M.R.O. 1—77,006—6-6-37.

(1) Number of pages 16

(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 143 Press Mis.

294-95

Dated 18. 1 1871.

Not to be folded or roughly handled

July 1944

Proceedings of the Madras Government, Public Works Department, 18th January 1871.

No. 294. Read the following Endorsement of the Acting Consulting Engineer for Railways, dated Madras, 19th December 1870, No. 490:—

From the Agent of the Great Southern of India Railway, to the Acting Consulting Engineer for Railways, dated Negapatam, 14th December 1870, No. 3,851.

I HAVE to acknowledge receipt of your letter, No. 507, of the 5th instant. In the paper which accompanied your letter it is stated that Government consider "the Railway Company are bound under the terms of their contract to convey, free "of charge, all banghy parcels without reference to their contents, subject only to "the conditions laid down in the postal rules for packets of that description."

2. These conditions contain the following rule:— Banghy parcels for stations on the lines of Railway cannot be transmitted by post, but must be made over to the Railway Company for conveyance.

3. In addition the contract between Government and the Railway Company specifies that the former shall pay for the conveyance by rail of their stores.

4. Further, it has been decided that Government, in its transactions with Railway Companies as a *customer*, shall be treated exactly like a private person, and that its two capacities of customer and guarantor of interest shall not be confused.

See Consulting Engineer's letter No. 394, of 27th November 1869.

5. With reference to the three foregoing paragraphs, I respectfully call upon Government for a re-consideration of their order above quoted. If the provisions to which I now call attention are set aside, I have to point out that the limitation of size and weight now fixed for banghy parcels can at any moment be increased by Government to such an extent as to cover the free conveyance of every description of stores, and thereby the stipulation in the contract that the carriage of stores should be paid for would become a dead letter.

SUBMITTED to the Government.

2. I do not see that the Agent adduces any reason for the Government to alter their decision as given in G. O., No. 2,847, dated 25th November 1870. Parcels that are made over to the Railway Company for conveyance are private parcels, and are entirely distinct from the mails which the Railway Company are bound to carry free of charge. In the relations between the Government and the Company, as regards the conveyance of mails, there is special provision in the contract that there shall be no charge, and therefore Government cannot be treated as a customer in its postal transactions. The limitation of size and weight of banghy parcels is determined by the Government with reference to its own postal service, and without taking into consideration facilities for carriage of mails by the Railways. The Railway Company is simply bound to convey the mails for the Government.

(Signed) H. L. PRENDERGAST, Captain, R.E.,
Acting Consulting Engineer for Railways.

Proceedings of the Madras Government, Public Works Department, 18th January 1871.

No. 295. ORDER THEREON, 18th January 1871, No. 143.

RAILWAY, No. 34.

As, in the opinion of Government, there is nothing in the arguments adduced by the Agent of the Great Southern of India Railway which can be considered as setting aside the liability of the Company under their contract, to convey free of charge all Government mails, His Excellency the Governor in Council sees no reasons to modify the decision arrived at in Proceedings of the 25th November 1870, No. 2,847.

2. The question of limiting the maximum weight of service banghy parcels, conveyed free by post, to 600 tolahs, is at present under the consideration of the Government of India.

(True Extract.)

Colonel, R.E.,

Secretary to Government.

To the Acting Consulting Engineer for Railways.

Rd. E. C. Shunker.

3 L

No. 3851 GREAT SOUTHERN OF INDIA RAILWAY.

AGENT'S OFFICE,

NEGAPATAM, December 14 1870

From

THE AGENT,

Great Southern of India Railway.

To The Acting Consulting Engineer for Railways Madras

SIR,

I have to acknowledge receipt of your letter No. 507 of the 5th Inst. & the paper which accompanied your letter it is stated that Government consider "the Railway Company are bound under the terms of their contract to convey free of charge all banghy parcels without reference to their contents, subject only to the conditions laid down in the Postal Rules for packets of that description"

These conditions contain the following rule. Banghy parcels for stations on the lines of Railway must be transmitted by post, but must be made over to the Railway Company for conveyance.

In addition the contract between

between Government and the Railway Company specifies that the former shall pay for the conveyance by rail of their stores.

Further it has been decided that Government in its transactions with Railway Companies as a customer, shall be treated exactly like a private person, and that its two capacities of Customer and Guarantor of interest shall not be confused

See. Con: Engr's letter No 394. of 27th Nov 1869.

with reference to the three foregoing paragraphs I respectfully call upon Government for a reconsideration of their order above quoted. If the provisions to which I now call attention are set aside I have to point out that the limitation of size and weight now fixed for Baughy Parcels can at any moment be increased by Government to such an extent as to cover the free conveyance of every description of stores, and thereby the stipulation in the Contract that the carriage of

stores

No 490. 96

Submitted to the Governi=

-ment.

I do not see that the

2.

Agent Address any reasons for the

Government to alter their decision

as given in G.O. No 284, dated 25th

November 1870.

Parcels that are

marked out to the Railway Company for

conveyance, are private parcels, and

are entirely distinct from the Mails

which the Railway Company are bound

to carry free of charge.

In the relations

of this Government and the Company,

as regards the conveyance of Mails,

there is special provision in the Contract

No 3851

From

The Agent

G.I.P. Ry. Co.

To

The Actg Consulting Engr

for Railways

Dated 14th December 1870.

Rec'd 15th

Asking Government

to reconsider their order relative to the

Conveyance of Baggage

Parcels.

that there shall be no charges, and therefore Government cannot be treated as a Customer in its Postal transactions. The limitation of size and weight of baughs parcels, is determined by the Government, with reference to its own Postal Services; and without taking into consideration facilities for carriage of mails by the Railways. The Railway Company is simply bound to convey the mails for the Government.

Chas Lindsay Captain R. E.

Madras
19th December
1870

Acting Comr: Engr. for Rys.

To
The Secretary to Govt.
P. W. Department
Fort Saint George

No 143 Public P.W.D. 13th

Proceedings of the Madras Government

Read the following

From

The Acting Consulting Engineer for Railways (P. C. No. 4903 dated 12th Dec. 70)

Do, in the opinion of Govt., there is nothing in the arguments adduced by the Agent of the Great Southern of India Railway which can be considered as setting aside the liability of the Company, under their contract, to convey free of charge all Govt. mails. His Excellency the Governor in Council sees no reason to modify the decision arrived at in Proceedings of the

No 5171

From

The Actg. Consg. Engr.
for Railways

To The Secy. to Govt.
P. W. Department
Fort St. George

Dated 19th December, 1870.
Rec'd 20th December, 1870.
Encl. 1 No. 490.

Submitting a letter from the Agent, Great Southern of India Railway regarding the conveyance of Govt. parcels.

No. 143-18th January 1871.

No 294
6th January 1871 R. 9th

25. Govt. to Jul 2847

The question of limiting the maximum weight of service hanghy parcels conveyed free by post, to Coo tolalo, is at present under the consideration of the Govt. of India.

(15)

2/5

Lo.

The Acting Engineer for Railways.

Desp. 19/1/71

Calcutta 7/1 02. 9th

5171

Govt. of {1871} Madras.

PUBLIC WORKS.

To / Secy. Committee Engrs
for Rlys &c. &c.

Dated

Recd. Read.

G. O., 18 Feby 1871, No. 143.

Nos. 2641245

Railway- Intimating
that no reason can be
seen for modifying
the decision arrived at
with regard ~~to the~~ to
to the Conveyance of Govt.
Mails by Railway Companies
(Guaranteed) and that the
question of limiting the
weight of service baggage
Bundles &c under the
consideration of the
Govt of India -