

(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. 244	Press Mis.
473-74	
Dated 28. 1.	1872.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
25th January 1872.*

No. 473. Read the following letter from the Assistant Secretary to the Government of India, Public Works Department, (Railway,) to the Secretary to the Government of Madras, Public Works Department, (Railway,) dated Fort William, 29th December 1871, No. 2,688-R. :—

I AM directed to acknowledge the receipt of your docket No. 2,947, dated the 21st November 1871, forwarding a copy of a letter from the Consulting Engineer for Railways, reporting the result of the meeting held to consider the rate at which non-service banghy parcels should be conveyed by rail, and to communicate, for the information of His Excellency the Governor of Madras in Council, a copy of a letter No. 2,595-R., of the 19th instant, addressed to the Director-General of the Post Office on a reference on the same subject made by him to this department.

From the Government of India, Public Works Department, to the Officiating Director-General of the Post Office of India, dated 19th December 1871, No. 2,595-R.

I AM directed to acknowledge the receipt of your letter No. 234-C., dated the 3rd November 1871, bringing to notice the refusal of the Madras Railway authorities to enter into any arrangement for a composition payment for the carriage of non-service banghy parcels, and suggesting that the concession made in 1853, to waive the right of Government to the carriage of these parcels free under the terms of the contract, should be withdrawn, and that it should be ruled that for the future the terms of the contract will strictly be adhered to, and the Madras Railway Company will be required to carry free of any charge all banghy parcels, whether service or non-service, excepting only the non-service parcels which the Post Office elect to make over to the Company for conveyance under their charge and at their risk, in respect of which the payment of the 4 pie rate will still hold good.

2. In reply, I am directed to state that the Government of India, in this department, are of opinion that the waiver of 1853 must be regarded as an interpretation of the contract, and not as a concession that can now, after the lapse of eighteen years, be properly withdrawn. Nor is it clear that the Courts of Law would not recognize this long usage as a virtual right on the part of the Railway Companies to demand payment for the carriage of non-service banghy parcels and in any case, as the contracts with all Guaranteed Railway Companies contain almost exactly the same provisions respecting mails, what is the rule with one Company must necessarily be the rule for all.

3. To remove all doubt on the subject, the question of legality will be referred to the Advocate-General; but there appears to be no doubt that the views enunciated above are correct in principle, and whatever the strict legal interpretation of the present powers of the Government might be, the Governor-General in Council, as at present advised, would not desire to take the course proposed by you, and to call on the Company to carry the parcels in question free of charge.

4. But in respect to the question of rate, the Government of India will not sanction the payment of any higher fare than 2 pies per maund mile, or the ordinary passenger's luggage rate for this service, and probably the simplest plan, if the Companies should still decline to make a satisfactory arrangement, would be to make over all such packages to them as passenger's luggage to be carried at the ordinary rate and under the Company's charge and responsibility. If this course were necessary the Governor-General in Council would be prepared to re-consider that portion of paragraph 20 of Public Works Department Circular No. 34-R., dated 9th November 1869, which allowed the 4 pie rate for this service to continue in force; but I am to express a hope

*Proceedings of the Madras Government, Public Works Department,
25th January 1872.*

that on the issues being once more distinctly explained to the Agent of the Madras Railway Company, a composition payment on a fair basis may be agreed to.

No. 474.

ORDER THEREON, 25th January 1872, No. 244.

RAILWAY, No. 68.

COMMUNICATED to the Consulting Engineer for Railways, with reference to G. O., No. 2,946, dated 21st November 1871.

(True Extract.)

Colonel, R.E.,

Secretary to Government.

To the Acting Consulting Engineer for Railways.

Exd. E. C. Shunker.

Proceedings of the Madras Government, Public Works Department,
25th January 1872.

that on the issues being once more distinctly explained to the Agent of the Madras Railway Company, a composition payment on a fair basis may be agreed to.

12/14
Govt. of Madras
PUBLIC WORKS.

To Mr. Consulting Engineer
for the Railway.

Dated

Encl. /

Recd.

G. O. 25th Jan 1872, N244.

Nos. 473 & 474

For Service Bangalore

Parcels. Letter from the
Agent of India Forward
Copy of Communication
addressed to the Director
General of Telegraphs Post Office
Bangalore for the Com-
missioner of the Bangalore
District, Com- is the same for the