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MADRAS RECORD OFFICE

Government of Madras

public works DEPARTMENT

G.O. No.	2850851	Press
~~B.P. No.~~	359 to 361	~~Mis.~~
Dated	25. 11. 1873	~~195~~ .

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department,
25th November 1873.

Read the following papers:—

No. 359. Read the following letter from Colonel C. H. DICKENS, R.A., Secretary to the Government of India, Public Works Department, (Telegraph,) to Colonel G. W. WALKER, R.E., Secretary to the Government of Madras, Public Works Department, (Railways,) dated Simla, 9th September 1873, No. 393 T.

I AM directed to forward, for the information of the Government of Madras, copy of correspondence as per margin with the Secretary of State and Director General of Telegraphs, and to state that the Governor-General in Council desires to be favoured with any remarks the Government of Madras may have to make on the subject of the State becoming proprietor of the telegraphs on railways, and I am to ask whether His Excellency the Governor in Council approves of the proposed deputation of a Telegraph Officer to discuss the subject with the Agents of the Railway Companies in the Madras Presidency.

Despatch to Secretary of State, No. 31, T, dated 29th July 1873.
Public Works Department No. 356 T, dated 16th August 1873, to Director-General of Telegraphs.
Public Works Department No. 394 T, dated 9th September 1873, to Director-General of Telegraphs.

Despatch from the Government of India, Public Works Department, (Telegraph,) to His Grace the Right Honourable the DUKE OF ARGYLL, K.T., Secretary of State for India, dated Simla, 29th July 1873, No. 31.

WE have the honour to address Your Grace on the subject of the future construction and maintenance of telegraph lines on Guaranteed Railways, the point for decision being whether such lines shall be constructed and maintained by the State, or by the Railway Companies. This question more especially arises in regard to extensions lately sanctioned of existing guaranteed lines of Railway.

2. Before entering on the merits of the particular case which necessitates an early decision, we wish to make a few remarks on the general question as it stands apart from local and particular considerations, and to premise those remarks by observing that, as far as this Government is concerned, a decision was practically arrived at so long ago as March 1869, and that the delay which has arisen in referring the question for final decision to Her Majesty's Government has been caused by the non-receipt of information called for.

3. In a Resolution in the Foreign Department, No. 194, of 13th March 1869, the Governor-General in Council declared that "no permanent arrangement should be made between any of the Railway Companies and the Government Telegraph Department respecting the transmission of messages by Railway telegraph lines that does not contemplate the acquirement and retention by the Government, at an early date, of every telegraph post and wire in India, inasmuch as it is impossible that a double authority can work satisfactorily in so important a matter."

4. The principle thus enunciated in the Foreign Department was subsequently re-affirmed in the Public Works Department in a Resolution dated the 7th March 1871 after the consideration of further correspondence, and it was then said "it is the intention of the Government of India to adopt this principle on all lines of railway constructed under guarantee for the future."

5. The only telegraph on a Guaranteed Railway which has since been constructed is that required for the use of the "Oudh and Rohilkhund" Railway Company, and in accordance with the principle laid down in the Foreign and Public Works Departments, the Telegraph license for that Company provides that the Government shall erect and maintain the telegraph lines at its own cost, and that the wires required for railway purposes shall be rented to the Company. This provision has not been allowed to stand without protest on the part of the Company's Agent (General Beadle), but both this Government and the Board of Direction of the Company have decided that the system should at least be allowed a fair trial.

6. Little progress has, however, been made towards *acquiring* the existing lines of telegraph owned by the Guaranteed Railways. Some of the Companies are very much opposed to their telegraphs being taken over by Government, others again are willing to accede to the proposal, but in only one case, that of the Wudwan Extension of the Bombay, Baroda, and Central India Railway Company, has any satisfactory arrangement been concluded, and the matter, so far as the other older lines of Railway are concerned, is still in abeyance.

7. The construction of the State Railways being carried on by State agency, it follows, as a matter of course, that the telegraph wires will be erected by State agency also. In their case no further comment is requisite.

8. The reasons which have actuated this Government in the decision arrived at are recorded in our Proceedings for March 1871, Nos. 45—56, and we invite your Grace's perusal of the correspondence.

9. We come now to the particular case which presses for early decision, viz., the case of the Tuticorin Extension of the Great Southern of India Railway, the contract for which has been executed without any provision for carrying out our Resolution before quoted of the 7th March 1871.

10. In a letter No. 328 T, dated 9th August 1871, addressed to the Government of Madras, we desired, in accordance with the before quoted Resolutions, that the telegraph on the extension of the Railway to Tuticorin should be a State line, additional wires as required being suspended for railway purposes, and leased to the Company, and the Government Telegraph Department was desired to take over the telegraph material belonging to the Company.

The Agent to the Company declined to hand over the stores to the Government Telegraph Department, and objected to the proposed management of the telegraph line by Government. The Board of Direction subsequently supported their Agent's views, and remarked that "the adoption of the measure would be most inexpedient," and at a later date observed that "for the safe and satisfactory working of the traffic" the telegraph "should be in the hands of the Company."

11. On the 2nd March 1872 we sanctioned the extension estimates, and in doing so removed the provision for the telegraph line from the estimate for works, with the remark that the "telegraph will be erected by Government on the same terms as were agreed to for the Oudh and Rohilkhund Railway." Our proceedings in this case were duly reported to Your Grace, *vide* our Despatch, No. 46 R, of 2nd March 1872; but as we did not specially draw Your Grace's attention to the omission of the provision for telegraphs, it is possible that it escaped observation.

12. In April of last year the Madras Government forwarded further correspondence from the Agent of the Great Southern of India Railway still objecting to the arrangements proposed, and in reply we requested the Government of Madras to inform the Agent that the construction by State agency of this line of telegraph has been settled, and that further reference is undesirable.

13. In July last the Madras Government submitted a request from the Agent for permission to construct a temporary line of telegraph, which request was acceded to by us on the distinct understanding that this permission to make use of the English materials which are in hand is in no way to affect the decision regarding the construction of the permanent telegraph.

14. In October last the Government of Madras submitted a further communication from the Agent, in which it was stated that the Company declined to entrust the maintenance of its telegraph to the Government Telegraph Department. And it was added that it is essential that the exclusive control of a telegraph used in the working of a long line of single rail should remain in the hands of the executive officers of the Company.

15. To sum up, Sir J. Lawrence's Government resolved that all future lines of telegraph (railway or other) should be constructed and maintained by State Agency; and in pursuance of this policy it was afterwards decided by Lord Mayo's Government that all existing lines should, if

Proceedings of the Madras Government, Public Works Department,
25th November 1873.

possible, be *acquired* by the State. In the case of the Oudh and Rohilkhund Railway, the necessary provisions for carrying out this policy have been arranged for in the Telegraph licenses issued to the Company. In the case of the older Guaranteed Railways, no satisfactory basis of acquisition has yet been arrived at. Some of the Companies are willing, and some are unwilling to negotiate. In the case of the Great Southern of India *Extension*, the Company have refused to permit Government to construct or maintain the telegraph line, though they are willing to arrange for a joint ownership of the standards. They have been permitted to construct a temporary line of telegraph on the distinct understanding that it is to be no bar to the settlement of the general question regarding the permanent line.

16. At the outset two questions call for decision; *first*, whether it is desirable to persevere in the policy which was laid down by Sir J. Lawrence's and Lord Mayo's Governments? And, *secondly*, if so, how should the Government proceed towards the end in view? It appears to us that, as regards the first question, it is very desirable to persevere whenever there is a favorable opportunity; the course of policy laid down was arrived at after much and careful consideration, and we cannot lightly lay it aside. The reasons which led to the declaration that all telegraph lines should be constructed, managed, controlled, and acquired by the State, appear to us to have been sound. We think, therefore, that the principle then enunciated should be maintained, and enforced in all cases of future extensions of existing lines, but we would so far modify the former decision as not to endeavour to acquire existing lines except with the consent of the Companies concerned.

17. As regards the second question, there are two alternative courses of action. One is to insist upon the working out of the system aimed at to the full extent of the authority of the Government. The other is to work towards the end in view, only so far as the consent of the Railway Companies can be from time to time obtained, and this last is the course which commends itself to us for existing lines.

18. It is doubtful whether the Government of India can legally force the Railway Companies to act up to the Resolution issued in 1871. Our late colleague, Mr. Stephen, was of opinion that the Telegraph Act (No. VIII. of 1860) overrode the contracts of the Company. But in regard to the passing of Acts affecting the railways in this country, Your Grace, in Despatch No. 83, dated 9th December 1869, decided in a somewhat different sense. An examination of the contract for the extension of the Great Southern of India Railway shows that the wording of clause 4 thereof is identical with the wording of the similar clause in the original contract of 1858, when there was no thought of the assumption of the maintenance of the telegraph by us. In the Railway Act nothing is said about a telegraph, but in the rules and regulations made under that Act, it is provided that "every line of railway intended to be worked by engine power shall be provided with an electric telegraph."

19. It appears to us that under the Railway and Telegraph Acts and the contract of the Great Southern of India Railway Company, the present position is as nearly as may be as follows:—The Company, on the one hand, cannot construct a line of telegraph without the sanction of the Government, and cannot work it when constructed without a license, except under heavy penalties prescribed by the Telegraph Act. These penalties, however, are rendered inoperative in the case of a guaranteed undertaking, whose profits do not amount to the interest guaranteed, because the penalties are ultimately payable by the Government itself as part of the working expenses of the line. On the other hand, the Government cannot call upon the Company to open the railway for traffic until, under the regulations framed in accordance with the Railway Act, it has been provided with a telegraph.

20. We have not consulted our Law Officers, and are not in a position to say, with any degree of certainty, whether we can legally compel the Company to accede to the intention of the Resolution of 1871, but our power in this respect need not perhaps be inquired into, as we are not desirous of compelling the Company to accede to our wishes, though we are desirous to obtain their consent to carrying out the arrangements proposed, and we therefore now ask Your Grace's assistance towards obtaining an amicable adjustment of this question with the Company.

21. We cannot but think that the Agent and the Board of Direction of the Great Southern of India Railway Company must be labouring under some misapprehension of the matter. They appear to think that the safety of the public will be endangered if the maintenance of telegraphs on the line of railway is entrusted to the Government Telegraph Department, and they appear to have overlooked paragraph 5 of our Resolution, No. 125 T, of 7th March 1871, in which it is stated that "Government might, in addition, guarantee the use of one or more of its wires for railway work in the event of any interruption occurring on the wires of the Railway Company,"—an arrangement obviously advantageous to the Company, as it increases the number of wires at its disposal in case of emergency.

22. We shall be glad if Your Grace will point this out to the Board of Direction, and if you will explain to them that this Government do not wish to interfere in the working of the Railway Telegraph, but are merely desirous of owning and of maintaining the railway wires, and of supervising the technical arrangements, in the manner now done on the Oudh and Rohilkhund Railway, and on the Wudwan Extension of the Bombay, Baroda, and Central India Railway, on the latter of which the system has been in operation for only a limited time, but has worked successfully. We believe that, under the arrangement we desire, the efficiency of the lines will be increased rather than diminished, as apparently apprehended by the Company, and that it will prove economically advantageous to the Company, and therefore to the Government.

23. Politically it seems to us highly desirable that all lines of telegraph shall belong to the State, and be under direct State control, and should Your Grace concur with us on the General policy to be pursued in dealing with this important question, we trust that you will cause it to be borne in mind in any future case of railway extension, with a view to the insertion of the necessary condition in the contract.

From the Government of India, Public Works Department, to the Director-General of Telegraphs in India, dated 16th August 1873, No. 356-T.

I AM directed to forward you copy of the communication noted on the margin, from the Government of Bombay, relative to the transfer to the Government of India of the Bombay, Baroda, and Central India Railway Company's Telegraphs, and, with reference to paragraph 3 thereof, to request that you will depute an officer of high standing in your department to personally arrange with the Agent of the Company all the details of the transfer.

Letter No. 855 of 15th July 1873, and enclosure.

2. These details should be arranged on the basis of the license granted to the Oudh and Rohilkhund Railway, of letter No. 418 T., dated 19th October 1871, from this Government, to the Government of Bombay, copy of which was sent you under Public Works Department endorsement No. 419 T of the same date. So far as applicable, the terms assented to in Foreign Department's letter, No. 542, of 17th June 1868, to your address, may also be taken as a guide, except that arbitration should, if possible, be avoided.

3. The Government of India, while leaving to you the selection of the officer to be deputed to Bombay, would suggest for your consideration the advisability of nominating Captain Malloch to the duty, as that Officer has been recently employed in England in investigating the English Railway Telegraph System, and appears, therefore, to have special qualifications for carrying out the necessary negotiations.

4. The Government of India attaches importance to the early settlement of these negotiations, and I am to request therefore that no unnecessary delay in carrying these orders into effect may be allowed to occur.

5. The name of the officer selected by you should be reported for the information of Government.

6. I am to add that the Government of India is desirous of treating the Company liberally [illegible] of maintenance

From Colonel C. H. DICKENS, R.A., Secretary to the Government of India. Public Works Department, (Telegraph,) to the Director-General of Telegraphs in India, dated Simla, 9th September 1873, No. 394 T.

IN letter No. 357 T of the 16th ultimo, you have been requested to depute an officer to negotiate personally with the Agent of the Bombay, Baroda, and Central India Railway Company, all the details of the proposed transfer of the telegraph lines of that Company to the Government Telegraph Department. As you are aware, the Government of India has long been desirous that the telegraph systems of the different Railway Companies in India should become the property of the State, but from various causes not much has yet been done towards this end, and at present only the telegraphs of the Oudh and Rohilkhund Railway Line, and of the Wudwan Extension of the Bombay, Baroda, and Central India Line, are in the possession of the Government. His Excellency in Council, however, considers that the time has arrived when the matter may be more actively pressed, and with this view is desirous that negotiations should be concluded with such of the Railway Companies as have been in treaty, or are willing to treat.

2. The Agent of the Eastern Bengal Railway Company so long ago as 1868 expressed his willingness to arrange for the transfer of the telegraph lines of that Company (see Colonel Robinson's letter, No. 1,171, of 21st May 1868), and the Government of India in its letter in the Foreign Department, No. 542, of 17th June 1868, authorized Colonel Robinson to carry his proposals into effect. The Board of Direction of the Company, in its letter to the Agent, No. 119, of 8th June 1871, extract copy, paragraph 2, of which was sent you under endorsement, No. 374T, dated 20th September 1871, expressed its willingness that the transfer should take place. But nothing seems to have been subsequently done in the matter, and it is not known why the negotiations were never completed.

3. I am to request, therefore, that when the officer deputed to conduct the negotiations with the Agent of the Bombay, Baroda, and Central India Railway has concluded all the necessary arrangements for the transfer of those lines, the same officer may be deputed to communicate personally on the same subject with the Agent of the Eastern Bengal Company.

4. On the 30th August 1872 you were furnished, under endorsement, No. 1,402 GR, with copies of correspondence received from the Madras Government, from which it appeared that the Board of Direction of the Madras Railway Company were "prepared to give their consent to any well-considered arrangement" for constructing the telegraph line on the Neilgherry Branch Extension by Government agency, and your opinion was asked for. To this communication no reply has been received, and it is not known whether any progress has been made by you in the matter.

5. The correspondence herewith sent and noted on the margin will show you that the Governor-General in Council has sanctioned the construction of a temporary line of telegraph on the Carnatic Railway, Madras to Cuddalore, subject to the condition that such sanction in no way affects the decision regarding the construction of the permanent line. I am to request that when the officer specially deputed for the purpose has concluded his negotiations with the Agents of the Bombay, Baroda, and Central India and the Eastern Bengal Railway Companies, he may be directed to endeavour to arrange for the construction of the permanent line on the basis already mentioned, if the Government of Madras, which will be addressed meanwhile on the subject, has no objection thereto. When the negotiations with the Eastern Bengal and Bombay, Baroda, and Central India Railways are approaching completion, you should apply for further orders on this point.

Letter No. 1,361, dated 5th May 1873, from the Government of Madras.
Letter No. 1,372, dated 7th August 1873, to the Government of Madras.

6. I am to observe in conclusion that the Government of India is desirous that the Railway Companies may be liberally dealt with in the matter of maintenance.

7. The officer appointed to the duty will be careful in his proceedings to communicate with the Government Consulting Engineers who exercise control over the railways.

REFERRED to the Consulting Engineer for Railways for such observations as he may desire to offer.

OOTACAMUND, *30th September* 1873. (Signed) G. W. WALKER, Colonel, R.E.,
Secretary to Government, P.W.D.

No. 359A. From Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, to Colonel G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Madras, 13th October 1873, No. 539.

I HAVE the honour to acknowledge the receipt of your endorsement, dated the 30th ultimo, forwarding, for such observations as I may desire to offer, a letter from the Government of India, dated the 9th September 1873, No. 393 T., giving cover to copies of certain correspondence addressed by that Government to the Secretary of State and to the Director-General of Telegraphs on the subject of the future construction and maintenance of Telegraph lines on Guaranteed Railways, the point under consideration being whether such lines shall be constructed and maintained by the State, or by the Railway Companies.

2. In returning the papers in question, I have the honour to state that the important question at issue has for some time received my careful consideration, and that, in my opinion, it is not desirable that the wires required by a Guaranteed Railway Company for working its traffic should be either erected or maintained by the Government Telegraph Department. I am of course ignorant of the reasons which actuated the Government of India in arriving at the decision contained in their Resolution, No. 194, of 13th March 1869; but it seems to me that the course agreed to in the case of the Oudh and Rohilkhund Railway Company, "that the Government shall erect and maintain the telegraph wires at its own cost, and that the wires required for railway purposes shall be rented to the Company," even when supplemented by the undertaking on the part of the Government to guarantee the use of one or more of its wires for railway work, in the event of any interruption occurring on the wires leased to the Company, must of necessity involve a division of responsibility, which in such a matter cannot, in my opinion, be too strongly deprecated.

3. The only possible arrangement by which, as it seems to me, the views of the Government of India could be carried with effect without causing a division of responsibility would be for the Government Telegraph Department to undertake, not only the erection and maintenance of the wires required by a Railway Company, but also their management and working, that is to say, to become responsible for the punctual and accurate transmission of all messages connected with the Company's traffic, and on which the working of that traffic depends; but I do not suppose that the Telegraph Department has ever contemplated the undertaking of so serious a responsibility.

4. It seems to me to be beyond all question that the efficient maintenance of a line of Railway Telegraph can be more economically undertaken by the Agency of the Railway Company itself than by any other Agency whatever; and, so far as the railways in this Presidency are concerned, it is, in my opinion, essential to the proper and efficient working of their traffic that the Company's Officers should

Proceedings of the Madras Government, Public Works Department,
25th November 1873.

be solely responsible for, and should have the entire control over, the erection and maintenance of the wires required for that purpose.

5. If the decision of the Government of India upon the general question has been in any measure arrived at from an apprehension lest the Railway Companies should unduly compete with the Government Telegraph Department in the transmission of private messages, I can assure the Government that, in this Presidency at least, there is no prospect of such a condition. The number of private messages sent by the railway wires in this Presidency is very small, and their transmission is undertaken by the Companies solely for the convenience of the public.

6. If, however, it be decided to persevere in the policy which has been already laid down by the Government of India, it seems to me that, of the two alternative courses of action proposed by that Government in paragraph 17 of their despatch to the Secretary of State, the second, viz., to work towards the end in view only so far as the consent of the Railway Companies can from time to time be obtained, is without doubt to be preferred.

7. In paragraph 4 of the letter from the Government of India to the Director-General of Telegraphs, No. 394 T., allusion is made to a letter from the Directors of the Madras Railway Company to their Agent, dated the 24th May 1872, in which the Board stated that they would be prepared to give their consent to any well-considered arrangement for giving effect to the wishes of the Government of India in the matter of the transfer to Government of the railway lines of telegraph; but a reference to the papers laid before Government with my letter, dated the 23rd July 1873, No. 387, will show that, in the opinion of the Directors, there are very strong reasons against any such transfer.

No. 360. ORDER THEREON, 25th November 1873, No. 2,850.

RAILWAY, No. 55.

ORDERED that the Government of India be addressed on the subject of these papers:—

(Here enter No. 2,851, dated 25th November 1873.)

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Consulting Engineer for Railways.

Exd. E. C. Shunker.
Spare Copies

PUBLIC WORKS DEPARTMENT,

FORT ST. GEORGE, *25th November* 1873.

No. 361.

No. 2,851.

From

COLONEL G. W. WALKER, R.E.,

Secretary to the Government of Madras,

Public Works Department.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

Public Works Department.

RAILWAY, No. 56.

SIR,—I am directed to acknowledge the receipt of your letter, No. 393 T., dated 9th September 1873, forwarding, for the remarks of the Government of Madras, correspondence with the Secretary of State and the Director-General of Telegraphs on the subject of the assumption by the State of the Telegraph lines on Guaranteed Railways.

2. Before replying to this reference, it was considered desirable to obtain the opinions of the Consulting Engineer on the several questions involved, and the papers were accordingly referred to Lieutenant-Colonel Shaw-Stewart for an expression of his views. The letter which I am directed to transmit herewith is the reply, from which it will be observed that the subject under discussion has been before the Consulting Engineer for some time past, and that after attentive consideration he has arrived at the conclusion that direct interference by the State with the working or maintenance of Railway Telegraphs is to be deprecated. The grounds upon which this opinion is based are fully and forcibly expressed, and there seems no reason to doubt their validity.

3. While the evils of a divided responsibility involved in the proposed arrangments are shown to be of a serious nature, it is pointed out by the Consulting Engineer that the direct gain to the State on account of either the revenue derivable from public messages or the saving in the cost of construction and maintenance, will be inappreciable so far as the Railway Telegraph lines in the Madras Presidency are concerned. Looking, moreover, to the opposition manifested by the Railway Authorities to the surrender of control over their Telegraph lines, His Excellency the Governor in Council is decidedly of opinion, as already stated in letter of 29th August, No. 2,168, that it would be inexpedient to press the question of Government proprietary rights.

4. Under these circumstances, His Excellency in Council is of opinion that the deputation of an officer of the Telegraph Department to discuss the subject with the Railway Companies in the Madras Presidency is unnecessary.

I have the honour to be,

Sir,

Your most obedient servant,

Colonel, R.E.,

Secretary to Government.

Exd. E. C. Shunker.
Spare Copies

Railway Department.

CONSULTING ENGINEER'S OFFICE,

No. 539

From

LIEUT.-COLONEL J. H. M. SHAW STEWART, R.E.,

Consulting Engineer for Railways,

To

COLONEL G. W. WALKER, R.E.,

Secretary to Government,

Public Works Department,

Fort Saint George.

SIR,

I have the honour to acknowledge the receipt of your endorsement dated the 30th ultimo forwarding, for such observations as I may desire to offer, a letter from the Government of India dated the 9th September 1873 No. 393. T. giving cover to copies of certain correspondence addressed by that Government to the Secretary of State and to the Director General of Telegraphs on the subject of the future

future construction and maintenance of telegraph lines on guaranteed railways, the point under consideration being whether such lines shall be constructed and maintained by the State, or by the Railway Companies.

2. In returning the papers on question I have the honour to state that the important position at present has for some time received very careful consideration, and that in my opinion it is not desirable that the wires required by a guaranteed railway Company for working its traffic should be either erected or maintained by the Government Telegraph Department. I am of course ignorant of the reasons which actuated the Government of India in arriving at the decision contained in their Resolution No 194 of 15 March 1869, but it seems to me that the course agreed to in the case of the Oudh and Rohilkhund Railway Company "that the Government "shall erect and maintain the "telegraph wires at its own cost "and that the wires required for Railway purposes shall be rented to the Company" even when supplemented by the undertaking on the part of the Government to guarantee the use of one or more of its wires for Railway work in the event of any interruption occurring on the wires leased to the Company, must of necessity involve a division of responsibility, which in such a matter

matter cannot in my opinion be too strongly deprecated.

3. The only possible arrangement by which, as it seems to me, the views of the Government of India could be carried with effect without causing a division of responsibility would be for the Government Telegraph Department to undertake, not only the erection and maintenance of the wires required by a Railway Company, but also their management and working, that is to say to become responsible for the punctual and accurate transmission of all messages connected with the Company's traffic and on which the working of that traffic depends: but I do not suppose that

that the Telegraph Department has ever contemplated the undertaking of so serious a responsibility.

4. It seems to me to be beyond all question that the efficient maintenance of a line of railway telegraph can be more economically undertaken by the agency of the Railway Company itself than by any other agency whatever; and so far as the railways in this Presidency are concerned, it is in my opinion essential to the proper and efficient working of their traffic that the Company's officers should be solely responsible for, and, should have the entire control over, the erection and maintenance of the wires required for that purpose.

5. If the decision of the Government

Government of India in fair the general question has been in any measure carried at from any apprehension lest the Railway Companies should unduly compete with the Government Telegraph Department in the transmission of private messages. I can assure the Government that in this Presidency at least there is no prospect of such a condition as the number of private messages sent by the Railway wires in this Presidency is very small, and therefore transmission is undertaken by the Companies solely for the convenience of the public.

6. If however it be decided to persevere in the policy which has been already laid down by the Government of India, it seems to me that, of the two alternative courses of action proposed by that Government in paragraph 17 of their despatch the Secretary of State, the second, namely, to work towards the end in view only so far as the consent of the Railway Companies can from time to time be obtained, is without doubt to be preferred.

7. In paragraph 4 of the letter from the Government of India to the Director General of Telegraphs No 394 T, allusion is made to a letter from the Director of the Madras Railway Company to their Agent dated the 24th May 1872, in which the Board stated that they would be prepared to give

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lines of telegraph; but a reference
to the papers laid before Govern-
ment with my letter dated the
23 July 1873, No 387, will show
that, in the opinion of the
Directors, there are very strong
reasons against any such transfer

I have the honour to be

Sir

Your most obedient servant

Madras
13 Oct 1873

Lieutenant Lyol RE
Cons Engineer for Railways

No 2851 P.W. Dept.

Proceedings of the Madras Government

Under date the October 1873.

Copy the Govt. of India: P.W. Dept. No 3930 of 9th Sept 1873
Forwarding for the Govt's Opinion & Orders
Railways-

Ordered that the
Government of India be
requested to state whether
these buildings
are subject to the
Indian Railways Act
No 2 of 1873

To the Consulting Engineer for
Railways
Madras 26th Nov 1873

No 2851

To the Secretary to the
Government of India.

Sir,

I am directed to ac-
knowledge the receipt of
your

Govt. Order No 3930 dated 9th Sept 1873 forwarding for the opinion of the Government of India a letter from the Consulting Engineer for Railways, Madras, No 539 dated 13th October 1873, on the subject of future construction and maintenance of telegraph lines on guaranteed Railways.

2. In reply I am directed to state that the Government of India are of opinion that the Indian Railways Act No 2 of 1873 is not applicable to telegraph lines on guaranteed railways.

No 2850-2851-25 Nov 73.

Govt. of India
P.W. Dept.

No 539

Railway Department.

Public Works 1873. Dept. No.

From 2851 99

The Consulting Engineer
for Railways,

To

The Secretary to Government,
P. W. Department,
Fort Saint George.

Dated 13 Oct 1873.
Recd. 15

Encl: 4

No. 539

On the subject
of future construc
tion and maintai-
nance of telegraph
lines on guaranteed
Railways

No 2850-2851-25 Nov 73.

No 359
Recd 16 Oct 73

your letter No 393 T. dated 9th September 1873, forwarding for the remarks of the Government of Madras, Correspondence with the Secretary of State and the Director General of Telegraphs on the subject of the assumption by the State of the telegraph lines on Guaranteed Railways.

Before replying to this reference it was considered desirable to obtain the opinions of the Consulting Engineer on the several questions involved, and the papers were accordingly referred to Lieutt Colonel Shaw Stewart for an expression of his views. The letter which I am directed to transmit herewith is his reply, from which it will be observed that the subject under discussion has been before the Consulting Engineer for some time past, and that after attentive consideration he has arrived at the conclusion that direct interference by the State with the working or maintenance of Railway telegraphs is to be deprecated. The grounds upon which this opinion is based are

are fully and forcibly ex-
-pressed, and there seems
no reason to doubt their
validity

While the evils
of a divided responsibility
involved in the proposed
arrangements are shown
to be of a serious nature,
it is pointed out by the
Consulting Engineer
that the direct gain
to the State on account of
either the revenue derivable
from public messages or
the saving in the cost
of construction and main-
-tenance, will be inappreciable
so far as the Railway
Telegraph lines in the
Madras

Madras Presidency are
concerned. Looking mo
-over to the opposition
manifested by the Rail
-way Authorities to
the surrender of control
over their telegraph lines
His Excellency the
Governor in Council
is decidedly of opinion
already stated in letter of 29th June
that it would be inex
-pedient to press the
question of Government
proprietary rights.

Under the
foregoing circumstances
His Excellency in Coun
-cil is of opinion that
the deputation of an
Officer of the Telegraph
Department

Department to discuss
the subject with the Rail-
-way Companies in
the Madras Presidency
is unnecessary.—

Q.M.W.

Drafted with S.C. & Prem.
No 26/11/13

Cb-5599

Govt. of {1873} Madras.

PUBLIC WORKS.

To The Consulting Engineer for Railways and To The Secretary to the Govt of India

Dated

Recd. Encl. 4

G. O. 25th Nov. 2850. 2851.

Nos. 359-360 & 361

Telegraph (Railways).

Submitting returns on the subject of the Assumption by the State of the Telegraph lines on Guaranteed Railways.

Passing orders on letters from the Consg. Engr. reporting on the subject of the Assumption by the State of the telegraph lines on Guaranteed Railways.