

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	34 98.	Press	Original
~~B.P. No.~~		Misc	
Dated	20 - 12.	195	1876

Not to be folded or roughly handled

No. 498. Read the following letter from Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Madras, 21st September 1876, No. 462:—

I HAVE the honor to request an expression of opinion on the part of Government regarding the liability of Railway Companies for the cost of works rendered necessary by the introduction of measures in connection with roads, rivers, or otherwise, being subsequent to the completion of the line.

2. Every effort has been made to ascertain and meet the conditions existing at the time of construction in the case of recently opened or unfinished lines; but much correspondence has of late been entailed on this office, in connection with the Madras Railway, which might have been saved were it ruled by Government that the Railway Company cannot be held liable for alterations in roads or waterways rendered necessary by public works undertaken subsequent to the line being once opened for traffic, or otherwise.

3. A question is now under discussion where sluices in a weir of comparatively recent date have to be opened to prevent the line from being flooded, owing, as it would appear, to the line having originally been laid at a level based on the apparent conditions, or perhaps on wrong information.

4. A not unfrequent form of interference with the original conditions, is the redistribution of the waterway in large tanks; such a case is now under reference on the North-west Line of the Madras Railway.

5. The abandonment of a breached tank occasionally necessitates increased waterway; an instance of this is now under discussion.

6. Proposals to relieve the more crowded level crossings by sub-ways have recently given rise to similar questions as to the incidence of the cost.

7. I should be obliged if Government would lay down the principles that should guide the disposal of such questions.

No. 499. ORDER THEREON, 20th December 1876, No. 3,498.

RAILWAY, No. 50.

It is considered by His Grace the Governor in Council inconvenient, if not useless, to lay down principles on hypothetical cases. Each case of works found necessary subsequently to railway construction must be dealt with on its merits. It may, however, be remarked that railway works should be so constructed as not to prejudice the ordinary use of the land over which they pass; and should be of sufficient strength to withstand the ordinary contingencies

Proceedings of the Madras Government, Public Works Department,
20th December 1376. No. 3,493.

of floods, whether from breaching of tanks or otherwise. Road crossings should be suitable for the safe passage of all traffic entitled to use the road; and should be altered from time to time to meet the necessities which a growing population give rise to.

(True Extract.)

Major-General, R.E.,
Secretary to Government.

RAILWAY DEPARTMENT.

CONSULTING ENGINEER'S OFFICE,

Madras, 21st September 1876.

No. 402

From

LIEUT.-COLONEL J. H. M. SHAW-STEWART, R.E.,
Consulting Engineer for Railways,

To

MAJOR-GENERAL G. W. WALKER, R.E.,
Secretary to Government,
Public Works Department,
Fort Saint George.

SIR,

I have the honour to
request an expression of opinion on the
part of Government, regarding the
liability of Railway Companies for
the cost of works rendered necessary
by the introduction of measures in
connection with roads, rivers, or otherwise,
being subsequent to the completion of
the line.

2.

Every effort has been
made

made to ascertain and meet the conditions existing at the time of construction in the case of recently opened or unfinished lines; but much correspondence has of late been entailed on this office, in connection with the Madras Railway, which might have been saved were it ruled by Government that the Railway Company cannot be held liable for alterations in roads or waterways rendered necessary by public works undertaken subsequent to the line being opened for traffic, or otherwise.

3. A question is now under discussion which relates to a

weir of comparatively recent date have to be opened to prevent the line from being flooded, owing, as it would appear, to the line having originally been laid at a level based on the appearance conditions, or perhaps on wrong information.

This is a very important question.

It is a very important question, and one which has been much discussed.

4. A not infrequent form of interference with the original conditions, is the redistribution of the waterway in large tanks, such a case is now under reference on the South-west line of the Madras Railway.

5. The abandonment of a breached tank occasionally necessitates

I believe in the
layman devoted to the
hypothetical cases - but
being generally the
history of the people the
with a great many small
but popular the ordinary
one of the land and the
masses of the people through
to understand the ordinary
contingencies of life which
from Washington to the
Atlantic -
They must make their
own decisions and take
supply of all things intended
to be sent read & from
their return with the
despatches which a growing
population give rise to

Edw. M.

19

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N₂495

1: 2

No 2490

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 20 Dec/76.
Read the following:—

Read the following:—

From the (Circulating) *W. Mass. Sept. 17/76*
Imperial Gas Railways

It is considered by the House the Governor
in Council ~~should not~~
~~be asked to~~ ~~the~~ ~~18th June~~
~~1891, but it is~~ ~~proposed~~
~~to deal with the cases~~
~~in which it is~~
~~convenient~~ ~~inconvenient,~~
if not ~~useful~~ to lay down
principles on hypothetical
cases. Each case of ~~fact~~
~~is~~ ~~to be~~ ~~dealt with~~
as a ~~separate~~ ~~case~~ ~~of~~ ~~fact~~
Railway construction
must be dealt with on its
merits. It may, however,
be ~~convenient~~ ~~that~~ ~~Rail.~~
~~cases~~ ~~should be~~
~~dealt with~~ ~~as~~ ~~separate~~

to preclude the ordinary
use of the land river
which they pass; and should
be of sufficient strength
to withstand the ordinary
contingencies of floods,
whether from breaching
of banks or otherwise.
Road crossings should
be suitable for the safe
passage of all traffic
entitled to use the
road; and ^{should} be altered
~~if necessary~~ from time
to time, ~~as to~~ meet the
necessities which a
growing population
may give rise to.

Amr.

N. 496/99

C. Co. for Railways.
Recd. Rept.
Land Rept.
Chief Engr. for Irrigation.
Dated 26-12-71

8/11/71

12043



Govt. of Madras.

PUBLIC WORKS.

To The Comr. Eng. for W.

Dated

Issued

Recd.

Encl.

G. O. 12043-1876, No. 34198

Nov. 4 1876

Railways. Darning orders
on letter from the Comr. Eng. for
W. requesting information
regarding the liability of
Railway Companies for the
cost of certain works re-
- deemed necessary subsequent
to the completion of a line.

Sent in B. J.

12043

Chief Engineer