M.R.O. 1—77,006—8-6-37.

(1) Number of pages 20

(2) Date of repair 13. 3-43

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public works **DEPARTMENT.**

G.O. No. 139-40 Press Mis.-

283-85

Dated 15. 1 1867.

Not to be folded or roughly handled

No. 283. Read the following Endorsement of the Consulting Engineer for Railways, dated Madras, 19th December 1866, No. 477.

Read the following :—

No. 36.

MADRAS RAILWAY.

Minutes of a Meeting held at the Agent and Manager's Office, Royapooram Terminus, on Tuesday, the 18th December 1866.

Present.

Lieutenant-Colonel J. C. ANDERSON, R. E., Consulting Engineer for Railways.
Lieutenant A. J. FILGATE, R. E., Examiner of Railway Accounts.
Mr. F. CHURCH, Chief Auditor, Madras Railway.
Mr. R. B. ELWIN, Agent and Manager, do.

1. The undermentioned applications for advances and payments on account of "Capital" and "Revenue," submitted by the Chief Auditor, were passed :—

South-West Line—Capital.			
No. 2,635.—Salaries of Locomotive Department, November 1866...	3,788	4	3
Do. of Engineer, Electric Telegraph, do.	632	3	0
Advance—Application for funds to pay for Stores, December 1866... ...	34,819	11	1
,, 2,637.—Requisition on Government for cash advances for January 1867 ...	95,000	0	0
	1,34,240	2	4
South-West Line—Revenue.			
No. 1,524.—Salaries. Traffic and Telegraph Departments, November 1866 ...	20,374	8	11
Do. Locomotive Department, do. ...	9,880	3	1
Do. Engineer, Electric Telegraph, do.	811	3	9
,, 1,526.—Requisition on Government for cash advances for January 1867	98,000	0	0
	1,29,065	15	9
North-West Line—Capital.			
No. 2,636.—Salaries. Engineer, Electric Telegraph, November 1866...	215	2	7
Do. District 19, North-West Line, do.	1,307	1	0
,, 2,638.—Requisition on Government for cash advances for January 1867	28,000	0	0
	29,522	3	7
North-West Line—Revenue.			
No. 1,525.—Salaries. Traffic and Telegraph Departments, November 1866 ...	3,553	1	9
Do. Locomotive Dept., do. ...	1,635	2	11
Do. Engineer, Electric Telegraph, do.	84	12	6
,, 1,527. Requisition on Government for cash advances for January 1867 ...	15,000	0	0
	20,276	1	2

2. With reference to the Deputy Consulting Engineer's letter of the 12th November, No. 508, and to the Proceedings of Government, No. 3,550, which

accompanied it, the Agent and Manager represented that an application would be made to the Secretary of the Bank of Madras to open two additional accounts in the books of that Bank, for general cash transactions, in connection with the South-West and North-West Lines.

3. The Chief Auditor submitted duplicate applications to Government for cash advances, but it was determined, that receipts in the usual form should be prepared.

4. Adverting to the Acting Agent and Manager's letter, No. 282, dated the 18th May last, Mr. Elwin applied for sanction to transfer a further sum of 30 lacs from the South-West Line, Capital Account, to that of the North-West Line, with a view to adjust more nearly the accounts of the two Lines with Government.

Approved.

5. The Agent and Manager brought specially under the notice of the Consulting Engineer, in connection with Major Shaw Stewart's letter of the 22nd August 1866, No. 406, the position in which the Company stand with regard to prosecutions, under Sections 25 and 26 of Act XVIII. of 1854, in consequence of the existing rules sanctioned by the Governor General not providing for the punishment of all offences.

6. Two prosecutions failed, which were instituted by this Company against servants for gross neglect of duty, involving in one case serious loss of life, and in the other danger to passengers travelling on the Line. It is, therefore, considered most desirable that the Supreme Government should be moved to sanction, for adoption, the revised Rules submitted with Mr. Smart's communication of the 22nd May, No. 289, pending the promulgation of a new Code of Regulations applicable to all Indian Railways.

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

(Signed) R. B. ELWIN,
Acting Agent and Manager, Madras Railway Company.

---

1. With reference to paragraphs 5 and 6 of the above proceedings, and to the opinion expressed by the Governor General in Council in Resolution dated 11th August 1866, No. 15 R, that it is undesirable to make any change in the General Rules and Regulations under Clause 29 of Act XVIII. of 1854 until the law relating to Railways in India has been amended, and desiring that any subsidiary rules that may in the meantime be found necessary, should be submitted for the consideration and orders of the Governor General in Council, I beg to remark that it is considerably more than subsidiary rules which the Agent and Manager, Madras Railway, wishes to bring into operation. It has been found that the existing rules cannot be acted up to in their integrity. For example, Rule 3, Section 1, directs that no special train, or pilot engine, shall leave a Station or pass along a Railway unless previous notice shall have been sent by electric telegraph, and shall have been acknowledged at every Station throughout the distance to which such engine or train is intended to proceed. Now, there is not a Telegraph Office at each of the Stations on the Madras Railway, and the rule cannot,

therefore, be carried into effect. In the rule which the Agent of the Madras Railway Company wishes to introduce, the words unless "previous notice in writing" are interpolated, before the words "previous notice shall have been sent by electric telegraph," and provision thus made for acting up to the spirit of the rule, but adapted at the same time to the circumstances of the Madras Railway.

2. Numerous other similar instances, in which a change is necessary, might be adduced. By Clause XXIX. of the Act the servants of the Madras Railway Company are only "legally bound to do every thing necessary for, or conducive to, the safety of the public, which they shall be required to do by any Regulation, which shall be made by the Company, and allowed by the Governor General in Council." But the existing rules not being carried out in every instance, their legal force as a whole is weakened, and it was by making the most of this weak point that the advocates for the prisoners, in the cases referred to in paragraph 6 of the above proceedings, succeeded in obtaining their acquittal.

3. Under these circumstances, I consider it highly desirable that the new rules which have been drawn up by the Agent and Heads of Departments of the Madras Railway, after the most careful consideration and discussion, should obtain legal force, by receiving the approval of the Government of India pending the introduction of the proposed new Code for Indian Railways in general.

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

No. 284. ORDER THEREON, 15th January 1867, No. 139.

RAILWAY, No. 17.

1. Approved.

2. The subject of paragraphs 5 and 6 of these Minutes and of the Consulting Engineer's Endorsement will be brought under the notice of the Government of India.

(Here enter No. 140, dated 15th January 1867.)

(True Extract.)

(Signed) J. H. M. SHAW STEWART, Major, R. E.,
Under Secretary to Government

To the Consulting Engineer for Railways.

Exd. S. T. Augustin.

(5)

PUBLIC WORKS DEPARTMENT.
FORT SAINT GEORGE,
15th January 1867.

No. 285.

No. 140.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
PUBLIC WORKS DEPARTMENT.

SIR,

RAILWAY, No. 18.

To Govt. of India, No. 1,769, dated 5th June 1866.
From do. ,, 756 R, ,, 33rd July ,,
From do. ,, 14 R, ,, 11th Augt. ,,

Referring to the correspondence marginally noted, I am directed to forward herewith for the consideration of the Government of India, the accompanying papers containing a representation from the Railway authorities of the inconveniences, which are experienced in consequence of the existing regulations not providing adequately for the punishment of offences. It is reported that two prosecutions by the Company against their servants for gross neglect of duty, involving in one case serious loss of life, and in the other danger to passengers travelling on the Line, resulted in the acquittal of the men owing to the defective character of the present rules, which, further, as in the case cited by the Consulting Engineer in paragraph 1, cannot, under the existing circumstances of the Madras Railway, be carried out in their integrity. The Officers of the Company are of opinion, therefore, that the new rules which were forwarded to you with my letter of the 5th June last should be brought into operation in supersession of those now in force, and I am to request that the Government of India may be moved, on a re-consideration of the matter, to sanction the arrangement pending the introduction of the proposed new Code for Indian Railways in general.

I have the honor to be,
Sir,
Your most obedient servant,

(Signed) J. H. M. SHAW STEWART, Major, R. E.,
Under Secretary to Government.

Exd. S. T. Augustin.

1,29,005 - 16

Fo 36

MADRAS RAILWAY.

Minutes of a Meeting held at the Agent and Manager's Office, Royapooram Terminus, on Tuesday the 18th December 1866.

PRESENT.

Lieutenant Colonel J. C. Anderson R.E. Consulting Engineer for Railways

Lieutenant A. A. Pilgate, R.E. Examiner of Railway Accounts.

Mr. F. Rausch, Chief Auditor, Madras Railway.

Mr. R. B. Elwin, Agent and Manager Do.

The undermentioned applications for Advances and Payments on account of "Capital" and "Revenue" Accounts submitted by the Chief Auditor, were passed.

S. W. Line - Capital.

			Rs - as - p
No 2635 -	Salaries of Locomotive Dept - Nov 1866 —		3788 - 4 - 3
	— do — of Engineer Electric Telegraph —	" —	632 - 3 - 0
" 2636 -	Application for Funds to pay for Stores - Dec 1866 -		34,819 - 11 - 1
" 2637 -	Requisition on Government for Cash Advances for January 1867 -		95,000 - 0 - 0
			134,240 - 2 - 4

S. W. Line - Revenue.

No 1524 -	Salaries - Traffic and Telegraph Depts. - Nov 1866 -		20,374 - 8 - 11
	— do — Locomotive Department —	" —	9880 - 3 - 1
	— do — Engineer Electric Telegraph —	" —	811 - 3 - 9
" 1526 -	Requisition on Government for Cash Advances for January 1867 -		98,000 - 0 - 0
			129,065 - 15 - 9

Along

S. W. Line - Capital.

			a	a	p
b 2636	Salaries - Engineer Electric Telegraph - Nov 1866		215	2	7
"	— do — District 19 S. W. Line	"	1307	1	10
" 2638	Requisition on Government for Cash Advances for January 1867		28000	0	0
			29522	3	7

S. W. Line - Revenue.

b 1525	Salaries - Traffic and Telegraph Depts - Nov 1866		3536	1	9
	— do — Locomotive Department	"	1635	2	11
	— do — Engineer Electric Telegraph	"	814	12	6
" 1527	Requisition on Government for Cash Advances for January 1867		15000	0	0
			20,276	1	2

2. With reference to the Deputy Consulting Engineer's letter of the 12th November, No 508, and to the Proceedings of Government No 3550, which accompanied it, the Agent and Manager represented, that an application would be made to the Secretary of the Bank of Madras to open two additional Accounts in the books of that Bank, for general Cash transactions, in connection with the South West and North West Lines.

3. The Chief Auditor submitted duplicate applications to Government for Cash Advances, but it was determined, that Receipts in the usual form should be prepared.

4. Adverting to the Acting Agent and Manager's letter, No 282, dated the 18th May last, Mr Erwin applied for Sanction to transfer a further sum of 30 Lacs from the South West Line Capital Account to

to that of the North West Line, with a view to adjust more fully the Accounts of the two Lines with Government.

Approved.

5. The Agent and Manager brought specially under the notice of the Consulting Engineer in Connection with Major Shaw Stewart's letter of the 22nd August 1866, No 406, the position in which the Company stands with regard to Prosecutions, under Sections ~~XXV~~ and ~~XXVI~~ of Act ~~XVIII~~ of 1854, in Consequence of the existing Rules Sanctioned by the Governor General not providing for the punishment of all offences.

6. Two prosecutions failed, which were instituted by this Company against Servants for gross neglect of duty, involving in one case serious loss of life, and in the other danger to Passengers travelling on the Line. It is therefore considered most desirable, that the Supreme Government should be moved to Sanction for adoption the revised Rules submitted with Mr Ewart's Communication of the 22nd May, No 289, pending the promulgation of a new Code of Regulations, applicable to all Indian Railways.

Lt Colonel R.E.

J. C. Anderson

Consulting Engineer for Railways

Robt. W. Erwin

Agent and Manager, &c &c

Over

along

No 477.

With reference to paragraphs 5 and 6 of the above proceedings, and to the opinion expressed by the Governor General in Council in Resolution dated 11. August 1866. No 15 R. that it is undesirable to make any change in the General Rules and Regulations under Clause 29 of Act XVIII of 1854 until the law relating to Railways in India has been amend-ed, and desiring that any Subsidiary Rules that may in the meantime be found necessary should be submitted for the consideration and orders of the Governor General in Council, I beg to remark that it is considerably more than Subsidiary rules which the Agent and Manager Madras Railway wishes to bring into operation. It has been found that the existing rules cannot be acted up to in their integrity. For Ex-ample - Rule 3 Section 1 directs that no Special train, or Pilot Engine, shall leave a Station or pass along

along a Railway unless previous notice shall have been sent by Electric Telegraph, and shall have been acknowledged at every Station throughout the distance to which such Engine or Train is intended to proceed". Now there is not a Telegraph Office at each of the Stations on the Madras Railway, and the rule cannot therefore be carried into effect. In the rule which the Agent of the Madras Railway Company wishes to introduce, the words unless "previous notice in writing" are interpolated before the words "previous notice shall have been sent by Electric Telegraph", and provision thus made for acting up to the spirit of the Rule, but adapted at the same time to the Circumstances of the Madras Railway -

2 Numerous other similar instances in which a change is necessary might be adduced. By Clause XXIX of the Act the Servants of the Madras Railway Company are only "legally bound to do every thing necessary for, or conducive to the safety of the

the public which they shall be required to do by any Regulation which shall be made by the Company, and allowed by the Governor-General in Council". But the existing rules not being carried out in every instance their legal force as a whole is weakened, and it was by making the most of this weak point, that the Advocates for the prisoners, in the cases referred to in paragraph 6 of the above proceedings, succeeded in obtaining their acquittal -

3. Under these circumstances I consider it highly desirable that the new Rules which have been drawn up by the Agent and heads of Departments of the Madras Railway after the most careful consideration and discussion should obtain legal force, by receiving the approval of the Government of India pending the introduction of the proposed new Code for Indian Railways in general.

Madras
19 December
1850

J. Anderson Lieut Colonel
Consulting Engineer for Railways

To
The Secretary to Government
&c &c &c
Fort St. George

Rec'd 14th/18 No 121-122
" 21st " " 144-146

Rec'd 19th Dec 1866 Despatched
Public Works Department
18 January 1867

RAILWAY DEPARTMENT.

From

The Consg. Engineer for Railways,

To

The Secretary to Government,
P. W. Dept.

Dated 19th Dec 1866.
Received 21st Dec 1866.

No. 477-

Enclosures, No. one

Observations on minutes of a meeting held at the Agents and Managers Office on the 18th Instant.

No 283.
Rec'd 7th Jany 1867. Pd. 7th

4140
Ex 139/15 - 15th Jany 1867

(17)

Public Works Department

Ex 139

Proceedings of the Madras Government

Under date the 15th January 1867.

Read the following

From the Consulting Engineer
for Railways

Fort St George 19th Dec 1866

1. Approved.

2. The subject of Paras 5 & 6 of these minutes and of the Consulting Engineer's endorsement, will be brought under the notice of the Govt of India.

To the Consg Engr for Railways
Desp. 16 January 67

140 N.B. to dy

No. 140

To

The Secretary to the
Government of India

Sir,

Referring to the correspondence marginally noted, I am directed to forward herewith for the consideration of the Government of India

To G. of India 1769 d/ 5 June 66
From Do 756 R d/ 23 July
From Do 15 R. d/ 11 augt.

the accompanying papers containing a representation from the Railway authorities of the inconveniences which are experienced in consequence of the existing regulations not providing adequately for the punishment of offences. It is reported that two prosecutions by the Company against their servants for gross neglect of duty, involving in one case serious loss of life, and in the other danger to passengers travelling on the line, ~~failed~~ resulted in the acquittal of the men, owing to the defective character of the present rules, which, further, as in the case cited by the Consulting Engineer in Para 6, cannot, under the existing circumstances of the Madras Railway, be carried

out in their integrity. The Officers of the Company are of opinion, therefore, that the new rules which were forwarded to you with my letter of the 5th June last should be brought into operation in anticipation of those now in force, and I am ~~therefore~~ to request that the Govt of India may be moved, on a reconsideration of the matter, to sanction the arrangement pending the introduction of the proposed new Code for Indian Railways in general.—

14
2

Fort St George
15th January 1867

Despatch with Copy of Govt Resn 139 of 1867
16th January 1867

for 1867 Dr to
Pro: of Govt for Jany
£ 1398.14.0.
Pro: of the Imaum Govt
Dy 15 January 1867.

Paying orders on the
Pro: of Railway Meeting
held on the 18 Dec last.

No 283 - 284 - 285
Rec'd Jany 1867 - Rs 7th