

(1) Number of pages 18

(2) Date of repair 30.6.47

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public works **DEPARTMENT.**

G.O. No. 1394-95

~~SS~~
~~Mis.~~

94-96

Dated 5 5 1868.

Not to be folded or roughly handled

13

*Proceedings of the Madras Government, Public Works Department,
5th May 1868.*

No. 94. Read the following letter from the Consulting Engineer for Railways, to the Secretary to Government, Public Works Department, dated Madras, 17th April 1868, No. 131:—

1. I have the honor to submit, for the orders of Government, a letter from the Agent of the Madras Railway Company on the subject of the charge to be made for extra or special trains required for the conveyance of Mails or Troops.

2. I have already received from Government a copy of the Railway Board's letter,* from which Mr. Elwin quotes an extract: The Despatch† of the Secretary of State to the Governor

General in Council has not yet been officially communicated to me.

3. So far as the carriage of troops by extra trains is concerned, I think that the opposition of the Madras Railway Company to the terms proposed by Government, and adopted generally by the other Indian lines, is unnecessary and ill-judged. The terms proposed by Government would involve a minimum payment of Rupees 6-4-0 per mile, being the charge for 400 men at 3 pies per mile: while, the charge demanded by the Company is the same as for a special train, viz., Rupees 3 per mile for two carriages; all soldiers in excess of 40, the complement for two carriages, being charged at the ordinary rate of 3 pies. Thus, if troops are sent in smaller detachments than 288 men, the Company will be losers by not adopting the terms proposed by Government.

4. For the conveyance of Mails by extra trains the charge demanded by the Company is the same as in the case of troops, viz., Rupees 3 per mile for a train of not more than two carriages.

From the Agent and Manager of the Madras Railway Company, to the Consulting Engineer for Railways, dated Madras, 7th April 1868, No. 117.

1. I have the honor to forward, for the information of Government, a copy of paragraphs 5 and 6 of a letter from the Secretary, No. 409, dated London, the 14th of February, together with a copy of the despatch addressed to the Governor General by the Secretary of State, referred to therein, on the subject of the charge to be made by the Railway for extra or special trains required for the conveyance of Mails or Troops.

2. The Board observe that the question of the charge for extra trains, whether for Mails or Troops, will now be settled on the principle laid down in paragraph 4 of that despatch, which is as follows: "I apprehend that occasions are likely to be rare in which special trains will be needed for Government purposes, but whenever they are really required, the expenses must be defrayed by Government under a special arrangement with the Railway Company."

3. Adverting to paragraph 6, the rates which, in the Board's opinion, are fair and equitable for such trains, are those enumerated in my letter of the 15th March 1867, No. 108.

Extract from a letter received from the Secretary, Madras Railway Company, No. 409, dated London, the 14th February 1868.

Paragraph 5. In reference to the correspondence and the orders of Government on the subject of the charge by the Railway for extra or special trains required for the conveyance of Mails or Troops, to which the Board's consideration has been drawn by your letters Nos. 760, 762, and 764, you will observe from the accompanying copy of a despatch, addressed to the Governor General by the Secretary of State, dated the 15th of November last, which has been communicated to the Board, that it is not intended to act in this matter on the construction put by the Advocate General upon the Contract, the Secretary of State being satisfied that whatever may be the legal construction, it was never intended that the Government should have the power to require that the Mails should be carried by special trains free of charge. The Board are happily not

Mr. Elwin

*Proceedings of the Madras Government, Public Works Department,
5th May 1868.*

called on, therefore, to enter on the consideration of the legal construction of the Contract; and the question of the charge for extra trains, whether for Mails or Troops, will now be settled on the principle laid down in paragraph 4 of the despatch, which has no doubt been communicated to the Madras Government.

6. You are already, by my letter No. 394, paragraph 11, in possession of the Board's opinion that the established rates for such trains are fair and equitable.

Despatch from the Right Honorable the Secretary of State for India, (Railway,) to His Excellency the Right Honorable the Governor General of India in Council, dated India Office, London, 15th November 1867, No. 82.

1. I have had before me in Council a despatch from the Government of Bombay, No. 28, dated 24th August last, forwarding a copy of a correspondence with the Agent of the Great India Peninsula Railway Company, consequent on the receipt of your Resolution of the 27th June 1867, relative to the principle by which payment for extra or special trains required by Government should be regulated.

2. Your Advocate General is of opinion that Government has full power, under the contracts, to require the Mails to be carried by special trains, free of charge, and, adopting the same view, you consider that any payment which Government may consent to make for the service must be regarded as a gratuitous concession. You accordingly propose not to pay for the extra service "any part of the expenses of the Company which may not be affected by the extra service, but only such as may be due over and above the outlay incurred in the ordinary business of the Companies."

3. I have given this important subject my full consideration in Council, and am satisfied that, whatever may be the legal construction of the contract, it was never intended that the Government should have the power to require that the Mails should be carried by special trains free of charge.

4. I apprehend that occasions are likely to be rare in which special trains will be needed for Government purposes, but whenever they are really required, the expenses must be defrayed by Government, under a special arrangement with the Railway Company.

5. Since the above was written, your Excellency's despatch of the 10th September last, No. 93, on this subject, has been received. It calls for no remarks beyond what are contained in this despatch.

No. 95. ORDER THEREON, 5th May 1868, No. 1,394.

RAILWAY, No. 7.

The Despatch to His Excellency the Governor General, referred to in paragraph 2 of this letter, not having been communicated to this Government by the Government of India, His Lordship in Council is unable to pass any orders on the subject of the charge to be made for extra or special trains required for the conveyance of Mails or Troops, but will make a reference to the Government of India for a copy of the Despatch and for instructions.

Ordered that the following letter be sent:—

(Here enter No. 1,395, dated 5th May 1868.)
(True Extract.)

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

To the Consulting Engineer for Railways.

Ed. S. T. Augustin.

PUBLIC WORKS DEPARTMENT,
FORT ST. GEORGE,
5th May 1868.

No. 1,395.

No. 96.

To

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

Sir,

RAILWAY, No. 8.

From the Agent and Manager of the Madras Railway, No. 117, dated 7th April 1868.
Do. Consulting Engineer for Railways, No. 131, dated 17th April 1868.

I am directed to forward for the information of the Government of India copies of the papers marginally noted regarding the charge to be made for extra or special trains required for the conveyance of Mails or Troops, and to

request that, if the Secretary of State's Despatch of the 15th November 1867, No. 82, has been received by His Excellency the Governor General in Council, it may be communicated to this Government, together with a copy of such orders as the Government of India may have passed upon the subject.

I have the honor to be,

Sir,

Your most obedient servant,

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

Ed. S. T. Augustin.

Mr. Redd

Extract from a letter received from the
Secretary, Madison Railway Company, at 409,
Avenue of the Americas, New York, dated London, the 14th February 1868.

Paragraph 5. In reference to the
Correspondence and the Orders of Government
on the subject of the Charge by the Railway
for Extra or Special Trains required for
the conveyance of Mails or Troops, to which
the Board's Consideration has been drawn by
your letters Nos 760, 762 and 764, you
will observe from the accompanying Copy of a
Despatch addressed to the Governor General
by the Secretary of State, dated the 15th
of November last, which has been communicated
to the Board, that it is not intended to act
in this matter on the Construction put by
the Advocate General upon the Contract, the
Secretary of State being satisfied that whatever
may be the legal Construction it was never
intended that the Government should have
the power to require that the Mails should
be carried by Special Trains free of Charge.
The Board are happily not called on
therefore to enter on the Consideration of the
legal Construction of the Contract; and the
Question of the Charge for Extra Trains
is left to the

whether for mails or troops, will now be
settled on the principle laid down in
para 4 of the Despatch, which has no
doubt been communicated to the Madras
Government.

b. I am already by my letter
No 394 para 11, in possession of the
Board's opinion that the established
rates for such trains are fair and
equitable.

Yours faithfully
H. J. H. H.
Agent and Manager

Comptroller

73
Railway and India Office
No 82. London, 15th November 1867.

To
His Excellency the Right Honorable
The Governor General of India in Council

Sir,
Para 1. I have had before me in Council a Despatch
from the Government of Bombay No 28, dated 25th August last, forward-
ing a copy of a correspondence with the Agent of the Great India
Peninsula Railway Company, consequent on the receipt of your
Resolution of the 27th June 1867, relative to the principle by which
payment for extra or special trains required by Government should
be regulated.

2 Your Advocate General is of opinion that Government
has full power, under the contracts, to require the mails to be
carried by special trains, free of charge, and, adopting the
same view, you considered that any payment which Government may
consent to make for the service must be regarded as a gratuitous
concession. You accordingly propose not to pay for the extra
service "any part of the expenses of the Company which may
not be affected by the extra service, but only such as may be due
over and above the outlay incurred in the ordinary business of the
Companies."

3 I have given this important subject my full consider-
ation in Council, and am satisfied that, whatever may be the
legal construction of the Contract, it was never intended that
the Government should have the power to require that the mails
should be carried by special trains free of charge.

4 I apprehend that occasions are likely to be rare in
which special trains will be needed for Government purposes,
but whenever they are really required, the expenses must be
defrayed by Government, under a special arrangement with
the Railway Company.

5 Since the above was written, your Excellency's
Despatch of the 10th September last No 93 on this subject has
been

been received. It calls for no remarks beyond what are contained
in this Despatch.

I have &c

Yours &c
Stafford H. Northcote

True copy

Agent and Manager

Comptroller

N^o 117

MADRAS RAILWAY COMPANY.

AGENT AND MANAGER'S OFFICE.

Madras, April 7th 1868.

P. P. Davis Esq.,
Agent and Manager.

Copy to H. H. Stewart, Esq.,
Consulting Engineer for Railways.

I have the honor to forward
for the information of your agent, a copy
of paragraphs V and VI of a letter from the
Secretary, dated London the
11th of February, together with a copy of
the report addressed to the Governor
by the Secretary of State referred
to therein on the subject of the charge
to be made by the Railway, for extra
or special train service for the convenience
of mails or troops.

The Board observe that
the matter of the charge for extra
train, whether for mails or troops,
will now be settled on the principle
set down in paragraph IV of that
report which is as follows: "I apprehend
that a reserve will be needed for
"what is called" trains will be needed for
"Government purposes, but whenever they
are

MADRAS RAILWAY.

The Agent and Manager.

The Consulting Engineer

for Railways

Dated April 7th 1868

M. No. 117

Enclosed copy of
letter No 409, as the
subject of the charge to be
made by the Railway for
extra or special train
service for the convenience
of mails or troops.

"are really required, the expenses must be
"defrayed by Government under a special
"arrangement with the Railway Company?"

3. Addressing to paragraph VI,
the rates which in the Board's opinion
are fair and equitable for such trains,
and have enumerated in my letter of the
15th March 1867, at p. 128.

I have the honor to be,

Yours most obedient servant,

W. B. H. W. H.
Agent and Manager

156
Public Works Department
No 1394
Proceedings of the Madras Government
Under date the 5th April 1868
Read the following

From The Consulting Engineer H. C. No 131 Dated 17th April 1868
for Railways

The Despatch to His
Excellency the Governor
General, referred to in
para 2 of this letter, not
having been communi-
cated to this Government
by the Gov^{rs} of India,
His Lordship in Council
is unable to pass any
orders on the subject
of the charge to be made
for extra or special
train required for the
conveyance of Mails

or Troops, but will make
a reference to the
Gov^t of India for a
copy of the Dispatch
and instructions

Ordered that
the following letter
be sent - No 1395
To the Com^r of the
Railways

To the Secretary to the
Gov^t of India

I am directed to
forward for the in-
formation of the Gov^t
of India, copies of
the papers marginally
noted regarding the
charge to be made for
extra or special trains
required for the
conveyance of Mails

From the Agent to the
Gov^t of India
for Railways - No 1317/17-
18

or Troops, and to
request that, if the
Secretary of States'
Dispatch of the 15th
November 1867, No 82,
has been received
by His Excellency the
Governor General in
Council, it may be
communicated to this
Government, together with
a copy of such orders
as the Gov^t of India
may have passed
upon the subject -

A.B.

96746
Pub. Works 1868 Department

Pro: of Govt for May

No 1344 & 1345

Pro: of the Madras Govt
Of 5th May 1868

Passing orders on a letter
from the Comd Engrs forwarding
papers regarding the charges to be
made for Extra or special Trains
required for the conveyance of Mail
or Troops.

Furnishing the Govt of
India with Copies of the above papers
and requesting to be supplied with
a Copy of the Secretary of State's
Despatch No 82 of 1867 together with
such orders as may have been passed
upon the subject of the charges to be
made for special trains required
for the conveyance of Mail or Troops.

Cb 94-95@96

22 April 1868 Q. 282