

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 269

559-560

Press
~~Mis.~~

Dated 24 - 1 -

1866 .

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department.

24th January 1866.

No. 559. Read the following letter from the Consulting Engineer for Railways, to the Secretary to Government, Public Works Department, dated Madras, 6th January 1866, No. 5 :—

1. I have the honor to submit, for the orders of Government, a letter* which I have received from the Quarter Master General of the Army, bringing to my notice what he conceives to be an irregular charge, on the part of the Railway authorities, for "followers" proceeding by night train.

*No. 11,971, dated 16th December 1865, with enclosure.

2. It appears from the explanation of the Traffic Manager, that "Officers entitled to conveyance at the expense of the State have always been charged at the second class fare, and carried in first class carriages, and subsequent to the 1st November have been charged at the second class night fare when travelling by night trains."

"Troops have always been charged at third class fares, and carried in second class carriages, by night as well as by day trains."

"Followers travelling by night trains prior to 1st November were charged at third class fares, but since that date have been required to pay the difference between third class and second class night fares, unless second class accommodation was specially ordered, when Government has been charged with the second class night fare."

3. The Agent and Manager, to whom I referred the point at issue, writes as follows :—

"I can but think that the Railway is perfectly justified in demanding the payment of second class fares from public and private followers when travelling in a train, to which only first and second class vehicles are attached.

"Paragraph X. of Government Order, No. XLV. of 1857, to which Mr. Church alludes in his letter to the Quarter Master General, is very distinct, and, to my mind, leaves no room for doubt on the subject. "Public and private followers in third class," clearly means that such persons are to be conveyed in those trains only to which third class carriages are attached, and that if they want to travel in trains by which only first and second class vehicles are run, the Railway Company is entitled to receive the lowest fare by those trains, viz., second class."

"With regard to paragraph XIX. of the Contract, to which you refer, our case appears to me still stronger, as it is there declared "and all other persons at the lowest fares," meaning the lowest fares charged by the trains in which they travel, and as we run third class trains daily throughout the length of our line, I submit that it is not competent to the Quarter Master General to claim conveyance by second class trains, for public and private followers at third class fares."

"Independent of the arguments which I have adduced, I would remind you that the night trains are essentially goods' trains, to which, for the convenience of the public, we attach a first and second class carriage, and for which accommodation we charge a special and higher fare than by the day trains."

"Under these circumstances, I feel sure you will agree with me that it would be manifestly unfair to call upon the Railway Company to make accommodation for public and private followers by the first and second class trains, on payment of a third class fare of 3 Rs., as against a second class night fare of 7 Pies per mile."

4. From the above it would appear that the fares by night train that are now claimed by the Railway authorities for conveying Troops are as follows:—

- | | |
|----------------------------|-------------------------------------|
| 1. Officers by 1st class. | Fare charged, 2nd Class night fare. |
| 2. Troops by 2nd class. | do. 3rd class. |
| 3. Followers by 3rd class. | do. 2nd class. |

So that when public followers travel by night train, a Bill is submitted to Government for third class fare, while the followers themselves, or their officers, are called upon to pay in addition, the difference between second class and third class fares.

5. I think the argument of the Agent and Manager is singularly inconsistent, and totally at variance with the provisions of the Railway Contract.

6. It will be observed, on reference to paragraph 19, that Officers are to have first class seats at second class fares. Troops and European artizans second class seats at the lowest fares, and all other persons to whom the Mutiny Act shall be applicable at the lowest fares.

7. Government in G. O. dated 13th February 1857 have put their interpretation on the above clause, by ordering (paragraph 10) that European Officers are to be provided with seats in first class carriages, Non-Commissioned and Warrant Officers of all grades in second class, European and Native Troops and families of European and East Indian Troops in second class carriages. Public and private followers in third class.

8. The meaning of the words in the Contract "at the lowest fares," is therefore understood by Government to be at third class fares, and the Railway authorities apply the same signification to them on ordinary occasions, and even as regards Troops entitled to second class carriages "at the lowest fares" they furnish them with that class of carriage at third class fares by night train, as well as by day. As regards followers, however, the Agent and Manager argues that because there are no third class carriages by night train, and third class seats cannot, according to order be furnished, the order regarding lowest fares falls to the ground. He adds, that the first class and second class carriages are attached to the goods' night train for the convenience of the public.

9. Now, as by Clause 19 of the Contract all the privileges of conveyance therein specified are to be enjoyed by Government servants in preference to and priority over the public use, it follows that if the public convenience only has been consulted in the provision of a first and second class carriage, the Government might with justice require that a third class carriage should be attached for the convenience of their servants; but in any case, the order in the Contract to the effect that followers are to be carried at the lowest fares is distinct; and I must

confess I am surprised that Mr. Elwin should not see the anomaly of charging a third class fare for troops and a second class fare for followers.

10. After the above explanation, I would recommend the Government direct the Railway Company to carry such followers as may be ordered to proceed by night train at third class fares, and that all Officers proceeding on duty and travelling by night train may be entitled to have the same number of servants conveyed at the same fare, as they are allowed to carry at the public expense, when travelling by steamer. Any followers in addition to that number should be charged for, in my opinion, as ordinary travellers, and any detached "followers" who may not be required, for any special reasons to travel by the night train, should be ordered to proceed by the day train.

11. I would beg to be furnished with precise information as to the number of servants which an Officer on duty is entitled to carry at the Government expense.

No. 560. ORDER THEREON, 24th January 1866, No. 269.

RAILWAY, No. 48.

The Governor in Council is of opinion that paragraph XIX. of the Madras Railway Company's Charter has been misinterpreted by the Agent and Manager, and that the words "at the lowest fares" must be held to signify third class fares. As pointed out by the Consulting Engineer, the Railway authorities have the option of attaching a third class carriage, when required, to the night trains; but, in any case, His Excellency considers that all "followers," when ordered to proceed by rail, whether by day or night trains, should travel at third class fares, and that all Officers, when travelling by rail on duty, whether by day or night, should be allowed to take with them, at third class fares, the authorized number of private servants, according to the scale laid down in paragraph 52 of G. O. G. No. 417 of 1865. Vide Supplement to "Fort Saint George Gazette," dated 1st December 1865.

(True Extract.)

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

To the Consulting Engineer for Railways.
Military Department.

Exd. S. T. Augustin.

Railway *A²⁶⁰*
Public Works Department
Proceedings of the Madras Government
Under date the 24th January 1866.

From *Read the following*
The Consulting Engineer
for Railways

Submitting for the Orders of
Govt a letter from the Quarter
Master General of the Army
bringing to notice the irregular
charges on the part of the Railway
authorities for "followers" proceeding
by night train. (Here enter 6 Jan 1866 No 5)

The Governor in
Council is of opinion
that paragraph XIX of
the Madras Railway Com-
pany's Charter has been
misinterpreted by the
Agent and Manager, and
that the words "at the
lowest fares" must be
held to signify third
class fares. As pointed
out

MD
MD

out by the Consulting
Engineer, the Railway Au-
thorities have the option
of attaching a third class
carriage, when required, to
the night trains; but, in
any case, His Excellency
considers that all "followers",
when ordered to proceed
by rail, whether by day
or night trains, should
travel at third class fares,
and that all Officers,
when travelling by rail on
duty, whether by day or
night, should be allowed
to take with them, at third
class fares, the autho-
rized number of private
servants, ^{according to} the scale being
~~the same as that which~~

~~of servants permitted~~
~~to embark with Officers~~
~~proceeding on duty on~~
~~transport~~ ^{laid down in} para 52
of G.O. No. 117 of 1865.
Vide Supplement to
General Service George Gage
dated 1st Decr. 1865.

AB

by Longman for Railway & Co. 2 letters ✓
7 " c. Kelly Dec 10 ✓

Dec 25th January

20

3

17
707 1866 Depo
Pro. of Gov. for Sany

No 269
Pro. of the M. Govt
D/24 Sany/66

Pro C 1581/66

No 559. 560