

Public Works (1890) Department.

RAILWAY BRANCH.

5
G.O., No. 906-7 Ry.

DATED 24th June

[Despatch Abstract.]

Claim against the Madras Railway.—Ordered that the Govt of India be requested to reply to reference regarding a claim by the military Department for a refund from the Madras Railway on account of charges made for the conveyance of certain military property by extra troop train.

The Govt of India requested accordingly.

BACK PAPERS.

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

FURTHER PAPERS.

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

27TH AUGUST 1889, No. ⁹³¹/_A R., PUBLIC WORKS.

GOVERNMENT OF MADRAS. PUBLIC WORKS DEPARTMENT.

Railway.

Read the following paper :—

From the Consulting Engineer for Railways, dated Madras, 19th August 1889, No. 322 A.

From the Agent and Manager, Madras Railway Company, to the Consulting Engineer for Railways, dated Madras, 16th February 1889, No. 213.

With reference to your endorsement No. 502, dated 26th July 1887, on G.O., No. 4209, of the 15th July 1887, Military Department, I have the honor to forward, herewith, a copy of letter No. C. 508 A. and M./11217, dated 26th August 1887, from the Traffic Manager, in reply to the claim preferred by the Examiner of Commissariat Accounts.

2. As the Traffic Manager points out, it would seem that a misapprehension on this subject has existed, and, for the reasons stated in the enclosure, it is hoped that the claims of the Commissariat Department will now be withdrawn.

ENCLOSURE.

From the Acting Traffic Manager, Madras Railway Company, to the Acting Agent and Manager, dated Madras, 26th August 1887, No. C. 508 A. and M./11217.

[Claim from the Examiner of Commissariat Accounts, Madras.]

Your endorsement of the 29th July upon G.O., No. 4209 R., of 15th July 1887.

2. There appears to be a misapprehension on this subject, inasmuch as, irrespective of the terms of the contract between the Secretary of State and the Madras Railway, which I conclude cannot be set aside by an order of Government, the rules for the transport of troops and their baggage by railway provide, as I explained in my letter of the 9th March, as follows :—

Rule 1 (e).

(Enclosure No. 2 of Railway Circular No. XXVI of 1884.)

“All general stores belonging to the Government, and all guns, ammunition, horses and other animals used for military purposes, and all military stores, carriages, wagons, camp equipage and equipments whatsoever, at the lowest rate for the time being chargeable for the carriage of such animals, goods and merchandise.”

3. Our contention on the Madras Railway is, that the reduced rate of 0·8 pies per maund per mile applies only to *personal* baggage, and not to stores or equipments, whether such stores are the property of the Government or the regiment, and that our contention is correct, I would invite a perusal of a memorandum, dated the 11th March 1886 (633-c), from Lieut.-Colonel Newmarch, Officiating Secretary to the Government of India, forwarding copy of a letter addressed to the Secretary to the Government of Madras. This letter, which reads as follows, it seems to me, decides, once and for all, the questions at issue between the Madras Railway and the Madras Military Accounts departments :—

“I am directed to acknowledge receipt of your letter, No. 6803, dated 30th November 1885, requesting a decision in regard to the rate chargeable under the revised rules for the conveyance of stores accompanying troops conveyed by troop extra trains.

“The Agent and Manager, Madras Railway Company, holds that stores, guns, camp equipage and ammunition do not come within the definition of “baggage,” the rate for which, when conveyed by troop extra trains, is 0·8 pies per maund, and that, in accordance with the sub-section (e) of clause 1 of the revised rules, they should be paid for at the ordinary rates for

stores conveyed by goods trains. This view is concurred in by the Consulting Engineer for Guaranteed Railways, Madras. The Military Account Department, Madras, on the other hand, considers that, as a distinct rate, viz., 0.8 pies per maund per mile, is laid down for baggage conveyed by troop extra trains, and stores taken by regiments in excess of the authorized quantity are charged for at that rate, there is no reason why a different rate should be charged in the case of military "baggage" paid for by Government. In support of this contention it is pointed out that in the Bombay Presidency the 0.8 pies rate is charged for all general stores conveyed by troop extra trains.

"In reply, I am to state, for the information of the Governor in Council, that, although the new rules relate mainly to the movement of troops and not stores, yet a certain amount of general stores must always accompany regiments, and this is recognized by the detailed entries on the back of the warrants, forms C and D, which explain what those stores are. The Government of India are of opinion that, in the case in question, the stores taken by the two batteries on account of the late siege operations at Bangalore, which are not baggage in the sense used in the Railway contracts, should be paid for at the rates in force for military stores despatched by goods trains."

4. Reference is made in this memorandum to the practice in force in the Bombay Presidency, but I would point out that, while the Great Indian Peninsula Railway obtains one uniform rate for all Government stores sent by goods train, the Madras Railway, in accordance with its contract, conveys such stores at the lowest rate in force.

From the Examiner of Commissariat Accounts, to the Consulting Engineer for Railways, dated Fort St. George, 15th April 1889, No. 426 M.R.

In reply to your letter, No. 413, dated 28th February 1889, has the honor to forward, as requested, copies of letters

1. Madras Railway Agent's letter, No. 5001, dated 22nd Oct. 1886, with one enclosure.
 2. This office letter to the Controller, No. 5220, dated 1st November 1886.
 3. Controller of Military Accounts' endorsement No. 3923, dated 21st February 1887, on letter from the Military Accountant-General.
 4. Letter from Agent and Manager, Madras Railway Company, No. 1361, dated 9th March 1887.
2. The claim against the Madras Railway Company on account of equipment and stores accompanying a regiment by troop train not having been charged at the rate of 8 pies per maund per mile, has been enforced with reference to Government of India decision communicated in Proceedings of Government, No. 4209, of 15th July 1887.

ENCLOSURES.

From the Acting Agent and Manager, Madras Railway Company, to the Examiner of Commissariat Accounts, dated Madras, 22nd October 1886, No. 5001.

With reference to your letter of the 27th ultimo, No. 4338, I have the honor to enclose you a copy of a letter, No. 7377-A., of the 7th instant, from the Traffic Manager, to whom the question of your claim was referred. I agree with Mr. Church in thinking that your claim cannot be entertained.

2. I return the copy of Proceedings of Government, No. 5732, dated the 16th of September 1886, that accompanied your letter, having obtained a copy thereof from the Consulting Engineer for Railways.

From the Traffic Manager, Madras Railway Company, to the Chief Auditor, dated Madras, 7th October 1886, No. 7377-A.

Examiner of Commissariat Accounts' claim for refund. Your B/944-326-327, of 5th October.

2. It seems to me that the letter of the Government of India, addressed to the Secretary to Government, Bombay, No. 830 R.T., dated 18th August 1886, embodied in G.O., dated 16th September, No. 5732, specially applied to the Great Indian Peninsula Railway and to no other railway.

3. The ruling cannot, in my opinion, be applied to the Madras Railway, because it would be opposed to the contract and to the rules prescribed by the Government of India for the transport of troops in Public Works Department Circular No. XXVI, Railway, of 1884.

These rules provided as follows:—

Rule 1 (e).—"All general stores belonging to Government, and all guns, ammunitions, horses and other animals used for military purposes, and all military stores, carriages, wagons, camp equipage and equipments whatsoever at the lowest rate for the time being chargeable for the carriage of such animals, goods and merchandise";

Rule 27.—"All baggage in excess of the free allowance carried by ordinary passengers' train the rates charged to the public will be paid. For all baggage in excess of the free allowance carried by troop extra train, whether the freight be payable by Government or on the spot by the officer in charge, will be paid for at the rate of 0.8 pies per maund per mile";

and, I would submit, clearly show that, while personal baggage was to be charged at the fixed rate of 0.8 pies per maund per mile, there was no intention of departing from the contract in respect of stores, camp equipage, and equipments whatsoever.

4. It is not, therefore, understood why the Examiner of Commissariat Accounts should seek to import into the rules an interpretation which they are not capable of bearing, by asking this company to accept a rate of 0.8 pies per maund per mile, equivalent to 21½ pies per ton per mile, for stores and ammunition, seeing that the railway is entitled, under the contract and under the rules, to 24 pies per ton per mile in the case of stores and 54 pies per ton per mile in the case of ammunition, these being the lowest rates chargeable for the carriage of such goods and merchandise.

5. Again, it is not understood why the Examiner of Commissariat Accounts should ask this company to allow, free of charge, a greater weight of personal baggage than the aggregate weight of the baggage actually carried. Thus, in the objection statement which accompanied the Examiner's letter, it will be seen that, in twelve instances, an aggregate free allowance of 3,066 maunds is claimed although the total weight of personal baggage was only 1,754 maunds. In other words, the Examiner seeks to claim an allowance of 75 per cent. in excess of the personal baggage actually carried, and, in three instances, a claim of 120 maunds is made where no personal baggage whatever was carried.

6. The Examiner's claim, in my opinion, is so totally opposed to the contract and to the rules that it cannot, for a moment, be entertained.

From the Examiner of Commissariat Accounts, to the Controller of Military Accounts, dated 1st November 1886, No. 5220.

I have the honor to forward, for orders, the accompanying letter (1) from the Agent and Manager, Madras Railway, enclosing one (2) from the Traffic Manager regarding the retrenchment statement, of which I informed you in my letter, (3) in which I attempted to recover under the later ruling, (4) published in Proceedings of Government, No. 5732, of 16th September 1886, certain sums passed under, I regret to say, a mistaken interpretation of the order of the Government of India (5) published in Proceedings of Government, No. 2737, of 6th May 1886.

2. The Traffic Manager considers that this last ruling (4) is applicable to the Great Indian Peninsula Railway only, and is opposed to the contract and rules published in (6) Public Works Department Circular 26, Railway, of 1884, but I see no grounds for this conclusion, as the ruling is simply explanatory of the term baggage in the original circular and restricts an interpretation which might be put, and, in fact, was put, on the previous order.

3. As I now understand it, the general stores, comprising arms, ammunition, tents, &c., which form the equipment of a corps travelling by rail, with the personal effects of its members, enumerated in the detailed entries on the back of warrants, form the baggage of the corps analogous to the belongings of a private passenger which accompany him on a rail journey, and are to be charged under rule 27 of the circular (6).

But when such stores are sent apart from troops, they fall under rule 1 (e) of the circular which seems analogous to ordinary goods traffic rates. When a corps takes with it, as in the case of the two batteries alluded to in Proceedings of Government, No. 2737 (5), ordnance or other stores which neither belong to it nor form part of its equipment, they fall to be charged under the special rates for goods or under rule 1 (e).

4. If this view be correct, the claims under entries 75 of November and 89 and 205 of April 1885, in the statement, must be abandoned, though they regard followers with bullocks, carts, &c., carried by troop extra trains.

5. As the Traffic Manager objects to the inclusion of general stores in the definition of baggage and would limit the term to the one item on the back of the warrant under which personal effects would fall, he naturally objects to the deduction of the free allowance (7) from the aggregate weight of general stores.

(7) Para. 2, Proceedings of Government, No. 5132, dated 16th September 1886.

6. I may add that the statement called for by the Accountant-General in his letter, No. 1690, dated 30th July 1885, forwarded under your endorsement, (8) cannot be furnished until these points are finally settled.

(8) No. 1250 of 6th August 1885.

From the Officiating Accountant-General, Military Department, to the Controller of Military Accounts, Madras, dated Calcutta, 11th February 1887, No. 4015.

With reference to your communications noted in the margin, I have the honor to state that I am of opinion all camp equipage and the regimental equipment and stores detailed in paras. 325/31, Transport Regulations, Part II, are, when they accompany troops by railway, held to come under the term public baggage. If the Madras Railway Company do not accept that view of the matter, the question should be referred to the Government of Madras.

2. The enclosures of your letter are herewith returned.

No. 3923.

Forwarded, for information, with reference to his No. 5220, dated 1st November 1886. (Enclosures returned.)

2. If the Madras Railway Company do not accept the Accountant-General's view of the matter, the question will be referred to Government.

(Signed) C. CARTER, Colonel,
Controller of Military Accounts.

21st February 1887.

To the Examiner of Commissariat Accounts,
Fort St. George (to be returned).

Forwarded to the Agent and Manager, Madras Railway Company, with reference to his letter, No. 5001, dated 22nd October 1886, for favor of early intimation whether he will accept the Accountant-General's definition of baggage in connection with troop trains running on the Madras Railway.

(True copy.)

(Signed) E. J. FIRTH,
Supt., Office of Exmnr. of Comst. Accts.

From the Acting Agent and Manager, Madras Railway Company, to the Examiner of Commissariat Accounts, dated Madras, 9th March 1887, No. 1361.

Referring to your endorsement, dated the 1st instant, upon a letter from the Accountant-General, Military Department, No. 4015, dated Calcutta, the 11th ultimo, I have the honor to forward, herewith, copy of a letter addressed to me by the Acting Traffic Manager, No. C. 588 A. and M./10591, of this date, and to inform you that I quite concur in the view therein expressed.

From the Agent and Manager, Madras Railway Company, to the Consulting Engineer for Railways, dated Madras, 21st June 1889, No. 690.

With reference to your letter, No. 423, of the 13th ultimo, remarking that the decision of the Government of India on the subject of the military charges in dispute is given in its No. 1508 C., dated 23rd June 1887, printed with G.O., No. 4209, of the 15th July 1887, I have the honor to quote the following extract from a letter addressed to me by the Company's Traffic Manager:—

"I beg to point out that this company has never accepted, as a whole, Public Works Circular No. 26 of 1884.

"On the contrary we have contended, since the circular first reached us, that certain of the conditions laid down in it were opposed to our contract with the Secretary of State.

"Where we could do so without any very serious loss, we have carried out the provisions of the circular for the sake of uniformity, but in the matter of excess baggage carried by troop extra train, I do not think that we should be urged further to accept conditions which will result in so large a pecuniary loss to us.

"I do not understand that there has been any definite ruling of the Government of India in reference to the dispute that we are interested in. It is true the Consulting Engineer for Railways to the Government of Madras, in a letter he addressed to the Examiner of Commissariat Accounts on the 1st April 1887, expressed his opinion that, in cases when the stores carried by extra troop were the property of the regiment, they should be carried at the rate of 8 pies per maund per mile, and that his opinion was subsequently confirmed by the Officiating Secretary to the Military Department of the Government of India.

"I am unable, however, to learn from what data this opinion was arrived at, and it seems to me to be opposed to rule 1 (e) and rule 27 of the circular under reference.

"While rule 1 (e) lays down specifically that stores, camp equipage and 'all equipments whatsoever' are to be carried at classified rates, rule 27 seems to me to clearly determine that only personal baggage, in excess of the free allowance carried by troop extra train, whether the freight be paid by the Government or the officer on the spot, shall be charged at the rate of 8 pies per maund per mile.

"The word 'personal,' in the second line of rule 27, has undoubtedly been omitted and has caused this reference; or why, in the first paragraph of rule 27, should the circular provide that 'all baggage,' in excess of the free allowance carried by ordinary passenger train, is to be charged for at the public rates?

"Personal baggage, in excess of the free allowance, whether it is tendered by the Government or the officer in charge, we are prepared to carry by extra troop trains at the special rate of 8 pies per maund per mile, but baggage which belongs to the regiment, whether in the shape of tents or clothing, &c., &c., I contend, should, in accordance with rule 1 (e), be charged for at the lowest-class rate in force."

2. The views expressed by the Traffic Manager on this question appear to me to deserve careful attention. If rule 27 had not been intended to apply to personal baggage *only*, it appears to me that rule 1 (e) must have made an exception in favor of the "stores, camp equipage," and "all equipments whatsoever," which would be conveyed by troop train at baggage rates under the elastic interpretation which it is now desired to attach to the term "baggage."

3. With regard to para. 2 of your letter, the fact of the company having accepted a portion of Public Works Circular No. 26 of 1884 does not, in my opinion, carry any obligation with it as to the remainder.

Submitted to Government.

2. The Agent and Manager of the Madras Railway, in acknowledging the receipt of G.O., No. 4209, dated 15th July 1887, Military Department, asks that the claim of the Examiner, Commissariat Accounts

Department, may now be withdrawn, and forwards a further communication from the Traffic Manager, which mainly recapitulates the arguments already put forward by the company in opposition to the views of the Military Department.

3. The Railway Company's officers maintain that they have never accepted the rules promulgated with Circular No. XXVI of 1884, and that the interpretation put upon the term "baggage" in Government of India, Military Department letter, No. 1508 C., of 23rd June 1887, embodied in Madras G.O., Military, No. 4209, dated 15th July 1887, being opposed to their contract, they cannot be bound by it.

4. The claim by the Commissariat Examiner has been under discussion since 1886, and it is evident that, unless it can be shown that the company's contract with the Secretary of State has been wrongly interpreted by them, no good can come out of any further discussion.

5. Para. 3 of Military Department letter, No. 2377 C., of 26th October 1888, embodied in G.O., * dated 19th November 1888, No. 7731, Military, appears to

* No. 1033 R., dated 29th November 1888, Public Works. me to be applicable to the case under consideration. It is there stated that,

"from the contract between the Secretary of State and the Madras Railway Company, it is clear that, except by a compromise, the Government of India cannot compel the company to accept either such portion of the Transport Regulations or such of the revised rules for the conveyance of troops drawn up in 1884 as go beyond the stipulations laid down in the contract."

6. I submit the correspondence, therefore, for the orders of Government, and suggest that the Government of India be addressed with a view to the Military Department being urged to withdraw their claim.

ORDER—dated 27th August 1889, No. ⁹³¹/_{A.} R., Public Works.

His Excellency the Governor in Council is of opinion that the Madras Railway Company not having accepted the rules issued with Public Works Department Circular No. XXVI, dated 18th September 1884, are within their rights in refusing to be bound by the interpretation of rule 27, communicated in Government of India, Military Department letter, No. 1508 C., dated 23rd June 1887, and in appealing to their contract.

2. The Government of India will be informed that, in the opinion of His Excellency, the claim by the Examiner, Commissariat Accounts, should, therefore, be withdrawn.

(Here enter No. 932 R., dated 27th August 1889.)

(True Extract.)

(Signed) C. J. SMITH, Colonel, R.E.,
Joint Secy. to Govt., P.W.D.,
Railway Branch.

To the Consulting Engineer for Railways.

" Military Department.

" Examiner, Guaranteed Railway Accounts.

Exd. P. L. Pereira.

Spare Copies

RAILWAY.

Govt. of {1889} Madras.

PUBLIC WORKS.

Dated August, 27th.

Recd.

Encl.

G.O., 27th Aug. 1889, No. 931 R.
A.

AUGUST.

Madras Railway

Passing orders on correspondence relating to a claim by the Military Department for a refund from the Madras Railway on account of charges made for the conveyance of certain military property by extra troop train.

N^o 9
484

Madras, 10th June 1890.

From

Lieut.-Colonel C. F. Thomas,
Controller of Military Accounts,

To

Brigadier-General A. Kenney-Herbert,
Secretary to Government,
Military Department.

Sir,

I have the honor to request that the early orders of the Government of India may be obtained on the reference made in P.O., dated 27th August 1889, No. 931 R, Public Works, communicated under O.S. Military Department, No. 6541, dated 25 September 1889, to enable this department to dispose of claims against the Madras Railway long outstanding.

I have the honor to be,
Sir,

Your most obedient Servant

J. Bridges Major
For Controller of Mily. Accts.
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Military (1890) Department
n. 3998

From
THE CONTROLLER OF MILITARY ACCOUNTS,
Madras,

To
THE SECRETARY TO GOVERNMENT,
MILITARY DEPARTMENT.

N. 484

Dated 10th }
Received 12th } June 1890.

16-6-90

ENCLOSURES. _____

Requesting that the early
orders of the Govt. of India may
be obtained on the refce: made
in P.G. 22 N. 931 R, P.W. 27 Aug 89,
regarding claims against the
Madras Railway.

P. G. 25. 9. 1889 no 6541 R.
Ostacammund
12 June 1890

no 3896

Forwarded to the
Public Works Depart
ment (Railways) for
form of Early attention
with reference to P.W.
no 931 R dated 27 Aug.
1889.

A. K. M. S. H. B. 18/10/90
Sey. H. G. M.
18/10/90

REQUESTED TO BE
RETURNED FOR REPLY



for. P.W. 931 R 27. 8. 89.

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for the endorsement
11/12/91

B

No. 906 R

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 24 June 1890

Read the following

Endorsement from
the Military Department } H.C. no 3896 of 12 June 1890

Ordered to be for.

warded to the Govt. of India
with reference to P.W.D.

has Socket no. 932 R dated
21 June 27 August 1889. -

H.C. no 907 of 24 June 1890

Forwarded.

P. W. D.
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MILITARY DEPARTMENT, 19TH NOVEMBER 1888, No. 7731.

GOVERNMENT OF MADRAS.

MILITARY DEPARTMENT.

Transport—Railway.

Read the following paper :—

No. 312. From Lieutenant-Colonel E. COLLEN, Secretary to the Government of India, Military Department, to the Secretary to the Government of Bombay, Military Department; dated Simla, the 26th October 1888, No. 2377-C.

Transport—Railway.

I am desired to acknowledge the receipt of your letter No. 2694, dated the 6th September 1888, referring, for consideration, the question as to the applicability to the Madras Railway of the revised rules for the transport of troops and their baggage issued under Circular No. XXVI, Railway, dated the 18th September 1884.

2. It appears from the correspondence forwarded that this question has arisen in connection with the refusal of the Madras Railway Company to refund any

* Rs. 109-13-0.

portion of the full fare* charged an officer of the Bombay Army for the conveyance of a horse in excess of the authorized number in a horse-box attached to a special troop train. Under the ruling in Para. 378, Transport Regulations, Part II, the officer would be entitled to a refund of Rs. 73-3-4 from the amount paid, but the Agent and Manager, Madras Railway Company, contends that the transport regulations, as a whole, have never been accepted by the company, and that, as on the Madras Railway, Government and the officer in the particular case under reference are viewed as two separate and distinct consignors, the charge in question has been correctly made.

3. In reply, I am to say, for the information of the Governor in Council, that from the contract between the Secretary of State and the Madras Railway Company it is clear that, except by a compromise, the Government of India cannot compel the company to accept either such portion of the transport regulations or such of the revised rules for the conveyance of troops drawn up in 1884 as go beyond the stipulations laid down in the contract. Nothing is provided in the contract with reference to the carriage of officers' horses, and, therefore, any special rules for their conveyance must be a matter of mutual arrangement.

4. Under these circumstances, in the case of all extra horses and ponies carried by officers on the Madras Railway, such must, in the absence of any special agreement, be paid for separately as demanded by the company.

No. 2377-C.

Copy forwarded to the Secretary to the Government of Madras, Military Department, for the information of the Governor in Council.

(By Order.)

SIMLA,
26th October 1888.

(Signed) E. G. BARROW,
Asst. Secy. to the Govt. of India.

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No. 906 R 24 June 1890.
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No. 313. ORDER THEREON, 19th November 1888, No. 7731.

Communicated to His Excellency the Commander-in-Chief and the Controller of Military Accounts.

(True Extract.)

(Signed) A. KENNEY-HERBERT, Brigdr.-Genl.,
Secretary to Government.

To the Quarter Master General.

„ Controller of Military Accounts.

„ Public Works Department (Railway Branch), for information.

Govt. of (1888) Madras.
MILITARY.

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

Dated November, 19th.

Issued

Recd.

Encl.

G.O., 19th November 1888, No. 7731.

NOVEMBER.
Nos. 312-313.

Transport—Railway.

Revised rules for the transport of Troops and their Baggage.—Decision of the Government of India on the question as to the applicability to the Madras Railway of the — issued under Circular No. XXVI, Railway, dated the 18th September 1884, communicated to His Excellency the Commander-in-Chief and the Controller of Military Accounts.

GOVERNMENT OF MADRAS.
MILITARY DEPARTMENT.

15th July 1887, No. 4207

Transport—Railway.

Read the following papers:—

No. From Colonel C. CARTER, Controller of Military Accounts, to Brigadier-General A. KENNEY-HERBERT, Secretary to Government, Military Department; dated Fort St. George, 14th April 1887, D.

I have the honor to submit, for the very early orders of the Government of India, the correspondence as per margin on the subject of the rate chargeable under the revised rules for stores accompanying troops conveyed by troop extra trains.

Letter from the Accountant-General, Military Department, No. 4015, of 11th Feb. 1887.
Letter from the Acting Agent and Manager of the Madras Railway Company, No. 1361, of 9th March 1887, with enclosure.
Letter from the Consulting Engineer for Railways, Madras, No. 432, of 1st April 1887. (Return requested).

2. The Accountant-General, Military Department, to whom the question was referred, is of opinion, and which is concurred in by this department, that all

camp equipage and the regimental equipment and stores detailed in Paras. 325—331, Transport Regulations, Part II, are, when they accompany troops by railway, held to come under the term public baggage, and, as such, are chargeable, when in excess of the free allowance, at the rate of 0·8 pie per maund per mile, prescribed in rule 27 of the rules issued with Public Works Department Circular No. XXVI, Railway, of 1884.

3. The Madras Railway Company, however, do not accept the above view of the matter, and, further, are of opinion that the ruling * of the Government of India communicated with Proceedings of Government, No. 5732, of 16th September

* No. 1519-C, dated 28th August 1886.

1886, specially applies to the Great

Indian Peninsula Railway, and cannot be applied to the Madras Railway, because it would be opposed to the contract and to the rules above referred to.

From Lieutenant-Colonel HURLOCK PRITCHARD, Officiating Accountant-General, Military Department, to the Controller of Military Accounts, Madras; dated Calcutta, 11th February 1887, No. 4015.

With reference to your communications noted in the margin, I have the honor to state that I am of opinion all camp equipage and the regimental equipment and stores detailed in

No. 2534, dated 6th November 1886.
,, 3547, ,, 25th January 1887.

Paras. 325—331, Transport Regulations, Part II, are, when they accompany troops by railway,

held to come under the term public baggage. If the Madras Railway Company do not accept that view of the matter, the question should be referred to the Government of Madras.

2. The enclosures of your letter are herewith returned.

No. 3923.

Forwarded for information, with reference to his No. 5220, dated 1st November 1886. Enclosures returned.

2. If the Madras Railway Company do not accept the Accountant-General's view of the matter, the question will be referred to Government.

(Signed) C. CARTER, Colonel,
Controller of Military Accounts.

21st February 1887.

To the Examiner, Commissariat Accounts.

From W. R. ROBINSON, Esq., Acting Agent and Manager, Madras Railway Company, to the Examiner of Commissariat Accounts, Fort St. George; dated Madras, 9th March 1887, No. 1361.

Referring to your endorsement dated the 1st instant upon a letter from the Accountant-General, Military Department, No. 4015, dated Calcutta, the 11th ultimo, I have the honor to forward herewith copy of a letter addressed to me by the Acting Traffic Manager, No. 10591—C 508-A and M, of this date, and to inform you that I quite concur in the view therein expressed.

From L. S. MOSS, Esq., Acting Traffic Manager, to the Acting Agent and Manager, Madras Railway Company; dated Madras, 9th March 1887, No. 10591—C508-A and M.

With reference to your endorsement upon the Accountant-General's letter No. 4015 of the 11th February 1887, I beg to inform you that the ruling cannot in my opinion be applied to the Madras Railway, because it would be opposed to the contract and to the rules prescribed by the Government of India for the transport of troops in Public Works Department Circular XXVI, Railway, 1884.

These rules provide as follows:—

"Rule I (e).—All general stores belonging to Government, and all guns, ammunition, horses and other animals used for military purposes, and all military stores, carriages, wagons, camp equipage and equipments whatsoever, at the lowest rate for the time being charged for the carriage of such animals, goods and merchandise.

"Rule 27.—All baggage in excess of the free allowance carried by ordinary passenger train the rates charged to the public will be paid. For all baggage in excess of the free allowance carried by troop extra trains, whether the freight be payable by Government or on the spot by the officer in charge, will be paid for at the rate of 0·8 pie per maund per mile."

I would submit that these rules clearly show that while personal baggage was to be charged at the fixed rate of 0·8 pie per maund per mile, there was no intention of departing from the contract in respect of stores, camp equipage and equipments whatsoever, and following out these rules, the forms on the reverse of Warrants C and D, "personal luggage" and "equipments and stores" are shown separately.

Any departure from our present practice of charging for camp equipage, &c., would in my opinion be opposed to our contract with the Secretary of State.

From Major SIDNEY SMITH, R.E., for Consulting Engineer for Railways, to the Examiner of Commissariat Accounts; dated Madras, 1st April 1887, No. 432.

In returning the papers noted in the margin received with your No. 7802, dated 14th March 1887, I have the honor to state that, in my opinion, the decision must be based on the following consideration:—Were the stores in question regimental, that is, the property of the regiment, and in charge of its Quarter Master; or were they sent with the troops by a Commissariat, Ordnance or Departmental Officer, because there happened to be room in the train? In the former case they should, in my opinion, be charged at 0·8 pie per ton per mile; and in the latter at the lowest rate for the time being chargeable for the carriage of such goods on the Madras Railway.

No. . From the Secretary to Government, Public Works Department (Railway Branch); dated 21st April 1887, No. 27-D.

No. . To the Secretary to the Government of India, Military Department; dated 29th April 1887, No. 2480.

No. . From Lieut.-Col. E. COLLEN, Offg. Secretary to the Government of India, Military Department, to Brigadier-General A. KENNEY-HERBERT, Secretary to the Government of Madras, Military Department; dated Simla, 23rd June 1887, No. 1508-C.

Transport—Railway.

I am directed to acknowledge the receipt of your letter No. 2480, dated the 29th April 1887, relating to the refusal of the Madras Railway to treat the stores and equipment accompanying troops as baggage, and to carry the excess over the free allowance at the rate of 0·8 pie per maund per mile, as laid down in rule 27 of the rules for the transport of troops and their baggage by railway, issued with Public Works Department Circular No. XXVI, Railway, of 1884.

2. In reply I am to say, for the information of the Governor in Council, that from the entry on the face of the Warrant Forms C and D and the way in which the charge is to be calculated there, it will be seen that the camp equipage and stores in the charge of a regiment clearly come under the generic term baggage; and if the Madras Railway has accepted the rules issued with the Public Works Department Circular of 1884, it is bound to carry the baggage in excess of the free allowance at the rate of 0·8 pie per maund per mile.

3. The view taken by the Consulting Engineer for Railways, Madras, in his letter No. 432, dated the 1st April 1887, is correct, and is not opposed to the Conference Rules.

No. . ORDER THEREON, 15th July 1887, No. 4209

The reply of the Government of India communicated to His Excellency the Commander-in-Chief, the Public Works Department (Railways), and the Controller of Military Accounts, in continuation of Proceedings of Government, No. 5732, dated 16th September 1886.

(True Extract.)

(Signed) A. KENNEY-HERBERT, Brigdr.-Genl.,
Secretary to Government.

To the Quarter Master General.
" Public Works Department (Railways).
" Controller of Military Accounts.

Exd. E. C. Shunker.

Gobt. of (1887) Madras.
MILITARY.

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

Dated July, .

Issued

Recd. Encl.

G.O., 15th July 1887, No. 4209.

JULY.
Nos. .

G.O. No 5390 of 21st July 1887.

Transport—Railway.

Stores and Equipment.—Decision of the Government of India relating to the refusal of the Madras Railway to treat the — which accompany troops as baggage, and to carry the excess, over the free allowance, at the rate of 0·8 pie per maund per mile, communicated to His Excellency the Commander-in-Chief and departments concerned.

GOVERNMENT OF MADRAS.

MILITARY DEPARTMENT.

6th May 1886, No. 2737.

Transport—Railway.

Read the following papers :—

No. 64. From Colonel C. CARTER, Controller of Military Accounts, to Lieutenant-Colonel A. KENNEY-HERBERT, Officiating Secretary to Government, Military Department; dated Fort St. George, 31st October 1885, A.

As there is a difference of opinion between the Agent and Manager, Madras Railway, and this Department regarding the rate chargeable under the revised rules for stores accompanying troops conveyed by troop-extra trains, I have the honor to refer the point for the consideration and orders of Government.

2. The Agent considers that the stores taken by the No. 4 Battery, 1st Brigade, and No. 5 Battery, 1st Brigade, Royal Artillery, on account of the late siege operations, Bangalore, enumerated in the accompanying extract* from his letter, have been correctly charged for at the ordinary rate of goods trains, under Rule I, Clause (e) of the revised rules.

3. As a distinct rate, viz., 0·8 pie, is laid down for baggage conveyed by troop trains, there would seem to be no grounds for the distinction drawn by the Agent between baggage and stores.

4. I may remark that when regiments pay for stores taken in excess of the authorized quantity, they are charged for the same at the 0·8 pie rate, it is not, therefore, understood why the higher ordinary rate should be charged in the case of Military baggage paid for by Government.

5. It has been ascertained from claims preferred on account of troop trains running over the Great Indian Peninsular Railway that the 0·8 pie rate is charged for all military baggage (i.e., "General stores") conveyed by the same train.

6. The Consulting Engineer for Railways, Madras, to whom the subject has been referred, supports the Agent's view.†

† No. 876, of 8th September 1885, attached.

No. 6136.

Referred to the Public Works Department (Railways), for favor of consideration.

(By Order.)

FORT ST. GEORGE,
3rd November 1885.

(Signed) A. KENNEY-HERBERT, Lt.-Col.,
Offg. Secretary to Government.

No. 65.

No. 1903-C.

Rules I *d* and I *c* seem clearly to imply that the terms "baggage" and "stores" do not refer to the same material and are not convertible terms.

2. Rule 27 appears as clearly to refer solely to baggage.

3. The view held by the Controller of Military Accounts appears untenable.

CHEPAUK,
20th November 1885.

(Signed) C. J. SMITH, R.E.,
Joint Secy. to Govt., P.W.D. (Railway Branch).

To the Secretary to Government, Military Department, with enclosures.

No. 66. To the Secretary to the Government of India, Military Department;
dated 30th November 1885, No. 6803.

No. 67. From Colonel O. R. NEWMARCH, Officiating Secretary to the Government of India, Military Department, to Lt.-Col. A. KENNEY-HERBERT, Secretary to the Government of Madras, Military Department; dated Fort William, 11th March 1886, No. 633-C.

Transport—Railway.

I am directed to acknowledge the receipt of your letter, No. 6803, dated 30th November 1885, requesting a decision in regard to the rate chargeable, under the revised rules, for the conveyance of stores accompanying troops conveyed by troop-extra trains.

2. The question has arisen in connection with the despatch of certain stores in excess of the battery baggage and equipment with two batteries which proceeded to Bangalore to take part in some siege operations. The Agent and Manager, Madras Railway Company, holds that stores, guns, camp equipage, and ammunition do not come within the definition of "baggage," the rate for which when conveyed by troop-extra trains is 0.8 pies per maund per mile, and that in accordance with sub-section (e) of clause 1 of the revised rules, they should be paid for at the ordinary rates for stores conveyed by goods trains. This view is concurred in by the Consulting Engineer for Guaranteed Railways, Madras. The Military Account Department, Madras, on the other hand, considers that, as a distinct rate, viz., 0.8 pies per maund per mile, is laid down for baggage conveyed by troop-extra trains, and stores taken by regiments in excess of the authorized quantity are charged for at that rate, there is no reason why a different rate should be charged in the case of military "baggage" paid for by Government. In support of this contention, it is pointed out that in the Bombay Presidency the 0.8 pie rate is charged for all general stores conveyed by troop-extra trains.

3. In reply, I am to state for the information of the Governor in Council that, although the new rules relate mainly to the movement of troops and not stores, yet a certain amount of general stores must always accompany regiments, and this is recognised by the detailed entries on the back of the warrant forms C and D which explain what those stores are. The Government of India are of opinion that, in the case in question, the stores taken by the two batteries on account of the late siege operations at Bangalore, which are not baggage in the sense used in the Railway contracts, should be paid for at the rates in force for military stores despatched by goods trains.

No. 68.

ORDER THEREON, 6th May 1886, No. 2737.

The decision of the Government of India, communicated to His Excellency the Commander-in-Chief, the Public Works Department (Railways), and the Controller of Military Accounts.

(True Extract.)

(Signed) A. KENNEY-HERBERT, Lt.-Col.,
Secretary to Government.

To the Quarter Master General.
" Public Works Department (Railways).
" Controller of Military Accounts.

Exd. A. F. Aaron.

Gobt. of (1886) Madras.

MILITARY.

To

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

Dated May, 6th.

Issued

Recd.

Encl.

G.O., 6th May 1886, No. 2737.

MAY.

Nos. 64—68.

G.O. No. 2912 27/12/5/86.

Transport—Railway.

Stores.—Decision of the Government of India in regard to the rate chargeable, under the revised rules, for the conveyance of—accompanying troops conveyed by troop-extra trains, communicated to the departments concerned.