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# MADRAS RECORD OFFICE

## Government of Madras

*Public Works* DEPARTMENT

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*Proceedings of the Madras Government, Public Works Department,  
12th August 1874.*

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No. 234. Read the following letter from Colonel H. DRUMMOND, R.E., Deputy Secretary to the Government of India, Public Works Department, (Railway,) to Colonel G. W. WALKER, R.E., Secretary to the Government of Madras, Public Works Department, (Railway,) dated Fort William, 15th July 1874, No. 1,619-R. :—

I AM directed to acknowledge the receipt of your letter, No. 1,463, dated the 4th June 1874, and of your docket No. —, dated 16th June 1874, the former relating to the classification of certain lands utilized for drivers' houses, etc., on the Madras Railway, and the latter requesting early orders on your reference in regard to the classification of portions of A lands utilized for the construction of such dwelling-houses as are not conveniences under the contract.

2. In reply, I am directed to state that the principle laid down in this office No. 489 G. R., of the 21st March 1873, appears to the Government of India to apply to dwelling-houses for drivers, etc. These are not conveniences to station buildings in the sense of the contract, as are engine-houses, goods-sheds, work-shops, etc.

3. As regards the cases specifically put forward, it appears that land in excess of requirements was made over in Class A in the first instance. When the exact wants under this class became known the excess should have been returned to Government, and if these excess lands were desired to be retained by the Company for workmen's houses, they should have been re-transferred under Class C.

4. As this course was not taken at the time, the Government of India consider that the land at Bangalore, on which guards and drivers' houses have been built, may be retained by the Company as land in Class A, but any excess land not built upon should be returned at once to Government.

5. At Arconum the Telegraph Engineer's house has been allowed to be built within the station compound, which is in Class A, and this arrangement need not now be disturbed.

6. It is understood that these are the only instances in which such dwelling-houses have been allowed to be built on Class A land, and it is presumed that steps have now been taken to resume from the Company all surplus A lands.

7. As regards the land required at the Huggry bridge for store-sheds and workmen's huts, I am directed to observe that the portion required for stores comes under Class B under Circular No. 55 of 1861, while that for the huts should strictly speaking be given in Class C. This last need not, however, be insisted on. The whole of the land may be made over under Class B, and would, in ordinary course, be returned to Government, but if on the completion of the bridge it is desired to retain any of the land, rent must be paid for it and the land transferred to Class C.

8. A copy of Secretary of State's despatch No. 24, Railway, of 1858 (wrongly quoted as 25 in Public Works Department No. 852, of 21st January 1859,) is enclosed as requested, but I am to add that the authorized land rules are those contained in Circular No. 55 of 1861, and not those contained in No. 852 of 1859.

*Proceedings of the Madras Government, Public Works Department,  
12th August 1874.*

Despatch from the Secretary of State for India, to the Right Honorable the Governor-General of India in Council, dated 30th November 1858, No. 24, Railway.

I HAVE had under consideration in Council the question raised in your letter No. 37, dated the 14th September 1858, as to the liability of the Government to pay for a certain piece of land which was pointed out by the Railway Company's Agent to be necessary for the convenience of the Railway.

2. The land was required for a depot for Railway permanent-way materials.

3. Its situation made it valuable, and the owner was unwilling to part with it. You accordingly hesitated to allow its appropriation, but upon the strong representations of the Agent that it was essential to the convenience of the Railway, and upon his offer "to pay any reasonable extra remuneration" for it, you yielded your consent to its purchase. When the time arrived for the payment of the price which had been agreed upon between the landowner and the Government officer, it appeared that you had misunderstood the offer of the Agent to pay any extra "remuneration," and that instead of this expression meaning "remuneration over and above what the Railway Company would have to pay in any case" it simply implied his willingness to pay "any extra sum that might be considered reasonable to cover the additional cost to which the Government might be put by the purchase of that particular plot."

4. The Railway Company's Agent declined to admit the liability of the Company to purchase the land, and your Consulting Engineer was of opinion that the purpose for which the land was required, viz., the storing of materials, made it a charge against the Capital of the Railway. You accordingly refer the facts under dispute for settlement in this country.

5. Simultaneously with the receipt of your letter the Railway Directors addressed me upon the same subject, and I forward, for your information, copy of their communication and of my reply, by which you will perceive that I felt unable to deny the liability of the Government to pay for the land in question, although I considered that the proceeding of the Railway Company's Agent was a sufficient foundation for the payment out of the Railway Capital of a portion of the purchase money.

6. The offer of the Agent to pay any reasonable extra remuneration for the particular plot of land, which he desired so much to obtain, was well calculated to mislead for no portion of the land, the purchase of which is incidental to the construction of the Railway, is paid for jointly by the Government and the Railway Company.

7. The two descriptions of land are, first, that required for the "Railway and the works connected therewith, and proper stations, offices, warehouses, other conveniences for the same;" and, second, that required for the purpose of obtaining materials for the construction of the Railway.

8. Under Clause 3 of the Contract, the Government, with whom the selection exclusively rests, are bound to provide the former, and the Railway Company, or the Contractors, who may be engaged to execute the works have to pay for the latter, as was decided on the various occasions referred to in your despatch.

9. The land regarding which the dispute under reference has arisen, was required, not to enable the Company to obtain materials, such as stone, clay, ballast, etc., but for a depot in which the materials are to be stored. Such a building appears to me just as much a part of the Railway works as a locomotive shed or goods warehouse, and I am unable to interpret the Clause 3 of the Contract above quoted so as to relieve the Government from the payment in question.

No. 235.

ORDER THEREON, 12th August 1874, No. 2,219.

RAILWAY, No. 38.

COMMUNICATED to the Consulting Engineer for Railways for information, and for such action as these orders require, with reference to the papers recorded in G. O., No. 1,462 of 4th June 1874.

*Proceedings of the Madras Government, Public Works Department,  
12th August 1874.*

Circular No. 55 of 1861 was communicated to the Consulting Engineer with G. O., No. 565 of 5th August 1861.

2. The Consulting Engineer will report with reference to paragraph 6, what action has been taken as regards resuming all surplus A lands.

(True Extract.)

Colonel, R.E.,

Secretary to Government.

To the Consulting Engineer for Railways.

Exd. S. T. Austin.

Spare Copies

Public Works Department.  
Proceedings of the Madras Government  
From The Govt of India (H. O. 1619 R. dated  
15 July 1874)

Communicated  
to the Consulting Engineer  
for Railways, for in-  
formation, and for such  
action as these orders  
require, with reference  
to the papers recorded  
in L.O. No. 1462 of 4<sup>th</sup> June  
1874. Circular No. 55 of  
1861 was communicated  
to the Consulting Engineer with  
L.O. No. 565 of 5<sup>th</sup> August 1861.

The Consulting Engineer  
will report with

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reference to para 6, what  
action has been taken  
as regards returning  
all surplus lands.

G.M.W.

38

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To The <sup>for</sup> Engineers  
for Pers ✓  
I. Capins despatch 18/8/74.

234-235

Cir 25/1/74 Rtd 25/1/74

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Govt. of Madras.

PUBLIC WORKS.

To

The Com. Engr. & Supt.

Dated

Recd.

Encl /

G. O. 12 Aug 1874, No. 2219

Nos. 224-235

Land - Railway

Letter from the Govt of  
India, passing orders  
on correspondence relating  
to the classification of  
lands utilized for Private  
Houses &c in the Madras  
Railway ~~and~~ and  
to the Com. Engr. & Supt. for Rail  
ways with instructions