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(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.**Government of Madras.***Public works* **DEPARTMENT.**

G.O. No. 157.	Press ~~Mis.~~
442-444	
Dated 20-5-	1867.

Not to be folded or roughly handled*2*

*Proceedings of the Madras Government, Public Works Department,
20th May 1867.*

Read the following papers :—

No. 442. From the Acting Collector of Malabar, to the Chief Secretary to Government, Fort Saint George, dated on Circuit, Arriacode, Ernaad Talook, 9th April 1867, No. 41.

1. The Railway Company in 1855 were allowed to take up a piece of land at Beypore for a Railway Station; the old road from the south to Calicut ran through this piece of land, and the Company proposed, and were allowed, to make a new line of road running outside this piece of land. Whether or not this new line was intended entirely to supplant and do away with the old road, is a point which I am unable to determine positively from the records of the transaction. The correspondence passed through the hands of numerous Collectors, viz., Messrs. Conolly, Clarke, Robinson, and Grant, and the actual point as to the closing up of the old road appears to have escaped notice. The new road was constructed, and the old road has ever remained open, at least to foot-passengers. Obstructions have been thrown across it, and a building has been raised, encroaching some fifteen feet upon it. Still, as natives carrying loads are not in general very particular, no notice appears to have been taken of such encroachments as long as they were allowed to pass freely. The only bandy traffic which reached the Beypore ferry came from a considerable distance, and would not be in any way inconvenienced by having to use the new road, the parties in the immediate vicinity did not possess bandies, and so the matter never attracted attention.

2. The Revenue Department purchased the building which I have before mentioned as encroaching some fifteen feet into the high way, and use it as a salt store.

3. In February last, the Railway authorities thought fit to enclose their land with a fence, and enclosed this road also. By this act the persons living at the southern extremity of the land would be compelled to go a round of nearly half a mile to reach the Beypore ferry, en route to Calicut, and all means of approach to the Government Salt Gollah by land would be completely cut off, unless, indeed, the persons wishing to reach the salt store, entered the Railway station and trespassed on the main lines of rail.

4. Under these circumstances Mr. Ballard, as Magistrate, directed the removal of the obstruction to the right of way, and this was done by the Railway authorities under the protest that they were not liable for any danger which might accrue to the public by being thus allowed to enter upon a road crossed by lines of rail, and after further correspondence they declined to fence in and gate the old road, until the orders of Government had been received on the subject.

5. I have examined the spot, and perused all records which I can find on the subject.

6. There does not appear upon record any such concession directly made to the Railway as to permit of their closing this line of road, though such a concession might be perhaps inferred from the fact of their being allowed to make the new line of road, which is in the records termed a "diverted road," and a letter from the Resident Engineer to the Acting Collector, Mr. Clarke, asking permission to re-open the old road.

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20th May 1867.*

7. I conceive, however, that the old road was never really closed. Doubtless a gate was put at one end of it, but foot-passengers were allowed to pass through this at all times. Moreover, there is a mosque within the land, and of this mosque no mention is made in handing over the land, although it has always been frequented by worshippers; showing that the right of way to this was considered as a matter of course.

8. Neither is it credible that the Government would have purchased from the Railway Company a building as a salt store with no right of way whatever to it from the main land.

9. I am of opinion that this right of way has never been closed. That it never should be closed, and that the obstructions now apparent upon it have been allowed to creep in unawares, owing to the frequent change of Collectors, each unaware of what had been intended or planned by his predecessor; and I solicit such orders from Government as will ensure this road being kept open for the convenience of the public and the rights of Government, and such steps being taken by the Railway Company as to secure the public safety.

A rough sketch of the spot is forwarded and a plan (to be returned), an examination of which will render the matter easily comprehended.

Referred to the Public Works Department.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

FORT SAINT GEORGE,
24th April 1867.

Referred to the Consulting Engineer for Railways for report.

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

FORT SAINT GEORGE,
25th April 1867.

No. 443. From the Consulting Engineer for Railways, to the Secretary to Government, Public Works Department, dated Madras, 2nd May 1867, No. 136.

1. With reference to a letter from the Collector of Malabar to Government, on the subject of the public thoroughfare at the Beypore Terminal Station, I have the honour to report that, in the plan for the station premises which was submitted for the approval of Government, and of which a copy is herewith forwarded, a line of road is marked outside the station limits, as a proposed diversion of the old road to the ferry on the Beypore river. The latter ran through the ground to be occupied by the station, and the obvious intention of the Railway authorities in proposing the diversion was to do away with the old thoroughfare.

2. The work was commenced so far back as the year 1855, and after a considerable correspondence between the Collector of Malabar and the Agent of the Railway, in regard to the mode on which the new road was being executed, I learn that in 1859 the District Engineer reported to the Collector, that "the piece of road outside the Beypore terminus which has been made in lieu of the old line, is in good order, and may be considered under our charge."

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20th May 1867.*

3. The Railway Station ground was not fenced in, as it ought to have been, when the station was built, nor does it appear that any measures were taken to prevent passengers making use of the old road to the ferry, when the new one had been made available.

4. The Agent and Manager of the Railway, in his letter No. 102, dated 25th February last, states that a gate was put up across the old road where it enters the station compound, and that a notice was fixed upon it, stating in English and vernacular that there was no thoroughfare. It is only quite recently, however, that the Railway authorities obtained wire fencing from England, and erected a fence round the station ground; until this was done the old thoroughfare was more or less used by people passing to and from the ferry.

5. The Collector has objected to the closing of the road on the grounds specified in his letter to Government.

6. In my opinion the Railway authorities erred in not having, in the first instance, erected a temporary fence round their station, but they acted merely in accordance with their original design, which had received the approval of Government, in diverting the traffic to a road outside the station and in closing the old thoroughfare.

7. The distance to and from the ferry is doubtless increased to people who live near the entrance of the station compound, but many of the huts in that locality have been built since the construction of the Railway, and the inconvenience is even to them altogether insignificant compared with the inconvenience, danger, and expense, which must be occasioned by the use of a thoroughfare running through the whole length of the Railway Station.

8. The case is otherwise as regards access to the salt godown. This building was purchased by Government* from the Railway Company on certain conditions, which were communicated to, and accepted by, the Agent and Manager of the Railway Company. One of these conditions was "a clear passage from the bandy-stand to the old road." Hence the Railway Company are evidently bound to allow of access to the Cotaar by the old road.

9. I may remark, however, that this does not much affect the question at issue, for the Railway Station being situated on an island to which there is no fordable passage for bandies,* salt is not likely to be, nor I believe is ever, withdrawn from the Cotaar by such means. Indeed, the Salt Cotaar in the position which it occupies is mainly serviceable for the conveyance of salt by the Railway and by boats. Salt is not, I believe, sold by retail, and persons who frequent the Cotaar are likely either to be the boatmen who come to convey the salt away by water, or dealers who wish to make purchases on a large scale. For them the Railway authorities propose to form a railed path from the ferry to the Cotaar.

ORDER THEREON, 20th May 1867, No. 1,507.

No. 444.

RAILWAY, No. 33.

The Governor in Council is satisfied that, upon the completion of the new road lying to the west of the Railway Company's premises at Beypoor, it was intended that the old line of road, which

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20th May 1867.*

runs through the terminus, should be closed to public traffic, and the Railway authorities are accordingly authorized to put a stop to the use of the latter as a thoroughfare, the right of free communication in both directions to and from the salt store being however reserved, and access to the mosque being left to the parties interested, if that building cannot be purchased, or re-built outside the Railway premises.

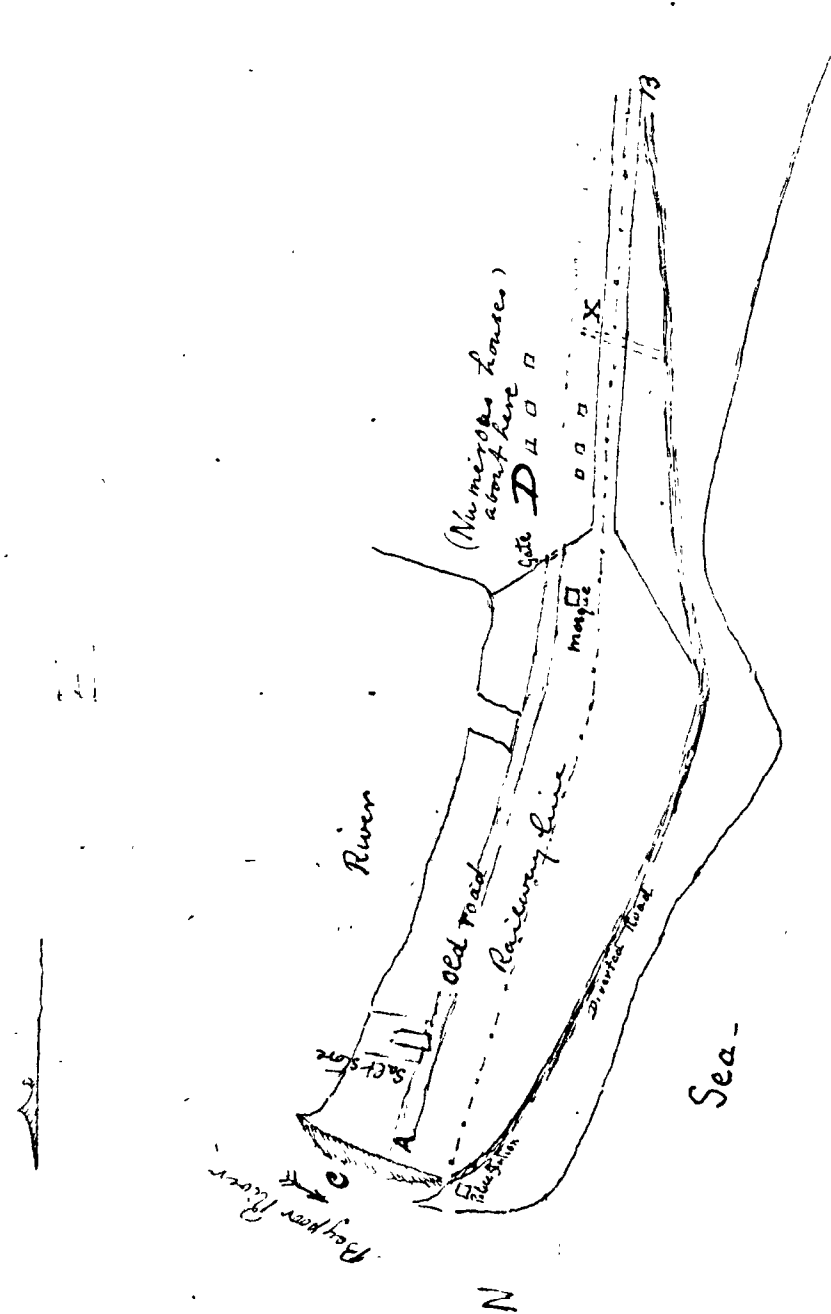
(True Extract.)

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

To the Consulting Engineer for Railways.
,, Revenue Department.
,, Superintending Engineer of the 7th Division.

Exd. S. T. Augustin.

The old road is the one which the Railway Company are now endeavoring to close.
There is a regular crossing at B and a foot crossing at X.
The landing place of the ferry is about the park near Red C., and it is proposed to make a regular stage at this spot.
Persons living at D. who were the road closed, go a round of about half a mile to reach the ferry.



Collector's Office Calicut
Arinacode 9th April 1867.
T. Mad. Subk.

N^o 41

From
J. C. Harrington Esquire
Acting Collector of Malabar

To
The Honble A. J. Arbuthnot
Chief Secretary to Government
Fort St. George

Sir,

The Railway Company in 1855 were
allowed to take up a piece of land at Beypore for a
Railway Station; the old road from the South to Calicut
ran through this piece of land and the Com^{rs} proposed, and
were allowed, to make a new line of road running
outside this piece of land. Whether or not this new line
was intended entirely to supplant and do away with the
old road, is a point which I am unable to determine
positively from the records of the transaction. The
correspondence passed through the hands of numerous
Collectors viz Messrs Conolly, Clarke, Robinson & Grant and the
actual point as to the closing up of the old road
appears to have escaped notice. The new road was
constructed and the old road has ever remained open
at least to foot passengers. Obstructions have been thrown
across it and a building has been raised encroaching
some 15 feet upon it. Still as natives carrying loads
are not in general very particular, no notice appears

69/63-44/67

Encl^{ure} 1
in a letter from the
Acty. Secy of Malabar
7/9 April 1867

1650/67

1650/67

What of the
what referred to in the
above letter

to have been taken of such encroachments as long as they were allowed to pass freely. The only heavy traffic which reached the Beypore ferry ^{came} from a considerable distance and would not be in any way inconvenienced by having to use the new road, the parties in the immediate vicinity did not possess landies and so the matter never attracted attention.

2 The Revenue Department purchased the building which I have before mentioned as encroaching some 15 feet into the high way and use it as a salt store.

3 In February last, the Railway Authorities thought fit to enclose their land with a fence and enclosed this road also. By this act, the persons living at the Southern extremity of the land would be compelled to go a round of nearly half a mile to reach the Beypore ferry en route to Calicut, and all means of approach to the Govt Salt Gollah by land would be completely cut off. unless indeed the persons wishing to reach the salt store, entered the Railway station and trespass on the main lines of rail.

4 Under these circumstances Mr Ballard as Magistrate directed the removal of the obstruction to the right of way and this was done by the Railway authorities under the protest that they were not liable for any danger which might accrue to the public by being thus allowed to enter upon a road crossed by lines of rail. and after further correspondence they declined to fence in and gate the old road, until the orders of Government had been received on the subject.

5 I have examined the spot and perused all records which I can find on the subject.

6 There does not appear upon record any such

conception directly made to the Railway as to permit of their closing this line of road, though such a conception might be perhaps injured from the fact of their being allowed to make the new line of road which is in the records termed a "diverted road" and a letter from the Resident Engineer to the Acting Collector, Mr. Clarke, asking permission to reopen the old road. -

7 I conceive, however, that the old road was never really closed. Doubtless a gate was put at one end of it, but footpassengers were allowed to pass through this at all times. Moreover there is a mosque within the land, and of this mosque no mention is made in handing over the land, although it has always been frequented by worshippers, showing that the right of way to this was considered as a matter of course.

8 Neither is it credible that the Government ^{would} have purchased from the Railway Company a building as a salt store with no right of way whatever to it from the main land. -

9 I am of opinion that the right of way has never been closed. That it never should be closed and that the obstructions now apparent upon it, have been allowed to creep in unawares, owing to the frequent change of Collectors, each unaware of what had been intended or planned by his predecessor and I solicit such orders from Government as will ensure this road being kept open for the convenience of the public and the rights of Government and such steps being taken by the Railway Company as to secure the public safety.

A rough sketch of the spot is forwarded and a plan (to be returned) ^{examining} of which will render the matter easily comprehended. -

I have the honor to be,
Sir,

Your most obedient servant

James A. J. J.
Acting Collector

CONSULTING ENGINEER'S OFFICE,

Railway Department.

No. 136-

From Lieutenant Colonel J. C. Anderson
Consulting Engineer for Railways,

To

Colonel C. A. O. R. B.

Secretary to Government,
Public Works Department,
Fort Saint George.

SIR,

where
approach?

With reference to a letter from the
Collector of Malabar to Government on the
subject of the public thoroughfare at the
Peypore Terminal Station, I have the honor
to report that in the plan for the Station &
premises which was submitted for the
approval of Government and of which a
copy is herewith forwarded, a line of road
is marked outside the Station limits as a
proposed diversion of the old road to the ferry
on the Peypore river. The latter ran through
the ground to be occupied by the station and
the obvious intention of the Railway authorities
in proposing the diversion, was to do away with
the old thoroughfare.

2. The

Referred to the Public Works
Department.

Forst George
24 April 1867

L. J. Hunt
Chief Secy

2. The Public Works Department. Supd. 24/4.

No 1367
1867
1505

The Acting Collector
of Malabar
to the Chief Secy, Fort St. George

Dated 9 April
1867
Recd 25th Dec
1830/67

No 837
1861

Working order
of the road at the
Peypore Station at
the Malabar Company.
The Malabar Company
is to be a road at the
Peypore Station at the
Malabar Company.

Referred to the
Consulting Engineer for
Railways for report.

Wm. J. H.
25 April 1867

Col. A. H.
25 April 1867

No 442
10th May 1867
Ca. 1372

Referred
1507
2009 May 1867

1867

2. The work was commenced so far back as the year 1855, and after a considerable correspondence between the Collector of Malabar and the Agent of the Railway, in regard to the mode on which the new road was being executed, I learn that in 1859, the District Engineer reported to the Collector, that "the piece of road outside the Bepore terminus which has been made in lieu of the old line, is in good order and may be considered under our charge".

3. The railway station ground was not fenced in, as it ought to have been when the station was built, nor does it appear that any measures were taken to prevent passengers making use of the old road to the Ferry, when the new one had been made available.

4. The Agent and Manager of the Railway in his letter N^o. 102 dated 25th February last, states that a gate was put up across the old road where it enters the station compound and that a notice was fixed upon it stating in English and Vernacular that there was no thoroughfare. It is only quite recently however that the Railway Authorities obtained wire fencing from England and erected a fence round

The

the Station ground. Until this was done, the old thoroughfare was more or less used, by people passing to and from the ferry.

5. The Collector has objected to the closing of the road on the grounds specified in his letter to Government.

6. In my opinion the Railway authorities erred in not having in the first instance erected a temporary fence round their station, but they acted merely in accordance with their original design which had received the approval of Government, in diverting the traffic to a road outside the station and in closing the old thoroughfare.

7. The distance to and from the Ferry is doubtless increased to people who live near the entrance of the Station compound, but many of the huts in that locality have been built since the construction of the Railway, and the inconvenience is even to them, altogether insignificant compared with the inconvenience, danger, and expense, which must be occasioned by the use of thoroughfare running through the whole length of the railway station.

8. The case is otherwise as regards access to the Salt godown. This building was purchased by Government from the Railway Company on certain conditions, which were communicated to, and accepted by, the Agent

and

N^o. 579-D/
17th Oct. 1862.

and Manager of the Railway Company. One of these conditions was "a clear passage from the brandy stand to the old road." Hence the Railway Company are evidently bound to allow of access to the Cotour by the old road.

7. I may remark however that this does not much affect the question at issue, for the railway station being situated on an island to which there is no fordable passage for bandies, salt is not likely to be, nor I believe is ever, withdrawn from the Cotour by such means. Indeed the Salt Cotour in the position which it occupies is mainly accessible for the conveyance of salt by the Railway and by boats. Salt is not I believe sold by retail, and persons who frequent the Cotour are likely either to be the boatmen who come to convey the salt away by water or dealers who wish to make purchases on a large scale. For them the Railway Authorities propose to form a railed path from the ferry to the Cotour.

I have the honor to be
Sir
your most obed^t. Servant
- J C Anderson Lieut Col R.E.
Consulting Engineer
for Railways.

Madras
May 1867

intended that the
 authorities are accordingly
 authorized to put a stop
 to the use of the latter
 as a thoroughfare, the
 right of free ^{communication} ~~traffic~~ in
 both directions to and
 from the Salt Store
 being however reserved,
 and access to the
 Mosque being left to
 the parties interested
 if that building can

not be purchased or
 rebuilt outside the
 Railway premises -

being arranged for treating
 the road as "a thoroughfare".

a path must be left to the
 Mosque, which, as may easily
 be seen, the R.W. people
 chose to build a new Mosque
 by and then limit - a mosque
 of the kind in question will not
 cost much - W.D.H.

I am in regard
 access to the Mosque
 or Temple - This is
 given somewhere that
 it if the Mosque is
 not J.
 assuming the ^{distinct} authority
 to have had power to close the
 road, which is somewhat doubtful
 I think they must have left
 the Railway officers to believe
 that it might be closed when a
 new road had been proposed.
 as that has been now done,
 I don't note in dispute with what

The Chief Engineer
 for Railways
 Revenue Dept
 Supy Engr of the
 42

Sep 21/57

Pub. Works 1867 Depart.

Pro: of Govt. for May

No 1507

Pro: of the Madison Govt.
Of 20th May 1867

The Railway author-
ities authorized to put a
stop to the use of Road through
the Peapack Terminal Station
conditionally.

No 442 @ 444