

AT THE COUNCIL CHAMBER, WHITEHALL.

The Fifteenth day of July 1880.

PRESENT :

THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN, M.P.

My Lords have carefully considered the remarks of Major-General Hutchinson on the Reports of the Commission appointed to inquire into the fall of the Tay Bridge.

They desire, in the first place, to state that they have always placed entire confidence in Major-General Hutchinson. No more competent, conscientious, and intelligent officer could have been found to whom to entrust the inspection of the structure in question, and they are of opinion that his conduct of that inspection has not been such as to forfeit their confidence.

In order that there may be no misapprehension of the limit of the duty of the Board of Trade and its officers, they think it right to add the following observations :—

By the Act 5 and 6 Victoria, chapter 55, every railway company is bound to give notice to the Board of Trade of their intention to open any line, or portion of line, and the Board of Trade have then the power to appoint an officer to inspect the work, and if that officer reports that the opening would be attended with danger to the public by reason of the incompleteness of the works and permanent way, or insufficiency of establishment for working the railway, together with the grounds of his opinion, the Board of Trade have power within ten days to postpone the opening.

In the absence of a report to the above effect, the Board of Trade have no powers in the matter, and the company are at liberty on their own responsibility to open the line and to convey passengers over it.

The Board of Trade have no power to require the companies to submit plans of new works before they are constructed, nor have the Board of Trade or its officers any power to inspect or superintend the works while in progress.

The Board of Trade officers are therefore not placed in a position to express an opinion upon the design of the work before it is constructed, nor upon the workmanship and materials whilst it is in progress.

All that the inspecting officer of the Board of Trade can do is to visit the work when notice is given by the company that it is complete, and then and there to form such an opinion as the circumstances permit of its completeness.

Neither has the Board of Trade any power to sanction the opening of any new work subject to any conditions. They must either postpone the opening altogether, or leave the line to be opened. Nor has the Board any power, after the work is once opened, to compel the company to keep and maintain it in proper repair, or to make such alterations or additions as they may think fit.

Under these circumstances it is clear that Major-General Hutchinson could not be responsible for any defects in the Tay Bridge which were not discoverable on such an inspection as he was empowered to make. It is clear that he cannot be held responsible for faults in the material and workmanship which were not visible when the work was finished and painted, still less for defects which did not exist until after his inspection. As regards design, it may be said that he ought to have seen that the work was essentially weak,

and to have reported accordingly, but this is, to say the least, extremely doubtful. The duty of an inspecting officer, so far as regards design, is to see that the construction is not such as to transgress those rules and precautions which practice and experience have proved to be necessary for safety. If he were to go beyond this, or if he were to make himself responsible for every novel design, and if he were to attempt to introduce new rules and practices not accepted by the profession, he would be removing from the civil engineer and taking upon himself a responsibility not committed to him by Parliament.

In the present case the work was submitted to the ordinary tests, and it might still have been standing had proper means been taken to maintain it. Major-General Hutchinson seems, indeed, to have suspected its weakness, and gave a warning which was not sufficiently attended to. Had he stated explicitly, in addition, that in his opinion the structure, though not incomplete within the meaning of the Act, was weak in design, and would therefore require especial care in maintenance, his report would have suggested precautions which have been neglected, and which events have since proved to have been necessary, though it would have gone beyond the letter of the statute under which he was acting.

The Board of Trade are unwilling to conclude ~~these~~ minutes without some general remarks on the policy of the legislation to which they have adverted. It may appear to some that the present state of things is one which cannot be logically defended, and that the Board of Trade ought to be entrusted with further powers. The experience of a great number of years has, however, shown that the present system does not work unsatisfactorily, and a little consideration will show that the public safety and convenience would not be promoted by such ~~changes~~.

In the first place, if the Board of Trade were to be held responsible for the designs of railway structures and for the supervision of their execution, they must employ a staff as experienced, as numerous, and probably as highly remunerated as the civil engineers, by and under whom these structures are ~~never~~ designed and executed. It is scarcely necessary to observe on the impracticability of such a step.

But this is not all. If any public department were entrusted with the power and the duty of correcting and guaranteeing the designs of those engineers who are responsible for railway structures, the result would be to check and control the enterprise which has done so much for the country, and to substitute for the real responsibility which rests on the railway engineer the unreal and delusive responsibility of a public office. At the present moment there is no one who is more deserving of pity than the civil engineer who designed and constructed the Tay Bridge, and who, as the law now stands, is held responsible for its defects. With his case in view, it is in the highest degree improbable that any civil engineer entrusted with a similar task in future will commit similar errors. Had the law been such as to make the report of the inspecting officer a guarantee for the design, this responsibility would have been removed from the civil engineer, and the public would instead have had to trust to a public officer whose knowledge and control must be comparatively inadequate, and against whom no similar responsibility can be enforced. In like manner to impose on any public department the duty of exercising a control over the current management of railways would be attended with equal difficulty and danger. To say nothing of the necessary evils of double management, any Government department exercising such control would, if slack in their supervision, appear to guarantee methods of working which might be really faulty and insufficient, and would, if the supervision were more stringent, interfere with railway management to such an extent as to alienate from it the public confidence and destroy with it its moral influence and its capacity for usefulness. Whilst, therefore, it must be fully admitted that the public safety in the first place, and public convenience in the second, are the principal if not the only considerations which ought to govern such cases, it appears that these objects would not ~~have been~~ promoted ~~had~~ a greater responsibility rested with the Board of Trade and its officers, and a lesser responsibility with the Company and their engineer.

J. CHAMBERLAIN.