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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

G.O. No.		Press.
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Dated	5-8-1878 197 .	

Not to be folded or roughly handled

1005

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

17th July 1878, No. 680 R.

Railway.

Read the following paper :—

No. 107. Endorsement of the Officiating Consulting Engineer for Railways, dated Madras, 1st July 1878, No. 299.

From A. M. SAUNDERS, Esq., Agent and Manager of the Madras Railway Company, to the Officiating Consulting Engineer for Railways, dated Madras, 21st June 1878, No. 837.

In continuation of this office letter, No. 416, of the 22nd of March last, I have the honor to forward herewith, for submission to the Government, copy of a letter from the Board of Directors, No. 623, dated London, the 17th of May 1878, upon the subject of rent for land.

From J. BYRNE, Esq., Secretary, to the Agent and Manager of the Madras Railway Company, dated 33, New Broad Street, London, 17th May 1878, No. 623.

THE Board have had under their most careful consideration paragraphs 28 to 34 of 1,303, in which is mentioned a further discussion raised by the Government Consulting Engineer on the subject of the Company's liability to pay rent for land required for purposes not considered by the Government as "conveniences" under their contract. Colonel Shaw-Stewart remarks with respect to the Company's contention, that if the Government sanction a work it must *ipso facto* find the land for it, that upon that principle "every description of land soever would be provided at the cost of the State," to which he further adds that in the Despatch subsequent to that of Sir Charles Woods, quoted in paragraph 15 of 589, this view is distinctly precluded.

2. Upon the first of these arguments the Board desire me to observe that the Government Consulting Engineer is quite correct in saying that "every description of land soever would be provided at the cost of the State," for under the instructions issued by the Board, no work or building is to be undertaken unless the Government has previously sanctioned the same.

3. The Board wish to repeat for your guidance that under no circumstances do they wish any building or work of any kind to be entered upon which is not considered by the Government to be either necessary or expedient and sanctioned by them as such accordingly; and unless such sanction be obtained, you are in no case to enter upon the execution of any work; and with reference to the claim for rent, you will draw the attention of the Consulting Engineer to the fact that such a claim cannot be established by the decision of either of the contracting parties, the question being one of legal interpretation only.

4. It seems to have escaped the Consulting Engineer's notice that Sir Charles Woods' Despatch, No. 6, dated 12th January 1860, stated that he had been "advised" as to the opinion he expressed regarding the rights of the Company on this subject, and the opinion he stated is so perfectly clear that the Board have not thought it necessary to refer the question again for legal opinion. I am therefore directed to refer you to paragraph 13 of No. 562 for your instructions how to act in this and all similar cases.

SUBMITTED TO GOVERNMENT.

As the matter now stands, the Agent of the Madras Railway is precluded from paying rent for any land whatsoever, and the instructions to this office are equally explicit; they are concisely stated in paragraph 3 of Government of India

letter, No. 484 R, of 1st February 1878, under G.O., No. 182 R, 20th February 1878.
 "In regard to the Company's contention that if Government sanction a building it must find the land for it, I am to say that inasmuch as the purposes for which certain works are sanctioned are exceptional, in fact, that they are a substitute for wages, the Government attaches to the sanction a condition that rent shall be paid for lands so required."

2. Permission is requested for this office to deal with the question as heretofore sanctioning all necessary buildings and granting the land, conditionally, subject to a settlement of the legal question at issue.

(Signed) C. J. SMITH, Major, R.E.,
 Offg. Consulting Engineer for Railways.

No. 108.

ORDER THEREON, 17th July 1878, No. 680 R.

His GRACE the Governor in Council is of opinion that effect should be given to paragraph 6 of Government of India's letter, G.O., No. 182 R, dated 20th February 1878, and No. 484 R, dated 1st February 1878, and that each application for the erection of buildings should in future be finally disposed of in accordance with the instructions therein conveyed.

(True Extract.)

C. J. Smith Major, R.E.,
 Offg. Joint Secy. to Govt., P.W.D.,
 Railway Branch.

To the Consulting Engineer for Railways.
 " Revenue Department.

Exd. T. D. Ryan
 20 Spare Copies

Revenue 1878 Deptt
No 3347
RAILWAY.

Govt. of (1878) Madras.
PUBLIC WORKS.

THE CONSULTING ENGINEER
FOR RAILWAYS.
&c. &c. &c.

Dated July 17th.

Issued

Recd. 2nd August 78

Encl.

G. O. 17th July 1878, No 680 R.

JULY.

Nos. 107-108.

No 1906

Communicated
to the Board of Revenue
in continuation of G.O.
of March 78, No 629
5 August 1878

Rent for Land occupied by the Madras
Railway Company.—Passing orders on the
letter from the Agent forwarding Board's
letter regarding —

With vsk

14. 8. 78. Order 2. of (Revenue) No. 1068