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MADRAS RECORD OFFICE

Government of Madras

Public Works

DEPARTMENT

G.O. No.	420/421-RG	Press
~~B.P. No.~~		Mis.
280/281		
Dated	16	2 - 18 76.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
16th February 1876.*

No. 280. 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, 4th February 1876, No. 76 :—

I HAVE the honor to submit, for the orders of Government, letter No. 31, dated 11th instant, with enclosure, from the Agent of the Madras Railway. It will be seen that Mr. Elwin declines, in accordance with instructions from the Board of Directors, to make any payment in future on account of rent for land provided by the Government.

2. The Board seem to be satisfied that all payments of rent for the use of land taken up for the Railway under any circumstances, except when upon a lease in special cases, are in violation of their contract.

3. The subject of the tenure of land by Railway Companies was fully discussed in the papers embodied in the Proceedings of Government, No. 1,462, dated 4th June 1874, and in orders therein referred to. I beg to invite attention also to the following papers on the subject of land :—

Proceedings of Government, No. 1,584, dated 15th June 1874.

„	„	„	1,612-A, „	16th „	„
„	„	„	2,219, „	12th Aug. „	„
„	„	„	2,369, „	21st „	„
„	„	„	2,747, „	30th Sept. „	„

4. The bills for rent forwarded by the Collectors of districts will be detained in this office pending the instructions of Government.

EXTRACT from a letter from the Board of Directors, Madras Railway, to their Agent, No. 534, dated 19th June 1874.

PARAGRAPH 12.—By the 3rd and 4th clauses of the same Contract it appears that no land is to be provided except for purposes which are certified “as necessary or expedient,” which purposes are enumerated as “all such stations, offices, warehouses, fixed machinery, and other works and conveniences.” Consequently, all works once certified must be included either in the first four specified works, or in the “other works and conveniences.” The Board do not object to the separation of works certified into classes, A, B, C, &c., for the purpose of keeping on record the nature of the grant founded upon the certificate, viz., whether temporary or otherwise. But they object to any payment being made, under any circumstances, for the use of land (except those defined in paragraph 7 of 522), which they consider is provided by Government under the terms of the Contract. All works and structures now in existence, having been established with the express sanction of the Government, must be held to be certified as required by the Contract. If they are now neither necessary nor expedient they ought to be forthwith abandoned.

(True Extract.)

(Signed) W. H. COAKER, Captain, R.E.,
for Consulting Engineer for Railways.

EXTRACT from a letter from the Agent, Madras Railway, to his Board of Directors, dated 21st September 1875, No. 1,175.

PARAGRAPH 2.—With reference to paragraphs 13 and 14 of your letter, No. 558, I shall be much obliged if the Directors will let me know whether the Secretary of State has communicated

*Proceedings of the Madras Government, Public Works Department,
16th February 1876.*

to them any final decision with regard to the future classification of lands made over to the Company by the Government.

(True Extract.)

(Signed) W. H. COAKER, Captain, R.E.,
for Consulting Engineer for Railways.

From R. B. ELWIN, Esq., Agent and Manager of the Madras Railway Company, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Madras, 11th January 1876, No. 31.

ADVERTING to your letter of the 8th of October 1874, No. 953, and to previous correspondence, I have the honor to forward herewith, for submission to Government, an extract* from a letter

* Paragraph 12 of 562.

addressed to me by the Board of Directors, from which I learn that no final decision has yet been

arrived at with the Secretary of State on the subject of rent for lands made over to the Company by Government, but that the Board have been informed that it has been long since decided that the Government cannot avoid providing land for the erection of any works approved by them.

2. I am therefore instructed to make no payment in future on account of rent for land provided by the Government, as the Directors are satisfied that such payments are in violation of their Contract.

3. Under these circumstances, I am precluded from passing for payment the bills forwarded with your letters noted in the margin, and I accordingly beg to return them herewith.

No. 1,122, 16th October 1875.
" 1,254, 23rd November "
" 1,272, 1st December "

EXTRACT from a letter from the Secretary, Madras Railway Company, No. 562, dated London, the 5th November 1875.

PARAGRAPH 12.—In paragraph 2 of 1,175, you ask whether any final decision on the subject of the payment of rent for land has been communicated by the Secretary of State, and I

As to payment of rent for land.

am to acquaint you, in reply, that such has not been the case, but the Board are informed that it has been long since decided that the Government cannot avoid providing land for the erection of any works approved by them.

13. In No. 495, paragraph 17,* and in No. 534, paragraph 12, you were informed that the Board object to the payment of rent for the use of land under any circumstances, except those defined in paragraph 7† of No. 523, that is, upon a lease entered into with their sanction

* Quoted in G.O., No. 2,267, dated 12th November 1872.

† Quoted in G.O., No. 1,463, dated 4th January 1874.

under special circumstances, and, as it now appears from your letter that rent is still being demanded, I am to instruct you in future to make no further payment on account of rent, and in case of its being claimed hereafter respectfully to intimate that the Board are satisfied that such payments are in violation of their Contract. You will observe also, by referring to the correspondence quoted in paragraph 6 of No. 523, that they are not provided for in the Agreement between the Secretary of State and the East Indian Railway Company, contained in Mr. J. C. Melvill's letter of the 15th March 1867, No. 7‡.

‡ Quoted in G.O., No. 1,462, dated 4th June 1874.

(True Extract.)

(Signed) R. B. ELWIN,
Agent and Manager.

*Proceedings of the Madras Government, Public Works Department,
16th February 1876.*

No. 281.† ORDER THEREON, 16th February 1876, No. 420.

RAILWAY, No. 35.

THE question will be referred for the orders of the Government of India.

(Here enter No. 421, dated 16th February 1876.)

(True Extract.)

(Signed) G. W. WALKER, Major-General, R.E.,
Secretary to Government.

To the Consulting Engineer for Railways.

Exd. S. T. Austin.

Spare Copies

PUBLIC WORKS DEPARTMENT,
FORT ST. GEORGE, 16th February 1876.

No. 282.

No. 421.

FROM

MAJOR-GENERAL 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. 36.

* Proceedings, No. 420, dated 16th Feb. 1876,
G.O., No. 2,747, dated 30th Sept. 1874.

SIR,—I am directed to forward, for the orders of the Government of India, the accompanying* papers on the subject of the payment of rent by Railway Companies for the land taken up by them.

2. This matter has already formed the subject of a lengthened correspondence,* to which I am to invite attention. It

* To Govt. of India, No. 2,668,	dated	12th Nov. 1872.
From " " 81 G.R., "	"	4th Jan. 1873.
To " " 655 " "	"	1st March "
From " " 489 G.R., "	"	21st " "
To " " 1,463, "	"	4th June 1874.
To " " 1,585, "	"	15th " "
To " " 1,612 B., "	"	16th " "
From " " 1,619 R., "	"	15th July "
From " " 1,688 R., "	"	22nd " "

will be seen that the Board of Directors of the Madras Railway decline to admit the liability of the Company for rent on account of any land on which works approved by the Government have been

erected, as being in violation of the Contract entered into with them; and they have instructed their Agent accordingly.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) G. W. WALKER, Major-General, R.E.,
Secretary to Government.

Exd. S. T. Austin.

Spare Copies

No. 31

50 6
MADRAS RAILWAY. 9

AGENT AND MANAGER'S OFFICE.

Madras, 11th January 1876.

From

A. P. Clewin Esq.
Agent and Manager. M. R. Co.

To

Mr. J. Hall & Son Stewart, & Co.
Consulting Engineer for Railways.

SIR,

Paragraph 2. of 562. Adverting to your letter of the 8th of October 1874, to go, and to previous correspondence, I have the honour to forward herewith for submission to Government an extract from a letter addressed to me by the Board of Directors from which I learn that no final decision has yet been arrived at with the Secretary of State on the subject of rent for land made over to the Company by Government, but that the Board have been informed that it has been long since decided that the Government cannot avoid providing for the erection of any works approved by them.

2. I am therefore instructed to make no payment in future on account of rent for land provided by the Government, as the Directors are satisfied that such payments are in violation of their Contract.

Under these circumstances I am
precluded from passing a payment. The
Bills forwarded with your letter noted
at 1122, 16th Oct 1875
at 1254, 23rd Nov
at 1272, 1st Dec. } in the margin, and I earnestly beg
to return them herewith.

I have the honour to be,
Sir,

Your most obedient servant,

W. H. Brown

Agent and Broker

Recd. 16th Feb 76 B.N. 280

5

Extract from a letter from
the Agent Madras Railway to his
Board of Directors dated 21st
September 1875 N^o 1175.

Para. 2. With reference to pa-
-graphs 13 and 14 of your
letter N^o 558 I shall be
much obliged if the Directors
will let me know whether the
Secretary of State has communi-
-cated to them any final de-
-cision with regard to the future
classification of lands made over
to the Company by the Government.

(True Extract)

Wm. S. R.E. Captain
for Cons. Engineer for Railways.

Geo. H. P.

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated

12th

No. 31

1875

1000 copies sent to
the Board of Directors
for their consideration
and for the Government

1875/26

S P 51

Extract from a letter from the Board of
Directors, Madras Railway, to their Agent
No 534 dated 19th June 1874.

Paragraph 12. By the 3rd and 4th
clauses of the same Contract it ap-
pears that no land is to be provided
except for purposes which are
certified as necessary or expedient
which purposes are enumerated
as "all such stations, offices, ware-
houses, fixed machinery, and other
works and conveniences." Consequently,
all works once certified must be in-
cluded either in the first four speci-
fied works, or in the "other works and
conveniences." The Board do not
object to the separation of works
certified into classes, A. B. C. &c
for the purpose of keeping on
record

No. 16th Feb 76 B. 1. 280

4
17
record the nature of the grant
founded upon the certificate,
namely, whether temporary or
otherwise. But they object to any
payment being made, under any
circumstances, for the use of land
(except those defined in para 7
of 522), which they consider is
provided by Government under
the terms of the Contract. All
works and structures now in ex-
istence, having been established
with the express sanction of the
Government, must be held to
be certified as required by the
Contract. If they are now neither
necessary nor expedient, they
ought to be forthwith abandoned.

/True Ishtak/

W. S. S. R. E. Captain
for Engineers for Railway.

Exhibit
C. 100

RAILWAY DEPARTMENT

CONSULTING ENGINEER'S OFFICE.

Madras, 2nd February 1876.

No. 76

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 submit for the orders of Government letter N:31 dated 1st instant, with enclosure, from the Agent of the Madras Railway. It will be seen that Mr. Elwin declines, in accordance with instructions from the Board of Directors, to make any payment in future on account of rent for land provided by the Government.

2. The Board seem to be satisfied that all payments of rent for the use of land taken up for the railway under any circumstances, except when upon a lease in special cases, are in violation of their contract.

3. The subject of the tenure of land

Handed over

3A

Handed over

1876/2/2

land by Railway Companies was fully
discussed in the papers embodied in
the Proceedings of Government N^o 1462,
dated 4th June 1874, and in Orders
therein referred to. I beg to invite
attention also to the following papers
on the subject of land: —

Pro. of G. N^o 1584 dated 15 June 1874.

— " — " — 1612 A — " — 16 " — " —

— " — " — 2219 — " — 12 " August —

— " — " — 2369 — " — 21 " — " —

— " — " — 2747 — " — 30 " September —

The bills for rent for-
warded by the Collectors of districts
will be detained in this Office
pending the instructions of Government.

I have the honour to be
Sir

Your most obedient servant

Man Mohan Bhatta,

Cons. Engineer for Railways.

1000

488-June/60 ... 329 + 330 ...
 -5-Aug-61 ... 565
 -9-Apr-62 ... 274
 -7-July/70 ... 1634
 -12-Nov/72 ... 2667 + 2668
 -30-Sept/73 ... 354
 -18th March/73 ... 655
 -5-Sept ... 1054
 -7- ... 1068
 -16-June/74 ... 1462 + 1463
 -15- ... 1585
 -16- ... 1612 B
 -12-Aug- ... 2219
 -21st ... 2369
 -30-Sept- ... 2747
 Copy of the Contract (Duplicate).

N. 280
 with accounts etc
 from Agent Railways
 upon the subject
 of arrangements
 of land for land
 occupied by
 them.
 Cir 11-2-76.

GO No 420-1. 16-2-76
 2.4.76 No. 76
 Dated 7th Feb 1876
 Recd. 8th Feb 1876
 To
 The Secretary to Government,
 P. W. Department,
 Fort Saint George.
 From
 The Consulting Engineer
 for Railways,
 2.4.76
 2.4.76
 2.4.76

No 420
 Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 16th Feb 1876
 Read the following:—

From
 The Consulting Engineer for Rys. (H. E. No 46 of 7th Feb 1876)

The question will be
 referred for the orders of
 the Government of India.
 H. E. No 121 dated 16th Feb 1876

To
 The Secretary to the Govt.
 of India, P.W.D.
 Sir: I am directed to for-
 ward for the orders of the
 Government of India the
 accompanying papers
 on the subject of the
 payment of rent by
 Railway Companies
 for the land taken up
 by

Pro: No 420 of 16th Feb 1876
 No. 2747 - 30th Sept 1874

Dated - 4-3-76
 To The Consulting Engineer for Railways

by them.

This matter has already
formed the subject of a
lengthened correspondence from
to which I am to invite
attention. It will be seen
that the Board of
Directors of the Madras
Railway decline to ad-
mit the liability of
the Company for rent on
account of any land
on which works approved
by the Govt. have been
erected, as being in vio-
lation of the contract
entered into with them,
and they have instructed
their Agent accordingly.

To Secy of India - No. 2663 of 12th Decr/73
do do do 31st Decr. 4th Janu/74
do do do 655. 1st March.
From do do 4896 P. 21st do.
do do do 1463. 4th June/74
do do do 1585. 15th do
do do do 1612 B. 16th do
From do do 1619 P. 15th July/74
do do do 1688 P. 22nd do

N^o 280 @ 282 Comm
Resd. 4. 3. 7th

2/4/76

995
Govt. of Madras.
PUBLIC WORKS.

To

Courier for Rep
Govt. of India

Dated

Issued

Reca.

Encl.

G. O. 11 Feb. 1876, No.

420
44

Nos. 280 & 281

Forwarding for orders, papers
on the subject of the ~~rent~~
payment of rent by the
Railway Companies for
land taken up by them -

Rent for land occupied by
The Madras Railway Co.

Ordered, that the letter of
the Agent Madras Railway,
submitted by the Comr. Engr.
on the subject of the payment
of —, be forwarded for
the orders of the Govt. of India