M.R.O. 1—77,006—8-6-37.

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MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 672 Press / Mis.

25-26

Dated 1 3 1870.

Not to be folded or roughly handled

No. 25. Read the following despatch from the Right Honourable the Secretary of State for India, (Railway,) to His Excellency the Right Honourable the Governor in Council, Fort St. George, dated India Office, London, 11th January 1870, No. 1 :—

HEREWITH is transmitted copy of correspondence* with the Directors of the Madras Railway Company, relative to the free carriage of Service Banghy Parcels. From papers forwarded by the Directors your Excellency would appear to be of opinion that the Company have no cause of complaint, provided the Parcels in question do not exceed the maximum weight prescribed for Private Banghy Parcels, viz., 2,000 tolas. This, however, seems to be a greater weight than can reasonably be expected to be carried free; neither does it appear how so high a maximum came to be adopted. According to Act XIV. of 1866 the maximum weight of a Banghy Parcel to be paid for was to be 600 tolas; and, if Service Banghy Parcels were kept within that limit, I should agree with you that the Company had no cause of complaint. I shall be glad to be favoured with your opinion on the subject.

* Letter from Mr Byrne, dated 24th December 1869, No. 2,508.
Letter to Mr. Byrne, dated 6th January 1870.

From J. BYRNE, Esq., Secretary, to the Under-Secretary of State for India, dated 33, New Broad Street, London, E.C., 21th December 1869, No. 2,508.

IT having been brought to the notice of our Agent and Manager at Madras that the Post Office Authorities were forwarding as Mail Packets articles which could not be regarded as coming within that category in any ordinary acceptation of the term, he addressed the Government on the subject. In reply he was informed, by letter from the Government Consulting Engineer, dated 16th June last, "that the Government are not of opinion that the Railway officers have any "grounds on which to dispute the right of the Post Office to require any parcel *bona fide* despatch "on the Public Service to be carried free of charge under the terms of the Railway Company's "Contract without reference to its contents, provided it does not exceed the maximum weight "prescribed for Banghy Parcels, namely, 2,000 tolas." This weight is 62½ lbs. Troy.

2. The Agent and Manager not considering that the contract can bear this construction has requested the Board's instructions on the subject. Their opinion is in accordance with that of the Agent, but before replying to this reference they would be glad to have the opinion of the Secretary of State upon the question, agreeing as they trust it will with their own.

3. The clause of the contract which regulates the obligations of the Company in this respect is the 20th, by which the Company engages to convey "the Government Mails and Post Bags and the Guards and "other servants of the Post Office in charge thereof free of charge.

4. These words, the Board submit, cannot be held to bind the Company to carry free of charge any Parcel despatched on the Public Service, *without reference to its contents* if it do not exceed the weight near half a hundred-weight which it has pleased the Government to fix for the present as the maximum for such Parcel.

5. In the construction of any contract regard is, of course, to be had to the intention and understanding of the parties entering into it, and the Company cannot therefore be held to have undertaken the free carriage of any article but such as were at the time understood and considered by both parties to come under the description of "Mails and Post Bags." Articles of any other description, whether sent by the Post Office or any one else cannot be entitled to free transmission and should not be confounded with those which are but declared and paid for.

6. If the Madras Government be so instructed the Board will direct their Agent and Manager to put himself into communication with the Local Authorities with the view of this distinction being observed and carried into effect.

From HERMAN MERIVALE, Esq., to J. BYRNE, Esq., dated India Office, 6th January 1870.

I AM directed by the Secretary of State for India to acknowledge receipt of your letter of the 24th ultimo, No. 2,508, relative to the carriage of Service Banghy Parcels, and to acquaint you, in reply, that his Grace will address the Government of Madras on the subject.

No. 26. ORDER THEREON, 1st March 1870, No. 672.

RAILWAY, No. 1.

COMMUNICATED to the Consulting Engineer for Railways with reference to G. O., No. 1,927, dated 14th June 1869. As the greatest weight assigned to Banghy Parcels in the Table of Charges appended to paragraph 14 of Act XIV. of 1866 is 600 tolas, Major Shaw Stewart will, in submitting his views on the observations of the Secretary of State regarding the expediency of adhering to the limit of weight laid down by the Act, explain, in communication with the Postmaster-General, under what circumstances that weight has been increased to 2,000 tolas.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

Exd. F. R. Bantleman.

P. W. Department.

No. 672.

Proceedings of the Madras Government.

Under date the 1st March 1870.

Read the following.

Despatch from the Right Honorable Secretary of State of India — P. C. No. 1 of 6th ~~February~~ January 1870.

Communicated to the Consulting Engineer for Railways with reference to G. O. No 1927 dated 14 June 1869. As the greatest weight assigned to Banghy parcels in the table of charges appended to Para 14 of Act XIV of 1866 is 600 tolahs, Major Shaw Stewart will in submitting his views on the observations of the

Secretary of State regarding
the expediency of adhering
to the limit of weight laid
down by the Act, explains,
in Communication with
the Post Master General,
under what circumstances
that weight has been increased
to 2000 Rotolas.-

To
The Consulting Engr
for Railways.
Dept 3/3/70.

Copy kept

Govt. of [1870] Ontario.

for PUBLIC WORKS.

To Re Consulting Engrs. for Railways

Dated

Recd. 2

G. O. [illegible] 1870, No. 672

Nos. 25-26

Bayley Parcels (by) despatches from the Municipal relative thereto free Carriage by the Railways & service Bayley Parcels. Cond. thereon &c. &c. enclosed with instructions -