed that the Collector, whilst endeavouring to show that the damage was not caused by wilful neglect, states, first, that it is not the duty of the Officer connected with the Bonded Warehouse to interfere with goods when once they are bonded; and secondly, that such goods are at the risk of the owner, whose duty it is to have servants, to employ coolies periodically, to shift packages and to ascertain their condition.

3. With reference to these statements the Chamber would remark, first, that it is decidedly of opinion that it is the duty of the Officer in charge of the Bonded Warehouse to protect from injury the property stored therein, and secondly, that if all persons or firms, who may have property in the Bonded Warehouse, were each to have servants and coolies whenever it suited their own convenience, shifting packages, the business of the Bonded Warehouse would be seriously impeded, and no property would be safe from theft or damage. In fact such a system would be quite impracticable.

4. As a proof that the practice which the Collector points out has been followed by Messrs. Binny & Co., he instances their having asked permission for a Conicopolly to examine some Hogsheads of Beer. The Chamber, however, submits that this cannot apply to the matter now brought to your notice, Beer being quite an exceptional article, in consequence of the casks requiring to be turned over, and filled periodically, to prevent the contents turning sour. Messrs. Binny & Co. state that they have never followed a similar course with reference to dry goods, and the Chamber is not aware that other firms act otherwise.

Section 17 of Act XXV of 1836 provides that the Officers of Customs shall be held liable for loss sustained by the owners or consignees of goods in bond, if it shall be proved to have been occasioned by their wilful act or neglect. It is the opinion of the Chamber that no custodian of bonded goods can be held free from the charge of neglect of duty, who should permit white ants to infest the Bonded Warehouse, and destroy property deposited therein, on which the regulated Warehouse rent is paid. But if Government should not concur in this opinion, and should decide that in cases of this kind, the Customs Officers are not responsible, then the Chamber submits that it will be impossible for Merchants to make that use of the Bonded Warehouse, as regards perishable goods, which, as it appears to the Chamber, was contemplated by Act XXV of 1836.

From Messrs. BINNY & Co., to W. E. COCHRANE, Esq., Collector of Sea Customs, Madras, dated 6th February 1861.

SIR,

We have the honor to enclose our bill amounting to Rupees 262-8-0 for a bale of Grey Shirtings damaged, and rendered unmerchantable by white ants in the Bonded Warehouse, which we understand has arisen from a want of proper care and attention on the part of those in charge of the place.

From W. E. COCHRANE, Esq., Collector of Sea Customs, to Messrs. BINNY & Co., Madras, dated 8th February 1861, No. 62.

GENTLEMEN,

1. I have the honor to acknowledge the receipt of your letter dated 6th instant, and in reply beg to refer you to Section 17 Act XXV of 1836. The stowage of the goods in question

Proceedings of the Madras Government, Revenue Department, 12th March 1861.

Per Ship "Couranto" from London.

B.
M. 17 *bales Shirtings Bonded on the 28th July* 1860.
Cleared 4 bales, 13th August 1860.
„ 1 „ 22*nd* „ „
„ 1 „ 3*rd Sept.* „
„ 3 „ 14*th* „ „
„ 7 „ 31*st Jan.* 1861.

was the act of your own servants who had constant access to them while in bond, consequently no wilful act or neglect attaches to the Officers of this Department. I would also refer to the fact that the Shirtings were in bond upwards of six months, portions of which were cleared from time to time as shown in the margin, which afforded your servants every opportunity of judging their condition.

2. The bill and Survey Report forwarded with your letter are herewith returned.

From Messrs. BINNY & Co., to W. E. COCHRANE, Esq., Collector of Sea Customs, Madras, dated 11th February 1861.

SIR,

1. We have the honor to acknowledge the receipt of your letter, No. 62 of the 8th instant, and in reply to state that the packages in question were stowed in a godown selected by, and under the superintendence of a Custom House Officer. Therefore, should the godown not have been suitable for the stowage of the goods in question, or should the goods not have been stowed with sufficient care, in each instance the act must be considered, that of your Superintendent, for which your Department is responsible, under Section 17 Act XVII of 1836. The fact that portions of the goods were cleared from time to time cannot affect the question at issue. It is strictly the duty of a godown-keeper to take measures to protect from injury any property placed under his care, and it is to be supposed that there was such a person in charge of the godown referred to. On the other hand there were no such person in our employ on the Custom House premises. The servants of ours to whom you refer, were Coolies and Conicopillies engaged to clear goods from the Custom House, to whom we never look for the care of our property lodged in the Bonded Warehouse.

2. We again present for payment the bill of the damaged shirtings.

From W. E. COCHRANE, Esq., Collector of Sea Customs, to Messrs. BINNY & Co., Madras, dated 14th February 1861, No. 67.

GENTLEMEN,

1. In reply to your letter dated 11th instant, I have the honor to observe that the law clearly absolves the Officers of the Bonding Department, as no wilful neglect can be shown; it would be impossible for the Officer connected with the Bonding Warehouse to examine every case and bale, nor is it his duty to interfere with goods when once they are Bonded; at the time your bales were stowed, the godown to all appearances was in good order.

2. All goods in bond or lodged elsewhere, are at the risk of the owners, whose manifest duty it is to have responsible servants, to employ coolies periodically, to shift packages to ascertain their condition. This practice is observed by all parties who have goods in bond, and it will be seen from the letter transcribed in the margin that this course is followed by yourselves. The bales in question were properly stowed and no injury sustained by any but the single one referred to although lodged more than six months in the Warehouse.

To the Collector of Sea Customs.
Sir,
Please permit our Conicopolly to examine our Hhds. of Beer lying in the Bonded Warehouse, &c.
We remain, &c.
(*Signed*) BINNY *& Co.*
Madras, 30th July 1861.

3. The enclosures are herewith returned.

No. 191. ORDER THEREON, 12th March 1861, No. 562.

Referred to the Board of Revenue together with the enclosures for their report.

(Signed) J. D. BOURDILLON,
Secretary to Government.

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is not aware that other firms act otherwise.

Section XVII of act XXV of 1836 provides that the officers of Customs shall be held liable for loss sustained by the owners or consignees of goods in bond, if it shall be proved to have been occasioned by their wilful act or neglect. It is the opinion of the Chamber that no Custodian of Bonded goods can be held free from the charge of neglect of duty, who should permit White Ants to infest the Bonded Warehouse, and destroy Property deposited therein, on which the regulated Warehouse Rent is paid. But if Government should not concur in this opinion, and should decide that in cases of this kind, the Customs Officers are not responsible, then the Chamber submits that it will be impossible for Merchants to make that use of the Bonded Warehouse, as regards perishable goods which as it appears to the Chamber was contemplated by act XXV of 1836.

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

A. J. Byard
Chairman.

Revenue 1861 Sept.
Dro: of Govt for March.
No 589.

From,
The Chairman
of the Board
of Commrs.

Dated 4th March
Recd 5th " 1861.-

Submits with the Chairmans opinion copy of a correspondence between Messrs Binny & Co and the Coll: of Sea Customs regarding a claim by the former for compensation for damage to a Bale of Shirtings -

Town Bag Rum 21 June /61
C Rs 480 - in Pro. July 1-13
No 562. 12 March
William Orders

No 562
Referred to the Board of Revn together with the enclosures for their Report. -

Sd H. St George
12th March 1861

Copies
To the Board of Revenue Dy No 13

List -

No 190 + 191.