M.R.O. 1—77,006—8-6-31.

(1) Number of pages 2

(2) Date of repair 4-1-45

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public works **DEPARTMENT.**

G.O. No. 139 Press Mis.
284-285

Dated 11—1— 18 86.

Not to be folded or roughly handled

No. 284. Read the following Endorsement of the Consulting Engineer for Railways, dated Madras, 11th December 1865, No. 605 :—

Read the following letter from the Agent and Manager, Madras Railway Company, to the Consulting Engineer for Railways, dated Madras, 8th December 1865, No. 856.

1. I have the honor to annex copy of a communication* received from the Traffic Manager, reporting the result of an action brought against this Company by Nursimmah Moodelly for Rupees 455-1-6, the value of 41 pieces of Salem cloth, stolen from a consignment invoiced from Salem to Bangalore, in October 1864.

* No. 500, 2nd December.

2. Under the circumstances explained by Mr. Church, I shall feel obliged by your conveying sanction to the payment of Rupees 464-12-6, the amount of the Judgment against this Company, including Rupees 92-1-6 as costs.

From the Traffic Manager, to the Agent and Manager, Madras Railway Company, dated Madras, 2nd December 1865, No 500.

1. On or about the 15th ultimo, the Company was served with a Summons, issued by the Bangalore Court of Small Causes, to appear in an action brought by Nursimmah Moodelly by his Attorney Mr. Gordon, for Rupees 455-1-6, value of 41 pieces of Salem cloths stolen from a consignment of cloths carried by the Company from Salem to Bangalore on the 4th October 1864.

2. Mr. Johnson, the Prosecuting Inspector, appeared to defend the action on the part of the Company on the 21st ultimo, and under instructions, pleaded that, as the cloths claimed by the Plaintiff were according to his own invoice wrought up with silk, and had not been declared as such at the time of booking, and consequently were not charged an increased rate, the Company under Section X. of Act XVIII. of 1854, could not be held to be liable.

3. The Judges, however, were of opinion that the cloths did not come within the meaning and intention of Clause X., and gave judgment against the Company for Rupees 372-11-0, *plus* Rupees 92-1-6 for costs, total Rupees 464-12-6.

4. It is to be regretted that I did not ask permission to obtain the services of Messrs. Boyson and Brockman to defend this case, but it appeared to me so self-evident, from the invoice furnished by the consignee, that the cloths had not been properly declared to the Company at the time they were delivered at Salem for transmission to Bangalore, that an action for debt could not be maintained.

5. I shall be glad, however, if some arrangement could be made with a legal firm to conduct cases of this kind in future, as there can be no doubt that decisions of the kind now brought to notice are extremely prejudicial to the Company's interests, and encourage litigation on the part of Native Merchants. Unfortunately there is no appeal against the decision of the Judges of the Bangalore Small Cause Court, or I should have recommended one.

6. The amount of the judgment, viz., Rupees 464-12-6, was paid into Court on the 28th ultimo, and I shall feel obliged by your obtaining sanction to the same.

(True Copy.)

(Signed) R. B. ELWIN,
Agent and Manager.

I would recommend that sanction be granted for the sum of Rupees (464-12-6) four hundred and sixty-four, Annas twelve, and Pies six.

(Signed) J. C. ANDERSON, Lieut.-Colonel, R. E.
Consulting Engineer for Railways.

Proceedings of the Madras Government, Public Works Department,
11th January 1866.

No. 285. ORDER THEREON, 11th January 1866, No. 139.

RAILWAY, No. 29. Sanctioned accordingly.

(True Extract.)

Colonel, R. E.
Secretary to Government.

To the Consulting Engineer for Railway.

Exd. S. T. Augustin.

3 Blankets

No 856

MADRAS RAILWAY COMPANY.

AGENT AND MANAGER'S OFFICE.

Madras, December 8th 1866

From

R. D. Awdry Esqre,
Agent and Manager.

To

Lieut: Colonel J. C. Anderson, &c.
Consulting Engineer for Railways.

SIR.

I have the honor to annex
500, 2nd ember. Copy of a Communication received from the Station Master, reporting the result of an action brought against this Company by Nuruvamiah Moodelly for Rupees 455-1-6 the value of 111 pieces of Calico Cloth, taken from a Consignment invoiced from Salem to Bangalore, in October 1864.

2. Under the circumstances explained by Mr Church, I shall feel obliged by your conveying Sanction to the payment of Rupees 464-12-6, the amount of the Judgment against this Company, including Rupees 9-1-6 as Costs.

I have the honor to be,
Sir,
Your most obedient Servant.

Agent and Manager.

Wm

MADRAS RAILWAY.

From

The Agent and Manager

To

The Consulting Engineer

for Railways.

Dated December 8th 1865.
Recd. —— " —— "

No. 856.

Requesting sanction to the disbursement of Rs 464-12-6, the amount payable in an action brought by Nuremmiah Moodelly, &c.

United Scottish Press.

Madras
11 December
1865

J. C. Anderson Asst. Engr.
Consulting Engineer for Railways

Granted for Rs. Sum of Rupees (464.12.6.) Four hundred and Sixty four, Annas twelve, and Pies Six.

No.

The Secretary to Govt. Revenue & P.W. Department

Fort St. George

Recd. 12th January 1866

To The Consulting Engineer for Railways - with Correspondence

Dec[d] 12/1/66

13

2

Railways

No 139

The Defence adopted by the Traffic Manager was for losing cattle & thus avoiding unavoidable & unforeseen delay in the despatch of goods, but the Jury awarded Rs 464-12-6 as compensation for loss of cattle

Sanctioned accord.

W.M.

W.M.

W.M.

Dated 15th Dec. 1865. Despatch
from Govr. for Jany
No. 4942
The Comrs. Lunatic
for Railways

By The Secy. to Govt
P. W. Dept
Dated 11th Dec. 65
Rec. 12
No. 605
Ans. Sec.

Requesting Sanction
for the disbursement
of Rs 464-12-6 for
an action brought
by Narsimalu Moodelly

Withdrawn.
No 139 - 11th Jany 1866

284.285

15 Order 1865 Pa. 2145