

Public Works (1890) Department.

RAILWAY BRANCH.

G.O., No. 1609 Ry.

DATED 24th October

[Despatch Abstract.]

Damages to the rolling stock of the Great Indian Peninsula Railway Company. — Proceedings, Military Department, passing orders on correspondence relating to a claim on account of — in September 1890, communicated to the Consulting Engineer for Railways.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

The papers read above refer to a demand for Rs. 74 preferred by the Madras Railway authorities on behalf of the G.I.P. Railway Company for damages done to the rolling stock of the latter company by the 2nd Madras Infantry when travelling by troop trains from Secunderabad to Madras in September last *en route* to Burma.

2. The claim of the Railway Company is resisted by the officers who commanded the troops in the two troop trains—viz., Major Maltby and Captain Jones—on the grounds that the trains were not ready in sufficient time for the inspection of the carriages to be carried out satisfactorily according to established rules.

3. Agreeably to Regulations,* the troops are not required to be at the station more than 40 minutes before the train starts, and then it is not the duty of

* Paras. 275 and 280, Army Regulations, India, Vol. X, Part II.

the Officer Commanding to inspect the carriages but of the senior man in each compartment who should report damages, &c., to the officer appointed to go down the line to receive such reports. This should be done before starting, and again on arrival at destination when it is the duty of the same senior man in each compartment to report "all correct" before the men leave their carriages.

4. On the part of the Railway, one of their officials should also inspect the compartments reporting any breakages or deficiencies to the Officer in Command, who should settle all claims before the troops leave the railway premises.

Para. 280, Army Regulations, India, Vol. X, Part II.

5. It appears therefore to the Right Honorable the Governor in Council—

- (1) that there was time for the senior men to make their inspection, and that they did not report probably because they had nothing to complain of;
- (2) that the claim cannot be pressed by the Railway unless it can be shown that the alleged damages were brought to the notice of the Officer Commanding the troops at the time;
- (3) that, under the circumstances set forth in the correspondence, a minute inspection of the carriages was not possible;
- (4) that it could not be expected that men of the class of sepoys, having no technical knowledge of railway carriages, could easily detect damages especially by lamp-light.

6. In the opinion of Government the only breakage or damage that could be charged against the troops is that on account of a venetian glass cracked, and this only if it could be proved to be "clearly traceable to culpable negligence."

Vide Appendix XXVIII, Army Regulations, India, Vol. X, Part II.

7. In the circumstances stated in paras. 5 and 6 of the Order, the G.I.P. Railway Company, at the instance of the Madras Railway Company, may perhaps be disposed to withdraw their claim for the small sum demanded.

(True Extract.)

H. W. H. Colman

In Secretary to Government.

To the Quarter Master General, with 12 enclosures.

" Controller of Military Accounts.

" Public Works Department (Railways). *Smith 50/6*

Exd. J. Henricus.

P.W. C No. 9589 ✓

Gobt. of {1890} Madras.
MILITARY.

To
THE QUARTER MASTER GENERAL,
&c., &c., &c.

Dated October,

Issued

Recd. 9-10-90. Encl.

G.O., 6. October 1890, No. 6181.

B. No 1609 R of 24th Oct/90.

OCTOBER.

Nos. 44-46

Transport—Railway.

Second Regiment, Madras Infantry.—Orders passed on correspondence relative to a claim on account of damages done to the rolling-stock of the G.I.P. Railway Company by the — in September 1890.

B. No 1609 R of 24th Oct/90.

19/10/90

Communicated to
the Consulting Engineer for
Railways..

19/10

19/10

2 to the Consulting Engineer
for the G.I.P. Railway.

22/10/90
2 Copies to the
Consulting Engineer