Public Works (1890) Department.

RAILWAY BRANCH.

G.O., No. 778 Ry.

DATED 4th June

[Despatch Abstract.]

Rules for the acquisition of land for Railway purposes, — Resolution of the Govt. of India issuing amended —, Communicated to the Consulting Engineer for Railways.

Indexed.

[P. W. Ry. I. 769—25-2-99.]

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[*Heads of Departments.*]

Circular No. XV Railway.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY CONSTRUCTION.

Simla, June 8, 1882.

Rules for acquisition of land for State Railways.

Read—

Circular No. 21 Railway, dated 12th October 1881.

RESOLUTION.—It having been brought to notice that the scale laid down for the preparation of land plans under Rule VIII of the Rules promulgated with Public Works Department Circular No. 21 Railway of the 12th October 1881, *viz.*, 400 feet to an inch, is inconveniently small, and that in practice fresh plans have frequently to be made out on a larger scale, His Excellency the Governor General in Council is pleased to direct that the scale of 150 feet to an inch be in future adopted on State Railways in the preparation of all land plans.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab, Public Works Department.
The Chief Commissioners, Central Provinces, British Burma, and Assam.
The Resident at Hyderabad.
The Agents to the Governor General for Rajputana, Central India, and Biluchistan.
The Director General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways.

Order.—Ordered, that this Resolution be communicated to the Local Governments, Administrations and Officers marginally noted for information and guidance.

F. FIREBRACE, Major, R.E.,

Under Secretary.

Documents accompanying.

Nil.

P.W.C. No 4060.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY CONSTRUCTION.

Order No 404 R d/ 23rd June 1882.

Communicated to the Consulting Engineer for Railways with reference to Proceedings No 726 R dated 8th November 1881.

(True Extract)

(Sd) J. Shaw Stewart Colr. R.E.
Joint Secy & Govt., P.W.D.
Railway Branch.

Circular No. XV Railway.

Dated Simla, June 8, 1882.

Received 20/6

To,
The Consulting Engineer
for Railways.

Rules for the acquisition of land for State Railways. Alteration in magnitude of scale.

Govt. C. B. Press, Simla.—No. 198 D.G.R.—10-6-82.—710.

Order

[*For Heads of Departments.*]

Circular No. XXVIII Railway.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY CONSTRUCTION.

Simla, November 7, 1882.

Procedure to be followed by Local Railway Officers in the acquisition of land belonging to Native States for quarrying purposes.

Read—

Memorandum No. 840G., dated 27th September 1882, from Foreign Department, and enclosures.

Procedure to be followed by Local Railway Officers in the acquisition of land belonging to Native States for quarrying purposes.

RESOLUTION.—It having been brought to the notice of His Excellency the Governor General in Council that it not unfrequently happens that Local Railway Officers obtain access to land in Native States for quarrying and other purposes of the like nature without reference to the Native States concerned, and that the procedure often gives rise to misunderstandings as to the terms on which such land is to be held and used by the railway, His Excellency in Council is pleased to direct that in future no quarry is to be opened outside the limits of the land made over to the railway in any Native State, until the permission of the Native State or Durbar concerned shall have been obtained by the Local Railway Officers through the political officer attached to the State. In short, the procedure followed in connection with the acquisition of land in British territory should be observed, except that instead of the land, being acquired under the Land Acquisition Act [Act X of 1870], it will have to be obtained through the political officer on such terms as may be agreed upon with the Durbar after the submission of the necessary land plans.

The Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh, and the Punjab, Public Works Department.
The Chief Commissioners of the Central Provinces, Assam, and British Burma, Public Works Department.
The Resident at Hyderabad, Public Works Department.
The Agents to the Governor General for Rajputana, Central India, and Biluchistan, Public Works Department.
The Director General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways at Calcutta, Lahore, and Lucknow.

ORDER.—Ordered, that this Resolution be communicated to the Local Governments, Administrations, and officers marginally noted for information and guidance.

W. Brunn Colonel, R.E.,
Secretary to the Government of India.

Documents accompanying.

Nil.

To,
The Secretary to the Government of Madras,
Public Works Department

30

P. W. C. No. 7970.

B/ No. 738 R of 24th Nov/82

Communicated to the Revenue and Political Departments, and to the Consulting Engineer for Railways for the information & guidance of Railway officials

23-11-82

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY CONSTRUCTION.

To

Circular No. XXVIII Railway.

Dated Simla, November 7, 1882.

Received 22nd Nov/82

55C.

No. 738 R of 24-11-82

Procedure to be followed by Local Railway Officers in the acquisition of land belonging to Native States for quarrying purposes.

Govt. C. Branch Press, Simla.—No. 545 D. G. R.,—13-11-82—800.

Revenue Dept—5 C/ N

Political Dept—5 C/ N

Consg Engr for Rys—15 C/

Dept 24-11-82.

Jo 30/11

Copy to orders

W.R. Order

Intd. in Receipt Regr.

Enclosure to Public Works Department Circular No. VIII Railway of 1890.

FORM OF SCHEDULE PRESCRIBED IN PUBLIC WORKS DEPARTMENT CIRCULAR NO. 55, DATED 29TH JUNE 1861.

Plan. Sheet No.

Railway.

District.

Schedule of land required for the use of the Railway in

Mouzah

Pergunnah

Zillah

No. on Plan.	Purpose for which required.	Payable by Government. A (Pink). Land for permanent occupation by Railway Company.			Payable by Government. B (Yellow) Land for temporary occupation by Railway Company.			Payable by Government. D (Green). Land to be occupied by Government permanently.			Payable by Railway Company. C (Purple). Land for occupation by Railway Company permanently or temporarily.		
		A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.
1	Synabas Station	19	3	7									
2	Spoil bank of Balpoor cutting	...	...	...	13	3	6						
3	For quarrying ballast	...	...	...	...	...	...	...	...	...	1	3	2
4	Temporary road from ballast quarry to line of Railway	...	...	...	...	...	...	...	...	...	...	3	8
5	Road from Synabas Station to high road	...	...	...	...	...	...	1	2	3			
	Total	40	3	7	13	3	6	1	2	3	2	2	10

C. D.,

Deputy Consulting Engineer to Govt.

A. B.,

Chief Engineer, ——— *Railway.*

G. C. Press, Simla.—No. 12 P. W. D.—29-4-90.—1,020.

P W Encl
4751/90

[*For Heads of Departments.*]

Circular No. VIII Railway.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY CONSTRUCTION.

Simla, the 22nd April, 1890.

Rules for the Acquisition of Land for Railway purposes.

Read—

Public Works Department Circular No. XV Railway, dated 8th June 1882.

Read also the following Public Works Department Circular No. 55, dated 29th June 1861 :—

Under instructions from Her Majesty's Government, the following amended Rules for taking up land for Railway purposes are issued for adoption in lieu of those laid down in Circular No. 9, dated 16th March 1861 :—

Revised Rules.

1. Land required for Railway purposes may be divided into four Classes, A, B, C, and D. First, Class A, land which a Railway Company receives free of charge, under the Contract with the Government, for permanent occupation. Second, Class B, land also provided free of cost, but only for temporary occupation. Third, Class C, land which the Railway Company has to provide at its own cost. Fourth, Class D, land which does not come directly into the possession of the Railway Company at all.

2. Class A will comprise the land required for the permanent works of a Railway, including the road with its bridges, &c., and all stations, workshops, permanent store-houses, and the like, necessary for the line when opened, and which under the Contracts is to be provided by Government free of cost to the Railway Companies. The occupation of this land by a Railway Company will be so far permanent that it will only cease when their Contract is terminated or surrendered and the whole lapses to Government. It is all provided free of charge.

3. Class B will contain land essential for the execution of the permanent works of a Railway, but not required after the completion of the line in part or in whole. It also is provided free of charge. Such is land for spoil banks, for extra excavation to make banks for river diversion, and for the storage of Railway materials held in stock by the Railway Company, pending the construction of the line, or their despatch to the works. * The occupation of this class of land will be temporary. On its restoration to the Government—the proper time for which will be settled in each case between the Railway Officers and the Consulting Engineer—it will be for the Revenue Officers to dispose of it to the best advantage of Government.

* This last sort of land is allowed free under the Right Honourable the Secretary of State's letter No. 25 of 30th November 1858.

4. Class C will contain the land which a Railway Company has to provide at its own cost. This is land which is required for the provision or preparation of materials ; for purposes contingent on the actual execution of the works on the line, or for other miscellaneous objects, which the Government recognizes as falling legitimately within the scope of the Railway Company's operations, though not giving the Company a claim to the provision of land free of charge. As a Railway Company is bound to pay for the construction of all works out of the capital, receiving only from Government without charge the land on which the works stand, the provision of all materials, and the means of facilitating the execution of all works are to be at the cost of the Railway Company (*a*). It is

(*a*) The following words were also in the original rules :—

"In this class, therefore, will fall all land for brick-making, for quarrying ballast,† for houses for persons "employed on the work, &c. So also land for houses for Engine Drivers, and the like, on the line when opened, "and for other similar purposes, will come under Class C."

But Her Majesty's Secretary of State for India thought that any particularization in the rule might raise questions as to the power of Government to alter or vary the terms of the Contract (a power which the Government has no intention of claiming). It has therefore been thought best to give these words in a note simply for the guidance of the Officers of Government and parties interested, as to the construction which Government puts on the Contract, in regard to certain points of frequent practical application.

† In the original rules the words "for roads to works in progress" here found place. They have now been struck out as calculated to mislead. It is clear a road may be required from a site, used temporarily for storage of materials, itself in Class B. This would carry the road itself into the same class. A road from a brick-field or quarry would be in the same category as the brick-field or quarry, *viz.*, Class C. Whereas a road from a detached but permanent store-yard, although leading "to works in progress," would not the less come under Class D, should such road still be necessary after the completion of those particular works. Thus, *generally*, the circumstances of the tenure of land *at the end of the road furthest from the Railway* will decide the class into which the road itself shall be placed.

[*For Heads of Departments.*]

Circular No. VIII Railway.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY CONSTRUCTION.

Simla, the 22nd April, 1890.

Rules for the Acquisition of Land for Railway purposes.

Read—

Public Works Department Circular No. XV Railway, dated 8th June 1882.

Read also the following Public Works Department Circular No. 55, dated 29th June 1861 :—

Under instructions from Her Majesty's Government, the following amended Rules for taking up land for Railway purposes are issued for adoption in lieu of those laid down in Circular No. 9, dated 16th March 1861 :—

Revised Rules.

1. Land required for Railway purposes may be divided into four Classes, A, B, C, and D. First, Class A, land which a Railway Company receives free of charge, under the Contract with the Government, for permanent occupation. Second, Class B, land also provided free of cost, but only for temporary occupation. Third, Class C, land which the Railway Company has to provide at its own cost. Fourth, Class D, land which does not come directly into the possession of the Railway Company at all.

2. Class A will comprise the land required for the permanent works of a Railway, including the road with its bridges, &c., and all stations, workshops, permanent store-houses, and the like, necessary for the line when opened, and which under the Contracts is to be provided by Government free of cost to the Railway Companies. The occupation of this land by a Railway Company will be so far permanent that it will only cease when their Contract is terminated or surrendered and the whole lapses to Government. It is all provided free of charge.

3. Class B will contain land essential for the execution of the permanent works of a Railway, but not required after the completion of the line in part or in whole. It also is provided free of charge. Such is land for spoil banks, for extra excavation to make banks for river diversion, and for the storage of Railway materials held in stock by the Railway Company, pending the construction of the line, or their despatch to the works. * The occupation of this class of land will be temporary. On its restoration to the Government—the proper time for which will be settled in each case between the Railway Officers and the Consulting Engineer—it will be for the Revenue Officers to dispose of it to the best advantage of Government.

* This last sort of land is allowed free under the Right Honourable the Secretary of State's letter No. 25 of 30th November 1858.

4. Class C will contain the land which a Railway Company has to provide at its own cost. This is land which is required for the provision or preparation of materials ; for purposes contingent on the actual execution of the works on the line, or for other miscellaneous objects, which the Government recognizes as falling legitimately within the scope of the Railway Company's operations, though not giving the Company a claim to the provision of land free of charge. As a Railway Company is bound to pay for the construction of all works out of the capital, receiving only from Government without charge the land on which the works stand, the provision of all materials, and the means of facilitating the execution of all works are to be at the cost of the Railway Company (*a*). It is

(*a*) The following words were also in the original rules :—

"In this class, therefore, will fall all land for brick-making, for quarrying ballast,† for houses for persons "employed on the work, &c. So also land for houses for Engine Drivers, and the like, on the line when opened, "and for other similar purposes, will come under Class C."

But Her Majesty's Secretary of State for India thought that any particularization in the rule might raise questions as to the power of Government to alter or vary the terms of the Contract (a power which the Government has no intention of claiming). It has therefore been thought best to give these words in a note simply for the guidance of the Officers of Government and parties interested, as to the construction which Government puts on the Contract, in regard to certain points of frequent practical application.

† In the original rules the words "for roads to works in progress" here found place. They have now been struck out as calculated to mislead. It is clear a road may be required from a site, used temporarily for storage of materials, itself in Class B. This would carry the road itself into the same class. A road from a brick-field or quarry would be in the same category as the brick-field or quarry, *viz.*, Class C. Whereas a road from a detached but permanent store-yard, although leading "to works in progress," would not the less come under Class D, should such road still be necessary after the completion of those particular works. Thus, *generally*, the circumstances of the tenure of land *at the end of the road furthest from the Railway* will decide the class into which the road itself shall be placed.

proper to bear in mind, in fixing the rent, that this land will in part deteriorate by the use to which it is put, and in part will not so deteriorate. In all cases, however, it will be most convenient to deal with the land in the first instance in the same manner. It will be taken possession of by Government, and handed over to the Railway Company for occupation at a fair rental. When the necessity for occupation ceases, the land will be given up again to Government by the Railway Company, the proper time for this being determined, as under Class B, by the Railway Officers and Consulting Engineer.

5. Class D will contain that land, which, being required in consequence of the works of a Railway, still does not come directly into the occupation of the Railway Company; it will be provided free of charge. It will be exclusively land for roads; either new roads leading to railway stations, or to permanent store-yards or workshops detached from the main works, or diversions or changes of old roads made necessary by railway works.

6. Inconvenience is likely to arise if Railway Companies are permitted to hold land on their own account, or otherwise than is above explained. By causing them to rent from the Government all land to which they are not entitled free, in the manner above explained, simplicity in the tenure of their property will be secured, which will be a matter of importance a a future time when the Railway may be transferred to Government. The determination of the value to be paid by the Government for any land not included in Class A which might be held by a Railway Company, would certainly be, in such an event, a great embarrassment.

7. Houses, trees, tanks, or other property, on land which is not provided free of charge, and for which special payment or compensation is necessary, will be paid for, at once, by the Railway Company. In the case of land provided free of charge, the materials, &c., derived from the "clearance" of the surface, which then will be at the expense of Government, will be disposed of by the Revenue Officers to the best advantage.

8. All land required for a line of Railway will be applied for in continuous portions: the plans will be drawn to a scale of 150 feet to the inch, and the measurements and areas will be recorded in accordance with the fiscal divisions of village estates of mouzahs, pergunnahs, and zillahs, in a schedule, of which a form is annexed, showing in detail the several classes to which the land belongs.

9. The several classes of land will be coloured pink, yellow, purple, and green respectively in the plans, and the exact purpose to which each parcel of land is to be devoted will be noticed in the schedule.

10. Detached portions of land should be referred to some fixed point on one of the main sheets, with such distances and compass or other bearings, as will enable the land to be identified at once. A corresponding entry should also be made on the main sheet to draw attention to the detached portion.

11. The general correctness of the plans and schedules of the Railway Engineers being attested by the Consulting Engineers to Government, the applications will be forwarded to and dealt with as may be necessary by the Revenue authorities under the orders of the Local Government. The Revenue Officers are to be held strictly responsible for the regular adjustment by Railway Companies of all charges on account of land, to be determined in the manner above explained.

12. A complete set of land plans should be recorded in the Chief Engineer's Office of each Railway, and a copy forwarded to the Consulting Engineer to Government, by whom a duplicate will be given to the Revenue Board, which in turn will supply Collectors of districts with transcripts of parts included in their respective zillahs. When it may be found expedient, in order to expedite the making over of the land, to employ a special Land Commissioner for this duty, the Railway Engineers should supply an additional copy of the land plan for the use of the Land Commissioner.

13. The Consulting Engineer to Government and the local Revenue authorities will, respectively, be held responsible for the punctual fulfilment of the foregoing orders in their several Departments, and for the careful record of plans in their respective offices.

14. All contemplated changes in the land in possession of a Railway Company should be promptly reported by the Railway Agent to the Consulting Engineer to Government, who will notify the same to the local Government. It will be for the latter to see that the necessary steps are taken by the Revenue authorities for entering such changes in their records, and for carrying out all further proceedings that are requisite on such an occurrence.

15. It will be necessary for the local Governments to see that a correct register and record of title of all Railway lands is maintained; for the whole of such lands will one day revert to the Crown. Also that all rents or payments for clearances, &c., chargeable in behalf of Government against the Railway Company, are duly realized.

16. It is essential that there should be for each Railway *one* set of plans, in a regular sequ[illegible] to show all the land; and that the plans of each Railway Company's estate, after they [illegible] once been prepared, should constantly be corrected and always be maintained complete.

RESOLUTION.—In a recent case it was found that land had been taken up by the Civil authorities for a Company's railway without the correctness of the

plans and schedules having been first attested by the responsible Consulting Engineer, as required in paragraph 11 of the Circular herein read, under a misapprehension that the rules contained in this Circular were intended to apply to Guaranteed Railways only.

2. As any departure from the authorised procedure for the acquisition of land for Railway Companies may cause serious inconvenience and lead to complications, the Government of India desires to invite particular attention to the Circular which is now republished for general information; and, in order to remove any doubts on the subject, is pleased to rule that the provisions of this Circular shall apply to all railways constructed by Companies, whether Guaranteed, Assisted or Private, for which the land is acquired under the orders of Government.

3. The Government of India desires that the land plans should be prepared on a scale of 400 feet to the inch, or, where a larger scale is required, 100 feet to the inch, instead of on the scale of 150 feet to the inch, as contemplated in paragraph 8 of the Circular now republished and also prescribed in Public Works Department Circular No. XV Railway, dated 8th June 1882, which is hereby cancelled.

4. It will be incumbent on Consulting Engineers to endeavour to avoid the emplacement of the railway upon land the acquisition of which will entail either unnecessary expenditure on Government, or annoyance to the owners, if the object sought can be equally well attained by a slight alteration of the alignment, or in some other manner. The Consulting Engineers to Government and the local Revenue authorities will be held responsible that, in taking up land, the fullest consideration is given both to the convenience of the proprietors and the interests of Government.

ORDER.—Ordered, that this Resolution be forwarded, for information and guidance, to the Local Governments and Administrations and the Officers marginally noted.

The Government of Madras.
" " " Bombay.
" " " Bengal.
" Resident at Hyderabad.
" Director General of Railways.
" Consulting Engineers to the Government of India for Railways.

Also for information, to the Governments of the North-Western Provinces and Oudh, and the Punjab; the Chief Commissioners of the Central Provinces, Burma and Assam; the Agents to the Governor General for Rajputana, Central India and Baluchistan, and the Accountant General, Public Works Department.

A. M. Broadley

Major, R.E.,
Under-Secretary to the Govt. of India.

Document accompanying.
Enclosure to P. W. D. Circular No. 55 of 1861.

16. I
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have

To The Joint Secy: to the Govt of Madras
P. W. Department Railway Branch

R. 36 copies

OWC No: 4751

Fr. Bus 738 R dg 24.11.82
... 404 R dg 23.6.82
.R. 726 R dg 8.11.81
... 233 dg 15.9.71
... 777 R dg 18.11.61
... 738 dg 24.10.61
... 665 dg 8.8.61
.... 371 dg 14.8.61
... 285 dg 13.4.61
... 274 dg 9.4.61

B. No. 778 S dg 4th June 1890.

RG 20.5.90

E.7

(+ 36 S.C.)

JHS
27. May

Communicated to the

Consulting Engineer for Railways

B. No. 778 S dg 4th June 1890.

for information and guidance

Thesd
26.5.90
W for R

x accepts by early office 4-6-90

To
The Consy Engr for Rys
OWC 17/6/90 — Revenue Depte. x
— " — Political Depte. x
23/5/90 — Engr & Rly Accts
Mem 2615 R 28.5.90

D
9/6
12

8th November 1881, No. 726 R., Public Works.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Read the following paper :—

Circular from the Government of India, Public Works Department, Railway Construction, dated Simla, 12th October 1881, No. 21, Railway.

Acquisition of Land for State Railways.

Read—Circular No. 10 R., dated 25th August 1871.

Resolution.—The Government of India, having had under consideration the desirability of modifying somewhat the rules prescribed in the above-quoted circular, is pleased to direct that the following revised rules be observed in future :—

Rules.

I. The general course of procedure laid down in the Public Works Code, chapter XV, paragraph 92, is to be followed on State Railways.

II. Railway officers shall not obtain possession of land, whether by purchase, lease or on simple toleration, except through the proper Revenue authorities.

III. Engineers in preparing land plans for submission will divide their applications under two heads, viz.—

(*a*) *Land required permanently, or land necessary for the railway when it is opened for public traffic, and when the works of construction are finished.*—Such lands are the sites of bridges, embankments, cuttings, fences and other works, the cess or berm introduced for the sake of safety between the limit of the works and the adjacent spoil bank, bazaar or side-cutting; roads permanently required, such as those immediately in the neighbourhood of stations, over-bridges, under-bridges, or level-crossings on the railway; land or water required for the water-supply; land wanted for the preparation and reception of such materials as are used in maintenance, as ballast pits; land for the permanent diversion of water-courses; and all space permanently required at the stations, whether for traffic, storage, workshops, dwellings or recreation.

(*b*) *Land required temporarily, or land necessary to be taken up, but not permanently wanted.*—Such land will be for roads for access to works while in progress, but which will subsequently be abandoned; land for side-cuttings and spoil banks occupied during construction; for the preparation and reception of materials used in constructing the railway, as brick-fields, quarries, ballast pits, or the temporary diversions of streams and highways. The sites of such dwellings as will be occupied only during construction will also come in this class.

IV. The land to be taken up permanently for the through line of railway will be, in the first instance, sufficient for a double line, so as to allow of a cart-road to exist parallel to the railway *inside* the fence. This road will be useful not only during construction for service purposes but afterwards for access to the stations, for maintenance purposes, and for stacking materials.

V. The enclosed sections, *which are not intended to be used as a type for fencing but merely as an illustration showing the amount of land to be taken up*, show the widths to be allowed for different purposes and the relative position of the road, fence and ditch with reference to the railway. The boundary of the railway land permanently acquired is in every case to be considered as the outside edge of the ditch. Beyond the ditch a clear space or berm of not less than 6 feet must be left free from the spoil bank or side-cutting nearest to the railway, the cutting or bank being sloped off at an angle of not less than 2 to 1 to prevent any encroachment on this berm from the effects of weather. It will be seen from the section that the width of land to be permanently acquired for a line on the 5-feet 6-inch gauge will be for embankments 70 feet, for cuttings 76 feet, in addition to the width required in each case for the bases of the slopes. For a line on the metre gauge the widths will be embankments 64 feet, for cuttings 70 feet, in addition to the slopes

VI. Land to be taken up temporarily will be principally for side-cuttings and spoil banks, and will generally adjoin the land required permanently; it will, as a rule, be also permanently taken up by Government and subsequently disposed of when no longer required.

Embankments under 3 feet in height will only require side-cutting on one side of the railway. Slopes of side-cutting will be generally 2 to 1 all round, but care must be taken to provide for exceptional cases when a flatter slope may be needed. Similarly, the contents of cuttings under 3 feet high will be laid to spoil on one side only. Side-cuttings should not be too deep;—a depth of 6 feet may be estimated for in calculating the width of land required for side-cuttings. They should be formed into well-defined tanks of moderate length; and should not, as a rule, be connected with each other or with adjacent water-courses. Valuable land should not be taken up for side-cuttings or for temporary purposes. A sufficient water-course should be provided at right angles to the centre line of railway for each culvert or bridge, and on either side of this water-course land will be left clear of the side-cuttings sufficient to prevent the water from the river running into the side-cuttings. The precaution of leaving land uncut in this manner is necessary to prevent the formation of a dangerous stream parallel to the railway.

VII. In the neighbourhood of towns or other places where land is above the ordinary value, the width of land to be taken for slopes, fence, &c., must be specially considered to secure economy.

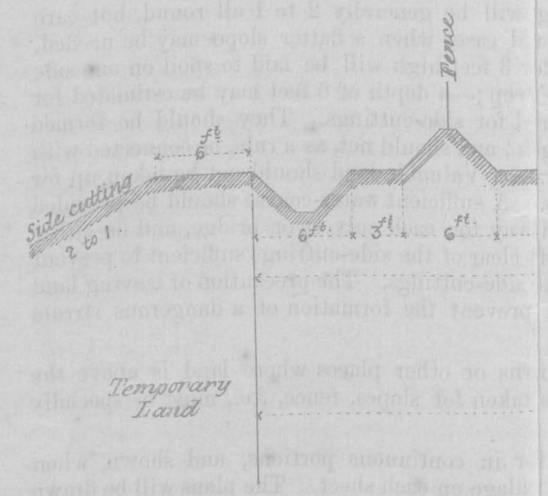
VIII. All land will be applied for in continuous portions, and shown, when practicable, mile by mile or village by village on each sheet. The plans will be drawn to a scale of 400 feet to an inch; the centre line of railway will be shown divided into chains of 100 feet, and all dimensions will be figured in feet. The name of each zillah, pergunnah and mouzah will be shown on each sheet. On curves the tangential point on the centre line will be marked, and the radius of curvature given. The areas in acres, roods and poles will be recorded in accordance with fiscal divisions in a schedule (*form the same as that issued with circular No.* 10, *Railway, of* 1871) showing in detail the class to which the land belongs, and the purpose to which it is to be devoted. Land required permanently will be colored pink; temporary land will be colored yellow.

IX. Detached portions of land should be referred to some fixed point on one of the main sheets with distances and compass or other bearings, or such reference to the published maps of the neighbourhood as will ensure a ready identification of the land:—a corresponding entry should be made on the main sheet to draw attention to the detached plot.

X. As a general rule, three complete sets of land plans and schedules will suffice for record, viz.—one for the engineer in charge of the railway; one for the Local Government or Administration; and one for the Revenue authorities; but should more be required, they will be supplied by the railway engineers.

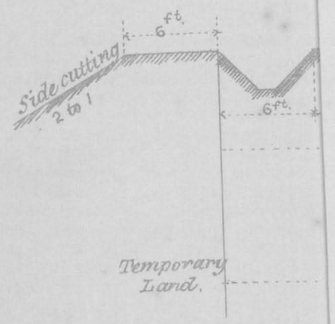
XI. The general correctness of the plans and schedules submitted by the railway engineer in charge being attested by the Engineer-in-Chief or Manager of the State Railway, the application will be forwarded to the Revenue authorities, and will be dealt with by them under the orders of the Local Government or Administration.

INDIAN STATE RAILWAYS.



NOTE.—THIS SKETCH IS NOT INTENDED TO BE USED AS A TYPE FOR FENCING, ILLUSTRATION SHOWING THE AMOUNT OF LAND TO BE TAKEN UP. WHERE ADOPTED, THE MOUND WILL BE OMITTED; BUT NO REDUCTION IN THE W SHOULD BE MADE. THE POSITION OF THE FENCE WILL VARY ACCORDING

INDIAN STATE RAILWAYS.



NOTE.—THIS SKETCH IS NOT INTENDED TO
ILLUSTRATION SHOWING THE AMOUNT OF LAND
THE MOUND WILL BE OMITTED; BUT NO REDUC
THE POSITION OF THE FENCE WILL VARY ACC

XII. The land plans and schedules will be rectified from time to time as changes occur, and Local Governments will see that a correct register of all railway lands is maintained.

XIII. When land is no longer required for the railway, it will be retransferred to the Revenue authorities and disposed of by them. All contemplated changes in the land occupied by a railway should be reported to the Local Government; and it will be for the latter to see that the necessary steps are taken by the Revenue authorities for entering such changes in their records and for carrying out all further requisite proceedings.

XIV. In Native States all land will be obtained through the Political Agent, and the distinction of temporary and permanent need not be observed; but this will not make it the less incumbent on the officials concerned to see that all land not permanently required for the purposes of the railway is restored when no longer wanted, and to keep as complete records of the land retained for railway purposes in Native States as in British territory. Such plans and schedules as the Political Agent may require will be supplied by the railway engineers.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh and the Punjab.
The Chief Commissioners, Central Provinces, British Burmah and Assam.
The Resident, Hyderabad.
The Agents, Governor-General, Rajputana, Central India and Beluchistan.
The Director-General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways.

Order.—Ordered that the above rules, together with revised general cross sections referred to in rule 5, showing widths of land to be taken up for 5′ 6″ gauge and metre-gauge State Railways, be forwarded to the Local Governments, Administrations and Officers marginally-noted for information and guidance.

(Signed) W. S. TREVOR, Colonel, R.E.,
Officiating Secretary.

ORDER—dated 8th November 1881, No. 726 R., Public Works.

Communicated to the Consulting Engineer for Railways with reference to proceedings, No. 2339, dated 15th September 1871.

(True Extract.)

(Signed) C. J. SMITH, Lieut.-Col., R.E.,
Joint Secy. to Govt., P.W.D.,
Railway Branch.

To the Consulting Engineer for Railways.

Exd. E. Fernandez.
Spare Copies

No. 224. Read the following Proceedings of the Government of India in the Public Works Department, (Railway,) dated Simla, 25th August 1871, Circular No. 10-R. :—

STATE RAILWAYS.

Rules regarding the acquisition of land to be observed by Engineers.

I.—THE general course of procedure laid down in the Public Works Code, Chapter xiii., 1, 14 is to be followed on the State Railways. Paragraph 14A is to be attended to in all cases when it is applicable.

II.—Railway Officers shall not obtain possession of land, whether by purchase, lease, or on simple toleration, except through the Revenue authorities.

III.—Engineers in preparing land plans for submission will divide their application under two heads, namely,—

(a.)—Land required permanently, or land necessary for the Railway when it is opened for public traffic, and when the works of construction are finished.

Such lands are the sites of bridges, embankments, cuttings, fences, and other works, the cess or berm introduced for the sake of safety between the limit of the works and the adjacent spoil bank, bazaar, or side cutting; roads permanently required and immediately in the neighbourhood of stations, overbridges, underbridges, or level crossings on the Railway; land or water required for the water supply; land wanted for the preparation and reception of such materials as are used in maintenance, as ballast pits; land for the lasting diversion of water-courses, and all space permanently required at the stations, whether for traffic, storage, workshops, dwellings, or recreation.

(b.)—Land required temporarily, or land necessary to be taken up, but not permanently wanted.

Such land will be for roads for access to works while in progress, but which will subsequently be abandoned ; land for side cutting and spoil banks occupied during construction for the preparation and reception of materials used in constructing the Railway, as brick-fields, quarries, or ballast pits, the temporary diversion of streams and highways. The sites of Overseers' dwellings to be occupied only during construction will come in this class.

IV.—The land to be taken up permanently for the through line of Railway will be, in the first instance, sufficient for a double line, so as to allow of a cart-road to exist parallel to the Railway outside the fence, so long as the line remains single. This road will be useful not only during construction for service purposes, but afterwards for access to the stations, and for maintenance purposes. Station sites and temporary land shown in the annexed sketch to be taken for a single line with sidings only.

V.—For the purposes of preparing land plans, the seat of the embankments of Railways on the narrow gauge may be considered to be 22 feet wide, as for a double line, added (on the supposition that slopes of 2 to 1 will suffice) to four times the height of the embankments. When flatter slopes are required in exceptional cases, extra allowance must be made for them. A width of 19 feet will be taken up on each side of the embankment, of which 3 feet will be reserved as a cess on each side of the bank between the toe of the slope and the edge of

the seat of the fence mound, and the remainder for a ditch and mound fence. Without any allowance for slopes of embankments, the least breadth of land required for the permanent works would thus be 60 feet, and the minimum breadth to be taken up permanently for the Railway in embankment will be 64 feet.

Similarly, in cuttings, a width at formation level of 30 feet will be taken as for a double line; fence, cess, and slopes may, as a general rule, be calculated as for embankments. The least breadth actually necessary will thus be 68 feet, and the minimum breadth to be taken up permanently for cuttings will be 72 feet. In sidelong ground the side widths will be duly provided for.

The centre line of a single track narrow gauge Railway having been laid out, the width of land to be taken up when the formation is in bank, with slopes of 2 to 1, will be 25 feet *plus* twice the height of the bank on one side, and 35 feet *plus* twice the height of the bank on the other side of the centre line; but in no case will a less width than 27 feet on one side and 37 feet on the other side be taken up. Similarly, in cutting, the minimum width to be taken up on each side of the centre line will be 31 feet and 41 feet, respectively. A sheet of cross sections is annexed.

VI.—Land to be taken up temporarily will be principally for side cuttings and spoil banks, and will generally adjoin the land required permanently.

Embankments under 3 feet in height will have side cutting on one side of the Railway only. Slopes of side cutting will be generally 2 to 1 all round, but care must be taken to provide for exceptional cases when a flatter slope may be needed. Similarly, the contents of cuttings under 3 feet high will be led to spoil on one side only.

Land for side cuttings will be taken on the calculation that they will not exceed 10 feet in depth. They will be formed into well-defined tanks. In every 300 feet along the Railway, 60 feet, with a slope of 2 to 1, will remain untouched so as to prevent the tanks becoming continuous. The tanks will thus be 240 feet long, and the 60 feet spaces will be used for storage of ballast or other purposes, provided they remain uncut. A sufficient water-course will be provided at right angles to the centre line of Railway for each culvert or bridge, and on either side of this water-course land will be left clear of the side cuttings, sufficient to prevent the water from the river running into the side cuttings. The precaution of leaving land uncut in this manner is necessary to prevent the formation of a dangerous stream parallel to the Railway.

VII.—In the neighbourhood of towns or other places where land is above the ordinary value, the width of land to be taken for slopes, fence, etc., must be specially considered to secure economy.

VIII.—All land will be applied for in continuous portions, when practicable, mile by mile, or village by village on each sheet; the plans will be drawn to the scale of 300* feet = 1 inch; the centre line of Railway will be shown divided into chains each 100 feet in length, and all dimensions will be figured in feet. The name of each zillah, pergunnah, and mouzah will be shown on each sheet. On curves the tangential point on the centre line will be marked and the radius of curvature given. The areas in acres, roods, and poles will be recorded in

* Plans already prepared on the scale of 150 feet = 1 inch will be received, but the smaller scale should be adopted in future; or in anticipation of the general adoption of decimal scales in the State Railway Department, a scale of $\frac{1}{4,000}$ may be used.

Proceedings of the Madras Government, Public Works Department,
15th September 1871.

accordance with the fiscal divisions in a schedule (form annexed) showing in detail the class to which the land belongs, and the purpose to which it is to be devoted. Land required permanently will be colored pink; temporary land will be colored yellow.

IX.—Detached portions of land should be referred to some fixed point on one of the main sheets with distances and compass or other bearings, or such reference to the published maps of the neighbourhood as will ensure a ready identification of the land; a corresponding entry should be made on the main sheet to draw attention to the detached plot.

X.—As a general rule, three complete sets of land plans and schedules will suffice for record, namely,—

One for the Engineer in charge of the Railway.

One for the Local Government or Administration.

One for the Revenue authorities; but should more be required, they will be supplied by the Railway Engineers.

XI.—The general correctness of the plans and schedules submitted by the Railway Engineer in charge being attested by the Consulting Engineer or other Controlling Officer of the Government, the application will be forwarded to the Revenue authorities, and will be dealt with by them under the orders of the Local Government.

XII.—The land plans and schedules will be rectified from time to time as changes occur, and it will be necessary for Local Governments to see that a correct register of all Railway lands is maintained.

XIII.—When land is no longer required for the Railway, it will be re-transferred to the Revenue authorities and disposed of by them; it will be the duty of the Consulting Engineer or other Controlling Officer of Government, in conjunction with the Engineer in charge of the Railway and the Revenue authorities, to periodically adjust the boundaries, the Controlling Officer being held specially responsible for any excess of land held for Railway purposes. All contemplated changes in the land occupied by a Railway should be reported to the Consulting Engineer or other Controlling Officer, who will notify the same to the Local Government, and it will be for the latter to see that the necessary steps are taken by the Revenue authorities for entering such changes in their records, and for carrying out all further requisite proceedings.

XIV.—In Native States, all land will be obtained through the Political Agent, and the distinction of temporary and permanent need not be observed; but this will not make it the less incumbent on the officials concerned to see that all land not permanently required for the purposes of the Railway is restored when no longer wanted, and to keep as complete records of the land retained for Railway purposes in Native States as in British territory. Such plans and schedules as the Political Agent may require will be supplied by the Railway Engineers.

XV.—The narrow gauge having been made one metre, and the introduction (as soon as the means are available) into the State Railway Department of the metrical system having been decided upon, the dimensions given in this Circular will hereafter be converted to the new standard with such slight modifications as may be found convenient.

22-3-90

Govt. of {1871} Madras.

PUBLIC WORKS.

To

THE ACTING CONSULTING ENGINEER

FOR RAILWAYS.

Dated September, 15th.

Read. *Encl.*

G. O., 15th September 1871, *No.* 2,339.

SEPTEMBER

Nos. 224-225

State Railways.—Proceedings of the Government of India forwarding Rules regarding the acquisition of land to be observed by Engineers, communicated to the Consulting Engineer.

Proceedings of the Madras Government, Financial Railway Department, 18th November 1861.

No. 71. Read the following letter from Captain P. P. L. O'CONNELL, Deputy Consulting Engineer for Railways in charge; to J. D. SIM, Esq, Secretary to Government, Fort Saint George, dated 25th October 1861, No. 256.

I have the honor to acknowledge the receipt of the Proceedings of Government, No. 738, dated the 24th instant, embodying a copy of a Despatch from the Right Honorable the Secretary of State for India, to the Governor General of India in Council, and to inform you that copies of the revised Rules respecting land, received with Order, No. 565, of the 5th August last, were communicated to the Agents of both the Madras and Great Southern of India Railways, on the 6th idem, in view to their acting upon them.

2. But as it appears from paragraph 3 of the present Despatch, and from paragraph 5 of Despatch No. 1, dated 12th January 1860, that it is the desire of the Right Honorable the Secretary of State for India, that the Rule regarding land falling under Class C, should be cancelled, I have to request that you will be so good as to obtain the orders of Government on the subject.

* * * "I now beg that no definition of what is a convenience, and what is not, may be attempted, except for the special guidance of your Officers, and that each case may be settled by you separately as it arises."

Despatch 12th January 1860, to Madras Government. Paragraph 5. "The regulations referred to would therefore appear to require modification as regards Class C, and as it would be inexpedient to determine beforehand what are conveniences under Clauses 3 and 4, and what are not, it is better that your Government should cancel that part of the Regulation in question that bear upon this point, and pass a decision upon each case as it occurs."

Vide page 42 of part II of the compilation respecting land.

No. 72. ORDER THEREON, 18th November 1861, No. 777.

The Government do not see that any orders are called for in reference to the Despatch from the Secretary of State for India, 16th August 1861, Railway Department, No. 64, communicated to the Consulting Engineer with Order of Government, 24th October 1861, No. 738, and if any are necessary they will doubtless be issued by the Government of India to whom that Despatch was addressed.

2. The Government do not perceive that the Rule, in the Circular, 29th June 1861, relative to land falling under Class C, is intended to be cancelled. The question as to whether any piece of land required for the Railway should or should not be included in Class C, must in each instance be decided on its merits, and reference may be made to Government for instructions in any doubtful case that may arise.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Proceedings of the Madras Government, Public Works Department,
15th September 1871.

RAJPOOTANA STATE RAILWAY.

PLAN No._____

DISTRICT_____

*Schedule of land taken for the use of the Railway in Zillah*_____

*Pergunnah*_____

*Mouzah*_____

No. of Plan.	Purpose for which required.	CLASS A, COLORED PINK. Occupation, permanent. Land for the regular works of the Railway including land for high roads and rivers, etc., etc.			CLASS B, COLORED YELLOW. Occupation, temporary. Land for excavations, spoil, and for contingencies of construction, for dwelling houses, etc., etc.		
		ACRES.	R.	P.	ACRES.	R.	P.
	Total...						

_____,
Superintending Engineer.

_____,
Deputy Consulting Engineer to Government.

Proceedings of the Madras Government, Public Works Department,
15th September 1871.

Circulated for adoption on State Railways to all Governments and Administrations.

(By order,)

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

No. 225. ORDER THEREON, 15th September 1871, No. 2,339.

RAILWAY, No. 23.

COMMUNICATED to the Consulting Engineer for Railways for information.

(True Extract.)

(Signed) A. deC. SCOTT, Captain, R.E.,
Under Secretary to Government.

To the Acting Consulting Engineer for Railways.

Exd. E. C. Shunker.

Proceedings of the Madras Government, Financial Railway Department, 24th October 1861.

No. 82. Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Right Honorable the Governor General of India in Council, dated 16th August 1861, No. 64.

Railway.

When my Despatch No. 41 in this Department, dated the 25th May last, was written, I was not aware that the rules for the classification of land for Railway purposes, which with certain modifications I approved, had been promulgated to the Railway Companies' Agents with a Circular, the terms of which are inconsistent with the determination, which had been arrived at, to decide upon each case of Railway "convenience" as it occurs.

2. My notice has been drawn to this Circular by the Directors of the Great Indian Peninsula Railway Company, and I have informed them that, in accordance with the intimation made to them in January 1860, this course will be followed.

3. It is hardly possible to establish any rule which could be of general application, and for that reason I dissuaded you from introducing one into the regulations which you proposed. I now beg that no definition of what is a convenience, and what is not, may be attempted, except for the special guidance of your Officers, and that each case may be settled by you separately as it arises.

PUBLIC WORKS DEPARTMENT, FORT WILLIAM, 27TH SEPTEMBER 1861.

Copy forwarded for guidance to the Government of Madras, in continuation of Public Works Department Circular, No. 55 of 1861, dated 29th June.

(Signed) H. YULE, Lieut.-Col.,
Secretary to the Government of India.

No. 83. ORDER THEREON, 24th October 1861, No. 738.

Communicated to the Consulting Engineer for Railways, in reference to the Order, dated 5th August 1861, No. 565.

(Signed) J. D, SIM,
Secretary to Government,

Exd. F. Cartledge.

No. 13. Read the following:—

CIRCULAR No. 55 of 1861.

PUBLIC WORKS DEPARTMENT, FORT WILLIAM, 29th June 1861.

Under instructions from Her Majesty's Government, the following amended Rules for taking up land for Railway purposes are issued for adoption in lieu of those laid down in Circular No. 9, dated 16th March 1861:—

Revised Rules.

1. Land required for Railway purposes may be divided into four Classes, A, B, C, and D. First, Class A, land which a Railway Company receives free of charge, under the contract with the Government, for permanent occupation. Second, Class B, land also provided free of cost, but only for temporary occupation. Third, Class C, land which the Railway Company has to provide at its own cost. Fourth, Class D, land which does not come directly into the possession of the Railway Company at all.

2. Class A will comprise the land required for the permanent works of a Railway, including the road with its bridges, &c., and all stations, workshops, permanent store-houses, and the like, necessary for the line when opened, and which under the Contracts is to be provided by Government free of cost to the Railway Companies. The occupation of this land by a Railway Company will be so far permanent that it will only cease when their contract is terminated or surrendered and the whole lapses to Government. It is all provided free of charge.

3. Class B will contain land essential for the execution of the permanent works of a Railway, but not required after the completion of the line in part or in whole. It also is provided free of charge. Such is land for spoil banks, for extra excavation to make banks, for river diversion, and for the storage of Railway materials held in stock by the Railway Company, pending the construction of the line, or their despatch to the works.* The occupation of this class of land will be temporary. On its restoration to the Government,—the proper time for which will be settled in each case between the Railway Officers and the Consulting Engineer,—it will be for the Revenue Officers to dispose of it to the best advantage of Government.

* *This last sort of land is allowed free under the Right Honorable the Secretary of State's letter No. 25 of 30th November* 1858.

4. Class C will contain the land which a Railway Company has to provide at its own cost. This is land which is required for the provision or preparation of materials; for purposes contingent on the actual execution of the works on the line, or for other miscellaneous objects, which the Government recognizes as falling legitimately within the scope of the Railway Company's operations, though not giving the Company a claim to the provision of land free of charge. As a Railway Company is bound to pay for the construction of all works out of the capital, receiving only from Government without charge the land on which the works stand, the provision of all materials, and the means of facilitating the execution of all works are to be at the cost of the Railway Company.(*a*) It is proper to bear in mind, in fixing the rent, that this land will in part

(*a*) The following words were also in the original rules:—

"In this class, therefore, will fall all land for brick-making, for quarrying ballast,* for houses for persons employed on "the work, &c. So also land for houses for Engine Drivers, and the like, on the line when opened, and for other similar pur- "poses, will come under Class C."

But Her Majesty's Secretary of State for India thought that any particularization in the rule might raise questions as to the power of Government to alter or vary the terms of the contract (a power which the Government has no intention of claiming). It has therefore been thought best to give these words in a note simply for the guidance of the Officers of Government and parties interested, as to the construction which Government puts on the contract, in regard to certain points of frequent practical application.

*In the original rules the words "for roads to works in progress" here found place. They have now been struck out, as calculated to mislead. It is clear a road may be required from a site, used temporarily for storage of materials, itself in Class B. This would carry the road itself into the same class. A road from a brick-field or quarry would be in the same category as the brick-field or quarry, viz., Class C. Whereas a road from a detached but permanent store yard, although leading "to works in progress." would not the less come under Class D, should such road still be necessary after the completion of those particular works. Thus, *generally*, the circumstances of the tenure of land *at the end of the road furthest from the Railway* will decide the class into which the road itself shall be placed.

deteriorate by the use to which it is put, and in part will not so deteriorate. In all cases, however, it will be most convenient to deal with the land in the first instance in the same manner. It will be taken possession of by Government, and handed over to the Railway Company for occupation at a fair rental. When the necessity for occupation ceases, the land will be given up again to Government by the Railway Company, the proper time for this being determined, as under Class B, by the Railway Officers and Consulting Engineer.

5. Class D will contain that land, which, being required in consequence of the works of a Railway, still does not come directly into the occupation of the Railway Company; it will be provided free of charge. It will be exclusively land for roads; either new roads leading to Railway Stations, or to permanent store yards or workshops detached from the main works, or diversions or changes of old roads made necessary by Railway works.

6. Inconvenience is likely to arise if Railway Companies are permitted to hold land on their own account, or otherwise than is above explained. By causing them to rent from the Government all land to which they are not entitled free, in the manner above explained, simplicity in the tenure of their property will be secured, which will be a matter of importance at a future time when the Railway may be transferred to Government. The determination of the value to be paid by the Government for any land not included in Class A which might be held by a Railway Company, would certainly be, in such an event, a great embarrassment.

7. Houses, trees, tanks, or other property, or land which is not provided free of charge, and for which special payment or compensation is necessary, will be paid for, at once, by the Railway Company. In the case of land provided free of charge, the materials, &c., derived from the "clearance" of the surface, which then will be at the expense of Government, will be disposed of by the Revenue Officers to the best advantage.

8. All land required for a line of Railway will be applied for in continuous portions: the plans will be drawn to a scale of 150 feet to the inch, and the measurements and areas will be recorded in accordance with the fiscal divisions of village estates or mouzahs, pergunnahs, and zillahs, in a schedule, of which a form is annexed, showing in detail the several classes to which the land belongs.

9. The several classes of land will be coloured pink, yellow, purple, and green respectively in the plans, and the exact purpose to which each parcel of land is to be devoted will be noticed in the schedule.

10. Detached portions of land should be referred to some fixed point on one of the main sheets, with such distances and compass or other bearings, as will enable the land to be identified at once. A corresponding entry should also be made on the main sheet to draw attention to the detached portion.

11. The general correctness of the plans and schedules of the Railway Engineers being attested by the Consulting Engineers to Government, the applications will be forwarded to and dealt with as may be necessary by the Revenue authorities under the orders of the local Government. The Revenue Officers are to be held strictly responsible for the regular adjustment by Railway Companies of all charges on account of land, to be determined in the manner above explained.

12. A complete set of land plans should be recorded in the Chief Engineer's Office of each Railway, and a copy forwarded to the Consulting Engineer to Government, by whom a duplicate will be given to the Revenue Board, which in turn will supply Collectors of districts with transcripts of parts included in their respective zillahs. When it may be found expedient, in order to expedite the making over of the land, to employ a special Land Commissioner for this duty, the Railway Engineers should supply an additional copy of the land plan for the use of the Land Commissioner.

13. The Consulting Engineer to Government and the local Revenue authorities will, respectively, be held responsible for the punctual fulfilment of the foregoing orders in their several Departments, and for the careful record of plans in their respective offices.

Proceedings of the Madras Government, Financial Railway Department, 5th August 1861.

14. All contemplated changes in the land in possession of a Railway Company should be promptly reported by the Railway Agent to the Consulting Engineer to Government, who will notify the same to the local Government. It will be for the latter to see that the necessary steps are taken by the Revenue authorities for entering such changes in their records, and for carrying out all further proceedings that are requisite on such an occurrence.

15. It will be necessary for the local Governments to see that a correct register and record of title of all Railway lands is maintained; for the whole of such lands will one day revert to the Crown. Also that all rents or payments for clearances, &c., chargeable in behalf of Government against the Railway Company, are duly realized.

16. It is essential that there should be for each Railway *one* set of plans, in a regular sequence, to show all the land; and that the plans of each Railway Company's estate, after they have once been prepared, should constantly be corrected and always be maintained complete.

FORM OF SCHEDULE.

Plan, Sheet No.

_____ Railway

_____ District

Schedule of land required for the use of the Railway in

Mouzah _____

Pergunnah _____

Zillah _____

No. on Plan.	Purpose for which required.	Payable by Government. A. (*Pink.*) Land for permanent occupation by Railway Company			Payable by Government. B. (*Yellow.*) Land for temporary occupation by Railway Company.			Payable by Government. D. (*Green.*) Land to be occupied by Government permanently.			Payable by Railway Company. C. (*Purple.*) Land for occupation by Railway Company permanently or temporarily.		
		A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.
1	Synabas Station...	40	3	7									
2	Spoil bank of Balpoor cutting...	...	...	...	13	3	6						
3	For quarrying ballast... ...	...	...	...	...	...	...	...	...	...	1	3	2
4	Temporary road from ballast quarry to line of Railway...	..	...	...	...	...	...	...	...	...	...	3	8
5	Road from Synabas Station to high road...	...	...	...	...	...	...	1	2	3			
	Total...	40	3	7	13	3	6	1	2	3	2	2	10

C. D., A. B.,

Deputy Consulting Engineer to Government. *Chief Engineer* _____ *Railway.*

Copy forwarded for guidance to the Governments of Madras, Bombay, Bengal, North Western Provinces and Punjab.

(By order.)

(Signed) H. YULE, Lieut.-Col.,

Secretary to the Government of India.

To the Secretary to the Government of Madras.

22-5-96

Proceedings of the Madras Government, Financial Railway Department, 5th August 1861.

No. 14. ORDER THEREON, 5th August 1861, No. 565.

Communicated to the Consulting Engineer for Railways for his guidance, in reference to the Proceedings of Government, dated 9th April last, No. 274.

(Signed) J. D. SIM,
Secretary to Government.

Exd. F. Cartledge.

Proceedings of the Madras Government, Financial Railway Department, 14th May 1861.

No. 75. Read the following from Major A. G. GOODWYN, Under Secretary to the Government of India, to the Secretary to the Government of Fort Saint George, Railway branch, dated Fort William, Public Works Department, 22nd April 1861.

ERRATUM.

In the form of Schedule for land required for Railway purposes, at page 5 of Circular No. 9 of 1861, for

A. (Pink.)	B. (Yellow.)	D. (Purple.)	C. (Green.)

read.

A. (Pink.)	B. (Yellow.)	D. (Green.)	C. (Purple.)

No. 76. ORDER THEREON, 14th May 1861, No. 371.

Communicated to the Consulting Engineer for Railways with reference to the Proceedings of Government, dated 9th April last, No. 274.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

22-5-50

Proceedings of the Madras Government, Financial Railway Department, 13th April 1861.

No. 49. Read the following letter from Captain C. C. JOHNSTON, Consulting Engineer for Railways, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 10th April 1861, No. 94.

In the form of Schedule received* with the Circular No. 9 of 1861, from the Government of India, it will be observed that land under class C is to be colored "green," and that under class D "purple," whereas in the Form hitherto in use the colors are reversed.

* *Order of Government, No. 274, dated 9th April* 1861.

2. It being the desire of the Government of India that there should be *one* set of plans, in a regular sequence, to show all the land taken up for each Railway, I have the honor to observe that the change above noticed is likely to occasion some confusion, and unless there is any particular object in reversing the colors, I would suggest that each class of land should be represented as hitherto. To revise the numerous plans already received from the Railway Agents would entail a considerable amount of both labor and expense.

3. The same would be the effect of altering the scale on which the plans have hitherto been prepared, and I would therefore request permission, with reference to paragraph 9 of the Order of Government, No. 244, dated 2nd May 1859, to adhere to the present scale of 88 yards to the inch.

No. 50. ORDER THEREON, 13th April 1861, No. 285.

The Government authorize the present colors and scale being retained for the plans of lands taken up for Railway purposes.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

No. 29. Read the following letter from Major A. G GOODWYN, Under Secretary to the Government of India, to the Secretary to the Government of Fort Saint George, dated Fort William, Public Works Department, 16th March 1861, No. 801.

I am directed to acknowledge the receipt of your letter, No. 330, dated 8th June 1860, which circumstances have prevented being replied to earlier. In that letter explanation is desired regarding Classes of land taken up for Railway purposes, as specified in Major Strachey's letter, No. 852 of 21st January 1859. The subject is referred to in Captain Johnston's letters noted in the margin, copies of which were received with your letter under reply.

No. 40 *of* 28*th February* 1860.
„ 95 „ 14*th May* *do.*

2. In paragraphs 2 and 3 of your letter you write as follows:

"Captain Johnston remarks that in paragraph 7 of that letter (referring to Major Strachey's "letter) under Class C is included "land for brick-making, for quarrying ballast, for roads to works in progress,"—and again, that in the schedule annexed to the letter, under Class D, is "included 'temporary road from ballast quarry to line of Railway.'"

"3. With these apparently conflicting directions, the course which the Consulting Engi- "neer has, hitherto, followed has, he states, been to include in Class C land for roads to works "in progress on land for which a Railway Company has to pay; and, under Class D, land for "roads to works in progress on land which is given over to a Railway Company free of charge." (Class C contains land for which the Railway Company has to pay; Class D land for which Government has to pay.)

3. You then ask if the above course is correct; or, if not, what other should be adopted.

4. In reply I am instructed to admit that the above mentioned directions are "conflicting." An amended set of rules is herewith forwarded in lieu of those contained in Major Strachey's letter.

5. But I am directed to state that Captain Johnston's rule is also incorrect.

6. Unquestionably, brick fields, ballast quarries, &c., come under Class C. The Railway Companies have to pay for such land. But Captain Johnston's rule would place a road constructed solely for the transport of materials from such brick field or quarry to a Railway, in Class D, and make Government pay for it. Whereas, if such brick field itself is not a "convenience," under the terms of the contract, still less can a road, constructed solely to give access to and from it, be such a "convenience." Such a road then should be included in Class C. A road should only be placed in Class D, provided a portion of the line, or of a public road or "a convenience," (under the terms of the contract) is found at *both ends of it*; and even then both termini must be permanent.

7. But supposing one end of the road should terminate on a portion of permanent line and the other end at a temporary "convenience," such a temporary Store yard alluded to in paragraph 6 of Major Strachey's letter, then that road would fall in Class B, which comprises land which will not be required after the completion of the line, but for which, whilst occupied, Government is to pay.

8. It is hoped the amended rules will be found sufficiently explicit. They dispose of the reference made in Captain Johnston's letter, No. 40 of 28th February 1860.

9. In paragraph 22 of that Officer's letter, No. 95 of 14th May 1860, it is stated that "the Engine Drivers' houses built at the terminal stations at Madras and Beypoor are on land permanently transferred to the Railway Company. So are the workmen's houses at Perambore as well as at Beypoor." And Captain Johnston states, in paragraph 24 of the same letter, that, "an Engine Driver's house, in common with a Station Master's, is obviously one of the 'conveniences' contemplated by Clause 3 of the contract between the Government and the Railway Company."

10. I am directed to state in reply that the Government of India cannot admit that *dwelling houses* for Engine Drivers or Station Masters and still less for general workmen are "conveniences" under terms of the contract. This sort of accommodation being given or refused is merely a question of wages.

22-1-90

Proceedings of the Madras Government, Financial Railway Department, 9th April 1861.

No. 29. Read the following letter from Major A. G GOODWYN, Under Secretary to the Government of India, to the Secretary to the Government of Fort Saint George, dated Fort William, Public Works Department, 16th March 1861, No. 801.

I am directed to acknowledge the receipt of your letter, No. 330, dated 8th June 1860, which circumstances have prevented being replied to earlier. In that letter explanation is desired regarding Classes of land taken up for Railway purposes, as specified in Major Strachey's letter, No. 852 of 21st January 1859. The subject is referred to in Captain Johnston's letters noted in the margin, copies of which were received with your letter under reply.

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"3. With these apparently conflicting directions, the course which the Consulting Engi- "neer has, hitherto, followed has, he states, been to include in Class C land for roads to works "in progress on land for which a Railway Company has to pay; and, under Class D, land for "roads to works in progress on land which is given over to a Railway Company free of charge." (Class C contains land for which the Railway Company has to pay; Class D land for which Government has to pay.)

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7. But supposing one end of the road should terminate on a portion of permanent line and the other end at a temporary "convenience," such a temporary Store yard alluded to in paragraph 6 of Major Strachey's letter, then that road would fall in Class B, which comprises land which will not be required after the completion of the line, but for which, whilst occupied, Government is to pay.

8. It is hoped the amended rules will be found sufficiently explicit. They dispose of the reference made in Captain Johnston's letter, No. 40 of 28th February 1860.

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10. I am directed to state in reply that the Government of India cannot admit that *dwelling houses* for Engine Drivers or Station Masters and still less for general workmen are "conveniences" under terms of the contract. This sort of accommodation being given or refused is merely a question of wages.

Extract from the Proceedings of the Right Honorable the Governor General of India in Council, dated Fort William, Public Works Department, 16th March 1861, No 9.

Read again letter No. 852 of 21st January 1859, from Major R. Strachey, Officiating Secretary in this Department, to the Officiating Consulting Engineer to the Government of India in the Railway Department, communicating observations and orders relative to the system to be followed in keeping a record of land made over to or connected with Railway Companies and regarding the terms of its occupation.

Read again Railway Despatches No. 6 of 12th January 1860, and No. 71 of 16th August 1860, from Her Majesty's Secretary of State for India, and also the reply of the Government of India to the former, No. 34 of 17th May 1860, all relating to certain modifications of the above rules which have been considered necessary.

Observations.—The following revised rules appear to meet the views of Her Majesty's Secretary of State for India regarding the terms on which land for Railway purposes shall be allotted and registered, and they are elucidated by the form of schedule subjoined—

Revised Rules.

1. Land required for Railway purposes may be divided into four Classes, A, B, C, and D. First, Class A, land which a Railway Company receives free of charge, under the contract with the Government, for permanent occupation. Second, Class B, land also provided free of cost, but only for temporary occupation. Third, Class C, land which the Railway Company has to provide at its own cost. Fourth, Class D, land which does not come directly into the possession of the Railway Company at all.

2. Class A will comprise the land required for the permanent works of a Railway including the road with its bridges, &c., and all stations, workshops, permanent store-houses, and the like, necessary for the line when opened. The occupation of this land by a Railway Company will be so far permanent that it will only cease when their contract expires, and the whole lapses to Government. It is all provided free of charge.

3. Class B will contain land essential for the execution of the permanent works of a Railway, but not required after the completion of the line in part or in whole. It also is provided free of charge. Such is land for spoil banks, for extra excavation to make banks, for river diversion, and for the storage of Railway materials held in stock by the Railway Company, pending the construction of the line or their despatch to the works*. The occupation of this class of land will be temporary. On its restoration to the Government,—the proper time for which will be settled in each case between the Railway Officers and the Consulting Engineer,—it will be for the Revenue Officers to dispose of it to the best advantage of Government.

* *This last sort of land is allowed free under the Right Honorable the Secretary of State's letter, No. 25 of 30th November* 1858.

4. Class C will contain the land which a Railway Company has to provide at its own cost. This is land which is required for the provision or preparation of materials; for purposes contingent on the actual execution of the works on the line, or for other miscellaneous objects which the Government recognizes as falling legitimately within the scope of the Railway Company's operations, though not giving the Company a claim to the provision of land free of charge. As a Railway Company is bound to pay for the construction of all works out of the capital, receiving only from Government without charge the land on which the works stand, the provision of all materials, and the means of facilitating the execution of all works are to be at the cost of the Railway Company.† It is proper to bear in mind that this land will in part deteriorate by the use to which it is put, and in part will not so deteriorate. Further, the occupation of some of it will be temporary, and of some of it may be permanent. In all cases, however, it will be most convenient to deal with the land in the first instance in the same manner. It will be taken possession of by Government, and handed over to the Railway Company for occupation at a fair rental. When the necessity for occupation ceases, the land will be given up again to Government by the Railway Company, the proper time for this being determined as under Class B by the Railway Officers and Consulting Engineer. On its restoration to Government the Revenue Officers will examine the condition of the land. If it has not deteriorated all claim against the Railway Company will then cease on account of it. If it has deteriorated the Revenue Officers will assess the amount of the injury and the Railway Company will pay that sum which, like the rent, will be charged against the Railway Capital. In both cases the Revenue Officers will then further dispose of the land in the best way possible.

5. Class D will contain that land, which, being required in consequence of the works of a Railway, still does not come directly into the occupation of the Railway Company; it will be provided free of charge. It will be exclusively land for roads; either new roads leading to Railway Stations, or to permanent Store yards or workshops detached from the main works, or diversions or changes of old roads made necessary by Railway works.

6. Inconvenience is likely to arise if Railway Companies are permitted to hold land on their own account, or otherwise than is above explained. By causing them to rent from the Government all land to which they are not entitled free, in the manner above explained, simplicity in the tenure of their property will be secured, which will be a matter of importance at a future time when the Railway may be transferred to Government. The determination of the value to be paid by the Government for any land not included in Class A which might be held by a Railway Company would certainly be, in such an event, a great embarrassment.

7. Houses, trees, tanks, or other property, on land which is not provided free of charge, and for which special payment or compensation is necessary, will be paid for, at once, by the Railway Company. In the case of land provided free of charge, the materials, &c., derived from the "clearance" of the surface, which then will be at the expense of Government, will be disposed of by the Revenue Officers to the best advantage.

8. All land required for a line of Railway will be applied for in continuous portions: the plans will be drawn to a scale of 150 feet to the inch, and the measurements and areas will be recorded in accordance with the fiscal divisions of village estates or mouzahs, pergunahs, and zillahs, in a schedule, of which a form is annexed, showing in detail the several classes to which the land belongs.

9. The several classes of land will be coloured pink, yellow, purple, and green, respectively in the plans, and the exact purpose to which each parcel of land is to be devoted will be noticed in the schedule.

10. Detached portions of land should be referred to some fixed point on one of the main sheets, with such distances and compass or other bearings, as will enable the land to be identified at once. A corresponding entry should also be made on the main sheet to draw attention to the detached portion.

11. The general correctness of the plans and schedules of the Railway Engineers being attested by the Consulting Engineers to Government, the applications will be forwarded to and dealt with as may be necessary by the Revenue authorities under the orders of the local Government. The Revenue Officers are to be held strictly responsible for the regular adjustment by Railway Companies of all charges on account of land, to be determined in the manner above explained.

† The following words were also in the original rules :—

"In this class, therefore, will fall all land for brick-making, for quarrying ballast, *a* for houses for persons employed on "the work, &c. So also land for houses for Engine Drivers, and the like, on the line when opened, and for other similar "purposes, will come under Class C."

But H. M.'s Secretary of State for India thought that any particularization in the rule might raise questions as to the power of Government to alter or vary the terms of the contract (a power which the Government has no intention of claiming). It has therefore been thought best to give these words in a note simply for the guidance of the Officers of Government and parties interested, as to the construction which Government puts on the contract, in regard to certain points of frequent practical application.

a In the original rules the words "for roads to works in progress" here found place. They have now been struck out as calculated to mislead. It is clear a road may be required from a site, used temporarily for storage of materials, itself in Class B. This would carry the road itself into the same class. A road from brick-field or quarry would be in the same category as the brick-field or quarry, viz., Class C. Whereas a road from a detached but permanent store yard, although leading "to works in progress," would not the less come under Class D. should such road still be necessary after the completion of those particular works. Thus, *generally* the circumstances of the tenure of *land at the end of the road furthest from the Railway* will decide the class into which the road itself shall be placed.

12. A complete set of land plans should be recorded in the Chief Engineer's Office of each Railway, and a copy forwarded to the Consulting Engineer to Government, by whom a duplicate will be given to the Revenue Board, which in turn will supply Collectors of Districts with transcripts of parts included in their respective zillahs. When it may be found expedient, in order to expedite the making over of the land, to employ a special Land Commissioner for this duty, the Railway Engineers should supply an additional copy of the land plan for the use of the Land Commissioner.

13. The Consulting Engineer to Government and the local Revenue authorities will, respectively, be held responsible for the punctual fulfilment of the foregoing orders in their several Departments, and for the careful record of plans in their respective offices.

14. All contemplated changes in the land in possession of a Railway Company should be promptly reported by the Railway Agent to the Consulting Engineer to Government, who will notify the same to the local Government. It will be for the latter to see that the necessary steps are taken by the Revenue authorities for entering such changes in their records, and for carrying out all further proceedings that are requisite on such an occurrence.

15. It will be necessary for the local Governments to see that a correct register and record of title of all Railway lands is maintained; for the whole of such lands will one day revert to the Crown. Also that all rents or payments for clearances, &c., chargeable in behalf of Government against the Railway Company are duly realized.

16. It is essential that there should be for each Railway *one* set of plans, in a regular sequence, to show all the land; and that the plans of each Railway Company's estate, after they have once been prepared, should constantly be corrected and always be maintained complete.

FORM OF SCHEDULE.

Plan. Sheet No.

_____ Railway

_____ District

Schedule of land required for the use of the Railway in

Mouzah _____

Pergunnah _____

Zillah _____

No. on plan.	Purpose for which required.	Payable by Government. A (*Pink.*) Land for permanent occupation by Railway Company.			Payable by Government. B (*Yellow.*) Land for temporary occupation by Railway Company.			Payable by Government. D (*Purple.*) Land to be occupied by Government permanently.			Payable by Railway Company. C (*Green.*) Land for occupation by Railway Company permanently or temporarily.		
		A.	R.	P.	A.	R.	P.	A.	R.	P.	A.	R.	P.
1	Synabas Station	40	3	7									
2	Spoil bank of Balpoor cutting.....	.....	.....	.....	13	3	6						
3	For quarrying ballast ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	3	2
4	Temporary road from ballast quarry to line of Railway	.....	.....	.....	.....	.....	.....	.....	.....	.....	0	3	8
5	Road from Synabas Station to high road	.....	.....	.....	.....	.....	.....	1	2	3			
	Total ...	40	3	7	13	3	6	1	2	3	2	2	10

C. D.,
Deputy Consulting Engineer to Govt.

A. B.,
Chief Engineer _____ *Railway.*

Proceedings of the Madras Government, Financial Railway Department, 9th April 1861.

Ordered, that a copy of the above rules be forwarded to the Government of Madras for adoption; in lieu of those laid down in Major Strachey's letter No. 850 of 21st January 1859.

(True Extract.)

(Signed) A. G. GOODWYN, Major,
Under Secretary to the Government of India.

No. 30. ORDER THEREON, 9th April 1861, No. 274.

Ordered that the foregoing letter and its enclosure be communicated to the Consulting Engineer for Railways, with reference to paragraph 2 of the Proceedings of Government, dated 8th June 1860, No. 329.

(Signed) T. BYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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Proceedings of the Madras Government, Financial Railway Department, 8th June 1860.

Read again letter from the Consulting Engineer for Railways, dated 28th February, No. 40, and recorded in Proceedings of the 15th March last.

Read again Proceedings of the Board of Revenue, dated 23rd April, No. 1,971, and recorded in Proceedings of the 12th instant.

Read also the following papers :—

No. 28. From Captain C. C. JOHNSTON, Consulting Engineer for Railways, to T. PYCROFT, Esq,. Chief Secretary to Government, Fort Saint George, dated 14th May 1860, No. 95.

I have the honor to acknowledge the receipt this day of the Order of Government No. 276, of the 12th instant, referring for my remarks the Proceedings of the Board of Revenue and the letters submitted therewith, relative to the compensation demanded for land taken up by the Madras Railway Company "more than five years ago for the erection of Engine Drivers' Houses, and such purposes" at the Wattapalliem Station in the District of Malabar.

2. The first application which I received from the Agent and Manager for the land alluded to was on the 15th March 1859. He stated that the "extra land" was required
Letter No. 125. "for the erection of houses and buildings connected with the Station, as well "as for Enginemen and a waggon building Superintendent. It is also required "for an approach road to the Station from the Trunk Road."

3. A copy of the Agent's application was duly forwarded to Mr. Grant, and he was requested* to taken up the land on behalf of Government
**Letter No.* 66, *dated* 16*th March*. and transfer it to the Railway Company.

4. On the 26th April, Mr. Grant replied stating that the land had been
Letter, No. 941. marked out, measured and valued, but before transferring it to the Railway Company, he thought it right to forward a letter from his Sub-Collector Mr. Child, on the subject.

5. Mr. Grant was of opinion that the "extra land" was fixed upon in a very arbitrary manner, and he doubted whether Government could with any propriety be called on to make over "such valuable lands when abundance of land of a far less value was adjacent to the Station," and as far as he could see "equally convenient for the purposes required," adding :

"Whatever resolution may in future be come to on the matter, I consider that up to the "time at which the land is made over to the Railway Officers, the Railway Company must be "held responsible for all rent or damages due on the same."

6. Mr. Child wrote as follows :

"You will perceive by the 2nd para : of the Agent's letter that the land is not only that "which is required for the Station and Sheds con-
Letter to Collector of Malabar, 21st April. "nected therewith, but also for the houses of the "Railway Servants : though I have doubts whether "the agreement on the part of Government includes such houses. You will also perceive by the "plan that the ground is of a very irregular shape, when there was no reason why it should "not have been of the ordinary form, as all the land is open upland."

"The object of this appears to be to include bungalows which the Railway built for the "Overseers and other people employed on the making of the road, and which were built on land "taken without the consent of the owners and for which up to this time nothing has been paid, "and now it is expected that if the land be taken by the Government they will escape the con-"sequences of their illegal acts. The taking up of the extra land now marked out will cause "very great and unnecessary expense to Government, as the Bungalow which I have marked "with a pencil cross was most improperly built in a wooded garden the site of an old temple "for which the Tahsildar considerd the 1,500 Rupees should be paid, and as the Railway "Officers had refused payment beyond 25 Rupees, I had endorsed to the owners that their only

" remedy would be a Civil suit, and they were proceeding to act. For this site the Punchayet " have declared that Rupees 1,730 must be paid, as the spot was a sacred enclosure and when " the land was taken above two years back, the idol had to be moved to another place. On " the garden there are 22 Teak trees grown and 172 young trees and a splendid well valued " at 75 Rupees." * * *

7. Extracts from the foregoing letters were forwarded* to the Agent, and he was requested to instruct his Engineer Department " to select land of lesser value" than that applied for. His attention was also drawn to the Standing Orders, page 43, para : 8, *viz.* that " it is desirable, when possible, land of little value should be selected."

* *Letter No.* 194, *4th May.*

8. The Agent submitted* in reply extracts from a communication from the Resident Engineer, and observed that the Engineer had " acted discreetly" and kept in view the Rules, when fixing upon the site already chosen.

* *Letter No.* 293, *dated 8th June* 1860.

9. The Resident Engineer's explanation is as follows:

" The houses shewn on the plan are already built. One was built more than two years ago; " the other, that on the west side, about a year ago."

" The ground alluded to is the only piece of uncultivated land near the Wattapalliem Station " ground. A great portion of this piece of land is laterite rock."

" I can find no land adjacent to the Station of less value."

" The extra land is the only land that would be of any use to the Railway Company. There " is no land adjacent to the Station ground so suitable for the purposes for which it is required " as the ground in question."

" All the other ground adjacent to the Station ground is wet Paddy land. This land being " high and dry is of comparatively little value for cultivation, while it is very suitable for the " purpose for which it is required."

" If the ground had been of any other shape than that shown on the plan, more valuable land " would have been taken up as the extra land is part of the only upland in the neighbourhood " of the station."

" No traces of on old temple are now to be seen. I have found on enquiry however that " there once existed a mud temple of a very small and inferior description."

" The wooded garden consists of two tolerably large trees and a few contorted, stunted Teak " trees."

" There is a good well on the ground."

10. I communicated this explanation to Mr. Grant, and informed him that it appeared to me there was no alternative but to obtain the required land, and further that I agreed with him in thinking " that up to the time at which the land is made over to the Railway Officers, " the Railway Company were responsible for all rent or damages due on the same, *i. e.*, from the period the Company might have come in possession of the land.

Letter, No. 148, *dated 11th June* 1859.

11. After some delay I heard* from Mr. Grant, and from an accompaniment (a letter from Mr. Sullivan, the Sub-Collector) I learnt that there was " no record" in his office to show that the land was ever formally made over to the Railway Company, that, there could be no doubt their first occupation of it was illegal, that the Resident Engineer Mr. Ross had expressed himself willing to make liberal compensation to the owners, and that he had been for some time engaged in determining what the amount ought to be.

* *Letter, dated 24th September* 1859, *No.* 2,499.

Proceedings of the Madras Government, Financial Railway Department, 8th June 1860.

12. From a further letter from Mr. Sullivan, to Mr. Grant, received by me on the 12th January of this year, I observed that he considered the land in question, being required for Engine Drivers' Houses and such purposes, come under class C, and that he had adopted the course of applying direct to Mr. Ross (the Resident Engineer) " in the hope of getting the money to pay the owners of the temple and lands sooner " than would have been the case had the bill been sent through the regular channel."

Collector's letter, No. 45, *dated 7th January.*

13. In reply, I informed Mr. Grant that the compensation awarded for all land under Class C. should receive the sanction of Government before it was demanded from the Railway Company, that according to the Orders of Government of India any special payment or compensation for houses, trees, tanks, or other property on land which was not provided free of charge should be paid for at once by the Railway Company, and that it was essential the demand should be made through this Office; also that the land did not fall under class C. but under class A.

Letter, No. 16, *dated 12th January.*

14. From the foregoing narrative, it will be observed that the land was not applied for as being required for " Engine Drivers' Houses" alone. It was required, as shown in paragraph 2, " for the erection of houses and buildings connected with the Station, as well as for Engine-men " and a waggon building Superintendent. It was also required for an approach road to the Station from the Trunk Road.

15. When the application for the land was received, there was nothing known in this Office as regards the Rules which the Government of India had framed, and even had they been known, I should still have considered the land as coming within the provisions of the Contract with the Railway Company, *viz.*, " Land which shall be required for the said Railway or for the part or " parts thereof so selected and the works connected therewith, and for proper Station Offices, " Warehouses, and other conveniences for the same."

16. The land is moreover required " permanently" in connection with the Wattapalliem Station, and as such clearly falls under class A of the orders of the Government of India, *viz.*, " the " land required for permanent works of the Railway, including the road with its bridges, &c., and " all Stations, Workshops, Permanent Store houses and the like, necessary for the line when " opened."

17. The buildings, &c., to be erected on the land will be " permanent," and I am of opinion that the land should be transferred to the Railway Company free of charge; they making the necessary compensation for any damages which might have occurred prior to their being put in possession of the land by the Revenue authorities.

18. It appears to me therefore that with the exception of the Jenm value of the land, *viz.*, Rupees 180, the remaining portion (Rupees 1,280) of the compensation awarded by the Collector, should, if sanctioned by Government, be recovered from the Railway Company.

Board's Proceedings, No. 1,971, *dated 23rd April* 1860, *pragraph. 3.*

19. In Malabar from some misapprehension of, and non-attention to the Rules sanctioned by Government in 1855, the Railway Officers acquired land in the district without the intervention of the Collector, and the Revenue Authorities appeared to have looked upon the proceeding as a legitimate one; Mr. Grant wrote to me in a letter No. 929, dated 25th April 1859, stating that " land required for ballast brick, &c., " is treated for by the Railway Company themselves with the parties concerned. The transaction is entirely a private one with which Government have nothing to do excepting in the way " of affording assistance to the Company in the purchase of such land."

Vide compilation respecting Land, pages 3 to 5.

20. I explained to Mr. Grant that the course pursued was contrary to the Rules sanctioned by Government. I have since obtained* from the Agent and Manager a statement of all land acquired by private negotiation, and have sent extracts from it to the several Collectors, in view to their dealing with the land agreeably to the Orders of the Government of India.

**Agreeably to the Order of Government, No. 659, dated 2nd December* 1858.
Consulting Engineer's reply, No. 318, dated 9th December.

21. Subsequent to the Orders of Government, No. 244, dated 2nd May 1859, paragraph 14, the Railway Company, to the best of my knowledge, have not acquired any land by private negotiation, but have always sent tracings for whatever they required, through this Office, to the Collector.

22. The Engine Drivers' houses built at the Terminal Stations at Madras and Beypoor, are on land permanently transferred to the Railway Company. So are the workmen's houses at Perambore as well as at Beypoor.

23. Under these circumstances it appeared* to me that the words "so land taken for "Hotels built in connection with Railway "Stations, for houses for Engine Drivers and "the like on the line when opened, and for "other similar purposes will come under class "C," should be expunged from the Orders of the Government of India, but Government were "not prepared to modify them without instructions from that authority."

**Report to Government, No. 40, dated 28th February* 1860.

Order No. 141, dated 15th March 1860.

24. An Engine Driver's house, in common with a Station Master's, is obviously one of the "conveniences" contemplated by Clause 3 of the Contract between the Government and the Railway Company. The house is generally built upon land transferred exclusively for a Station and the various buildings connected with it, and I do not see how we could deny the Railway Company the option of erecting whatever buildings they consider essential for working the traffic on land thus given over to them.

25. The accompanying tracings of the Goriattum and the Jaularapett junction stations exhibit the positions of the "Engine Drivers," alias "workmen's houses," and I would submit that the Railway Company have as clear a right to the pieces of land upon which the buildings are represented, being handed over to them "free of charge," as to the rest of the land which surrounds the buildings, and which is appropriated for other purposes.

26. The Board of Revenue in paragraph 5 of their proceedings entertain doubts as to the correctness of the interpretation put by me on the Orders of the Government of India, as respects the land at Wattapolliam, and they observe that although the words "when opened" occur in the Orders, "the Board do not think them of sufficient importance to change the classifica- "tion, which seems to be designed rather with reference to the *objects* for which the lands are "required than the time of their acquisition. Besides the words occur in the rule regarding "class A, without having any special signification attached to them."

27. With reference to this, I beg to state that there appears to me to be a very important signification in the words noticed, as used under Classes A and C respectively, for example,

Class A. "land required for permanent works of the Railway * * * and all Stations, Work- "shops, permanent Store houses and the like, *necessary for the line when opened.*"

Class C, * * "In this class, therefore, will fall land for brick-making, for quarrying ballast, "for roads to works in progress, for houses for persons employed on the works, &c. So also "land taken for Hotels built in connexion with Railway Stations, for houses for Engine Drivers "and the like *on the line when opened.*"

28. It will be observed that the word "necessary" which is used in class A, bears a very significant meaning in connection with the words "for the line when opened." Under class C. the word does not occur, and it appears to me that "Engine Drivers' houses" being included in that

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class is an oversight. I have shown in paragraphs 15, 22, 23 and 24 of this report that such houses are necessary for the line when opened, and as such seem to me to fall under the category of "conveniences" provided for in the Contract.

29. Even as regards "Hotels," the Right Honorable the Secretary of State observed, that if the sanction of Government were given for its construction "on the ground of its being a convenience to the Railway, the land on which it is built must be provided at the expense of Government."

Despatch No. 1, dated 12th January 1860.

30. In conclusion I would, with reference to paragraph 5 of the Despatch above quoted, recommend that the land required by the Railway Company at Wattapalliem be given to them free of charge, and that they be required to pay for all damages which might have occurred up to the date on which the land was formally transferred by the Revenue Authorities.

No. 29. From Captain C. C. JOHNSTON, Consulting Engineer for Railways, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 15th May 1860, No. 25.

As questions are occasionally raised respecting the classes under which land for temporary roads is to be taken up, I have the honor to forward, for the information of Government, the accompanying copy of correspondence on the subject, with the Collector of Tanjore.

2. Under class C. (page 22 of printed orders, paragraph 7) is included "land for brick- "making, for quarrying ballast, for roads to works in progress * *."
and in the Schedule at page 25 under class D, is included "temporary road from ballast "quarry to line of Railway."

3. With these apparently conflicting directions, the course I have hitherto followed is, to include in class C, land for roads to works in progress on land for which a Railway Company has to pay; and under class D, land for roads to works in progress on land which is given over to a Railway Company free of charge.

4. The correspondence now submitted is a case in point, and in reference to it I request to be favored with the orders of Government for my future guidance.

From W. M. CADELL, Esq., Collector of Tanjore, to Captain C. C. JOHNSTON, Consulting Engineer for Railways, dated 10th May 1860, No. 135.

In your letter of the 27th February last, No. 17, as also in the Schedule therewith enclosed, the land required for a road for the storage of ballast as per Tracing No. 179 is shewn as coming under class D. This classification however being contrary to the rule as laid down in paragraph 7 of Major R. Strachey's letter* to the Consulting Engineer to the Government of India dated 21st January 1859, and where the lands required for purposes of this description are specified as falling under class C, I have the honor to request that you will inform me whether I am correct in surmising that the entry in question is erroneous and ought to have been D.

** Vide Extract Minutes of Consultation 21st March 1859, No. 165.*

From Captain C. C. JOHNSTON, Consulting Engineer for Railways, to the Collector of Tanjore, dated 15th May 1860, No. 34.

In reply to your letter No. 135 of the 10th Instant, I have the honor to inform you that according to paragraph 7 of Major Strachey's letter to the Consulting Engineer to the Government of India, land required "for roads to works in progress" falls within class C. But according to the Schedule appended to that letter it will be observed that "land for temporary road from ballast quarry to line of Railway" falls within class D. It is in consequence of this, that the Railway Company entered the land for the road to the site at which ballast was to be stored under the latter head.

2. The land for the "Storage of Railway materials being provided free of charge," I conclude that the land for the road for the transport of those materials to the Railway should also be provided "free," as is clearly implied by the entry in the Schedule.

3. From the accompanying Extracts from a letter which I addressed to Government and their Order* thereon, it will be apparent that I was of opinion that the words "for roads to works in progress" should be expunged from class C.

* *No.* 141, *dated* 15*th March* 1860.

4. In the present case, however, I am of opinion that the land may be transferred to the Railway Company, under class D, the road being required to connect the Railway with a site which has to be made over to them "free of charge."

No. 30. ORDER THEREON, 8th June 1860, No. 329.

The Government resolve, as recommended by the Consulting Engineer in the last paragraph of his letter of the 14th Instant, that the land required by the Railway Company at the Wattapolliem Station be given to them free of charge, and that they be required to pay for all damages which may have occurred up to the date on which the land was formally transferred to them by the Revenue Authorities. They accordingly sanction the disbursement of Rupees 1,460 for the settlement of the claims to compensation submitted by the Board of Revenue in their Proceedings of the 23rd April last, and direct that of this amount the sum of Rupees 1,280 comprising the four items noted in the margin be recovered from the Railway Company.

Vide paragraph 18 *of the Consulting Engineer's letter.*

For pulling down two old temples on the land and building two new ones on another spot	*Rupees,*	200.
For the consecration of the new temples	„	980.
Sinking a well	„	80.
For value of trees	„	20.
Total Rupees		1,280.

2. With reference to the Consulting Engineer's letter of the 15th Instant, No. 25, respecting the classes in which land taken up for temporary roads should be entered, the Government desire that he will act upon the construction which he has put upon the rule therein alluded to until further orders. The points involved in the two communications above recorded and in the previous one of the 28th February last, No. 40, will be referred to the Government of India.

(Signed) T. PYCROFT,
Chief Secretary.

No. 31. To the Secretary to the Government of India, Public Works Department, dated Fort Saint George, 8th June 1860, No. 330.

I am directed by the Honorable the Governor in Council to submit for the orders of the Government of India the accompanying copy of a letter with its enclosure from the Consulting Engineer for the Madras Railways, relative to the classes of land specified in Major Strachey's letter of 21st January 1859, No. 852, in which land taken up for temporary roads should be entered.

Dated 15*th May* 1860, *No.* 25.

2. Captain Johnston remarks that in paragraph 7 of that letter, under class C. is included "land for brick-making, for quarrying ballast, for roads to works in progress"—and again that in the schedule annexed to the letter under class D. is included "temporary road from ballast quarry to line of Railway."

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3. With these apparently conflicting directions, the course which the Consulting Engineer has hitherto followed has, he states, been to include in class C. land for roads to works in progress on land for which a Railway Company has to pay; and under class D. land for roads to works in progress on land which is given over to a Railway Company free of charge.

4. I am instructed to ask whether the above course be correct, and if not, what other should be adopted.

5. I take, this opportunity of forwarding copy of a previous letter, dated 28th February 1860, No. 40, from Captain Johnston, in which, in reference to the Despatch from the Secretary of State, Financial Railway Department, 12th January last, No. 1, he suggests certain modifications of the rule respecting the land falling under class C. as it now appears in paragraph 7 of Major Strachey's letter. The Madras Government would be glad to be favored with the views of the Government of India on those modifications. In connection with this subject, I have also to solicit attention to paragraphs 22 to 29 of a communication from the Consulting Engineer of the 14th instant, No. 95.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

22-1-90