M.R.O. 1—77,006—8-6-37.

(1) Number of pages 10

(2) Date of repair 17-9-

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Publicworks. DEPARTMENT.

G.O. No. 1541 Press Mis.

607-608.

Dated 27-5- 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 27th May 1864.

No. 607. Read the following letter from Lieutenant-Colonel P. P. L. O'CONNELL, Consulting Engineer for Railways, to Colonel C. A. ORR, R. E., Secretary to Government, Department Public Works, dated Madras, 17th May 1864, No. 238 :—

SIR,

1. With reference to G. O. of the 29th ultimo, No. 1,232, I have the honor to forward a letter* from the Agent and Manager of the Madras Railway, together with a copy of my reply.†

* No. 422, dated 11th May 1864.
† No. 385, dated 12th „ „

2. The Agent has acted on my suggestion by referring the above Order to the Railway Board of Directors, and as the question will be brought before Her Majesty's Secretary of State, I would recommend that the whole of the papers that have passed on the subject be submitted to him.

No. 608. ORDER THEREON, 27th May 1864, No. 1,541.

Resolved that the correspondence connected with the claim preferred by the Officers of the Madras South-West Railway for the reimbursement to the Company of the cost of a wrought iron bridge, constructed in lieu of the masonry bridge which carried the rail over the bed of the Pooramparumba canal and was destroyed by the bursting of the embankment of the Venjally lake in the Malabar District, be brought to the notice of the Right Honorable the Secretary of State for India.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Consulting Engineer for Railways.
„ Financial Railway Department.

Exd. S. T. Augustin.

That the failure caused the damage
for

No 122.

MADRAS RAILWAY COMPANY.

AGENT AND MANAGER'S OFFICE.

Madras, 11th May 1864.

From

R. B. Elwin Esqre

Agent and Manager. M. R. C.

To

Lieutenant Colonel D. D. L. O'Connell

Consulting Engineer for Railways.

Sir,

I am ordered passed by Government in the Public Works Department, dated 29th April 1864, No 1232, which accompanied your letter of the 3rd instant, No 356, was communicated by me to the Chief Engineer, and I have now the honor to offer, for the consideration of Government, the further views expressed by Mr Arnott, with reference to our claim, for the cost of constructing a straight iron bridge at the 396th mile of our South West Line.

From Chief Engineer No 291 - 11th May.

"I shall the evidence submitted with my letter of the 11th ultimo, No 187, proved conclusively that the P. W. D. had been guilty of neglect in respect to the Venjally lake embankment that it is a mistake to suppose that the validity of our claim rests on this ground. It is only necessary to establish the following facts.

"That the embankment was made by Government for a specific purpose.

"That it failed to accomplish this purpose, and

"That the failure caused the damage for

for which we now seek Compensation.

"These facts being admitted it is not
"clear to me how Government can repudiate their
"responsibility.

"You are doubtless aware that in the
"case of the late disaster near Sheffield, two of
"the most eminent Lawyers in England, Sir Hugh
"Cairns and Mr Bovill have recorded an opinion
"that the Shareholders of the Sheffield Water-Works
"Company are liable to the full extent of their
"Shares for the damage done by the bursting of
"their Embankment. The cases are strictly parallel.

"The arguments used in the H.ᵉ Lords,
"to prove the Railway Company Officers in the strong
"are singularly inconclusive. The Requirements of
"Clause 41 of the Contract were observed in the Construc-
"tion of the Line and reasonable provision made for
"Waterway; it certainly was not considered necessary
"to provide against the failure of public works;
"if such were the case the Cost of our Line would
"be seriously increased. It was clearly the duty
"of the Government in this case to make and
"maintain the protective works, and no doubt
"the Railway Engineers at the time relied on the
"due performance of this duty - at all events it would
"appear that the Government Engineers who built
"the Road bridge immediately below ours, and which
"was also swept away, did, or they would have
"exercised that proper foresight; both the want of
"which we are reproached. I am however of
"opinion that the reproach of want of foresight
"is much more applicable to those who made
"the Penjaily embankment than to any one else-

a

"a few feet of Earthworks added to it would have
"averted the disaster."

2. I have also along considered that the Department of Public Works was clearly liable for the cost of this new Structure, I ventured again to urge upon the Government, the justice of our claim.

3. The unexpended Sum for Repairs 35,269-0-5 is herewith returned.

I have the honor to be,
Sir,
Your most obedient Servant,
Wᵐ H. Shaw
Agent and Manager

Copy

Railway Depth.

Consulting Engrs Office

No. 385

To

The Agent and Manager
of the Madras Railway Company

Sir,

Adverting to your letter of the 11th instant No. 122, I have the honor to point out that in paragraph 7 of their order of the 29th April "the Government declines to entertain the Railway Company's claim for damages in any shape whatsoever."

2 The Chief Engineer has adduced no new argument, and I would suggest for your consideration the advisability of referring the order of Government to the Railway Board of Directors, and ascertaining their views thereon.

I have &c
(Sd) P. P. L. O'Connell Lt-Coll R.E
Cons. Engr for Rys

Madras
12th May 1864

True copy/
O'Connell Lt-Coll R.E
Cons. Engr for Rys

Office of Letters to England
No. 130. Dated 18th May 1864

MADRAS RAILWAY.

From

The Agent and Manager.

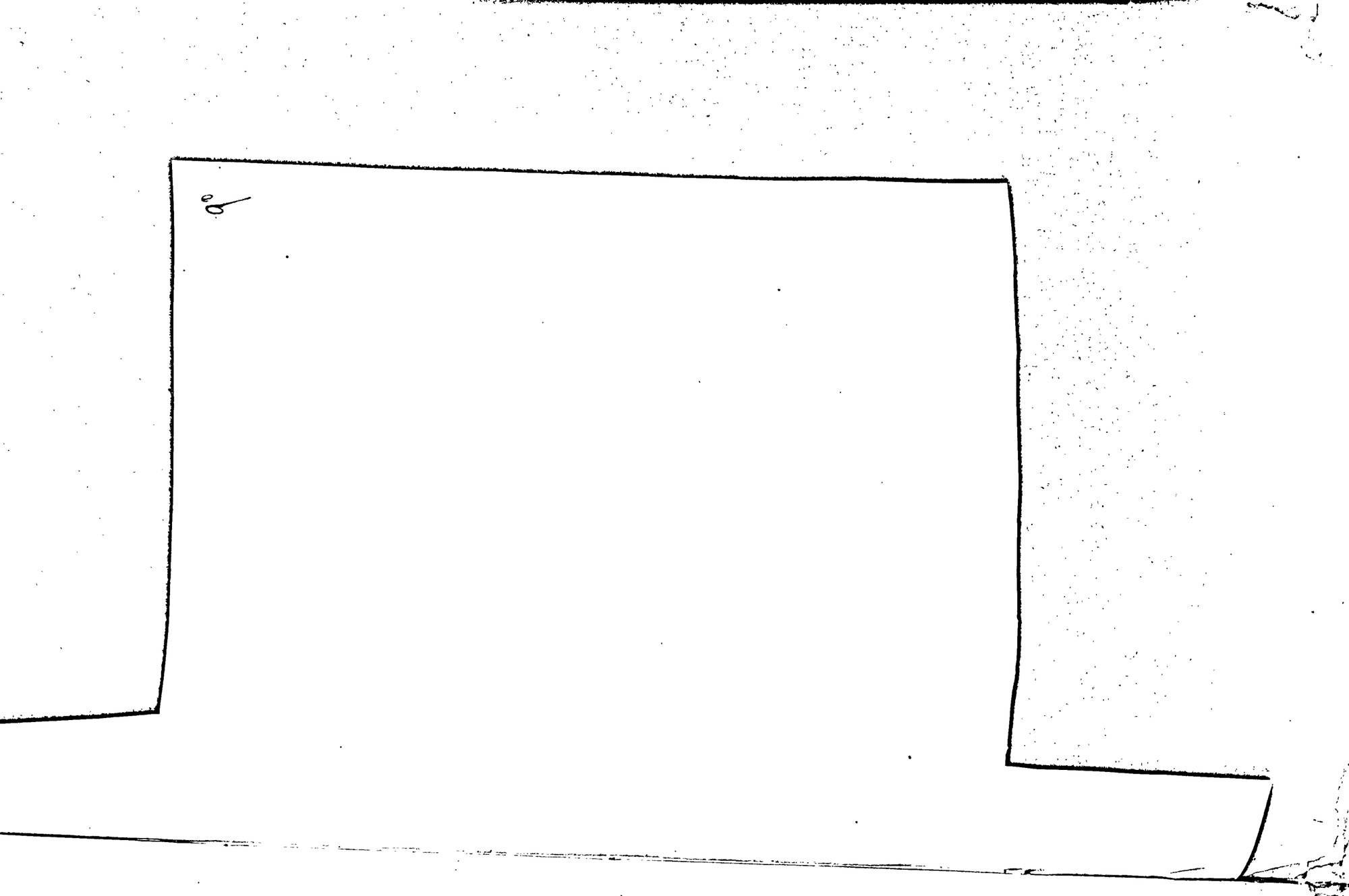
To

The Consulting Engineer
for Railways.

Dated 11th May 1864
Recd. 12th "

No. 422

Submitting for the information of the Government the enclosed Report of the Engineer-in-Chief on the Railway Claims of the Coast Line Railway at the Stage of Rs. 1-8-0 per Rupee on the Estimates.



Despatch a Letter to England
30th May 1864 No: 34.

pp 2201/64

D/30 = may

Copy in Letter Book Eng. Cons
D/30 Cons. 1864 N.34
Ju. 27. 1864

Mad. Ry. Co. Ltr. dated 22nd May
Mad. Ry. Co. Ltr. dated 22nd May
No. Cons. Ju. 27
Railways

To the Secy. to Govt
& P. W. D.

Dated 17th May 1864
Rec'd 18th "

No 2082

Ans'd 15711 - 27th May 1864

See minuting that
the papers relative
to the claim of the
Jn. Co. for Construction
of the Bridge at the
39th Mile on the S.
W. line be submitted
to H. M's Secy. of State

Rulwan Nolan

No 15711 Resolved that the correspondence con-
nected with the claim preferred by the Officers
of the Madras South West Railway for the
reimbursement to the Company of the cost of a
wrought iron bridge constructed in lieu of the masonry
bridge which carried the rail over the bed of the Pooram-
-parumba Canal and was destroyed by the bursting of the em-
-bankment of the Vengally Lake in the Malabar district be
brought to the notice of the Right Honble the Secy of State for India in

To the Consulting Engr for Railways
First Railway Delhi

Concurs [illegible] 30th May Chapman 27th May 1864.