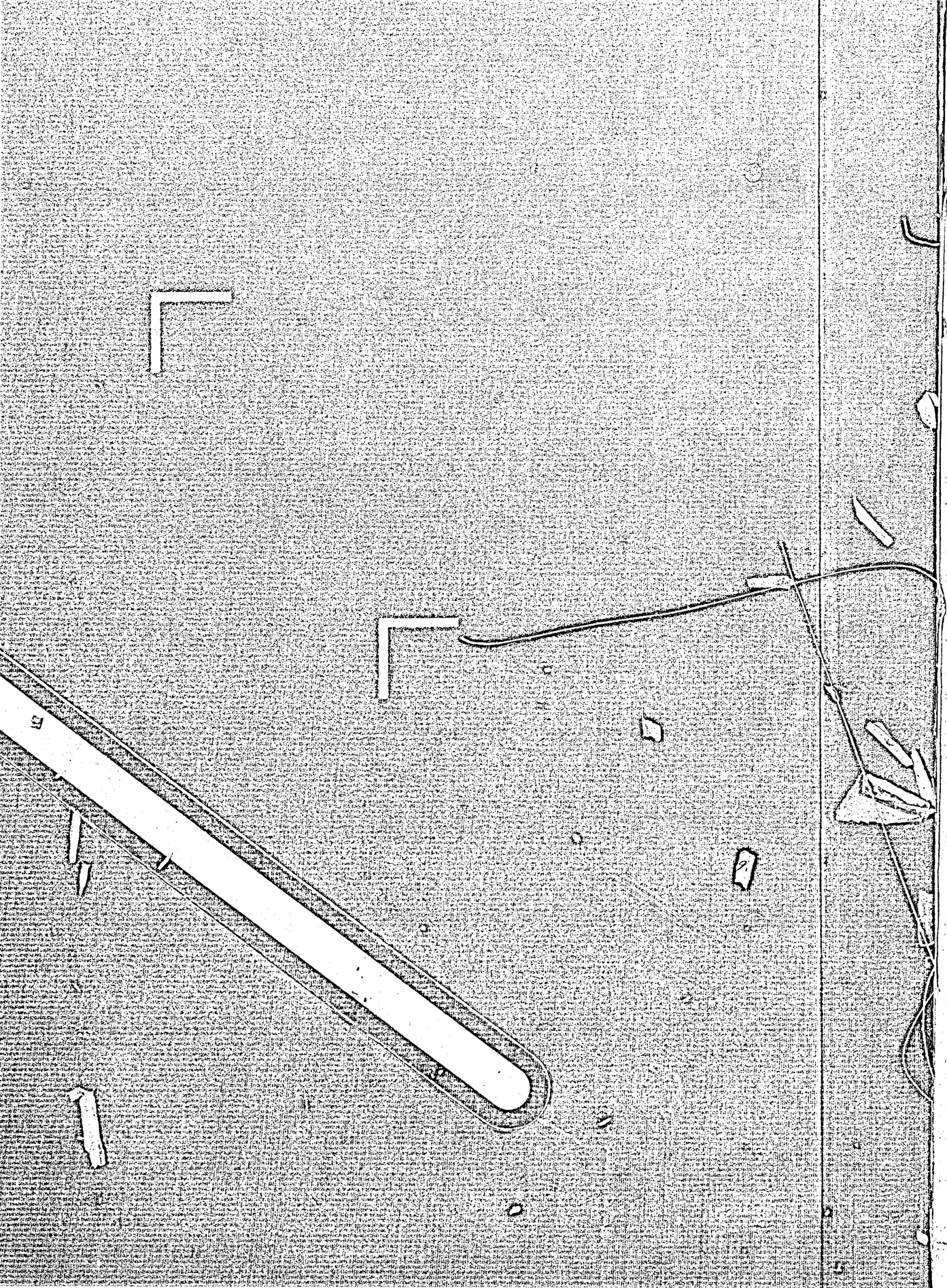


M.R.O. 1—77,006—8-6-37.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 2015	Press Mis.
109-110.	109-110
Dated 13 - 10 -	18 75

13/14

Not to be folded or roughly handled

K.V
14 10/10

Government-securities.

Read the following papers:—

No. 109. From Lieut.-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, Fort St. George, dated Madras, 30th August 1875, No. 486.

Railway Department.

I have the honor to forward, for the consideration and orders of Government, two letters from the Agent, South Indian Railway, regarding the difficulty which is experienced in dealing with promissory notes which have been endorsed by the owners in favor of the Agents of the late Great Southern of India and Carnatic Companies.

Nos. 502 and 769, dated 5th April and 28th July 1875.

2. The matter was brought to the notice of the Accountant-General on the 8th April last, and, in reply, that officer states that the papers have been referred by the Bank of Madras, Public Debt Office, for the opinion of the Government Solicitor, but no settlement of the question has yet been arrived at. Meanwhile a great hardship is being incurred by the owners of these notes who may want to realize or transfer them, and from the Bank refusing to deal with the notes in any way, they have accumulated to an amount which the Agent considers altogether unsafe to keep in the Company's cash-chest.

3. The Agent is of opinion that under the Railway Clauses Act, 1863 (26 and 27 Vic., Cap. 92) the property of the two Companies can be dealt with fully by the Amalgamated Company, but the Bank does not acquiesce in this view. A speedy settlement of the question seems highly desirable.

From W. S. BETTS, Esq., Agent of the South Indian Railway, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Negapatam, 5th April 1875, No. 502.

P. Soobramonya Moodelly upon being engaged as a Cashkeeper in the service of the late Carnatic Railway Company, deposited with the then Agent of that Company a Government Promissory Note, No. $\frac{01104}{28502}$ of 1842-43, for Rupees 2,200, as security for the faithful discharge of his duty.

2. This note was endorsed by Soobramonya as follows: "Pay to J. T. Fisher, Agent and Manager, C. R. C., Ld., or order."

3. Upon the late Mr. Fisher ceasing to conduct the Agency of the Carnatic Railway Company he executed a Power of Attorney in favor of myself, and he also endorsed the promissory note before referred to, as follows: "Pay to the Agent and Manager, Carnatic Railway Company, Limited, or order."

4. Shortly afterwards the Cashkeeper left our service, and I handed him back his promissory note, endorsed: "Pay to P. Soobramonya Moodelly, or order," which I signed as the Agent of the Carnatic Railway Company.

5. I am now informed that the Public Debt Department will not recognise the last two endorsements, without they are furnished with a copy of the Deed of Incorporation of the Carnatic Railway Company, and of the Power of Attorney under which I deal with Government-securities on behalf of that Company.

6. I furnished the department with the power which I hold, but have been informed that, as this power does not specifically allude to "Government-securities," it cannot be recognised, and that I must obtain a fresh power from the Company, this notwithstanding it is known that the Company has ceased to exist.

7. I have suggested that, under the circumstances, Soobramonya should be permitted to cancel his endorsement, and I shall feel obliged if you will bring this suggestion under the notice of the Accountant-General, or, if necessary, of Government, in order that orders may be passed which will enable the holder of the note to realize its value.

From W. S. BETTS, Esq., Agent of the South Indian Railway, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Negapatam, 28th July 1875, No. 769.

I shall feel obliged by your representing to Government the very great hardship inflicted upon the holder of the promissory note referred to in my letter, No. 502, of the 5th April last, by the non-settlement of the point I referred to you in that letter.

2. A delay of nearly four months may not be of much moment to a corporate body, but it is of the greatest importance to a man of limited means; and I believe P. Soobramonya Moodelly in order to secure the situation he holds (having to find guarantee for Rupees 2,000) has had to borrow a sum of Rupees 2,200 at the rate of 12 per cent., because he is prevented from using the promissory note.

3. I regret to say this is not the only case of the kind, and I earnestly solicit that speedy action may be taken to remove the restriction which has been placed upon bonds which have been endorsed over to the (late) Great Southern of India and Carnatic Railway Companies.

4. Part V. of the Railway Clauses Act, 1863 (26 and 27 Vic., Cap. 92), relating to amalgamation is included in the Act (37 and 38 Vic., Cap. 112), under which the South Indian Railway Company is incorporated. Under the provisions contained therein all the property of the dissolved Companies becomes vested in the Amalgamated Company, and may be dealt with by it as fully, and to the same extent as by the former Companies. This has been intimated to the Secretary and Treasurer, of the Bank of Madras, but still the difficulty exists.

EXTRACT from an Act for consolidating in one Act certain provisions frequently inserted in Acts relating to Railways, 28th July 1863.

Chapter 92, *Sections* 26 *and* 27.

26. The Companies parties to the Agreement may, in accordance therewith for the purposes thereof, appoint a Joint Committee, composed of such number of the Directors of each Company as the Companies think proper, and from time to time may vary and renew the Joint Committee as occasion requires, and may regulate the proceedings of the Joint Committee, and may delegate to the Joint Committee all such of the powers of the Companies as the Companies think necessary for carrying into effect the purposes of the Agreement; and the Joint Committee shall have and may exercise the powers so from time to time delegated to them in like manner as the same powers might be had and exercised by the Companies respectively or their respective Directors.

Joint Committee for purposes of Agreements.

27. At the expiration of the first or any subsequent period of ten years after the making of the Agreement, the Board of Trade may, if they are of opinion that the interests of the public are prejudicially affected thereby, cause the same to be revised; and the Board of Trade may require the Companies parties thereto to publish such notices of any intended revision of the Agreement as the Board of Trade may direct; and the Board of Trade may modify the Agreement

Agreements between Companies may be modified by Board of Trade.

Proceedings of the Madras Government, Financial Department,
13*th October* 1875.

in such manner as may seem expedient for the protection of the interests of the public and may declare the modification to be part of the Agreement, and the same shall be read and take effect accordingly.

No. 474.

Transferred to the Financial Department.

(Signed) G. W. WALKER, Major-General, R.E.,
Secretary to Government, P. W. D.

OOTACAMUND,
3*rd September* 1875.

No. 423.

Referred to the Accountant-General for early report.

OOTACAMUND,
4*th September* 1875.

(Signed) D. F. CARMICHAEL,
Officiating Chief Secretary.

No. 109-A. From E. RULE, Esq., Deputy Accountant-General, in charge of the Office of the Accountant-General, to the Hon. D. F. CARMICHAEL, Officiating Chief Secretary to Government, Fort St. George, dated Fort St. George, 6th October 1875, No. 405.

Book Department.

With reference to your endorsement, No. 423, dated 4th ultimo, on letter, No. 486, of the 30th August last, from the Consulting Engineer for Railways, I have the honor to forward, herewith, copy of a communication received from the Secretary and Treasurer, Bank of Madras, Public Debt Office, from which it will be seen that, in accordance with the Advocate-General's opinion, the Government securities standing in the names of the late Carnatic Railway and the Great Southern of India Railway Companies can now be dealt with by the South Indian Railway Company.

2. A copy of the letter from the Bank has this day been sent also to the Consulting Engineer.

From W. T. HOLMES, Esq., Deputy Secretary and Treasurer of the Bank of Madras, to R. W. LODWICK, Esq., Accountant-General, dated Madras, 5th October 1875, No. 294.

In returning the two papers marginally indicated received with your docket, dated 9th April, No. 267, and letter dated the 6th September, No. 5947, I have the honor to inform you that the Advocate-General is of opinion that the promissory notes of the Government of India standing in the names of the Carnatic Railway Company and the Great Southern of India Railway Company can, under the provisions of 37 and 38 Vic., Cap. 112, now be dealt with by the South Indian Railway Company, and as the necessary Powers of Attorney have been executed by the latter Company to endorse Government securities belonging to it, Mr. Logan's transfer (in the absence of Mr. Betts) of the Government paper, standing in the names of the Amalgamated Companies will be recognised by this department.

1. Letter from the Consulting Engineer for Railways, to the Accountant-General, Madras, dated 8th April 1875, No. 511, with enclosure.
2. Letter from the Consulting Engineer for Railways, to the Secretary to Government, Public Works Department, dated 30th August 1875, No. 486, with three enclosures.

Proceedings of the Madras Government, Financial Department,
13th October 1875.

No. 110. ORDER THEREON, 13th October 1875, No. 2015.

Communicated to the Public Works Department, with reference to endorsement in that department, dated 3rd September 1875, No. 474.

(True Extract.)

Officiating Chief Secretary.

To the Public Works Department.

Exd. J. Wright.

Govt. of {1875} Madras.

FINANCIAL.

To

THE PUBLIC WORKS DEPARTMENT.

Dated October, 13th.

Issued

Read. Encl.

G.O., 13*th October* 1875, *No.* 2015.

OCTOBER.

Nos. 109-110.

Government-securities.—Letter of the Accountant-General stating that Government-securities standing in the names of the late Carnatic and Great Southern of India Railway Companies can now be dealt with by the South Indian Railway Company, communicated.

1,6

Railway Department. CONSULTING ENGINEER'S OFFICE.

No. 486 Madras 30th August 1875

109

From

LIEUT.-COLONEL J. H. M. SHAW STEWART, R.E.,

Consulting Engineer for Railways,

To *Major General*

~~COLONEL~~ G. W. WALKER, R.E,

Secretary to Government,

Public Works Department,

Fort Saint George.

SIR,

I have the honour to forward for the consideration and orders of Government two letters from the Agent, South Indian Railway, regarding the difficulty which is experienced in dealing with Promissory Notes which have been endorsed by the owners in favour of the Agents of the late Great Southern of India and Carnatic Companies.

Nos. 502 and 769, dated 5th April and 28th July 1875.

2. The matter was brought to the notice of the Accountant General on the 8th April last, and in reply that Officer states that the papers have been referred by the Bank of Madras Public Debt Office,

for

for the opinion of the Government Solicitor, but no settlement of the question has yet been arrived at. Meanwhile a great hardship is being incurred by the owners of these notes who may want to realise, — or transfer, them, and from the Bank refusing to deal with the Notes in any way, they have accumulated to an amount which the Agent considers altogether unsafe to keep in the Company's cash chest.

3. The Agent is of opinion that under the Railway Clauses Act 1863 (26 and 27 Victoria C 92) the property of the two companies can be dealt with fully by the Amalgamated Company, but the Bank does not acquiesce in this view. An speedy settlement of the question seems highly desirable.

I have the honour to be
Sir
Your most obedient servant
[illegible] R. J. Coplan
for Chief Engineer & Agent

P.W. 1875 Septr.
Financial No: 5591

RAILWAY DEPARTMENT.

From
The Consulting Engineer,
for Railways,

To
The Secretary to Government,
P. W. Department,
Fort Saint George.

Dated 30th August 1875
Recd. 21st [illegible]

No. 486

Forwarded for consideration and orders of Govt. two letters from the Agent S. I. Ry. regarding the difficulty experienced in dealing with promissory notes.

No. 4461

Referring to the Accountant General for early report.

Accountant General's Office
Recd 6 } 9.1875
Ansd _ }

No 474
Transferred to the Financial Dept.

No. 109

11185

No. 512 ~~GREAT~~ SOUTH~~ERN OF~~ INDIAN RAILWAY.

AGENT'S OFFICE,

NEGAPATAM, 5th April 1875.

From

THE AGENT,

~~Great~~ South~~ern of~~ Indian Railway,

To

The Consulting Engineer for Railways.

SIR,

P. Soobramonya Moodaly upon being engaged as a cash keeper in the service of the late Carnatic Railway Company, deposited with the then Agent of that Co. a Government Promissory note, No. $\frac{001.104}{28502}$ of 1842-43 for Rs. 2.200, as security for the faithful discharge of his duty.

This note was endorsed by Soobramonya as follows "Pay to L. T. Fisher, Agent & Manager, C. R. C. Ld., or order".

Upon the late Mr. Fisher ceasing to conduct the Agency of the Carnatic Railway Co., he executed a power of attorney in favour of myself, and he

also enclosed the promissory note before referred to, as follows "Pay to the Agent & Manager, Canadian Railway Company Ltd, or order" Shortly afterwards the Cash Keeper left our service, and I handed him back his promissory note, endorsed "Pay to Mr. Sobramanya Moodaly, or order" which I signed as the Agent of the Canadian Railway Co.

I am now informed that the Public Debt Dpt. will not recognise the latter endorsements, without they are furnished with a copy of the Deed of Incorporation of the Canadian Railway Company, and of the Power of attorney under which I deal with Government Securities on behalf of that Company.

I furnished the Department with the Power which I hold; but have been informed that as this Power does not specifically allude to "Government Securities" it cannot be recognised, and that I must obtain a fresh Power from the Company. This notwithstanding it is known that the Company has ceased to exist.

I have suggested that under the circumstances Sobramanya should be permitted to cancel his endorsement, and I shall feel obliged if you will bring this suggestion under the notice of the Accountant General, or, if necessary, of Government, in order that orders may be passed which will enable the holder of the note to realize its value.

I have the honour to be Sir Your mo. ob. ser.

William Betts.

Agent.

No. GREAT SOUTHERN OF INDIA RAILWAY.

AGENT'S OFFICE,

NEGAPATAM, _____ 18

From

THE AGENT,

Great Southern of India Railway,

To

SIR,

No. 20 on 125

To

The Consulting Engr.

for Railways

Madras

Dated 5th May 1875

Subject Proposed

Legal Difficulties

in the operation re-

garding Provident

Fund Subscriptions

Pay Rec'd 20th May 75

No. 169 South Indian 15 & 80

GREAT SOUTHERN OF INDIA RAILWAY.

AGENT'S OFFICE,

NEGAPATAM, 28th July 1876.

From

THE AGENT, South Indian

Great Southern of India Railway,

To The Consulting Engineer for Railways

Madras.

SIR,

I shall feel obliged by your representing to Government the very great hardship inflicted upon the holder of the Promissory Note referred to in my letter N° 502 of the 3th April last, by the non-settlement of the point referred to you in that letter.

A delay of nearly four months may not be of much moment to a Corporate body, but it is of the greatest importance to a man of limited means, and I believe P. Soobramanya Moodelliar in order to secure the situation he holds (having to find guarantee for Rupees 2,000) has had to borrow a sum of Rupees 2,200 at the rate of 12 per Cent, because he is prevented from using the Promissory Note.

I regret to say this is not the only case of the kind, and I earnestly solicit that speedy action may be taken to remove the restriction which has been placed upon Bonds which have been endorsed over to the (late) Great Southern of India and Carnatic Railway Companies.

Part V of the Railway Clauses Act 1863 (26 & 27 Vict. C 92) relating to Amalgamation is included in the Act (37 & 38 Vict C. 112) under which the South Indian Railway Company is incorporated. Under the provisions contained therein all the property of the dissolved Companies becomes vested in the amalgamated Company, and may be dealt with by it as fully, and to the same extent as by the former Companies. This has been intimated to the Secretary and Treasurer of the Bank of Madras, but still the difficulty exists.

I have the honor to be,
Sir,
Your Most Obedt Servt.

William A Bell
Agent

To
The Agents
P. P. & Co.

To The Consulting Engr:
for Railways
Dated 28th July 1870
Recd 30. " "
Rs 4169

Regarding the Clauses necessary to be introduced in Agreements between Railway Companies

Extract from an Act for consolidating in one Act certain provisions frequently inserted in Acts relating to Railways
28th July - 1863 -
26 & 27 Vict cap 92. Secs: 26 and 27

No copy can be found as only one Act is available in the Public Library

Joint Committee for purposes of Agreements:-

26. The companies Parties to the Agreement may, in accordance therewith for the purposes thereof, appoint a joint committee, composed of such Number of the Directors of each Company as the Companies think proper, and from Time to Time may vary and renew the joint committee as occasion requires, and may regulate the Proceedings of the joint committee and may delegate to the joint committee all such of the powers of the Companies as the Companies think necessary for carrying into effect the Purposes of the agreement; and the joint committee shall have & may exercise the Powers so from Time to Time delegated to them in like manner as the same powers might be had and exercised by the Companies respectively or their respective Directors.

Agreements between Companies may be modified by Board of Trade

27. At the expiration of the first or any subsequent Period of Ten years after the making of the Agreement the Board of Trade may, if they are of opinion that the Interests of the Public are prejudicially affected thereby cause the same to be revised; and the Board of Trade may require the Companies Parties thereto to publish such Notice of any intended revision of the Agreement as the Board of Trade may direct; and the Board of Trade may modify the Agreement in such Manner as may seem expedient for the Protection of the Interests of the Public and may declare the modification to be Part of the Agreement and the same shall be read and take effect accordingly.

Public Debt Office,
Bank of Madras. 19
Madras, 5th October 1875.

No. 294.

To

The Accountant General,
Madras.

Sir,

In returning the two papers marginally indicated received with your Docket dated 9th April No. 267 and letter dated 6th September No. 5947, I have the honor to inform you that the Advocate General is of opinion that the Promissory Notes of the Government of India standing in the names of the Carnatic Railway Company and the Great Southern of India Railway Company can under the provisions of 37 & 38 Vic: Chap: 112, now be dealt with by the South Indian Railway Company, and as the necessary Powers of Attorney have been executed by the latter Company to endorse Government Securities belonging to it, Mr. Logan's transfer (in the absence of Mr. Betts) of the Government Paper standing in the names of the amalgamated Companies will be recognized by this Department.—

I have the honor &c.

(Signed) W. J. Holmes
Dy. Secy. & Treasurer.

(True Copy)

T. Krishna Moorthy Ayyangar
Apptd. to the Accountant General.

1. Letter from the Consulting Engineer for Railways to the Accountant General Madras dated 8th April 1875 No. 267 with enclosure.
2. Letter from the Consulting Engineer for Railways to the Secretary to Government of India Public Works Department dated 30th August 1875 No. 486 with 3 Enclosures.

Compared &c

Book Department. No. 405

Fort Saint George,
Accountant General's Office,
6th October 1875

From

The Accountant General
to the Government of Madras,

To

The Officiating Chief Secretary
to Government

Sir,

With reference to your endorsement No. 1273 dated 4th ultimo, on letter No. 1486 of the 30th August last, from the Consulting Engineer for Railways, I have the honor to forward herewith copy of a communication received from the Secretary and Treasurer Bank of Madras, Public Debt Office, from which it will be seen that, in accordance with the Advocate General's opinion, Government Securities standing in the names of the late Carnatic Railway and the Great Southern of India Railway Companies can now be dealt with by the South Indian Railway Company.

2 A Copy of the letter from the Bank has this day been sent also to the Consulting Engineer.

I have the honor to be
Sir,
Your obedient servant

E. W. Rule.

In charge of the Office
of Accountant General

Recd 8/11.

1875

Financial Department,

ACCTT. GENL.'S OFFICE, MADRAS.

No.

From

The ~~Dept.~~ Accountant General, Madras,

To The Offg. Chief Secretary to Government

Dated 6th Oct.
Reed. 7.
Ansd.
} No. of answer.

A 231/5

Subject.

Forwarding copy of a letter from the Bank of Madras from which it will be seen that the Govt. securities standing in the names of the late Carnatic and Great Southern of India Railway Companies can now be dealt with by the South Indian Railway Company

With ref

Financial Department, 13th Octr. 1875. No. 2075

Communicated to the Public Works Department with reference to Endorsement from this Department, dated 30th September 1875. No. 474.

25/12 Public Works Department 11th Octr 1875

10/10

Govt. of {1874} Madras.

Encl

G.O. 13th Octr 1874 No. 2015.

Nos. 109—110.

Govt Securities. Letter of the Accountant General stating that Govt Securities standing in the names of the late Carnatic and G. I. of India Railway Companies can now be dealt with by the S. I. Railway Company, Communicated.