M.R.O. 1—77,006—8-6-37.

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(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 2790 Press Mis.

60-61

Dated 3. 11 1871.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 3rd November 1871.

No. 60. Read the following Proceedings of the Government of India in the Public Works Department, (Railway,) dated Simla, 5th October 1871, No. 1,942 R:—

Rules for the provision of boundary marks and fences for Railways under the Railway Act Amendment Act 1871.

READ—

The Railway Act Amendment Act 1871.

RESOLUTION.—By the Railway Act Amendment Act 1871, which received the assent of His Excellency the Governor-General on the 5th September 1871, the following section is substituted for Section XXI. of the Railway Act No. XVIII. of 1854:—

"The Governor-General in Council, or the Local Government with the sanction of the Governor-General in Council, shall make rules, and may in like manner, from time to time, vary the same, for the provision of boundary marks or fences for any Railway or any part thereof and for roads constructed in connection therewith, and of gates or bars at places where any Railway crosses a road on the level, and for the employment of persons to open and shut such gates or bars; and may by such rules determine what kind of fences shall, for the purposes of sections nineteen and twenty, be deemed to be suitable for the exclusion of cattle."

Power to make rules as to fences, gates and bars.

2. Under this section of the Amended Act it now becomes necessary to make rules for the provision of boundary marks and fences for each Railway, and in their preparation it must be borne in mind that different systems of fencing are in some cases adopted on different parts of the same Railway.

3. As regards boundary marks, these should undoubtedly be provided for all Railways in some suitable and permanent manner, but with regard to fencing the case is different. As at present advised, the Governor-General in Council is of opinion that fences suitable for the exclusion of cattle should be provided throughout all lines on which trains or engines move at a speed exceeding 15 miles an hour; but that on Railways where this speed is not practised it will be sufficient to provide such fences only in the neighbourhood of stations or populous places. This should be taken as the basis of the rules to be drawn up for each Railway.

4. In defining what kind of fence shall be deemed to be suitable for the exclusion of cattle, the circumstances of the different localities through which the several Railways run should be considered. In some parts of India, a live fence can be made which, if properly maintained, will be a perfectly efficient barrier against cattle, while in other places this is not the case. In the North-Western Provinces experience has shown that a simple mud bank, untopped by a wire fence, is insufficient, and orders have already been issued for the provision of wire fencing for the part of the East Indian Railway that runs throughout these Provinces. If a stone wall fence be used, it will be necessary to state the dimensions to which it must be raised, and if a wire fence be employed, the number of strands and height of the top strand from the ground must be laid down.

5. In making rules for the gates and bars at level crossings and for the employment of gate-keepers, Section XV. of the Regulations made and allowed under Section 29 of Act XVIII. of 1854, should be taken as a guide. There is, however, this difference in the new law: that the use, under such regulations as may be sanctioned, of bars at places where gate-keepers are not employed, is con-

templated. It is evident that great caution must be exercised in the interests of the public safety, in permitting the erection or use of such bars, which could not be allowed on any lines on which there is a large traffic or any moderate traffic worked at a speed exceeding 15 miles an hour, or in any places where any considerable amount of road traffic crosses the line at any time of the year. It should therefore be understood that, although the law will allow of special arrangements being made in this respect to suit special localities, it is not the intention of the Governor-General in Council to sanction any important departure from the principles which have hitherto been followed.

6. Rules for the fencing of the State lines in course of construction will be made hereafter in accordance with these principles, but as respects the Guaranteed and State Railways now open, the Governor-General in Council considers that the proper course will be for a draft of rules to be made in the first instance for each Railway by the several Consulting Engineers, by whom they will be laid before the Local Governments, charged with the control of such railways. The draft should also be submitted to all other Local Governments and Administrations through whose provinces the railway may run, and an endeavour should be made to arrive at a satisfactory agreement, after which the drafts should be forwarded for the consideration and orders of the Government of India. Such rules as may be finally approved of will issue under the authority of the Governor-General in Council, in virtue of the power conferred by Section XXI. of the Railway Act Amendment Act.

ORDER.—Ordered, that this Resolution be communicatad to the Governments and Administrations named in the margin for information and guidance, and to the following for information :—

Madras.	Punjab.
Bombay.	Oudh.
Bengal.	Hyderabad.

North-Western Provinces.	Central India.
Central Provinces.	Rajpootana.
Mysore.	

Also to the Home Department for information.

(Signed) E. C. S. WILLIAMS, Major, R.E.,
Deputy Secretary.

No. 61. ORDER THEREON, 3rd November 1871, No. 2,790.

RAILWAY, No. 10.

COMMUNICATED to the Consulting Engineer for Railways for information and guidance.

2. Major Prendergast will submit for approval a draft of rules as contemplated in paragraph 6 of the Resolution of the Government of India.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

Acting Consulting Engineer for Railways.

T. Augustin.

P. W. D.
No. 2790
Proceedings of the Madras Govt.
Read the following

From
The Govt. of India - (H. E. dt. 19 Oct 1871)

Communicated
to the Cons. Engineer
for Railways for infor-
mation and guidance.
Major Prendergast
will submit for approval
a draft of rules as con-
templated in para-
graph 6 of the Resolu-
tion of the Government
of India.

1.11

2 Oct

To
The Cons. Engineer
for Railways.

C-No-4881-

Govt. of Madras. 1871

PUBLIC WORKS.

To

The Acting Consulting
Engineer for Railways

Dated

Rcvd. Encl.

G. O. 3rd Novr 1871, No. 2790.

Nos. 60 & 61

Boundary marks and fences
for Railways — for
Reservation of the Land of
India Commanding Rules
for the provision of boundary
marks & fences for Railways
and of the Railway Act
Amendment Act VII of 1871
Communicated to the
Executive Engr with
instructions —