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MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 657	Press
569-571	~~Mis.~~
Dated 26-9-	1866.

Not to be folded or roughly handled

Read the following papers :—

No. 569. Endorsement of the Acting Consulting Engineer for Railways, dated Madras, 8th February 1866, No. 66.

From the Agent and Manager of the Madras Railway Company, to the Acting Consulting Engineer for Railways, dated Madras, 6th February 1866, No. 78.

1. I have very carefully considered Colonel Anderson's letter of the 26th ultimo, forwarding copy of a communication from the Quarter Master General, with the order of Government thereon, with regard to the liability of this Company to convey, by their night trains, "private followers" at third class fares, and now have the honor to submit, for the consideration of His Excellency in Council, the following points, which I have to urge against such a measure.

2. Firstly, I beg to submit, that Clause XIX. of the Contract between the Honorable East India Company and the Railway, has reference only to ordinary passenger trains, and not to goods trains by which special and exceptional provision is made.

3. Secondly, the Railway Company provide through trains daily, throughout the whole of their system, for the conveyance of first, second, and third class passengers, by which trains the Company are bound to provide accommodation for troops and followers, in accordance with the terms of Clause XIX.

4. Thirdly, as a matter of convenience in working, and to relieve the line by day, of goods trains, the Company in August 1864 commenced to run their goods at night, and by the special desire of the public, attached a first and second class carriage to these night trains.

5. Fourthly, after a trial of some twelve months, it was proved beyond a doubt, that the passenger carriages attached to the night goods trains were run at a very great sacrifice, inasmuch as the Railway Company, unable to reduce the accommodation provided for first and second class passengers by the day trains, were not only running passenger carriages by night with an uncertain revenue, but these carriages excluded, and took the place of a corresponding number of truck loads of through goods, yielding a certain revenue, and upon a representation of the facts being made to Government, sanction was accorded to charge exceptional and special fares for the exceptional and special service thus rendered. It must also be remembered that the night service cannot be performed without additional cost to the Company, in the wages of extra staff at stations, and of line watchmen.

6. Fifthly, it is now sought to obtain conveyance by these special night goods trains of "private followers," at the third class or lowest fare, viz., 3 Pies per mile, although Government have admitted by sanctioning an exceptional fare of 7 Pies per mile, that the ordinary second class fare of 6 Pies is unremunerative. How much greater sacrifice therefore would the Company have to bear, if they were called upon to convey followers at 3 Pies per mile?

7. Sixthly, the Government have observed, "the Railway authorities have the option of attaching a third class carriage when required to the night trains," but I need only remark that this course would necessitate a third vehicle being excluded from the goods train, as every additional passenger vehicle, diminishes one from the goods load.

Proceedings of the Madras Government, Public Works Department,
26th February 1866.

8. I trust that I have urged sufficient reasons to induce His Excellency the Governor to alter his views with regard to this matter, but whether or no, to allow the question to remain in abeyance until the views of the Railway Board have been ascertained.

1. Submitted for the orders of Government, in reference to their Proceedings of the 24th ultimo, No. 269.

2. It does not appear to me that the Agent and Manager has advanced any thing to induce Government to alter the views to which they have already given expression.

3. With reference to paragraph 6 of Mr. Elwin's letter, it is to be observed, that the Railway Company are bound, in consideration of the advantages which they receive from the State, to convey Her Majesty's Troops and other persons to whom the provisions of the Mutiny Act are applicable, at fares very much below those which are deemed remunerative in the case of ordinary passengers. When it is borne in mind that Officers are conveyed by night trains, in first class carriages, at 7 Pies per mile, although a fare of 22 Pies per mile from other passengers is considered barely remunerative, it can hardly be deemed that in requiring the Railway Company to convey "followers" at 3 Pies, instead of 7 Pies per mile, any unreasonable or excessive sacrifice is exacted from them.

4. The Agent and Manager can refer the matter to the Railway Board of Directors, but there does not seem to be any necessity for holding the orders already passed in abeyance, as they merely corrected a proceeding which was introduced by the Railway authorities in this country without sanction, and required them to abide by the terms of the Contract, and to adhere to the course which had been followed by them up to the 1st November last.

(Signed) J. H. M. SHAW STEWART, Major, R. E.,
Acting Consulting Engineer for Railways.

No. 570. From the Acting Consulting Engineer for Railways, to the Secretary to Government, Public Works Department, dated Madras, 19th February 1866, No. 80:—

Referring to my observations of the 8th instant, No. 66, on a letter from the Agent and Manager of the Madras Railway, requesting that the orders of Government of the 24th ultimo, No. 269, may be held in abeyance, pending a reference to the Board of Directors in England, I have the honor to forward, for information, a docket,* with its enclosure from the Quarter Master General of the Army, and to request that I may be favored with the orders of Government on my observations above referred to.

* No. 1977, dated 17th February 1866.

No. 571. ORDER THEREON, 26th February 1866, No. 657.
RAILWAY, No. 40.

1. The Government are unable to see any thing in what the Agent and Manager of the Madras Railway

Proceedings of the Madras Government, Public Works Department,
26th February 1866.

urged to lead them to change their opinion that, under Clause XIX. of the Railway Company's Contract, the Company is bound to carry all public followers attached to troops "at the lowest fares" by whatever train they may be required to travel, and that "the lowest fares" must be held to mean third class fares.

2. The Contract makes no distinction between the fares to be charged for troops and for their followers, nor is there any thing to show that the provisions of Clause XIX. do not apply to all trains whereby passengers are carried. The Agent and Manager endeavours to establish a distinction, and, while not disputing the liability of the Railway Company to carry troops by night trains "at the lowest" or third class fare, although no third class carriage may be attached to the train and the service is performed at a loss to the Company, he denies the right of public followers to the same privilege. The Government can discover nothing in the Contract to justify this deviation from its provisions, and they must insist upon the interpretation which they have given of Clause XIX. on the point in question being acted upon, pending the result of any further measures that it may be necessary to take to obtain a legal decision on it.

(True Extract.)

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

To the Consulting Engineer for Railways, with two Enclosures.
.. Military Department.

Exd. S. T. Augustin.

Madras, February 16th 1866.

From

To

SIR,

A. D. Elwin Esq.

Agent and Manager of the

Madras Railway Company.

Major J. H. M. Shaw Stewart, Esq.

Acting Consulting Engineer for Railways.

I have very carefully considered Colonel Anderson's letter of the 26th ultimo, forwarding copy of a communication from the Quarter Master General, with the Order of Government thereon, with regard to the liability of this Company to convey by their Night Trains, "private followers" at 3rd class fares and now have the honor to submit for the consideration of His Excellency in Council the following points, which I have to urge against such a measure.

1. Firstly, I beg to submit, that Clause ~~XIX~~ of the Contract between the Honorable East India Company and the Railway, has reference only to Ordinary Passenger Trains, and not to Goods Trains by which Special and Exceptional provision is made.

2. Secondly, the Railway Company provide through trains daily, throughout the whole of their system, for the conveyance of First Second and Third Class Passengers, by which

This is a
reason for
followers
being sent
as must
be possible
by day
train
but not
for char
-ing
2d class
fare
which

The clause makes no such distinction - but applies to all
trains when passengers are carried
There certainly is much reason in what Mr Elwin has
said but one - reading Section XIX I am of opinion that
the 1st order dated 24th Aug 66. No. 266 is inconsistent with the
terms of the contract - beyond which
there is no warranty for the fact -
I should
16.2.66.

Railway Departt. Cong Engineer's Office
No. 80

From
Major J. A. M. Shaw Stewart &c
Ag. Cong Engineer for Railway

To Colonel C. A. Orr. R.E.
Secretary to Government P.W.D.

Sir
Referring to my observations
of the 8th instant, No. 66, on a letter from
the Agent & Manager of the Madras
Railway, requesting that the orders of
Government of the 24th ultimo, No. 269,
may be held in abeyance, pending a
reference to the Board of Directors in
England, I have the honor to forward,
for information, a docket, with its Encl.
sent from the Quarter Master General
of the Army, and to request that I may
be favored with the orders of Govern-
ment on my observations above refer-

red.

No. 1977-7 19th
Feb 1866

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

of Railways

27/3/66

Dated February 6th 1866

Recd.

No. 78

Submitted by the Consulting
- of M.E. the Engineer in Charge
of the Madras Railway. The
Agent and Manager has to
advise against the same, and
the same has been referred
to the Board of Directors
of the Madras Railway.

red to,

I have the honor to be

Yr

your most obedt servant

Wm Stewart Mayne

As Comdg Engineer for Rys.

Wachus

29th January 1866

2.22m 5 Feb 1866 R. 26m

Feb 27/60

2.22m 654-26m 5 Feb 1866

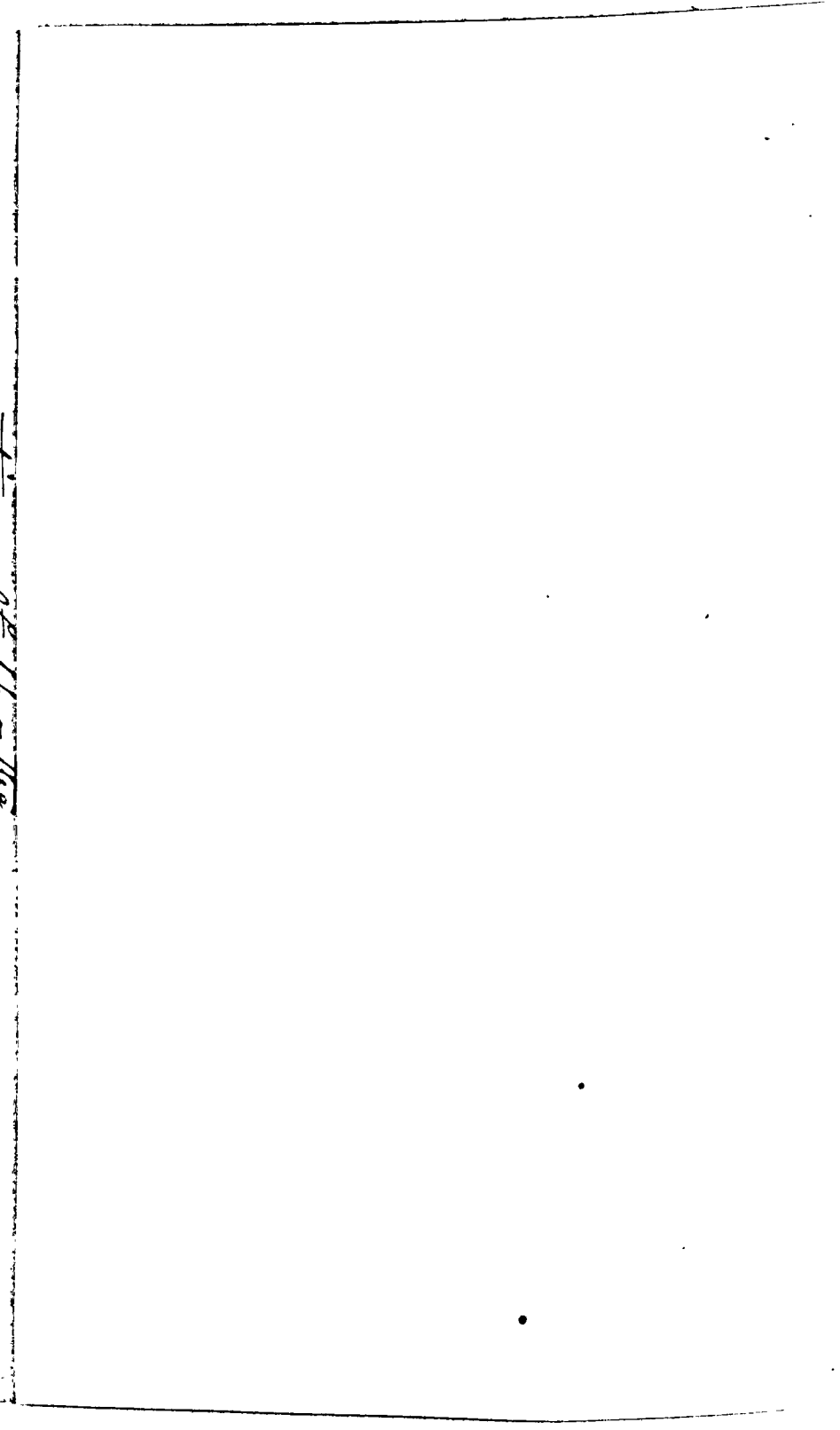
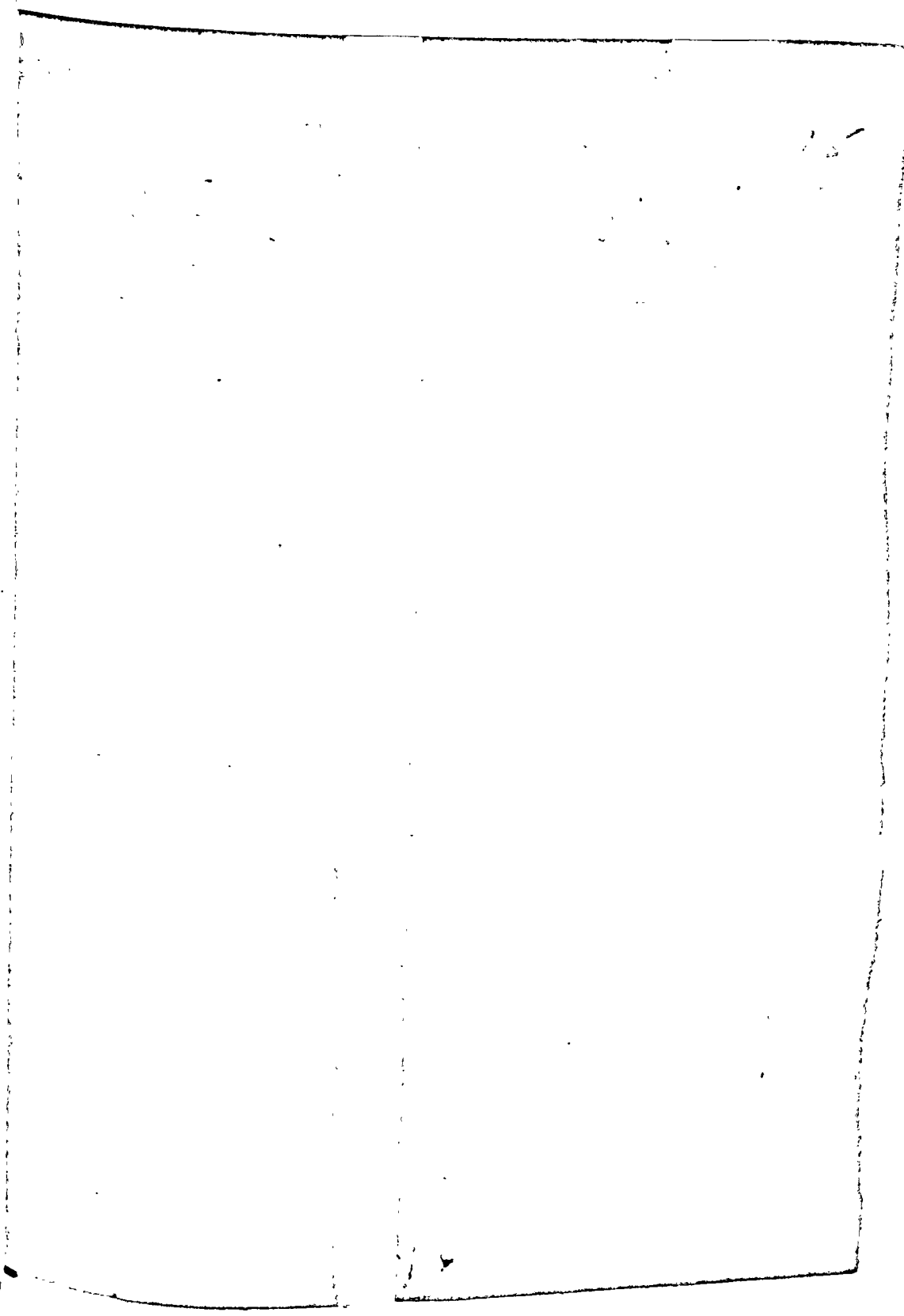
Forwarding as
checked with the
from the 1st 1st General
of the Army, & requesting
to be furnished with the
orders of Govt, on this 26:
conventions 1st 1st of the
S. 1st 1st 1st

1st 1st 1st
1st 1st 1st
1st 1st 1st

Order 1st 1st 1st
1st 1st 1st

1st 1st 1st
1st 1st 1st
1st 1st 1st

It appears to me that the man who has been for
reason why the Govt should not insist upon the
adoption of a scheme which would in plain fact
turn the food train into a passenger train. It may
be pleasant for people to travel by night, but if
costs the company more they must charge more for
the comfort. It seems to me that our order
was correct & in accordance with the
Contract & that upheld. If there
doubt as to the
Circulated for the
Orders of Govern.
of the Ad.
is more than
to make
concerning
12 Feb 1866
and his company
on night trains
followers - and might be to avoid
if in any way in regard to the
in my opinion in N. H. Ambrose
J. P.



No 570.

St. Lucie.

Donations 4th 66 of the

2.22nd July 1886 R. 2.67

2.12. 654-26m July 1886

No 570

Conventions of 1866 of the
S. C. L. L. L.

No 222 Aug 1865

[Signature]
Secy to Govt. of Madras

RAILWAY DEPARTMENT

From *[Signature]*
The Consig. Engineer for Railways

To
The Secretary to Government
P. W. Dept.

Dated 5th } February 1866

Received 10

No. 11-

Enclosures, No. 1

[Signature]

Recd. 22nd Feb 1866 P. 26
2.14th Feb 1866 P. 17

[Handwritten note:]
Observations on a letter from the Agent & Manager of the M. R. Co. regarding the conveyance of private followers by night trains at 3rd class fares.

Public Works Department
Proceedings of the Madras Government
Under date the 26th February 1866.

From
The Ag. Consig. Engineer
for Railways

Observations on a letter from the Agent & Manager M. R. Co. regarding the conveyance of private followers by night trains at 3rd class fares. (Here enter 8th Feb 1866 at 60)

From
D. D. D.
On the above subject. (H. Cater 19th February 1866 at 80)

[Signature]

[Signature]

[Signature]

The Government are unable to see any thing in what the Agent and Manager of the Madras Railway has urged, to lead them to change their opinion that under clause XIX of the Railway Company's Contract, the Company is bound to carry all public followers attached

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to troops "at the lowest
fares" by whatever
train they may be re-
quired to travel, and that
"the lowest fares" must be
held to mean third class
fares.

The Contract makes
no distinction between the
fares to be charged for
troops and for their follow-
ers, nor is there any thing
to show that the provisions
of Clause XIX do not ap-
ply to all trains whereby
passengers are carried.
The Agent, and Manager
endeavour to establish a
distinction, and, while
not disputing the
liability

liability of the Railway
Company to carry troops
by night trains "at the
lowest" or third class fare
although no third class
carriage may be attached
to the train and the ser-
vice is performed at a
loss to the Company, he
denies the right of public
followers to the same
privilege. The Court can
discover nothing in the
Contract to justify this
deviation from its pro-
visions, and they must
insist upon the interpre-
tation which they have
given of Clause XIX on
the point in question
being

2. 22nd Feb 1866 Ad. 267

P. K. 603

C. 22nd Feby 1866 A. 26th

being acted upon, pending the result of any further measures that it may be necessary to take to obtain a legal decision on it -

W.B.

27/6/16
 27/6/16

To
The Com. Genl. for
Railway, 2^d Landy
to the Mil Dept. ^{by} ~~Landy~~ ^{Thurs}

Leaf 25th Feb.

J. W. 10/68 Dep^{mt}
Pro: of Govt for February
to 654.
Pro: of the Madras Govt
D/26 February/68

Fares of the conveyance
of troops, &c. by Railway - The
Agent and Manager of the
Madras Railway informed
that Govt insist upon the
interpretation which they
have given of clause XIX
of the Contract between
the East India Company
and the Railway on the
subject of - Being acted
upon &c.