M.R.O. 1—77,000—9-4-37.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

G.O. No.	Press Mis.
Dated	18 .

Not to be folded or roughly handled

Read the following papers :—

No. 76. From the Acting Consulting Engineer for Railways, to the Secretary to Government, Public Works Department, dated Madras, 9th May 1871, No. 205.

I HAVE the honour to submit letters Nos. 104 and 129, dated the 14th February and 3rd March 1871, from the Agent and Manager, Madras Railway, claiming compensation for damages to bridges at miles 168 and 163 on the North-West Line, on account of the bursting of tanks.

2. There is no real difference in the statements of the Superintending Engineer of the 3rd Division, as published in G. O., No. 271, of the 30th January 1871, and of the Chief Engineer of the Railway. The latter attributes the injury to the masonry works to the breaking of the tanks, while the former considers that there would have been no damage if there had been curtain walls and flooring. There is little doubt about the scour being caused by the breaches in the tanks, it not being supposed that the bridges would otherwise have given way. But, in the one case, it was a small private tank that burst, and, in the other case, a string of tanks were breached at a time when the lower one was already full.

3. In the private tank, the Government have no concern, and, as regards the breaching of the Ootkoor tank, I presume that, in the present state of the law, the Government will not acknowledge any liability to the Railway Company.

4. The Government, in March 1869, referred papers to the Legislative Department relative to a Draft Bill to provide for the prevention of injury to railways by the bursting of tanks in Zemindary and other lands, but no further action appears since then to have been taken.

Vide G. O., No. 1,027, 31st March 1869.

From the Agent and Manager of the Madras Railway Company, to the Acting Consulting Engineer for Railways, dated Madras, 14th February 1871, No. 104.

WITH reference to G. O., No. 271, dated the 30th ultimo, passed upon a letter from the Superintending Engineer, 3rd Division, as to the damage done to the Railway bridges referred to in my communication of the 23rd November 1870, No. 669, I have the honour to solicit your attention to the enclosed copy of a report* received from the Chief Engineer, in which he joins issue with the Superintending Engineer of the 3rd Division, and satisfactorily, I think, shows that the damage done to our bridges was occasioned by the bursting of the tanks.

2. Under these circumstances, I again trouble you in the matter, and request that you will be good enough to lay Mr. Anderson's report before His Excellency the Governor in Council, in view to the Company being re-imbursed their outlay.

* No. 74, 11th February 1871.

From the Chief Engineer, to the Agent and Manager of the Madras Railway Company, dated Madras, 11th February 1871, No. 74.

YOUR endorsement, dated 2nd instant, of G. O. No. 271.

I am quite unable to follow the reasoning of the Superintending Engineer, 3rd Division.

2. In paragraph 1 of his letter he states :—" I have the honour to inform you that I do not " consider the damage to the Railway bridges was caused by the bursting of the tanks, but in " consequence of their not having curtain walls or flooring ; " and again in paragraph 2, " as " regards the bridge at 168-1, which was scoured out in September 1870, I have the honour to " inform you that the scour was caused by the breaching of a small private coontah, regarding

" which I have written to the Collector. Here, though the breaching of the coontah was the cause " of the scour, I believe that no injury would have been done if the Railway authorities had " constructed curtain walls and a flooring, as we are in the habit of providing."

3. In the first paragraph he says he does not consider the damage to the Railway bridges was caused by the bursting of the tanks, while, in the second paragraph, he twice admits that the scour which damaged the bridge at 163-1 was caused by the breaching of a coontah. It may be quite true that the bridge would not have been seriously damaged had it been provided with curtain walls and flooring, but that does not seem to me to be the question at issue. The cause of the damage was unquestionably due to the bursting of the tank, and had the tank not burst the bridge would have remained uninjured.

4. In the 3rd paragraph of his letter the Superintending Engineer admits to the breaching of no less than four tanks, the last of which (Ootkoor) the ryots endeavoured to save " by cutting " the bund in three places to assist the discharge of the calingulah, but without effect, as the " sudden and great influx of water caused the bank to be overtopped."

5. The bridge at 163-10 was not constructed to withstand the " sudden and great influx of water " thus brought down upon it, and the pier in the centre gave way.

6. Here, as in the first case, the cause of the damage is to be traced directly to the giving way of tanks over which the Railway authorities had no possible control.

From the Agent and Manager of the Madras Railway Company, to the Acting Consulting Engineer for Railways, dated Madras, 3rd March 1871, No. 129.

In reply to your letter No. 121, of the 18th ultimo, I have the honour to inform you that the amount we claim as compensation for the damages caused by the bursting of tanks on the North-West Line during the last monsoon at the bridges at 163 and 168 miles is Rupees 6,714-10-0, namely, the amount already expended on repairs Rupees 5,026-14-0, and the estimated further expenditure Rupees 1,687-12-0.

No. 77. From the Acting Consulting Engineer for Railways.
(Here enter No. 244, dated 1st June 1871.)

No. 78. From the Superintending Engineer, 3rd Division.
(Here enter No. 876, dated 2nd August 1871.)

No. 79. ORDER THEREON, 6th September 1871, No. 2,267.

RAILWAY, No. 9.

THE papers above read have reference to the damage sustained by two bridges on the North-West Line of the Madras Railway owing to the bursting of certain tanks in the vicinity of the line, a report of which from the officers of the Company was recorded in Proceedings of the 7th December 1870, No. 2,975.

2. The Superintending Engineer of the 3rd Division is of opinion that, although the injury to the bridges is more immediately due to the scour produced by the overflow of surplus waters from a private tank and the Ootkoor Government tank, yet the disasters must in the main be attributed to the defenceless character of the structures themselves, which are built without the protection of curtain walls and flooring.

3. The Railway authorities, however, contend that the bridges were not designed to withstand the sudden and extraordinary flow of water described by

the Superintending Engineer in his letter printed with G. O., No. 271, dated 30th January 1871, as having occurred, and, as the damage can be directly traced to the breaching of tanks over which they had no control, they request that the Company may be re-imbursed the expenditure necessary for restoring the works, which is estimated at Rupees 6,714-10-0.

4. His Excellency the Governor in Council observes that there is nothing in these papers to show that any reasonable care which the Government were bound to take for securing the Ootkoor tank was omitted to be exercised, or that sufficient provision was not made for the discharge of surplus waters, and he accordingly concurs in the opinion of the Consulting Engineer that no liability attaches to the Government in regard to the Ootkoor tank. With respect to the other tank which is private property the Government have no concern. In all similar cases in which bridges are constructed over water-courses liable to sudden and violent floods from any source the apertures should be furnished with curtain walls and flooring.

(True Extract.)

Captain, R.E.,
Under-Secretary to Government.

To the Acting Consulting Engineer for Railways.
" Superintending Engineer, 3rd Division.

Exd. S. T. Augustin.

Govt. of {1871} Madras.

PUBLIC WORKS

To

THE ACTING CONSULTING ENGINEER

FOR RAILWAYS.

&c., &c., &c

Dated September 6th.

Recd. Encl.

G. O., 6th September 1871, No. 2,267.

SEPTEMBER.

Nos. 76-79

Bridges.—Passing orders on correspondence relating to the damage sustained by two bridges on the North-West Line of the Madras Railway owing to the bursting of certain tanks in the vicinity of the line.

CONSULTING ENGINEER'S OFFICE.

Railway Department.

No. 205.

From Major H. L. Prendergast R.E
A.C.E. Consulting Engineer for Railways,

To Colonel H. Corfield R.E

Secretary to Government,
Public Works Department,
Fort Saint George.

Sir,

I have the honour to submit Letters Nos. 104 and 129 dated the 14th February and 3rd March 1871, from the Agent and Manager Madras Railway, claiming compensation for damages to bridges at miles 168 and 163 on the North West Line on account of the bursting of tanks.

2. Where is no real difference in the statements of the Superintending Engineer of the 3rd Division, as published in G. O. No. 271 of the 30th January 1871 and of the

The Chief Engineer of the Railway -
The latter admits the injury to the
masonry arches, & the breaking of the
banks: which the former considers that
there would have been no damage if
there had been certain walls and flooring.
There is little doubt about the scour being
caused by the breaches in the banks: it
not being supposed that the bridges would
otherwise have given way. But in the
one case, it was a small private bank
that burst, and in the other cases a string
of banks were breached, at a time when
the lower one was already full.

3. On the present case, the Government have no concern and as regards the breaching of the Coltheer bank, I presume that in the present state of the law, the Government will not acknowledge any liability to the Railway Company.

4.

Gen. Gen. 10th March 1869.

1. The Government in March 1869, referred papers to the Legislative Department, relative to a draft Bill to provide for the prevention of injury to Railways by the breaking of banks in Zemindary and other lands: but no further action appears since then to have been taken.

I have the honour to be
Sir
your most obedient Servant
Lieut Lieutenant Major RE
Secy Com Cons for Railways.

Madras
1st May 1871

4-12-71

5

CONSULTING ENGINEER'S OFFICE.

Railway Department.

No. 244.

From Major H. L. Prendergast R.E.
Acg Consulting Engineer for Railways,

To Colonel J. Carpendale R.E.
Secretary to Government,
Public Works Department,
Fort Saint George.

Sir,

With reference to your memorandum of the 26th May 1871 No. 166, I have the honour to forward copies of the Judgment and Decree of the High Court in respect to the appeal filed by the Madras Railway Company against the Judgment of the Civil Judge of Chittoor in the suit against the Zemindar of Carvetnuggur

Encls: 1.

Dated 9th May 1871.
Received 11th May 1871.
No. 2265.
Railway Department.
Embankments & Bridges.
From Major H. L. Prendergast R.E.
Acg Consulting Engineer for Railways,
To Colonel J. Carpendale R.E.
Secretary to Government,
Public Works Department,
Fort Saint George.

Carvetnugger.—

I have the honour to be,
Sir,
Your most Obed.t Servt,
Hen.y Pendergast Major R.C.o
Actg Cons.y Engr for Buildings

Madras
1st June.
1817

6

No. 946.

Superintending Engineer's Office
3rd Division.
Bellary 2nd August 1871.

From,
The Superintending Engineer
3rd Division.

To,
The Secretary to Government
Public Works Department
Fort Saint George

Enclosures.

Sir,

I have the honor to submit herewith Measurements, &c. for the Month of July 1871, of the Work executed by Contract by Messrs Mackenzie & Co. and Mr. Cunliffe, and to request that the Bill for Rupees Eighteen thousand Eight hundred and twenty eight Annas Eight and Pies Six (Rs. 18,828-8-6) may be passed for payment.

Contract Work Rs. 18,828-8-6
Deposit Work " 93-0-0
Miscellaneous " 50-0-0
Deposit Soldiers " 50-0-0
Vouchers for Petty Establishment " 30-0-0
Rs. 19,102-0-0

I have the honor to be
Sir
Your most obedient Servant
Illegible
Superintending Engineer
3rd Division.

No. 77

Rec'd 26th May 71 Rs 166 Mis

P. W. 1871 Sept
Secy of Govt. for Dept.
RAILWAY DEPARTMENT.

From No. 2524.

The Consulting Engineer
for Railways,

To

The Secretary to Government,
P. W. Department,
Fort St. George.

Dated 4th August 1871.
Received 7

Encl. No. 244.

Returned to the Comr. of Public Works Office by Post in duplicate copies of the Judgment & Decree of the High Court.

No. 2267 7th Sept 71

6 Cds 12 Aug 71 Rec'd 28

was inspected the breach had been filled in, and an examination of the state of the whole bund showed that it was in good order. The rainfall on the date the contable breached was 3 inches as nearly as could be ascertained. From the fact of the tank breaching in previous years also, it appears pretty clear that the water-way then existing was insufficient for the rapid discharge of surplus water on occasion of heavy rain.

3. In para. 3 of my letter printed with G.O. No. 211 dated 30th January last, I explain the circumstances under which the other three tanks breached. The rainfall on the date the Odeoor Tank breached was registered 8".30 inches and the previous day's fall 1".30 — These falls will be admitted as quite exceptional, and may be considered extraordinary. The Odeoor Tank is provided with Calingulahs, which for years past (10 as I do as records go to show) have always been considered sufficient for the rapid discharge of any surplus water coming into it.

last-taking into consideration that the tank amongst the hills near Goorulcheroo had water flowing into it at so rapid a rate, it was not possible for its bund to have withstood breaching — the consequence was, the result explained in my letter above quoted

4. In conclusion I beg to say that I adhere to my opinion that no damage would have occurred to the Bridges in question, if the Railway authorities had made provision for the prevention of scour by having returning or curtain-walls and floorings to their bridges.

I have the honor to be,
Sir,
Your most obt Servant
Lieut Col R.E.
Superintending Engineer,
3rd Division.

Recd 30 January 1871 Rs 640-5-11
" 25 May — " 120 Bds

Read
7-8-71 ~~1871-72~~

From,
The Superintending Engineer
3rd Division.

To,
The Secretary to Government.
Public Works Department.
Fort Saint George.

No. 876

Dated 29 August 1871.
Received

Explanation in connexion with the breaches of certain Tanks in the Cuddapah District referred to in Memorandum dated 20th May 1871, No 120.

Rec'd 6 Sept 71

Rec'd 12 Aug 71 Ret 28

to the bridges is more immediately due to the scour produced by the overflow of surplus waters from a private tank and the Ootacoor Government tanks; yet, the disasters must in the main be attributed to the defenceless character of the structures themselves, which are built without the protection of curtain walls and flooring.

The Railway authorities however contend that the bridges were not designed to withstand the sudden and extraordinary flow of water described by the superintending Engineer in his letter printed with G. O. No. 271 dated 30th Janry: 1871 as having occurred, and, as the damage can be directly traced to the breaching of tanks over which they had no control, they request that the Company may be reimbursed the expenditure necessary for restoring the works, which is estimated at Rs 6744-10-

His Excellency the Governor in Council observes that there is nothing in these papers to show that any reasonable care which the Govt were bound to take for securing the Ootacoor tank was omitted

omitted to be exercised
or that sufficient provision
was not made for the
discharge of surplus waters,
and he ~~to~~ accordingly of Coucurs in
the opinion of the Con-
-sulting Engineer that
no liability attaches to the Government in regard to
them.

Cuttack

the Orderer to the Collector
Report to the above
Cuttack which is similar
proposal to Govt Cuttack

Sir Correspondence

Copy: 18th

Similar Case

Small similar cases in which
bridge, are constructed over
watercourses with a sudden
and violent flood, may occur
in the districts which formed
part of Guntur Nellore & Chingleput

Nellore Collr to Govt for Railways

Copy Collr to Govt

Dated 7/9/71

Cuttack 28

(1/Nos 2524, 2125 & 3750)

Cobi of 1871 Madras.

PUBLIC WORKS.

To

The Acting Commg
Engineer for Railways.

Pol.
Read. 1
G. O 6 Sept. 71, No 2267.

Nos. 16@19

Bridges - Passing orders on
Correspondence relating
the damage sustained
by two bridges on the N.W.
line of the Madras Railway
during the current of
certain tanks in the
vicinity of the line -