M.R.O. 1—77,006—4-9-31.

(1) Number of pages.

(2) Date of repair.

(3) Initials of the Referencer.

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 1485-1486 Press / Mis.
251-252-253

Dated 15-6- 1872.

Not to be folded or roughly handled

No. 251. Read the following Endorsement of the Consulting Engineer for Railways, dated Madras, 29th May 1872, No. 263:—

From the Agent and Manager of the Madras Railway Company, to the Consulting Engineer for Railways, dated Madras, 28th May 1872, No. 358.

I HAVE the honour to forward, for the consideration of His Excellency the Governor in Council, an extract (paragraph 13) from a letter from the Secretary to this Company, dated London, the 26th of April, communicating the views of my Directors upon the action* taken by the Government of India in suspending the payment of the increase to salaries granted by the Board, under the express sanction of the Local Government, to certain Officers of this Company.

* *Vide* letter from the Government of India, No. 122-R., dated 9th February 1872.

2. My Directors, it will be observed, state that it has been the invariable practice to secure the previous concurrence of the Local Government before any promise or stipulation involving increased expense has been entered into, and the decisions thus arrived at have been looked upon as final by the parties concerned.

3. The Board add that they cannot but think that the cases which have been decided under this practice must not be disturbed, and they express the opinion that it is not in their power to vary the terms of an agreement entered into with the expressed sanction of the Local Government.

4. While therefore the legality of the action taken by the Government of India is thus questioned by the Board, I can assure His Excellency the Governor in Council that if the instructions communicated to me by your office letter No. 134, dated the 28th of February 1872, were carried out the Company would be placed in a most anomalous position.

5. For instance, two Assistants to the Traffic Manager have just arrived from England, each having, with the concurrence* of the Madras Government, been engaged by the Board for a term of four years on a salary of £450 per annum. But, according to the ruling of the Government of India, we can only pay these gentlemen at the rate of £350 per annum each, that being the salary drawn by the incumbents of the offices in question on the 1st of January 1871, and it is idle to suppose that, if I were to carry out that ruling, a claim would not lie against the Company for breach of contract.

* *Vide* G. O., No. 3,181, dated 18th December 1871.

6. I have shown in previous correspondence that the instructions in question must have been given under a misapprehension, but although a considerable time has now elapsed, I have received no reply to my letters, and the orders have not been withdrawn.

7. I trust therefore that upon a consideration of the opinions expressed by my Directors, His Excellency the Governor in Council will be pleased to take some immediate action in the matter with a view to a settlement of the various questions connected therewith, which are referred to in the letters noted in the margin.

From Agent and Manager, Madras Railway, to Acting Consulting Engineer for Railways, Madras:—
No. 150, dated 6th March 1872.
,, 170, ,, 15th do. ,,
,, 191, ,, 26th do. ,,

Extract from a letter from the Secretary, Madras Railway Company, No. 490, dated London the 26th April 1872.

Suspension of payment of increased salaries.

Paragraph 13. THE Board have been very sorry to learn from paragraphs 13 to 24 of your No. 992, that the Government of India have suspended the payment of the increase to salaries granted by the Board, under the sanction of the Local Government, to certain Officers of the Company. It has been the invariable practice to secure the previous concurrence of the Local Government before any promise or stipulation involving increased expense has been entered into, and the decision thus arrived at has been looked upon as final by the parties concerned. The Board cannot but think that the cases which have been decided under this practice must not be disturbed. But should the Government of India be pleased to order that in future all proposals for increase of salary should be referred for their sanction before being acted on, you will, of course, carry out their instructions; but with regard to the past the Board are of opinion that it is not in their power to vary the terms of an agreement entered into with the expressed sanction of the Local Government. In this case the order above referred to appears to have been founded on a mistake, the facts being quite different from those assumed, only one officer, as you state in paragraph 15, having had an increase of salary, instead of the ten mentioned in the Order of the Government of India. Had it been otherwise, the Board must have protested against giving to a new rule a retrospective application of which they have had neither warning nor experience. The Board trust that the fresh representations which have been made to the Government of India will lead to their concurrence in the proposed augmentations.

(True Extract.)

(Signed) R. B. ELWIN,
Agent and Manager.

No. 3,181, of 18th December 1871.
,, 520, of 26th February 1872.
,, 728, of 14th March ,,
,, 804, of 21st do. ,,
,, 961, of 12th April ,,

SUBMITTED for the consideration of Government, with reference to the orders noted in the margin.

2. The letter from this office of the 28th February last, No. 134, to which allusion is made in paragraph 4 of the Agent's letter, communicated the instructions issued by the Government of India on the 9th idem—*vide* G. O., No. 520, dated 26th February 1872.

3. The previous letters from the Agent, to which he refers at the conclusion of the foregoing letter, have been already laid before Government. They have been printed in the Proceedings of Government under date the 21st March and 12th April 1872, Nos. 804 and 961.

4. More than three months have now passed since the issue of the instructions above alluded to, and no modification has yet been made of the restrictions then imposed. I trust that His Excellency in Council will see fit to impress upon the Government of India the necessity of relieving the Railways in this Presidency from the stringent operation of those orders, which were clearly issued under a mistaken apprehension.

(Signed) J. H. M. SHAW-STEWART, Lieut.-Colonel, R. E.,
Consulting Engineer for Railways.

No. 252. ORDER THEREON, 15th June 1872, No. 1,485.

RAILWAY, No. 29.

THE Consulting Engineer will observe that the orders of the Government of India on the several representations which have been made by the Officers of the Madras Railway in regard to the increases of salary to the establishments of the Company have since been received, and were communicated with G. O. of the 29th May 1872, No. 1,348. Further explanations are called for, and are now awaited; pending their receipt, however, His Excellency the Governor in Council resolves to lay before the Government of India the views of the Board of Directors as expressed in the extract of their letter which is submitted with these papers:—

(Here enter No. 1,486, dated 15th June 1872.)

(True Extract.)

Captain, R.E.,
Acting Joint Secretary to Government.

To the Consulting Engineer for Railways.

Exd. T. O'Connor.

PUBLIC WORKS DEPARTMENT,
FORT ST. GEORGE, 15*th June* 1872.

No. 253.

No. 1,486.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

PUBLIC WORKS DEPARTMENT.

RAILWAY, No. 30.

SIR,—Adverting to your letter No. 122-E. R., dated 9th February 1872, issuing instructions for the regulation of salaries and appointments on the Railway Companies of this Presidency, I am directed to submit, for the consideration of the Government of India, the extract of a letter from the Board of Directors of the Madras Railway which has been forwarded with the accompanying papers.

2. It will be observed that the Board are of opinion that all increases which have been granted by them with the concurrence of the Madras Government previously to the receipt of the orders in question cannot be disturbed, and they point out that it is not in their power to vary the terms of agreements which have been entered into with the expressed sanction of the Local Government. Under the circumstances, I am to request that the Government of India will decide that the orders to which exception is taken shall not be considered as having retrospective application.

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

Captain, R.E.,
Acting Joint Secretary to Government.

Exd. T. O'Connor.

No. 358

MADRAS RAILWAY. 7

AGENT AND MANAGER'S OFFICE.

Madras, 28th May 1872.

From Robert D. Elwin Esqr.
Agent and Manager. M. R. Co.

To Lt Col. J Hell. Shaw Stewart, RE
Consulting Engineer for Railways.

Sir,

I have the honour to forward for the consideration of His Excellency the Governor in Council an Extract (paragraph 13) from a letter from the Secretary to this Company dated London the 26th of April communicating the views of my Directors upon the action taken by the Government of India, in suspending the payment of the increase to salaries granted by the Board, under the expressed sanction of the Local Government, to certain Officers of this Company.

Vide letter from the Govt of India No. 122 G. dated 9th Feby. 1872.

2. My Directors, it will be observed state that it has been the invariable practice to secure the previous concurrence of the Local Government before any promise or stipulation involving increased expense has been entered into and the decisions thus arrived at have been looked upon as final by the parties concerned.

3. The Board add that they cannot but think that the cases which have been decided under this practice must not be disturbed, and they express the opinion that it is not in the power of the Government of India to carry the terms of an Agreement entered into with the expressed sanction of the local Government.

4. While therefore the legality of the action taken by the Government of India is thus questioned by the Board I can assure His Excellency the Governor in Council that if the instructions communicated to me by your Office letter № 134 dated the 28th of February 1872 were carried out the Company would be placed in a most anomalous position.

5. For instance two Assistants to the Traffic Manager have just arrived from England each having with the concurrence of the Madras Government been engaged by the Board for a term of four years on a salary of £450 per annum. But according to the ruling of the Government of India we can only pay these gentlemen at the rate of £350 per annum each, that being the salary drawn by the incumbents of the offices in question on the 1st of January 1871, and it is idle to suppose that if I were to carry out that ruling

Vide G. O. № 3181 - 18th Dec. 1871.

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated 186 .

Read

No.

a claim would not lie against the Company for breach of Contract.

6. I have shown in previous correspondence that the instructions in question must have been given under a misapprehension, but although a considerable time has now elapsed I have received no reply to my letters and the orders have not been withdrawn.

7. I trust therefore that upon a consideration of the opinions expressed by my Directors, His Excellency the Governor in Council will be pleased to take some immediate action in the matter with a view to a settlement of the various questions connected therewith, which are referred to in the letters noted in the margin.

I have the honour to be
Sir
Your most obedient Servant

Agent & Manager.

Agent & Manager, Madras Railway
To Acting Cons. Engr. for Rys. Madras

P. 150 -	6th	March	1872.	
" 170 -	15th	—	" —	"
" 191 -	26th	—	" —	"

Subject from a letter from the Secretary Madras Railway Company No 490 dated London the 26th April 1872.

Suspension of payment of increase of Sal: ordered.

Para 13 The Board have been very to learn from Nagar 13 to 24 of your No 892 that the Government of India have suspended the payment of the increase to salaries granted by the Board under the sanction of the Local Govern= ment to certain Officers of the Company's Service the immediate effect of the Local Government, before any Proceedings or Correspondence regarding them had been entered into, and the Board have since received at their Meeting their answer on that subject dated 18th March 1872 in which Lord Kimberley intimates that the case which Lord Mayo decided under this Practice must not be disturbed. But should the Government of India be pleased to order that the Salaries of Native Officers for increase of Salary = ture all proposals for their sanction should be referred for the orders of Council before being acted on you will of course carry out their instructions but with regard to the last. the Board are of opinion that it is not in their power to vary the terms of an Agreement entered into with the Sovereign Authority

2

22384

Pro. 15 June 72 L Sik 257

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways,

Dated 21st May 1872.

Read. 29. May 1872.

P. W. 26 [illegible] No. 2358

Inwards an extract of a letter from the Secretary of the M. R. Co. regarding the views of the Directors upon the action taken by the Govt of India in suspending the payment of the increase to salaries of certain Officers of the Service

of the Local Government. In this case the order above referred to appears to have been founded on a mistake, the facts being quite different from those assumed only one Officer, as you state in para 15, having had an increase of salary instead of the two mentioned in the Order of the Government of India. Had it been otherwise, the Board must have protested against giving to a new rule a retrospective application of which they have had neither warning nor experience The Board trust that the fresh representations which have been made to the Government of India will lead to their concurrence in the proposed augmentations.

(True Extract)

Agent and Manager

P.R. 263/72.

Rec'd. June/72 d/28th

№263.

Submitted for the consideration of Government, with reference to the orders noted in the margin.

2 The letter from this office of the 28th February last, №134, to which allusion is made in paragraph 4 of the agents letter, communicated the instructions issued by the Government of India on the 9th idem. Vide G.O. №520 dated 26th February 1872

№3181 of 18th Decr 1871.
520 . 26th Feby 1872.
728 . 14th March 1872.
804 . 21st March 1872.
961 . 12th April 1872.

3 The previous letters from the Agent, to which he refers at the conclusion of the foregoing letter, have been already laid before Government. They have been printed in the proceedings of Government under date the 21st March and 12th April 1872, Nos 804 and 961.

4 More than three months have now passed since the issue of the instructions above alluded to, and no modification has yet been made of the restrictions then imposed. I trust that His Excellency in Council will see fit to impress upon the Government of India the necessity of relieving the railways in this Presidency from the stringent operation of those orders, which were clearly issued under a mistaken apprehension.

Madras
29th May 1872

I have &c
V. Mauleverer Lieut Col RE
Cons Engr for Railways

To
The Secretary to Government
Public Works Department
Fort St George.

Rec'd Dec. 19

No. 1485

Proceedings of the Manitoba Government
Under date the 5th June 1872.

Read 18th following.

Hon. the Comptr. Engineer
for Railways.

Have the honor to transmit herewith for the information of your Department a Minute of Council of the Executive Government of Manitoba, on the general subject of the establishment of Police Stations in connection with the Pembina Branch Railway, and in regard to the increase of salary to the Station Masters of the Police Force.

I have &c.

(Signed) A. G. Archibald
Lieut. Governor.

Rec'd 18th December, 71 — 300-304
" 26th February 72 — 413-414
" 14th March — 339-340
" 21st — 497-498
" 12th April — 182-184

Rec'd 1872 from Manitoba
No. 2673.
The Com. Rlys
Do
The Secy to Govt
P.W.D.
Dated 27th May/72
Rec'd 30th
No 263
Encl. 2
Submitting
Copies letters regarding the suspension of the payment of increase of Salary to certain Railway Officials

No 1486 1486-15 encl. 4/72

No 257

explanations are called
for, and are now awaited;
pending their receipt,
however, His Excellency
the Governor in Council
resolves to lay before the
Government of India
the views of the Board
of Directors as expressed
in the extract of their
letter which is submitted
with these papers.

Ft. St. George
Jo.

The Secy. to the
Govt. of India
Pub. Wks. Dept.

Endorsing to upon
letter No 122 C.R. dated 9th
February 1872 issuing in-
structions for the regula-
tion

Read the Letter from the Court of Directors in the Public Department, dated 30th August 1871, No. 36.

Ordered, that a Copy be forwarded to the Government of India in the Public Works Department, for information.

(True Extract)
(Signed) H. Conolly
Secretary to Government.

36

Jo.
12 The Consltg. Engr.
for Railways.

Dept. 18/6/72

ration of salaries and
appointments in the
Railway Companies of
this Presidency I am
directed to submit for
the consideration of the
Govt. of India the extract
of a letter from the Board
of Directors of the Madras
Railway which has
been forwarded with
the accompanying
papers.

It will be observed
that the Board are of
opinion that all
increases which have
been granted by them
with the concurrence
of the Madras Govt.
previously to the
receipt of the orders
in question cannot be
disturbed,

disturbed, and they
point out that it is
not in their power
to vary the terms of
agreements which had
been entered into with
the expressed sanction
of the Local Government.
Under the circumstances
I am to request that
the Government of
India will decide that
the orders to which
exception is taken
shall not be considered
as having a retrospective
application.

No. 267

Govt. of [1872] Madras

PUBLIC WORKS.

To His Excellency Lord
for Railways
&c &c

To the Secretary to the
Govt of India

Dated

Recd. Encl. 2

G. O. 15th June No. 1485-
1486.

Nos. 251-252 & 253

Madras Railway. Papers
on papers relating to the
increases of Salary
to the Establishments
of the Madras Ry.

Submitting with
remarks, papers on the
subject of the proposed
increases to the Establishments
of the Madras Ry.