M.R.O. 1—77,000—8-6-37.

(1) Number of pages 16

(2) Date of repair 9-3-43

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

Public Home

G.O. No. 3905 Press / Mis.

170-171

Dated 11- 12- 1866.

Not to be folded or roughly handled

No. 170. Read the following Endorsement of the Consulting Engineer for Railways, dated Madras, 26th November 1866, No. 448:—

Read the following letter from the Acting Agent and Manager of the Madras Railway Company, to the Consulting Engineer for Railways, dated Madras, 24th November 1866, No. 562.

1. With reference to Order of Government, No. 3,708, directing application to be made to the Collector of Malabar for the land comprised in Tiroor and Tanoor compounds, I have the honor to refer you to the letters noted in the margin, by which you will observe that the land has both been applied for and made over to this Company in the ordinary way. If a second application be considered necessary, it shall be submitted without delay.

To Consg. Engineer, No. 455, 10th June 1858.
From do. ,, 511, 12th ,, ,,
To do. ,, 777, 17th Nov. ,,
To do. ,, 793, 25th ,, ,,

2. I am sure you will concur with me in thinking that the sooner the leases spoken of by the Collector of Malabar are cancelled the better, as it is clearly impossible to exclude trespassers while they continue in force.

---

1. Submitted to Government with reference to Order, dated the 21st instant, No. 3,708.

2. The Order dated the 6th October 1862, No. 552, and to which Mr. Grant, the Collector of Malabar, has referred in his letter dated the 5th instant, No. 142, directed the leasing of certain lands "left beyond the boundary fences erected by "the Railway authorities to mark the "limits of the Railway property," but not the trees within the Station compounds at Tanoor and Tiroor.

See paragraph 1 of Consulting Engineer's letter, No. 169, dated 24th September 1862.

3. In paragraph 3 of Major Shaw Stewart's letter, dated the 7th September last, No. 369, it was brought to the notice of Government that "no communications "had been made by this department for the restoration of any portion of the lands "at either the Tiroor or the Tanoor Stations," and in paragraph 5 of my observations, dated the 1st instant, No. 425, I remarked that it seemed to me that "there "was no necessity for any application for the grounds, inasmuch as they were not "restored by the Railway Company, after they were transferred to them."

This was distinctly pointed out to Mr. Grant by Major Shaw Stewart in his letter dated the 24th July last, No. 335, copy of which was forwarded to Government with letter dated the 7th September, No. 369. Further, I would remark that it was not within the competence of the Resident Engineer to make any arrangements for leasing out land once transferred to the Railway Company without the cognizance of the superior Officer, and of the Consulting Engineer. The Orders of Government are clear on this point.

Compendium of Railway Orders.—Part I, Page 33, Clauses 10 and 11.
Page 107, Clause 17.

4. Under these circumstances, I concur with Mr. Smart in thinking there is no necessity for a second application for the lands which have been trespassed upon at Tanoor and Tiroor, and that the Collector of Malabar should be requested to restore to the Railway Company the lands as per tracings recorded in his Office.

5. I also concur with Mr. Smart in thinking that the leases entered into in 1865, so far as they relate to land or trees situated within the fences of the Railway Company's property, should be immediately cancelled.

(Signed) J. C. ANDERSON, Lieut.-Colonel, R. E.,
Consulting Engineer for Railways.

No. 171. ORDER THEREON, 11th December 1866, No. 3,905.

RAILWAY, No. 7.

1. In his letter of the 7th September 1866, No. 369, the Acting Consulting Engineer for Railways brought to the notice of Government certain trespasses upon land, which, although duly transferred to the Madras Railway Company for Station purposes at Tiroor and Tanoor in the District of Malabar, was yet leased out by the Collector's Department. The Collector having been called upon for an explanation upon the subject, reported, in his letter of the 5th November 1866, No. 142, that the trees on the land referred to were leased out in the first instance with the consent of the then Resident Engineer, and that the leasing of trees on land taken up for Railway purposes was approved by the Government in an Order dated the 6th October 1862, No. 553. Mr. Ballard also stated that he had informed the Resident Engineer that he would take steps to have the current lease cancelled and the land transferred to the Company on a regular application to that effect being made. In communicating these explanations to the Consulting Engineer, the Government desired that the course suggested by Mr. Ballard might be adopted.

21st November 1866, No. 3,708.

2. In now submitting a letter from the Acting Agent and Manager intimating that the land referred to by the Collector was duly applied for and made over to the Company in the ordinary way in the year 1858, the Consulting Engineer points out that the Order of October 1862, quoted by Mr. Ballard, had reference to the leasing of lands beyond the boundary fences erected by the Railway authorities to mark the limits of Railway property, whereas the trees which Mr. Ballard reports to have leased out are within the Station compounds, and that, as the land after having once been made over to the Company was not restored by it to the Collector for the purpose of being rented out, he considers its occupation to have been irregular, and therefore maintains that there is now no necessity for the formal application which the Collector requires.

3. The Government regret that these differences of opinion should have delayed action in a matter of importance to the interests of the Company, and they now authorize the Collector to adopt immediate measures for cancelling the leases referred to by him.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Consulting Engineer for Railways.
" Collector of Malabar.
" Board of Revenue.
" Revenue Department.

Exd. S. T. Augustin.

No. 448.

Submitted to Government with reference to Order dated the 21st instant, No. 3708.

2. The Order dated the 6th October 1862, No. 552, and to which Mr Grant, the Collector of Malabar, has referred in his letter dated the 5th instant, No. 142, directed the leasing of certain lands "left beyond the boundary fences erected by the "Railway Authorities to mark the limits of the "Railway property", but not the trees within the Station Compounds at Tanoor and Tirur.

See para: 1 of Consulting Engineers letter dt: 16th, dated 24 Sept: 1862.

3. In paragraph 3 of Major Stewart's letter dated the 7th September last, No. 369, it was brought to the notice of Government that "no communication had been made by this "Department for the restoration of any portion of the "lands at either the Tirur or the Tanoor Stations" and in paragraph 5 of my Observations dated the 1st

7th instant, N° 425. I remarked that it seemed to me that "there was no necessity for any application "for the grounds, inasmuch as they were not restored "by the Railway Company, after they were transferred "to them".

This was distinctly pointed out to me by Grant by Major Shaw-Stewart in his letter dated the 24 July last, N° 335. Copy of which was forwarded to Government with letter dated the 7th September, N° 369.

Further I would remark that it was not within the competence of the Resident Engineer to make any arrangements for leasing out land once transferred to the Railway Company without the cognizance of the Superior Officers, and of the Consulting Engineer. The Orders of Government are clear on this point —

Compendium of Standing Orders — Part I Page 33. Clauses 1 & 2 Page 149 — 17

4. Under these circumstances, I concur with Mr Smart in thinking that there is no necessity for a Second application for the lands which have been trespassed upon at Tanoor and Trivr, and that the Collector of Malabar should be requested to restore to the Railway Company the lands as per Tracings recorded in his Office —

5. I also concur with Mr Smart in thinking that the leases entered into in 1805, so far as they relate to land or trees situated within the fences of the Railway Company's property, should be immediately cancelled —

Madras
26 November
1850

I. Caldecott. Lieut Colonel RE
Consulting Engr for Railways

To

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

71.

No. 562.

MADRAS RAILWAY COMPANY.

AGENT AND MANAGER'S OFFICE.

Madras, 24th November 1866.

266.

From

W. D. Stuart Esq.
Acting Agent and Manager of the M.R.

To

Lieutenant Colonel J. C. Anderson R.E.
Consulting Engineer for Railways.

SIR,

With reference to Order of Government No 3708 directing application to be made to the Collector of Malabar for the land comprised in Tekoor and Tanoor Compounds, I have the honor to refer you to the letters noted in the margin by which you will observe that the land has both been applied for and made over to this Company in the ordinary way. If a second application be considered necessary it shall be submitted without delay.

Sr. Consr. Engineer	No 465	16th June	1858.
Do — Do	" 511	12th "	"
Do — Do	" 777	17th Nov.	"
Do — Do	" 793	25th "	"

2. I am sure you will concur with me in thinking that the sooner the leases Applied for by the Collector of Malabar are cancelled the better, as it is clearly impossible to exclude trespassers, while they continue in force.

I have the honor to be,

Sir,

Your most obedient Servant,

W. D. Stuart

Acting Agent & Manager.

Esqr

MADRAS RAILWAY.

From

The Agent and Manager

To

The Consulting Engineer

for Railways.

No. 4814/66

Dated 24 November 1866.

Recd. 26.

No. 562

Replying to the Order of Court No. 3708 directing application to be made to the Collector of Cuddalore for the land comprised in Chinnoor & Pannoor Compounds.

United Scottish Press.

Rec. from Govt Engineer 28th December 1866

RAILWAY DEPARTMENT.

From

The Consg. Engineer for Railways.

To

The Secretary to Government,
P. W. Dept.

Dated 26th November 1866.

Received 28th November 1866.

No. 448.

Enclosures, No. one.

Observations on a letter from the Secretary to the Board of Revenue on the subject of exchanging the Lease of cultivating the Sandal Farmers of Tirur Stations.

Ans. 170
Cir. 5th Dec. 1866 Ry. 7th

Ord. 3905. 11th Dec. 1866

No. 3905

Public Works Department

Proceedings of the Madras Government

Under date the 11th Decr 1866.

Read the following

From The Dy Consulting Engineer for Railways (R.C. No. 448 dated 26th Nov. 1866)

In his letter of the 7th Sept/66, No. 369, the Ag Consg. Engineer for Railways brought to the notice of Government certain trespasses upon land, which although duly transferred to the Madras Railway Company for station purposes at Tirur and Tanur in the District of Malabar, was yet leased out by the Collector's Deptt. The Collector having been called upon for an explanation upon the subject, reported in his letter of the 5th Novr /66, No. 12,

N.

WOL

that the trees on the land referred to were leased out in the first instance with the Concurrence of the then Resident Engineer, and that the leasing of trees on land taken up for Railway purposes was approved by the Govt in an order dated the 6th October 1862, No 553.

Mr Ballard also stated that he had informed the Resident Engr that he would take steps to have the current lease Cancelled and the land transferred to the Company on a regular application to that effect being made. In communicating these explanations to the Consulting Engineer, the Govt desired that the course suggested by Mr Ballard might be adopted

21 Nov/66 - 3705

I am now submitting a letter from the My Agent and Manager intimating that the land referred to by the Collector was duly applied for and made over to the Company in the ordinary way in the year 1858. The Consulting Engineer points out that the order of Oct/62 quoted by Mr Ballard had reference to the leasing of lands beyond the boundary fences erected by the Railway authorities to mark the limits of Railway property, whereas the trees which Mr Ballard reports to have leased out are within the Station Compounds, and as the land after having once been made over to the Company

Plumbe Capt.
Copy of Govt Order dated 11th December 1866
Proc: of Govt Ghauts
Dated 11th December 1866.

was not sanctioned by it to the Collector for the purpose of being ranked out. He considers the accusation to have been irregular, and therefore maintains that there is now no necessity for the formal application which the Collector requires.

The Government regret that these differences of opinion should have delayed action in a matter of importance to the interests of the Company, and they now authorize the Collector to adopt immediate measures for cancelling the leases referred to by him.

1870-171 34

Dept 12 Dec 5

Ft Dear 1866. Oct. 7th

Ft 3 The Comg Engr for Redress
5 " Coll of Malabar
8 " Bd of Rev
8 " Rev Dept

Ans 1905 Dec 15

Pr. of Govt for Decr 15

No 3905

Pr. of the Madras Govt

Dy 11 Decr 15

The Collector of Malabar instructed to adopt measures for cancelling the leases for trees on land at Tanoor and Tiroor (Railway) which has been taken up for Railway purposes.

Ans 170. 171.