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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	743	(Ry)	Press
B.P. No.			Mis.
Dated	24	3	1876

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
24th March 1876.*

Read the following papers :—

No. 363. Endorsement of the Consulting Engineer for Railways, dated Madras,
25th February 1876, No. 108.

From W. S. BETTS, Esq., Agent of the South Indian Railway, to Lieutenant-Colonel
J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways,
dated Negapatam, 21st February 1876, No. 1,298.

On the 22nd ultimo the engine working No. 8 train became disabled at Poogalore station through the breaking of a split pin connected with the regulator. Another engine was obtained as quickly as possible, and the train arrived at Erode at 7-5 P.M.

2. Had the Madras Railway train been kept at Erode the agreed time of one hour or till 7-20 P.M., there would have been no delay to the mails and passengers ; it was started from Erode, however, before our train arrived at the station.

3. One of the passengers who had booked through to Madras by the train in question was Dr. Gustav Oppert, Professor of Sanscrit at the Presidency College, and he has sent in a claim for payment of the extra expenses (Rupees 6) to which he was put by being detained at Erode until the next train started thence to Madras.

4. Dr. Oppert has been told that the delay was caused by an accident over which we had no control, and that we used all reasonable efforts to forward him on as quickly as possible. He intimates, however, he is prepared to dispute in a Court of Law our plea of non-liability which we claim under our public notices. Before further steps are taken I should like to know the wishes of Government hereon, that is, whether the action should be defended or the claim admitted. The amount involved in the present instance is small, but the principle involved is an important one.

—

SUBMITTED for the orders of Government, with request that instructions upon the point brought forward by the Agent may be communicated as soon as possible.

2. Every time-table published by the South Indian Railway Company is headed with these words :—"The times shown in these tables are those at which the trains are intended to depart from the various stations, but the Company cannot guarantee these times being kept under all circumstances, nor do they hold themselves responsible for delay."

3. I am not aware whether the question of liability under such circumstances has ever been tried in an Indian Court of Law. It seems to me that it would be well to allow the action to be brought ; but perhaps, before doing so, the Government may deem it advisable to take the opinion of their legal advisers.

4. The Agent of the Madras Railway has been asked to explain why that Company's train was not detained at Erode for the agreed time of one hour.

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

—

*Proceedings of the Madras Government, Public Works Department,
24th March 1876.*

No. 364. From Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Madras, 10th March 1876, No. 119.

In continuation of this office endorsement, No. 108, dated 25th February 1876, I have the honor to submit letter No. 240, dated 9th instant, with enclosure, from the Agent, Madras Railway, explaining the circumstances under which the Madras train was started from the Erode station on the 22nd of January last, before the South Indian Company's train had arrived.

2. I understood with Mr. Elwin that the Madras Railway Company's trains were, if necessary, to be delayed at Erode and Raichore one hour on ordinary Mail days, and two hours on Overland Mail days, waiting for the South Indian and Great Indian Peninsula trains. The Traffic Manager's letter was as follows:—

" * * * * * Whether we can afford to wait or not longer than an hour depends so very much upon circumstances that I think the Post Office will be very much better served by leaving the matter in our hands, on the understanding that, if necessary, we will wait one hour on ordinary Mail days and two hours on Overland Mails than by exacting any rule."

3. There was, however, no notice given to the public that the train would wait at the junctions. The arrangement was made simply to suit the Post Office, and did not affect the time-table published by the Companies for passenger and goods traffic.

4. I shall submit, on receipt, the further particulars promised by the Agent in the concluding clause of his letter.

From R. B. ELWIN, Esq., Agent and Manager, Madras Railway Company, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Madras, 9th March 1876, No. 240.

With reference to your letter of the 25th ultimo, No. 203, I have the honor to enclose you

copy of a letter* I have received from the Traffic Manager in explanation of the circumstances under which the Madras train was started from the Erode station at 7 P.M. on the 22nd of January last, before the South Indian Company's train had arrived.

* No. C 553A and M/1554, 8th March 1876.

2. I certainly understood that the arrangement was that this Company's trains were, if necessary, to be delayed at Erode and Raichore one hour on ordinary Mail days and two hours on Overland Mail days, that is, that they were not to be started for one or two hours after the time shown in our time-tables as the starting time. Mr. Church, however, does not appear to have intended this, and I have, therefore, written to him and asked him to let me hear further upon the subject.

From H. E. CHURCH, Esq., Traffic Manager, to R. B. ELWIN, Esq., Agent and Manager of the Madras Railway Company, dated Madras, 8th March 1876, No. C 553 A and M/1554.

South-west Line Mail not waiting for South Indian Train.

CONSULTING Engineer's letters Nos. 208 and 213 of the 25th and 28th ultimo.

While fully admitting that the revision of the South Indian Company's train service escaped observation in this office, I cannot allow that we have in any way departed from the arrangement made with the South Indian Company with reference to the detention of the South-west Line mail trains.

*Proceedings of the Madras Government, Public Works Department,
24th March 1876.*

2. When the arrangement was made, the South Indian train was due to arrive at Erode at 5-10 P.M., and the Madras Railway South-west Line train was due to depart from Erode at 6-20 P.M., leaving a margin of one hour and ten minutes, which I advised Mr. Stanton by letter, dated 24th June last, would "meet all ordinary occasions," but that on Overland Mail days this margin would be extended to two hours.

3. In practice, however, the margin was actually hours 1-50, as orders were given to the Station staff at Erode to detain the Madras train until 7 P.M. on ordinary occasions.

4. Under the new train service of the South Indian, the Mail train is due to arrive at Erode at 5-30 P.M., and, as the Madras Railway train, on the occasion referred to, did not leave Erode until 7 P.M., the margin allowed was 1½ hours, or 20 minutes longer than we undertook to wait.

No. 365. ORDER THEREON, 24th March 1876, No. 743.

RAILWAY, No. 33.

THE further explanation of the Traffic Manager of the Madras Railway will be awaited. Meanwhile the Agent of the South Indian Railway will, in respect to the threatened proceedings, act in such manner as he may, after obtaining competent legal advice, think best.

(True Extract.

Major-General, R.E.,
Secretary to Government.

To the Consulting Engineer for Railways.

Exd. S. T. Austin.

Spare Copies

written

No. 240

SP 5
MADRAS RAILWAY.

AGENT AND MANAGERS' OFFICE.

Madras, 9th March 1876.

From

R. B. Edwin Esq.
Agent and Manager. M. R. Co.

To

At Col J. H. Ell & Son & Tennant Esq.
Consulting Engineer for Railways.

Sir,

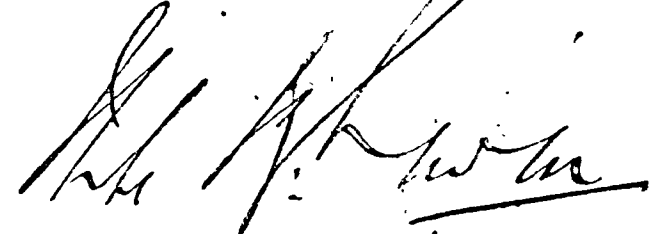
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with 1876.
With reference to your letter of the 25th ultimo, No 208, I have the honour to enclose you copy of a letter I have received from the Traffic Manager in explanation of the circumstances under which the Madras train was started from the Erode station at 7 P.M. on the 22nd of January last, before the South Indian Company's train had arrived.

2. I certainly understood that the arrangement was that this Company's trains were if necessary to be delayed at Erode and Raichur one hour on ordinary mail days and two hours on Overland mail days, that is that they were not to be started for one or two hours after the time shown in our Time Tables as the starting time. Mr Church however does not appear to have intended this and I have therefore written

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written to him and asked him to let me
hear further upon the subject.

I have the honour to be,
Sir,

Your most obedient servant



Agent and Messenger

M. 1803/2/76

RAILWAY DEPARTMENT

CONSULTING ENGINEER'S OFFICE.

Madras, 1876.

No. 119

From

LIEUT. COLONEL J. H. M. SHAW-STEWART, R.E.,

Consulting Engineer for Railways,

To

MAJOR-GENERAL G. W. WALKER, R.E.,

Secretary to Government,

Public Works Department,

Fort Saint George,

SIR,

In continuation of the
office memorandum no 100 dated
25th February I have the honour to
submit letter no 240 dated 9th
instant with enclosure from the
Agent Madras Railway explaining
the circumstances under which
the Madras train was started
from the Vode station on the 22nd
of January last before the South
Indian Company's train had
arrived.

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated

1876

Recd.

No. 240.

On sending the Madras
Memorandum of the
circumstances
under which the
Madras train was
started from Vode
station on the 22nd
last, before the arrival
of the South Indian Co
train.

No 24 March 76 Bt 364

arrived.

2. I understood with Mr. Elmer
that the Madras Railway Company's
trains were if necessary to be delayed
at Madras and Ravelry one hour
on ordinary mail days, and two hours
on overland mail days, waiting for
the South Indian and Great
Indian Peninsula trains. The
trains, however, let them wait
for the trains. Whether we can afford
to wait or not longer than an hour
depends so very much on the
stances that I think the Post Office
will be very much better served by
leaving the matter in our hands
on the understanding that if
necessary we will wait one hour
on

117 4
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hours on overland mails than by
"exacting any rule."

3. There was however no notice
given to the public that the train
would wait at the junction. The
arrangement was made simply
to suit the post office, and did
not effect the time table pub-
lished by the companies for
passenger and goods traffic.

4. I shall submit on re-
ceipt the further particulars pro-
mised by the Agent in the con-
cluding clause of his letter.

I have the honour to be
Sir
Yours most obedt servant
Wm. Mountford
British India Railway

Memo: No 3939 28/2/76.

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No. 1298

South Indian
GREAT SOUTHERN OF INDIA RAILWAY.

AGENT'S OFFICE,

NEGAPATAM, 21st February 1876.

From

THE AGENT,
South Indian
Great Southern of India Railway,

To

The Consulting Engineer for Railways
Madras.

SIR,

On the 22nd Inst. the engine working N^o 8 train
became disabled at Pongalur station thro' the breaking of a split
pin connected with the regulator. Another engine was obtained as
quietly as possible, and the train arrived at Erode at 7.5 P.M.

Had the Madras Railway train been kept at Erode
the agreed time of one hour or till 7.20 P.M. there would have
been no delay to the Mails and passengers, it was started
from Erode however before our train arrived at the station.

One of the passengers who had booked thro' to
Madras by the train in question was Dr. Gustav Oppert,
Professor of Sanscrit at the Presidency College and he has sent
in a claim for payment of the extra expenses (Ropes and so
which he was put by being detained at Erode until the next
train started thence to Madras.

Dr. Oppert has been told that the delay was
caused by an accident over which we had no control, and that
we need all reasonable efforts to forward him as quietly
as possible. He intimates however he is prepared to dispute
in a Court of Law our plea of non-liability which we claim
under our public notices. Before further steps are taken I
should like to know the wishes of Government thereon, that is
whether the action should be defended or the claim admitted.
The amount involved in the present instance is small, but the

P. M. 1876 28/2

RAILWAY DEPARTMENT.

From

The Consulting Engineer
for Railways,

To

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

Dated 28th Feb 1876

No. 119

Subscribed

Letter from Engineer

Madras Railway

Engineering Department

to be sent to the

on certain date

in 17-3-76.

principle involved is an important one.

I have the honor to be

Sir,
Your most obedt servant

William B. B. B.

Agent

RAILWAY DEPARTMENT.

Consulting Engineer's Office,
Madras, 25th February 1876.

No. 100.

SUBMITTED for the Orders OF GOVERNMENT,

with request that instructions upon
the point brought forward by the
Agent may be communicated as soon
as possible.

2. Every time-table published
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is headed with these words: "The times
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but the Company cannot guarantee
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3. I am not aware whether the
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The Secy. Genl.
for Railway
Dept.
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the Government may deem it advisable to take the opinion of their legal advisers.

4. The Agent of the Madras Railway has been asked to explain why that Company's train was not detained at Erode for the agreed time of one hour.

Mantur
Lieut. Col. R. B.

Cons. Engineer for Railways.

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

Chrys. No 383 d/28.2.76

Dated 25th Feb 1876
Received 28th Feb 1876

Enclosures 1

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

The Consulting Engineer
for Railways,

187 . 28-11-60

RAILWAY DEPARTMENT.

S. M. 1876 No. 1000

Submitted with
several letters from
Agent S. S. P. regarding
a charge made by
the Agent of the Madras
College.
On 24th March 76 at 10³⁰
C-17-2-8

No. 743 Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 24th March 1876.

Read the following:—

From The Consulting Engineer for Railways } (188 No 108 d/25 Feb/76)
Do Do } (— " — 119 — 19 Mar/76)

The further explanation of the Traffic Manager of the Madras Railway will be awaited. Meanwhile the Agent of the South Indian Railway will in respect to the threatened proceedings act in such manner as he may, after obtaining competent legal advice, think best.

20 17
C-17-2-8
S. S. P. 24-3-76
4 Apr 76

363 @ 365