

(1) Number of pages 10
(2) Date of repair 8-8-1963
(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. <u>1469</u>	Press <u>Mis</u>
<u>183-184</u>	
Dated <u>8-6-</u>	<u>1863.</u>

Not to be folded or roughly handled

*Proceedings of the Madras Government Public Works Department,
8th June 1863.*

No. 183. Read the following Proceedings of the Madras Government in the Financial Railway Department, dated 27th May 1863, No. 248 :—

Requesting the Public Works Department to undertake the } (Vide Financial Railway Proceedings, 27th May
execution of the road leading from Kevalore to the Rail- } 1863, Nos. 102 @ 105.)
way Station at Tanjore.

No. 184. ORDER THEREON, 8th June 1863, No. 1,469.

1. Communicated to the Superintending Engineer 6th Division for information and guidance.
2. The work should at once be proceeded with, but an Estimate of the cost of the same should be submitted without delay for the sanction of Government.

(Signed.) W. I. BIRDWOOD, Colonel, R. E.,
Secretary to Government.

FINANCIAL RAILWAY DEPARTMENT.
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from Captain P. P. L. O'CONNELL, Acting Consulting Engineer for Railways; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Madras, 12th May 1863, No. 20.

In Order, No. 122, dated 14th March 1863, His Excellency the Governor in Council concurred with me that a road should be made by the Great Southern of India Railway Company, to connect the Keevalore Station with the village of Keevalore. The order was communicated to the Agent; and he was requested to send in an estimate for the outlay required. I have now the honor to lay before Government the correspondence* that has taken place, between the Agent and myself and the District Engineer of Tanjore.

* From Agent	-	No. 716, 19th April 1863.
To do	-	75, 15th "
From do	-	730, 18th "
To do	-	81, 23rd "
From do	-	735, 29th "
To do	-	98, 4th May "
From do	-	749, 5th "
To the Dist. Engineer of Tanjore,	-	7, 24th April "
From do	-	106, 26th "

* Note.—The Collector of Tanjore has also been written to but his reply has not yet been received. We have been requested to favor me with it at an early date, and on its receipt it will be forwarded to Government.

2. It will be seen from the Agent's letters, Nos. 716, 730, and 735, that he entirely repudiates the orders both of the Home and Indian Governments respecting Railway feeders; and that in letter, No. 749, he misinterprets an order of the Government of India, and tacitly declines referring the question at issue for the consideration and orders of the Railway Board of Directors.

3. The tracing which accompanied the Agent's letter, No. 719, fully bears out the views expressed both by Captain Prendergast and Captain Mullins, that the so called road, is nothing more than a *pathway* across a paddy flat, leading from one village to another; that as shown by Captain Mullins "the track is a space between the paddy fields left for the convenience of the villagers to enable their cattle to reach the fields;" that "it is also used as a village path;" that "it is altogether unmade;" that it follows the contour of the fields;" that "it is, except in dry weather, difficult for foot passengers, almost impassable on horse back; and quite impracticable for a cart;" and that it forms no part of "the road system of the country," contemplated by the Government of India, in their order printed at pages 163 and 164 of Part I of the Compendium.

4. Had the road really formed a part of the road system, then there would have been no doubt at all as to who should improve it; but under existing circumstances the Agent has himself proved by the plan he has sent up, that it unquestionably devolves on the Railway Company to make a road from the Station to Keevalore. This road need not necessarily follow the present pathway, but may be formed clear of it, and so fenced in so that parties using it could go no further than the Railway Station.

5. The correspondence, however, has arrived at that stage that I think it is advisable that the whole of the papers referring to the road be forwarded to the Secretary of State, in order that the Railway Board of Directors may be required to send out such definite instructions to their Agent here, not only in this matter, but in every matter connected with the Railway, so as to remove the cavilling spirit displayed by the Agent in almost every thing that he is called upon to do.

6. The communication referred to in paragraph 2 of the Agent's letter, No. 730, will be submitted within a few days.

7. The Agent's attention has been drawn to Order No. 14, 10th January 1860, printed at page 141 of the Compendium, Part I, and he has been informed that he cannot close the pathway without a reference to the Collector of Tanjore.

From WILLIAM S. BETTS, Esq., Agent and Traffic Manager, Great Southern of India Railway; to the Consulting Engineer for Railways, Madras, dated Negapatam, 13th April 1863, No. 716.

I have the honor to request, as I have not received any instructions from my Directors to expend their money in the construction of public roads, that you will inform me under what

clause in the Contract between the East India Company and the Great Southern of India Railway Company the Madras Government consider me bound to make the roads alluded to in your letter, No. 48, of the 18th ultimo.

From Captain P. P. L. O'CONNELL, Acting Consulting Engineer for Railways; to the Agent and Traffic Manager, Great Southern of India Railway, dated Madras, 15th April 1863, No. 75.

I have the honor, in reply to your letter, No. 716, of the 13th instant, to remark that a reference to the Contract, a copy of which I presume you have in your possession, will furnish you with the information you require, as to whether or no, it contains any provision respecting "Railway feeders."

2. The question of Railway feeders forms, as it properly does, a distinct question. It has been fully and carefully considered both by the Home and Indian Governments, and the several Railway Companies in India; and the latter have generally accepted and acted upon the orders passed on the subject.

3. The orders, I would note, have been in the hands of the Great Southern of India Railway Board of Directors for some years, and the fact of their not taking any exception to them, appears to be conclusive, that they accept them in their integrity.

4. From the several orders in Part I of the Compendium, it will be observed, that the "construction of roads leading exclusively to Railway Stations, is strictly a Railway expense, and that the cost of their construction and maintenance should therefore be borne by the Railway Company;" and again, "when a Railway Station is placed where it is not in communication with any road, the Railway Company are bound to connect it with the nearest road, and to keep the connecting portion of road in repair."

5. The policy of the Government and the Railway Company, in respect to the development of the traffic of the Railway, is, I conceive, to be identical, and while the Government on their part undertake the construction and maintenance of the important and expensive feeders, the Railway Company are fairly required to fulfil their part by constructing and maintaining the short roads leading *exclusively* to Railway Stations.

6. It will be obvious from this, that it has never, at any time, been the intention of Government, that the Railway Company should spend "their money in the construction of public roads," as appears to be supposed by you.

(True Copy.)

(Signed) P. P. L. O'CONNELL, Captain,

Acting Consulting Engineer for Railways.

From WILLIAM S. BETTS, Esq., Agent and Traffic Manager, Great Southern of India Railway; to the Consulting Engineer for Railways, Madras, dated Negapatam, 18th April 1863, No. 730.

I have looked to the Contract as requested in your letter of the 15th instant, No. 75, and not finding any Clause therein which in my opinion binds the Railway Company to make public roads, I beg respectfully to request that I may be referred to the Clause in the Contract between Government and the Railway Company, under which Government consider the latter liable to do such work.

2. That I sufficiently appreciate the importance of Railway feeders, will, I am confident, be apparent upon referring to my letter numbered 717; but I beg to explain that in the absence of instructions from my Directors I am desirous to be sure, before I expend their money, that it is incumbent on the Railway Company to provide what is necessary.

3. I do not think Government will believe I am making an incorrect statement (it can be tested any day) when I assured them that the particular road or track which has called forth these remarks, is *constantly* used for traffic which does *not* come to the Railway, but which passes to or from Keervalore village and the south. It is not therefore a road leading exclusively to, or used for, a Railway Station.

4. I shall feel obliged by your laying this correspondence before Government for their orders.

From Captain P. P. L. O'CONNELL, Acting Consulting Engineer for Railways; to the Agent and Traffic Manager, Great Southern of India Railway, dated Madras, 23rd April 1863, No. 84.

Adverting to your letter, No. 730, of the 18th instant, I have the honor to inform you that the obvious meaning of paragraph 1 of my letter, No. 75, taken in conjunction with paragraph 2, is that the Contract contains nothing about "Railway feeders," and consequently that no Clause of the kind which you wish to have pointed out would be found.

2. It is important also it should be distinctly understood, that the Government are not bound by the Contract to provide roads to act as "Railway feeders," and that if your view of the question be adopted, they ought not to incur any outlay in making or improving any of the roads leading to Railway Stations.

3. But as it appears from paragraph 2 of your letter, that you are acting without instructions from the Railway Board of Directors, it is advisable that you should lose no time in obtaining the same, inasmuch as you conceive yourself to be for the present in the position of an unaccredited Agent, and as such of course incompetent to deal with a matter in which you have thought fit to question the decision of Government.

(True Copy.)

(Signed) P. P. L. O'CONNELL, Captain,

Acting Consulting Engineer for Railways.

From WILLIAM S. BETTS, Esq., Agent and Traffic Manager, Great Southern of India Railway; to the Consulting Engineer for Railways, Madras, dated Negapatam, 29th April 1863, No. 738.

I am in receipt of your letter, No. 84, of the 23rd instant, in which you intimate that the Great Southern of India Railway Company is not bound to construct public roads or "Railway feeders;" and I have the honor to request you will inform me, with reference to the remarks contained in the 3rd paragraph, if you consider me "an unaccredited Agent" of this Company.

From Captain P. P. L. O'CONNELL, Acting Consulting Engineer for Railways; to the Agent and Traffic Manager, Great Southern of India Railway, dated Madras, 4th May 1863, No. 93.

With reference to your letter, No. 738 of the 29th ultimo, I have the honor to inform you that it will be evident from a perusal of paragraph 3 of my letter, No. 84, of the 23rd idem, that I did not consider you to be an "unaccredited Agent" of the Railway Company, but that you appeared, (acting as you were without instructions from the Board of Directors) to conceive yourself to be in that position.

2. I request you will be good enough to inform me whether you intend to obtain the instructions of the Board of Directors respecting Railway feeders; for if you do not intend to do so, the matter will be brought to the notice of the Secretary of State.

(True Copy.)

(Signed) P. P. L. O'CONNELL, Captain,

Acting Consulting Engineer for Railways.

From WILLIAM S. BETTS, Esq., Agent and Traffic Manager, Great Southern of India Railway; to the Consulting Engineer for Railways, Madras, dated Negapatam, 5th May 1863, No. 749.

Upon receipt of your letter, No. 48, of the 18th March last, I requested our Resident Engineer to have the Keervalore road surveyed in order that I might be able to place before Government the facts of the case.

2. Government have been given to understand that the road which passes the Keervalore Station is merely a track or footpath along the bunds of the paddy fields, and that south of the Railway this path is used only by the villagers going out to their fields.

3. My statement is that to all intent and purpose the road is a public road; that I frequently pass it and see it used as such, and that it leads from Keevalore, through the village of Pooleothecoody to Titrapoondy, serving other villages on its way. The fact of its not being considered a road by the Officers of the Public Works Department, means that it is not a road the maintenance of which is borne by that Department; numbers of such roads exist in this, and I have no doubt in other Districts.

4. The road is certainly in bad condition, and just south of the Railway, it has been cut through to allow of the flow of water, this does not, however, prevent its being used by handies as our Surveyor can testify. But because it is in bad order, the fact of its being used for a public road, is not destroyed. The Government of India says (page 164, Madras Railway Orders) the Railway Companies should only be called upon to place their stations in communication with the road system of the country, "*be it convenient or inconvenient, good or bad.*"

5. I have to request, therefore, that you will lay this statement, together with the accompanying sketch plan, before Government, in order that I may receive instructions on the following points:—

Whether the road leading from Keevalore to Titrapoondy is not a public road.
If it is not, whether I can close the public road crossing near the Keevalore Station and substitute a footpath for it.

Whether the Railway Company is called upon to make and maintain a road (irrespective of the present road or track) to Titrapoondy (south) as well as to Keevalore (north) of their line.

From Captain P. P. L. O'CONNELL, Acting Consulting Engineer for Railways; to the District Engineer, Tanjore, dated Madras, 24th April 1863, No. 6.

Captain Prendergast who inspected the several "Railway feeders," in connection with the Great Southern of India Railway, reported in January last, that the village of Keevalore was about a mile distance from the Station, and he wrote—

"Now the road (so called) is merely a passage through the paddy fields, following the line of the bunds; it is not recognized as a road by the District Engineer, and is considered by the Collector as a mere pathway, with which Government have no concern."

2. The Agent, Mr. Betts, again and again, asserts that the road from Keevalore towards the Station is a "public road," and that it is used as such.

3. When a Railway Station is placed in a position which does not connect it with any existing public road, it has been ruled by the Government of India, that it devolves on the Railway Company to make a road to connect the Station with the public road.

4. In order that the matter may be again laid before Government, I shall feel obliged by your informing me whether you consider the road, so called, to be one which should be constructed and maintained at the expense of the State.

(True Copy.)

(Signed) P. P. L. O'CONNELL, Captain,
Acting Consulting Engineer for Railways.

From Captain J. MULLINS, Acting District Engineer, Tanjore; to Captain P. P. L. O'CONNELL, Officiating Consulting Engineer for Railways, dated Lower Anicut, 30th April 1863, No. 106.

In reply to your letter No. 7, of the 24th instant, I have the honor to inform you that I can only repeat what I have before said on the subject, and that is that the track from the Keevalore Station to the village of the same name is certainly not a road in the sense in which the Government meant a road to be understood, when it was ruled that the Railway Companies should connect their Stations with some public road.

2. The track is a space between the paddy fields left, I have no doubt, for the convenience of the villagers, to enable their cattle to reach the fields. It is also used as a village path, but it is altogether unmade; it follows the contour of the fields, and it is, except in dry weather, difficult for foot passengers, almost impassable on horse back, and quite impracticable for a cart. It has had no public money spent upon it, and it is not in charge of this Department. It may possibly be considered as a public way, but as far as this Department is concerned the villagers might bring it under cultivation tomorrow.

From G. LEE MORRIS, Esq., Acting Collector of Tanjore; to Captain P. P. L. O'CONNELL, Acting Consulting Engineer for Railways, Madras, dated Point Calimere, 13th May 1863, No. 465.

I have the honor to acknowledge the receipt of your letter, dated 24th April 1863, No. 6, in which you request my opinion whether the road leading from Keevalore to the Railway Station should be constructed and maintained at the expense of the State.

2. On receipt of your letter I directed the Negapatam Tahsildar to report to me fully regarding the road in question, and as that Officer now reports that the Paimash accounts show that the aforesaid pathway is entered therein as a "Road," and that the inhabitants of Keevalore state that they have, from time immemorial, used it as such in travelling from Keevalore to Tiru-toraipundi; I have the honor to inform you that I am of opinion that it should be constructed and maintained at the expense of the State.

3. I beg to add that Captain Prendergast correctly reported what I said to him on this subject, and that further inquiry has led me to modify the opinion I expressed to him.

Observations by the Acting Consulting Engineer for Railways.

Forwarded for the information of Government, with reference to the note to paragraph 1 of my letter, No. 20, dated the 12th instant, to the address of the Chief Secretary.

2. It is possible that the pathway from the village of Keevalore to the Railway Station may have been entered in the Paimash accounts as a "road," and it is equally possible that it was one which was kept up by the villagers themselves.

3. It is clear that it forms no part of the road system of the country as at present constituted, and entrusted to the Public Works Department.

4. But should Government entertain any doubt on the point, I would suggest that the matter be referred to the Government of India, in view to their explaining what they consider to be the road system of the country. For if every "pathway" is considered to be a "road" there will be hardly a place where a Railway Station may be established that some "pathway" may not exist, and the Government would be obliged to lay out money for its improvement as well as maintenance.

(Signed) P. P. L. O'CONNELL, Captain,

MADRAS, 18th May 1863.
Acting Consulting Engineer for Railways.
To the Chief Secretary to Government, Fort Saint George.

From WILLIAM S. BETTS, Esq., Agent and Traffic Manager, Great Southern of India Railway; to the Consulting Engineer for Railways, Madras, dated Negapatam, 12th May 1863, No. 753.

I have the honor to inform you, in reply to your letter No. 93 of the 4th instant, that consequent upon your admission that this Railway Company is not bound to construct and maintain public roads, I am prepared on behalf of my Directors to agree to the Minute of the Government of India relative to "Railway feeders" as printed on page 164 of the Madras Railway Orders.

2. A copy of the correspondence which has passed between us on this subject was sent to the Railway Board before the receipt of your letter under reply.

Observations by the Acting Consulting Engineer for Railways.

Forwarded with reference to my letter No. 20 of the 12th instant, to the address of the Chief Secretary to Government.

2. I have in paragraph 2 of that letter pointed out that the Agent misinterpreted the order of the Government of India, relating to Railway feeders, in considering a "pathway" from one village to another across paddy fields, to be a road connected "with the road system of the country."

3. It appears from the Agent's present letter, that he has sent the correspondence to the Railway Board of Directors, but it appears to me that in order to obviate any reference or discussion hereafter that the matter should be definitively decided by the Secretary of State, in communication with the Board of Directors, and that precise instructions be sent out for the guidance of their Agent here.

It also appears to me that all orders passed by Government in reference to the Railway feeders to be constructed by the Railway Company, should be considered final, and that the Agent should not be permitted to put such constructions as he considers expedient; such being at variance not only with the orders themselves, but also contrary to the usage on the Madras Railway.

(Signed) P. P. L. O'CONNELL, Captain,
Acting Consulting Engineer for Railways.

MADRAS, 15th May 1863.

To the Chief Secretary to Government, Fort Saint George.

ORDER THEREON, 27th May 1863, No. 248.

The Governor in Council is of opinion that the road in question should be treated as a public one and should be improved at the expense of Government. Orders will be issued for the execution of the work in the Department of Public Works.

(True Extract.)

H. J. Lamberton
Chief Secretary.

To the Acting Consulting Engineer for Railways,
Department Public Works.

no more copies

Exd. T. McMootry.

Oct 1863 Deposition
Part of East of the
24th 1867

Pro. & Charles Deposition
in the Deposition
Deposition

Deposition 27th May 1863
Deposition 22 June 1863

24th 1863
Deposition 1933/44

Deposition 1863
is under the Deposition
of the Deposition from
Deposition to the Deposition
Deposition

Deposition 1469-8th June
Deposition 1863

24th 1869.

Deposition 1863
Deposition 1863
Deposition 1863

Deposition 1863
Deposition 1863
Deposition 1863

Deposition 1863
Deposition 1863
Deposition 1863