1133 L 16.10.188

Restore 16/5 Ph

Department.

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152/72 86 9848/72 DL

PROCEEDINGS TO GOVT

Restore 34 3/72 MR

13 5/76 15 22/56

No.

26-7-37

M.R.O. 1—32 400—22-11-90

MADRAS RECORD OFFICE.

Government of Madras.

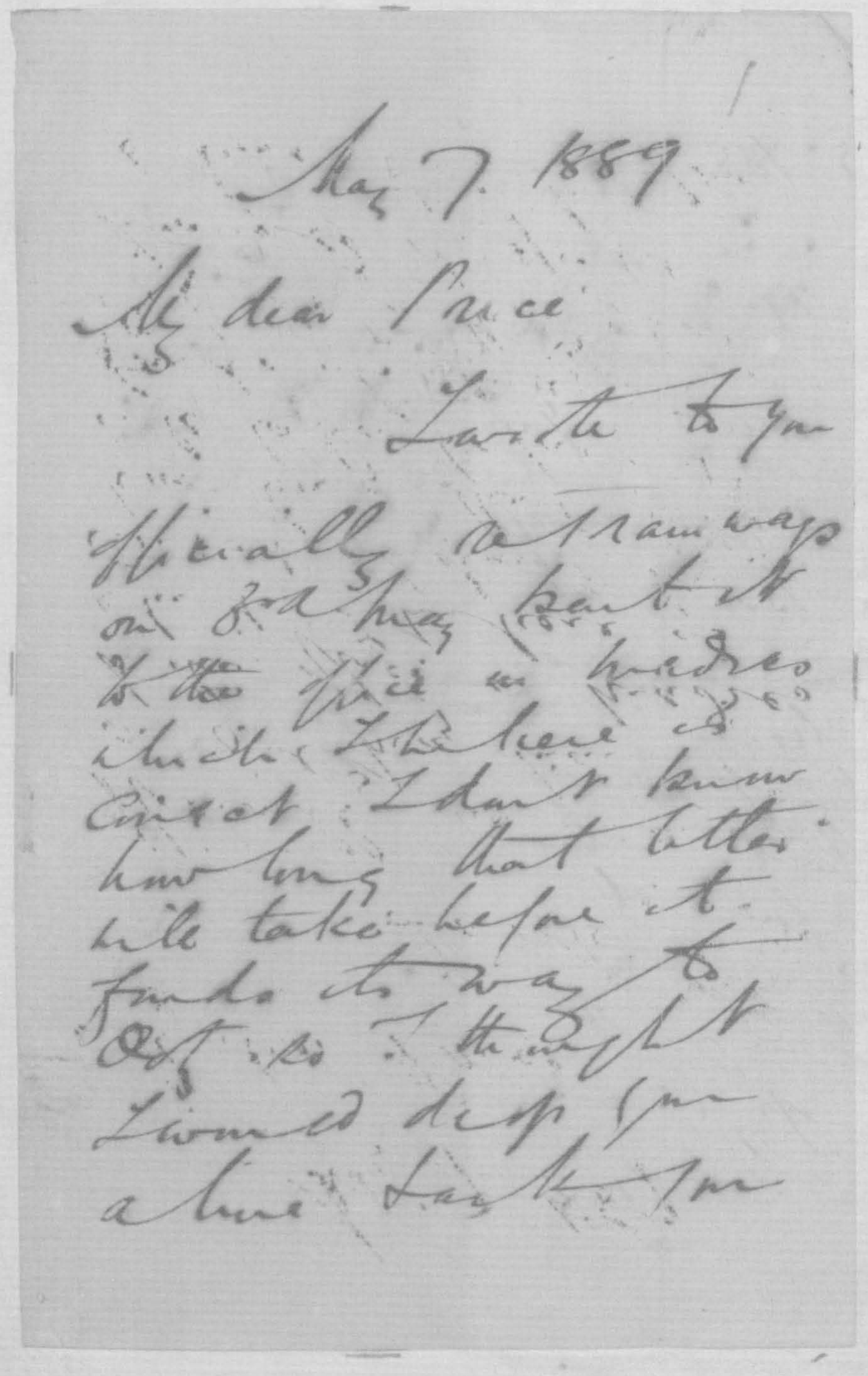
Local & Municipal DEPARTMENT.

Municipal

G.O. No.	205 M	Press. Mis.
Dated	20-2-	1877.

Not to be folded or roughly handled

Tramways — 1



May 7. 1889

My dear Price

I wrote to you officially re tramways on 3rd May & sent it to the office in Madras which I believe is correct. I don't know how long that letter will take before it finds its way to Ooty so I thought I would drop you a line to ask you

2

not to publish the
order until you have
seen W O K's letter
as I think there
will have to be
a slight alteration
in the order

Jolly hot down
here & no any holyday
further for me

With kind regards
to Mrs Price

Believe me
yours sincerely
C. W. Wilson

2

5

GOVERNMENT OF MADRAS

FORT ST. GEORGE,

March 1st 1889

My dear Stokes.

Is there any objection to a compliance with the request made in the enclosed. The original of the corrected Draft went to the President.

Yours sincerely

Frederick Price

"taxation except such lighting rates and water tax as may, from "time to time, be payable in respect of such yards, workshops - "engine sheds and depots".

30 Section 35 of the order provides that the Promoters shall after the expiration of two years from the date of the order pay to the Municipal Commission rent at the rate of Rs 200 per annum. I call attention to this section merely because the amount of the annual rent seems very small. It might be as well to mention in the Section for what the rent is to be paid so I would insert between the words "rent" and "at" the words "for the ground occupied by the tramways and by the yards, - "depôts and buildings used in connection therewith".

31 The effect of Section 36 subsection (3) appears to be to leave the maximum amount to be paid for construction and equipment, for providing expenses and interest during construction and sufficient working capital, absolutely unlimited - According to this subsection such maximum is not to exceed the nominal capital and such further sum, to be raised by debentures or other obligations, as the Promoters may consider to be necessary. If it be intended to limit this maximum amount this Section certainly does not do it; and, in order that the Section may have that effect, it will be necessary to strike - out the last part of the section from and including the words "and such further", or, to insert after the words "if any" the words not exceeding in the whole the sum of £ "

(such sum as Government may determine) I think that after the words "nominal capital" should be inserted the - words "of the Promoters" as that capital is mentioned in Section 4 of the order.

32 In Section 37 of the Order, line 1, the words "or in
the Indian Tramways Act 1886" appear to me to be out of place
and useless. Except in Section 7 (2) (q) of the Act which -
authorises the order to provide the conditions subject to which
the promoter may transfer the undertaking or any part thereof
by mortgage s, there is nothing in the Act to effect the right
of the Promoters to mortgage the undertaking and if there -
were, and such provisions were contrary to the terms of the -
order in this respect, the provisions of the Act must, in my -
opinion over-ride the terms of the order.

33 In lines 1 and 8 of Section 39 of the order the -
words "for the time being" are superfluous as by Section 4 of
the order, the Indian Tramways Company Limited their successors
and assigns are declared to be the Promoters for the purpose
of the order. If these words were necessary in this Section -
they would also be necessary in very many other Sections of -
the order.

34 I would also suggest that instead of the words in
line 9 of this Section "the same had not been sold assigned or
transferred" there be substituted the words "this order had -
'been made in favour of such purchaser or purchasers, assignee
'or assignees or transferee or transferees as the case may be
'instead of in favour of the Promoters named herein" I think
these words will convey the meaning intended more clearly than
those which I have suggested being struck out.

35 I think it would be as well to provide in the order
for service of notice on the Promoters somewhat to the follow
ing effect "43 Any notice required to be given by the local
"Government or by any ~~be~~ local authority or road authority to the
"Promoters may be in writing and may be served on the Promot

[UNDER SECY] TO GOVT
2 MAR 99
[SENT] TO DEPTS

4

2 March

My dear Price

I don't think there is the least objection to Wilson & King being shown the Govt. Solicitor's letter. There was no alteration of much consequence, as it struck me & I was only doubtful whether any reference was necessary, but I thought it safer to make one -

Yrs Sincly

H Elcohn

UNDER SECY TO GOVT
2 MAR 99
PUBLIC [WORKS]

5

9

2nd March 1899

My dear Price

There is another point which has just occurred to me in connection with the Tramway Order. I shall have to circulate the papers to the Commissioners - You say the Govt. Solicitor's opinion is confidential - Shall I circulate it. It did not come to me as a confidential

4

UNDER SECY TO GOVT 2 MAR 99 to DEPTS

2 March

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Yrs sincly

H E Holmes

5

9

UNDER SECY TO GOVT 2 MAR 99 PUBLIC

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document - perhaps it
ought not to have come
to me at all -

yrs sincerely
Geo M Moore

10

1 Abstract

5 M., Lead & Mugl

Lead & Mugl

RTM

itials
ende

UNDER SECY TO C
1 MAR 95
PUBLIC E

8 13

1st March 1895

My dear Price

Tramway order.

Is there any objection to my showing Nelson & King the draft order with the Electricians alterations. That does not give away his opinions on the alteration. It would facilitate matters considerably I think if I am in a position to say N & K. consent or object to

n that – I am afraid
it will take weeks before I
can get it through the
Commissioners

J. H. Leneally
E. M. Moore

Read – again the following papers:– 10 1 Abstract

Ltr. G.O., d/ 20 July 89 Misc. No 205 M., Local & Munpl

Read – again the following papers:–

Ltr G.O., d/ 20 Oct 1888, No 1165 M., Local & Munpl

Ltr Abstract – (see [illegible] leaf)

~~Read – also the following papers:–~~

Govt. of {1888} Madras.

LOCAL AND MUNICIPAL.

P.

Issued

Recd.

Encl.

G.O., 20th October 1888, No. 1165 M.

OCTOBER.

Abstract.—

Tramways.

Ordering the issue of a notification authorizing the construction of — in the City of Madras, and requesting the President, Municipal Commission, Madras, the Public Works Department, Railway Branch, and the Government Solicitor to report on the terms of the draft order before the 31st of December next.

Read—also the following papers:—

2P/17

G. No. 769

U

MUNICIPALITY OF MADRAS.

General Department,

Madras, 22nd Novr. 1888.

From

Lt Col: G. M. J. Moore 2562 M

President, Municipal Commission.

To

The Hnble Mr. J. F. Price

Chief Secretary to Government.

A

SIR,

With reference to G. O. dated 20th October 1888, No. 1165 M, Local and Municipal, I have the honor to report that the terms of the Draft Order of the Indian Tramways Construction Company (Limited) are substantially those approved of by the Commissioners.

2. There may be technicalities in the wording of the Order which will doubtless be remarked upon by the Government Solicitor and the Public Works department (Railway Branch).

I have the honor to be

Sir,

Your most Obedt. Servt.

G M J Moore Lt Col.

President

Municipal Commr.

CM

Govt. of {1888} Madras.

LOCAL AND MUNICIPAL.

P

Issued

Recd. *Encl.*

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I have the honor to be
Sir,
Your most Obedt. Servt.
G M Moore Lt Col.
President
Municipal Commn.

~~H. H. A. C. Stokes~~

Form No. 3.

Special 158

No. 158 C of 14th Jany 1889

Transferred to the Local and Municipal Department with reference to para 2 of G. O. in that Department No. 1165 M. dated 20th October 1888.

Coll. Re.

Under Secy: to Govt. P. W. D.
Ry: Branch

Hnd. 10.1.89
R. 14.1.89

PWC No. 204

From 39

THE CONSULTING ENGINEER
FOR RAILWAYS,
Madras.

No. 14th

Dated 10th } January 1889
Received 10 }

No. of Enclosures. 1

Subject.

Report by the Consulting Engineer for Railways on the terms of the draft order authorizing the construction of Tramways in the city of Madras.

Transferred

1165 L 20-10-88 [illegible]

2562 Mu

1888.

Municipality of Madras.

From

The President,
Municipal Commission,
Madras.

To

The Chief Secretary
to Government
Fort St. George.

G. No. 769

Dated 22nd
Despd 22nd } November 1888.
Recd

Enc. –

CHIEF SECRETARY
23 NOV 88
GOVERNMENT OF MADRAS

Subject.

Reports with reference to G. O. dated 20th October 1888, No. 1165 Mu. Local & Municipal that the terms of the Draft Order of the Indian Tramways Construction Co. Ld. are substantially those approved of by the Commissioners–

---

3 Abstract

13

21

P

TO

THE RIGHT HONORABLE
THE GOVERNOR IN COUNCIL,
Fort Saint George.

THE HUMBLE PETITION OF THE UNDERSIGNED
RESIDENTS OF SAWMY NAICK STREET, CHINTADRIPETTA, MADRAS,

MOST RESPECTFULLY SHOWETH,

That from a notification published in the Fort Saint George Gazette of the 6th November 1888, they are given to understand that it is the intention of Government to run a line of steam Tramway through their street.

2. That they respectfully beg to bring forward the following points in connection therewith for your Excellency's very favorable consideration in support of their argument that the passage of the Tramway through their street will be a source of danger to human life and property.

I. That the first objection to be urged is the extreme narrowness of the street which fact in itself would appear to be a sufficient proof to show that danger to human life and equipages is likely to be expected. In the case of the old Tramway, although carriages were drawn by horses still accidents were very frequent and it is quite easy to conceive that this will be multiplied a thousandfold, when steam is used as a motive power.

II. That the street is become a great and constant thoroughfare and passengers and carriages pass in countless numbers during all hours. It contains also the largest market in the Town, next to the General Market and is always crowded to excess by people of Narasingapuram, Comaleesvarampettah, Pudupettah, Egmore &c., a steam Tramway in such a crowded street must certainly lead to accidents both to passengers and carriages.

III. That this street is very thickly populated and there are large number of young children who continually play about the road and it would certainly follow that some of them would be run over by the Tramway even though the Tramway Company may take all amount of possible care in running the Tramway at a moderate speed.

IV. That in this street is situated a Native Temple at which place grand religious festivals are often celebrated, whither, people throng in numbers, when it may not be unreasonable to expect that accidents of the sort will occur. Further, Devotees, who are accustomed to pass in procession through the street, would, it is considered, also meet with similar accidents.

V. That the Petitioners would be put to unnecessary annoyance and inconvenience when they have to perform the preparatory funeral ceremony of their deceased relations, which ceremony, whether a man is the owner of a big or of a small house, as custom would have it, is always performed in the streets just in front of their homes. By the opening of the Tramway line there will scarcely be any space in such a narrow street, to allow of the ceremony being performed consistent with religious and immemorial custom.

3. That for the above reasons the Petitioners beg that Government will adopt a safer course by excluding their street from the track of the Tramway and have the line run along the river side *via* Napier Park or by any other route where danger may be less.

The street, leading direct south from the Law's Bridge or the one running parallel to it to the west, is not such a great thoroughfare as Sawmy Naick's Street as may be easily ascertained by actual inspection for a couple of days by any responsible officer of Government, but probably a line through Napier's Park on to the Round Tannah or the road near the Stable Company would be the best of all as causing the least annoyance to the public.

4. That Petitioners respectfully beg that your Excellency would kindly give the above, the consideration that it best deserves from your Excellency's hand and in view of the danger to human life to be expected from the running of the steam Tramway through their street, would be graciously pleased to cancel the proposed arrangement.

For which act of kindness and charity your Petitioners, as in duty bound, shall ever pray.

Chintadripettah,
24th *November* 1888.

2. V. P. Parthasarathy Pillay
P. Etherajulu Naidoo 91
37. [illegible] 13 [illegible]
38. [illegible] 13 [illegible]
36 Narrainasawmy Moodelliar
22. Kuppusawmy Naidu.
21 - K. Davaraja Pillay
T. Parthasaratha Pillay
Maun Singh
14 T. Jaganayaculoo [illegible]
[illegible] Kistnasawmy Naidu
Beharee Singh

104 G. Parthasarathy Naidu
116. D. Kotalingam Naidu
4 [illegible] Moodr
12 [illegible]
8. [illegible] Naidu
115 [illegible] Etherajulu Naidu
5. Shunmugam Moodr
44 C. Ranganatha Mood
7. [illegible] Singh
[illegible]
15 T. Subramaniam Mood

53 Arulala Mood.
B. Varadappa Naidu
Ramanujulu Naidu No 70
[illegible] Naidu
V. Varadarajah Mood No: 81
Narainamma [illegible] for Soranammal No 55
C. Ruthnavalu Mood No 57
A. Ranga Pillay — No 50
The ✗ Mark of the Sivagammal
C. Parthasarathee No 2 in 48
N. [illegible] Naidoo
92 [illegible]
A. Chutter Singh
94 [illegible] Singh
✗ Mark of ~~[illegible]~~ [illegible]
No 82.
Vellore Peddumba Raj
30 C. Madura Pillay
29 [illegible]
Shunmoogam Mudl
[illegible] Naidu
60 - A. Loganatha Mood
111 - P. Shunmoogum Moodr
M. Devarajulu - Nayudu
Lutchmun Singh
[illegible] Khan
Rajarathnam Naidu
[illegible]
83. [illegible] Mood.

3. [illegible]
116 C. [illegible] Chitty
Sriniwasulu Chitty
Rangapulu Naidoo No 8.
C. Veerasawmy Naidu
108 V. Narasimha Mudalliar.
105 Kristnasawmy Naidu
P. Rajagopaul Naidu.
B. Lutchmiah Naidu
18 ✗ Sumpoorna Ammal
87 [illegible] Naidu
No 46 - [illegible]
[illegible] No 40
D. Davarajulu Naidu No 34
B. [illegible] No [illegible]
101. [illegible] Naidu
No 44 No 48 [illegible] 24
[illegible]
[illegible]
T. Kistnasawmy Pillay
Rajagopaul Naidoo
Boologam Pillay
[illegible]
[illegible]
[illegible] Naidu
106 Kistnasawmy Moodly
C. Rajamanikum Naidoo 10
T. Etherajulu Naidu.
P. T. Arbclaram [illegible]

16

7. M. Moothookristna [illegible]

[illegible]

Natthamoony Naicker

[illegible]

X [illegible]

100 Careemodeen Saheb

[illegible]

[illegible]

32. M. Andeapuntha [illegible]

93. [illegible]

86. [illegible]

82. A. Ranganatha Mudalyr.

[illegible] No: 80.

A Vijiarungadoss for Janarthanadoss No 79 Saunikan street Chintadrepett

[illegible] — [illegible] 58

A. Loganada Moodelr No 60.

[illegible] — 61

12 T. Venkataramanujulu Nayudu

M. Ramiah Naidu 102

Mark of Koundunneah

No 16 R. Ramiah Naidu

Mark of Venkatasamy Chetti

[illegible]

[illegible]

[illegible] No 4

K. S. Rajagopaul Chetty

[illegible]

[illegible]

محمد یوسف صاحب

No 109. P. Subbarayalu Naidu

G. Mahany Kistnadoss

D. Barthasarathy

Nayaperumaldoss

[illegible]

[illegible]

X Mark of Veerasawmy

[illegible]

T. Kolundavelu mudaliar

M. Velayuda Asari

[illegible]

S. Moonisawmy Chetty

113. [illegible]

X [illegible]

X [illegible]

10. [illegible]

[illegible]

[illegible]

L. Natthamoonee Naidoo

[illegible]

109. [illegible]

No [illegible]

[illegible]

M. Ramchunder

[illegible]

Vardarajen,

[illegible]

[illegible]

[illegible]

7. M. Moothookristna Moodly

[illegible]

Natthamoony Naicker

[illegible]

X [illegible]

100 Careemodeen Saheb

[illegible]

[illegible]

32. M. Andeapentha Mudy

93- [illegible]

86. [illegible]

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Mark of Kondammah

No 16 R. Ramial Naidu

Mark of Vencatasamy [illegible]

[illegible]

[illegible]

[illegible] No 6

11 K. S. Rajagopaul[illegible]

[illegible]

[illegible]

16

[illegible] صاحب

No 9. P. Subbarayalu Naidu

4. Mohany Kistnadoo

D. Barthasaruthy

[illegible]

[illegible]

[illegible]

X Mark of Veerasawmy

[illegible]

T. Colundavelu mudaliar

M. Vel[illegible] Asari

[illegible]

S. Moonisawmy Chetty

113. [illegible]

X [illegible]

X [illegible]

10. [illegible]

[illegible]

[illegible]

L. Narthamoonee Naidoo

ப. [illegible]

109. [illegible]

No 50. [illegible]

[illegible]

M. Ramachunder

[illegible]

Vardarajen,

[illegible]

[illegible]

and [illegible]

1165 M 20-10-88

[9]

LOCAL AND MUNICIPAL DEPARTMENT.

Petition

From

V.P. Parthasardy Pillay & others

Residents of Sawmy naick Street

Chintadripettah, Madras

No.

Dated 24th November 88

Received 7th December 88

Enclosures

SUBJECT.

Praying that for reasons stated Government may cancel the proposed arrangement to run a steam Tramway through their street.

[illegible]

For S.V. [illegible]

7/1/89

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4 P 27

No 500 08

Madras 30th November 1888

From,

Ernest Barclay,

Government Solicitor,

Madras.

CHIEF SECRETARY
1 DEC 88
GOVERNMENT OF MADRAS

To,

The Chief Secretary to Government,

Madras.

Sir,

1 With reference to the Order of Government dated 20th October last, No 1165 M Local and Municipal, I have now to advise on the draft order relating to the construction of tramways in Madras.

2. Section 2 of the draft Order provides that "the provisions of "The Indian Tramways Act 1886", so far as the same are applicable to this order, are to be deemed incorporated with and to form part of this order except where the same are expressly varied by this order" It seems to me that the words I have underlined are ultra vires, and that the provisions of the Act cannot be varied by the Order. My reasons for coming to this conclusion are,

(a) Section 3 (6) of the Act defines an "order" as an order authorising the construction of a tramway under the Act,

(b) Section 7 (2) provides that the order may provide in manner consistent with the Act for all or any of the matters mentioned in the subsection.

(c) Section 9 (1) provides that subject to and in ac

-cordance with the provisions of the Act, the Local Government may, on a joint application, or on two or more separate applications make an order &c.

(d) Section 9 (2) provides that all the provisions of the Act which relate to the construction of tramways shall extend and apply to the construction of the whole and the separate parts of the tramway.

These provisions seem to me to provide that any order must be strictly in accordance with the Act, and it is, I think, beyond the power of Government to vary the terms of the Act by the order. Of course it may be contended that Section 7 (2) is only permissive, and that the order need not provide for all the matters there mentioned. This is no doubt so; but, where any of the matters mentioned in Section 7 (2), or other matters mentioned in the Act, are provided for in the order, the order must provide for those matters in accordance with the Act. I would therefore omit from Section 2 of the order the words "except where the same are expressly varied by this order."

3 In Section 6 of the order, the word "connect", between the words "conveniences" and "therewith", is apparently a misprint for "connected".

4 In the same Section of the order, it is provided that "the Promoters may, if they think fit, at their own cost when "constructing the Tramways or any part thereof in such road, "relay such paving or metalling" (i e, in a road already paved or metalled). It seems to me that instead of the words "may if they think fit "the word "shall " ought to be used, and that it should not be left optional with the Promoters to replace paving or metalling which they have removed in constructing --

their works &c.

5 In Section 7 of the order it is provided that "the "rails of the Tramways shall be of such form and construction "as to admit of the passage of carriage used on the South "Indian Railway passing on and over the same" This should read "to admit of carriages used on the South Indian Railway "passing on and over the same."

6 In the same Section 7, at the end, it is provided that "in case they (i e the Promoters) shall do so (i. e. "adopt and apply improvements) or shall incur any other capi"tal expenditure, may raise further capital either by the "creation and issue of further shares or stock or the exercis"of borrowing powers to such amount as shall be found expedi"ent for the raising of such further capital". I do not see the object of this provision. If the Memorandum or Articles of Association provide for the Promoters increasing their capital they can do so without the sanction of this provision, and I do not think the Local Government have power to deal with this matter though the order would, by Section 4, preclude a reduction of the Promoters capital. If, on the other hand, the Promoters Memorandum or Articles of Association do not enable them to increase their capital this provision will not enable them to do so. I think therefore the provision should be omitted.

7 Section 9 of the Order provides that "if the local "authority do not within six months from the expiry of 21 years from the date of this "order exercise the powers of purchase contained in the Indian "Tramways Act 1886, then notwithstanding any thing to the -

-cordance with the provisions of the Act, the Local Government may, on a joint application, or on two or more separate applications, make an order &c.

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-cordance with the provisions of the Act, the Local Government may, on a joint application, or on two or more separate - applications make an order &c.

(d) Section 9 (2) provides that all the provisions of - the Act which relate to the construction of tramways - shall extend and apply to the construction of the whole and the separate parts of the tramway.

These provisions seem to me to provide that any order must be strictly in accordance with the Act, and it is, I think, beyond the power of Government to vary the terms of the Act by the - order. Of course it may be contended that Section 7 (2) is only permissive, and that the order need not provide for all the - matters there mentioned. This is no doubt so; but, where any of the matters mentioned in Section 7 (2), or other matters mentioned in the Act, are provided for in the order, the order must provide for those matters in accordance with the Act. I would - therefore omit from Section 2 of the order the words "except where the same are expressly varied by this order."

3 In Section 6 of the order, the word "connect", between the words "conveniences" and "therewith", is apparently a misprint for "connected".

4 In the same Section of the order, it is provided that "the Promoters may, if they think fit, at their own cost when "constructing the Tramways or any part thereof in such road, - "relay such paving or metalling" (i e, in a road already paved or metalled). It seems to me that instead of the words "may if they think fit "the word "shall " ought to be used, and that it should not be left optional with the Promoters to replace paving or metalling which they have removed in constructing - their works &c.

5 In Section 7 of the order it is provided that "the "rails of the Tramways shall be of such form and construction "as to admit of the passage of carriage used on the South - "Indian Railway passing on and over the same" This should - "read"to admit of carriages used on the South Indian Railway "passing on and over the same."

6 In the same Section 7, at the end, it is provided - that"in case they (i e the Promoters) shall do so (i. e. - "adopt and apply improvements) or shall incur any other capi- "tal expenditure, may raise further capital either by the - "creation and issue of further shares or stock or the exercise "of borrowing powers to such amount as shall be found expedi- "ent for the raising of such further capital". I do not see the object of this provision. If the Memorandum or Articles of Association provide for the Promoters increasing their capital they can do so without the sanction of this provision, and I do not think the Local Government have power to deal with this matter though the order would, by Section 4, preclude a reduction of the Promoters capital. If, on the other hand, the Promoters Memorandum or Articles of Association do not enable them to increase their capital this provision - will not enable them to do so. I think therefore the provision should be omitted.

7 Section 9 of the Order provides that "if the local "authority do not within six months from the expiry of 21 years from the date of this - "order exercise the powers of purchase contained in the Indian "Tramways Act 1886, then notwithstanding any thing to the -

"contrary in that Act such powers " &c. My remarks in para 2 of this letter apply also to these words underlined. So far as I can see there is nothing in Section 9 of the order contrary to the provisions of the Act as regards purchase of the Tramways; but, if there is, then I am of opinion that the provisions of the Act must be followed in preference to the provisions - of the order.

8 Section 12 of the order. In the 3rd line the words "a statement" should apparently be inserted between the words "and "of". The plan referred to in the first line could not include the materials, and in the 5th and 6th lines, reference is made - to such plan and statement "The words" and statement" should also be inserted in the 7th line between the words " plan " and "before". The Section apparently contemplates that the plan and statement should be laid before the Local Government and the road authority; but, in the 7th line, reference is made to the "Local authority "instead of the "Local Government". According to the definitions in Section 3 of the Act, a local - authority means a Municipal Committee legally entitled to the control or management of a municipal fund, and a "Road authority" in relation to a road means, if a local authority maintains - and repairs the road, then that authority. In this case therefore the Local authority and the Road Authority are one and the same; viz, the Municipal Commission. It is therefore I think clear that the words "Local authority" in the 7th line of - this Section 12 should be Local Government. If I am correct in this, the 8th line of the Section will require alteration by insertion of the words "the Local Government and "between the words" be " and "such" and of the word "their" in place of -

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"its" at the end of the line, and the 9th line of the Section will require alteration by insertion of the words "the Local Government and "between the words" by "and "such" and the - omission of the words "or authorities". In the 9th line the - word "plan" should be substituted for "plans", the word "plan" being used throughout elsewhere in the Section.

9 In Section 13 of the Order, line 10, I would suggest the insertion of the words "or their Agent for the time being in Madras" between the words "Promoters" and "open". The Promoters being an English Company, there might be difficulty and - must be delay in serving them with notice.

IO In Section 14 of the order, line 3, occur the words - "may and shall". The Section provides that "if any road authorit "hereafter alter the level of any road along or across which "any of the Tramways ("any Tramway"would read better) is laid "or authorised to be laid the Promoters "may and shall from "time to time alter" &c. Section 7 (2) (g) of the Act authorise the order providing for the liability of the promoter, on the requisition of the Local Government, altering the position or level of the tramway to suit future alterations in the road or roads. The words "may and" therefore seem superfluous. It is - not however very clear whether the words "on the requisition of the Local Government " in Section 7 (2) (g) of the Act - apply to cases of alteration. I think they do myself; but, even if they do not, the words "may and" are superfluous for there is no object in giving a permission and at the same time a command to do a thing. If the words "on the requisition of th Local Government " do apply to cases of alteration then - those words should be inserted in the 3rd line of the 14th

"Section of the order between the words "shall" and from"

11 In the 8th line of the 15th Section of the order the word "paying" is a misprint for"paving "This Section provides that"the Promoters shall if so required deliver the surplus "paving, metalling or material not used or required to be ~~main~~ re- "tained to such road authority or to such person or persons as "such road authority may appoint to receive the same and at "such place or places within the jurisdiction of the Municipal "Commission not exceeding one mile from the place or places "where such surplus, paving, metalling or material is excavated "or deposited as the road authority or such person or persons "may direct"The Section then goes on to provide" that if within "seven days after notice in writing to the road authority (here "insert the word "that") the surplus of such paving, metalling "or material is ready for removal such surplus is not removed "by some person or persons named by the road authority for "that purpose such surplus" is to belong to the Promoters. These provisions appear to me to be inconsistent, the first is that the surplus is to be delivered by the Promoters to certain persons, at certain places to be named by the road authority, and the second that the surplus is to be removed by the persons so named, within a certain time. I would therefore suggest that instead of the words "such surplus is not removed by some person or persons named by the road authority for "that purpose" there be inserted in the Section the words "the "road authority or some person or persons to be named by the " road authority for that purpose shall not give notice in "writing to the Promoters or to their Agent for the time being "in Madras to whom and in what place or places as aforesaid

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"such surplus is to be delivered".
12 In the first line of Section 16 subsection (4) of th
order the words "legal authority" are apparently a misprint
for "local authority" The "legal authority" is not elsewhere
mentioned in the order, nor is it mentioned in the Act, and the
words have no apparent meaning here.
13 In section 17 subsection (1) of the order, the word
"tubes" has been omitted from the 3rd line. The word should
come between the words "pipes" and wires" as it does in the
fi st line of the subsection.
14 In Section 17 subsection (3) the word "mains and the
words "tubes wires or apparatus" are apparently omitted from
the first line The word "mains " should be inserted between
the words "such " and "pipes" and the words "tubes wires or appa
ratus" between the words "pipes" and "contrary".
15 Sect 20 of the order. My remarks in para 6 of this
letter apply to the words in the 7th line commencing "and in
case"down to the end of this Section. This section does not
provide for the inspection and examination by officers of
the Local Government, or the local authority, of the carriages
&c of the Promoters as authorised by Section 7 (2) (n) of
the Act. The omission may have been intentional; but, in case
it was not, I think it as well to call attention to it.
Section 21 of the Order authorizes the Tramways,
16
subject to and in accordance with the provisions of the
order, to be used for the purpose of conveying passengers,
animals, goods, minerals and parcels. Under Section 76 of the
Contract Act, the word "goods" means and includes every
kind of moveable property; and, in general, such would be the
meaning of the word except perhaps as to money and the

emblems of money, bank notes &c. I think therefore that unless there be some special reason for retaining in Sections 21, 22 and 23 respectively, the words "minerals and parcels" and "minerals or parcels" those words should be omitted as being included in the word "goods", and that the word "and" should be inserted in Sections 21 and 22, and the word "or" in Section 23, before the word "goods".

17 Section 22 of the order provides that "the Promoters shall not be bound "unless they think fit to stop" for the purpose mentioned at any other "place or places" The words "unless they think fit" are superfluous.

18 Section 7 (2) (c) of the Act allows of the order providing for the Traffic which the Promoter or lessee shall be bound to carry. I see no provision ~~and~~ on this subject in the order; and as the order stands, it is optional with the Promoters to carry any traffic at all. Possibly such a provision was intentionally omitted.

19 Section 24 of the Order, which provides for the Municipal Commission using the Tramways for certain purposes, during certain hours, permits the Commissioners to use only steam or mechanical power. It might be impossible for, or extremely inconvenient to the Commissioners to use any but animal power; but as this Section stands it might very well be argued that they have no right to use animal power. Unless therefore it be intended to prevent the Commissioners using animal power, it would be as well to give them express power to do so as it is given to the Promoters by Section 19 of the order. It can be done by inserting the word "animal" between the words "use" and "steam in the 10th line of the section

20 By the proviso to this Section 24, the Promoters are bound to provide motive power if required by the Commission, at the rate and to the extent mentioned "unless otherwise agreed upon from time to time between the Promoters and the Municipal Commission" It is not very clear whether the words I have underlined refer to the duty cast on the Promoters of providing motive power or to the rate and the extent to which the motive power is to be provided. If, as I should presume is the case, the latter is intended, it would be as well to amend the Section by striking out the words "unless otherwise" and inserting "or at such other rate and to such other extent as may be".

21 Section 25 of the order line 4. The word "are" is a misprint for "or" and the word "charge" in the next line should be "charges". I would suggest also that the words "of carriages" be inserted between the words "classes" at the end of the 9th line and the word "as" at the commencement of the 10th line. In the penultimate line of this section the word "annas" is a misprint for "anna"

22 Section 27 of the order. My remarks in para 16 as to the words "minerals or parcels" apply also to these words in this Section.

23 Section 28 of the order is so worded as to be almost incomprehensible. I would suggest the following in lieu of it as conveying what is apparently the meaning of the Section as drawn

> "28 The tolls and charges by this order authorised
> "shall be paid to such person or persons and at such
> "place or places upon or near to the Tramways in respect of conveyance on which the same shall be payable

27

"and in such manner and under such regulations as the "Promoters may, subject to the other provisions of this "order, prescribe, and the Promoters may, either on or off "the Tramways, and for such price or prices as, subject to "the other provisions of this order, they may think fit, "issue stamps, tickets or tokens either separately or in-"quantities, entitling the bearer or the holder for the "time being of any such stamp, ticket or token to such "uses of the Tramways (for the purpose of conveyance of "passengers, animals or goods as the case may be) as the "Promoters may prescribe, and as shall be denoted on any "such stamp, ticket or token".

24 In the proviso in Section 29 of the order, line 15, the word "rates" is used instead of "tolls" as in the previous parts of the Section. It would be as well to use the same word throughout. In the 16th line of the Section I would suggest that instead of the words "should distribute" the words "shall have distributed" should be used. In the 18th line between the words "shares" and "debentures" the word " or " should be substituted for "and". It does not appear who is to be the judge of what is due provision for a reserve fund, and as the revision of tolls and charges is not to be made until the Promoters shall have distributed by way of dividend 10 per cent on the capital of their Company and after making due provision for a reserve fund, this may be a matter of some importance. I would suggest that after ~~words~~ the words "due provision" in the 18th line of the Section, be inserted the words "to the satisfaction of the Local Government " But, if the Promoters do not choose to form any reserve fund there

98 31

is nothing in the order to compel them to do so, and the reversion of tolls is not to take place until due provision is made for such reserve fund. So also as regards the Sinkin Fund mentioned in this section. I think therefore it would b better to strike out the latter part of the Section from an including the words "and after".

25 Section 32 of the order provides that "the Promote "may subject to the provisions of this order (but only for "the purposes of the undertaking and not so as to acquire an "exclusive rights therein) acquire, hold and use any patent o "other rights or any licenses to use patent rights in relati "to any apparatus, material or motive power used on or in con-"nection with Tramways" I see no objection so far as Govern-ment is concerned to the limitation created by the words in parenthesis; indeed, such limitation might be useful should the Tramways be sold, as it would prevent the Promoters hin-dering the purchasers from using a patent invention. Beyond this however I see no object in the limitation. However that is a matter for the consideration of the Promoters.

26 Section 33 of the order is not quite clear as to who, the Promoters or the Municipal Commission, is to have th option as to the nature of the security to be lodged by the Promoters. I would therefore suggest in order to make this clear that, instead of the words "at their option" in the 5 line of the Section, the words "at the option of the Promote (or "of the Municipal Commission" as the case may be) be in-serted. I would also suggest that after the figures 10000 in the 6th line of the Section, there be inserted the words "a "security for the due compliance by the Promoters with the

"provisions of this order" so that there may be something to show the object for which the deposit is made.

27 The same Section provides that the interest on the deposit is to be credited to the Promoters and, subject as thereinafter provided, be paid to them as the same shall accrue" and at the same time that the Municipal Commission shall be entitled to deduct out of the sum deposited or (should be "and") the interest accruing thereon or on the notes or bonds &c, any moneys to which they may be entitled under any of the provisions of the order. I presume it is intended that credit for the interest, when realized, shall be given by the Municipal Commission. If it is considered necessary to retain a lien on the interest accruing on the deposit, it would be better to omit from this Section the provision for crediting such interest to the Promoters. There is no object in it that I can see, and it may lead to complications. I would thereforesuggest that this Section 33 be amended so far as regards this proviso as follows "Provided "always that all interest accruing on the said sum or the said "notes or bonds as the case may be shall, subject as herein "after provided, be paid to the Promoters as the same shall "accrue".

28 This Section does not contain any express provision for selling the notes or bonds deposited. I would therefore add to the Section the following words "For the purpose of realiz"ing any of such moneys the Municipal Commission shall be at "liberty, from time to time, to sell by public auction or private "contract all or any of such notes or bonds as the case may be"

29 Section 34 of the order provides that "the tramways, "plant, engines, carriages and other vehicles, offices, workshops, "sheds, stables, buildings, carriage houses, engine houses, ware-

"houses, yards and depôts of the Promoters shall, for a period o "seven years from the date of this order, be exempt from all "Municipaltaxation except &c " Section 44 of the Act provides that when a tramway is constructed under the Act within the limits of a Municipality, the Local Government may exempt the animals, plant, rolling stock, yards, workshops, engine sheds and depots of the promoters, lessee or licensee for such period as it thinks fit, from all or any municipal taxes leviable within those limits. It appears therefore that until a tramway is constructed it cannot be exempted from taxation. I do not know tha this difference will have any practical effect; but, however that may be, it hardly seems desirable that Government should grant an exemption which, on the face of it, Government has not, as yet, the power to grant. I think as each tramway is constructed it may be exempted from taxation to the extent mentioned in the Section. It is no doubt the object both of Section 44 of the Act and of Section 34 of the order, to exempt all the property (except animals which are not exempted by the order) of the Promoters from taxation; but, as I do not think that the exemption in the order can go beyond Section 44 of the Act, it might be as well to follow as nearly as possible the words of that Section I would suggest therefore that Section 34 of the order read as follows,

"As each of the Tramways is constructed the same, and all "plant, rolling stock, yards, workshops, engines-sheds and depôts "used thereon or in relation thereto or in connection therewi "shall, for a period of seven years from the date of the com"pletion of such construction (or "to commence from the date o "this order" as may be preferred) be exempt from all Municipal "taxation except such lighting rates and water tax as may, from "time to time, be payable in respect of such yards, workshops - "engine sheds and depots".

30 Section 35 of the order provides that the Promoters shall after the expiration of two years from the date of the order pay to the Municipal Commission rent at the rate of Rs 200 per annum. I call attention to this section merely because the amount of the annual rent seems very small. It might be as well to mention in the Section for what the rent is to be paid so I would insert between the words "rent" and "at" the words "for the ground occupied by the tramways and by the yards, - "depôts and buildings used in connection therewith".

31 The effect of Section 36 subsection (3) appears to be to leave the maximum amount to be paid for construction and equipment, for providing expenses and interest during construction and sufficient working capital, absolutely unlimited - According to this subsection such maximum is not to exceed the nominal capital and such further sum, to be raised by debentures or other obligations, as the Promoters may consider to be necessary. If it be intended to limit this maximum amount this Section certainly does not do it; and, in order that the Section may have that effect, it will be necessary to strike - out the last part of the section from and including the words "and such further", or, to insert after the words "if any" the words not exceeding in the whole the sum of £ "

(such sum as Government may determine) I think that after the words "nominal capital" should be inserted the - words "of the Promoters" as that capital is mentioned in Section 4 of the order.

32 In Section 37 of the Order, line 1, the words "or in
the Indian Tramways Act 1886" appear to me to be out of place
and useless. Except in Section 7 (2) (q) of the Act which -
authorises the order to provide the conditions subject to which
the promoter may transfer the undertaking or any part thereof
by mortgage [illegible]s, there is nothing in the Act to effect the right
of the Promoters to mortgage the undertaking and if there -
were, and such provisions were contrary to the terms of the -
order in this respect, the provisions of the Act must, in my -
opinion over-ride the terms of the order.

33 In lines 1 and 8 of Section 39 of the order the -
words "for the time being" are superfluous as by Section 4 of
the order, the Indian Tramways Company Limited their successors
and assigns are declared to be the Promoters for the purpose
of the order. If these words were necessary in this Section -
they would also be necessary in very many other Sections of -
the order.

34 I would also suggest that instead of the words in
line 9 of this Section "the same had not been sold assigned o
transferred" there be substituted the words "this order had -
'been made in favour of such purchaser or purchasers, assignee
'or assignees or transferee or transferees as the case may be
'instead of in favour of the Promoters named herein" I think
these words will convey the meaning intended more clearly tha
those which I have suggested being struck out.

35 I think it would be as well to provide in the order
for service of notice on the Promoters somewhat to the follow
ing effect "43 Any notice required to be given by the local
"Government or by any ~~be~~ local authority or road authority to t
"Promoters may be in writing and may be served on the Promot

)

"by being delivered to any Agent of the Promoters in Madras for the time being, or by being left at any office of the Promoters in Madras, and every notice so served shall be deemed to have been duly given to the Promoters, anything hereinbefore contained to the contrary notwithstanding. The Promoters shall from time to time give notice in writing to the Local Government and to the local authority of some Agent in Madras to whom, and of some office in Madras where any such notice may be delivered or left as aforesaid and of any change of such Agent or office"

3 ~~26~~ I return herewith one of the spare copies of the order sent me altered by me in red ~~in~~ ink in accordance with the suggestions I have made above.

I have the honor to be,

Sir,

Your Obedient Servant,

Ernest Barclay

Government Solicitor

CHIEF SECRETARY
1 DEC 88
GOVERNMENT OF MADRAS

[illegible]

[2] LOCAL AND MUNICIPAL DEPARTMENT.

318

Local & Municipal Dept.
CURRENT No. 26151 M

From

The Government Solicitor
Madras

No. 500

Dated 30 - 11 - 88
Received 1 - 12 - 88
Enclosures 1

SUBJECT.

Suggesting certain alterations in the draft order relating to the construction of Tramways in Madras.

To wait for the reply from the P.W.D.
[illegible] 5/12

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b.u. 1/12 For

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12 P 45

67 M

Note
by the Consulting Engineer on the Draft Order, Madras Tramways, called for in G. O. No: 967 R, dated 14th November 1888.

The draft order seems to provide for all that is required by Act XI of 1886, Indian Tramways Act.

The following remarks and suggestions are offered.

Page 3. Section 7. The provision that the rails of the tramway shall be of such form and construction as to admit

of

of the passage of carriage used on the South Indian Railway passing on and over the same would add very materially to the cost of the rails and the method of laying them, and is unnecessary unless the Metre Gauge is adopted.

Page 4. Section 11 (1) The word "convenient" might be altered to "reasonable"

Page 5. Section 15, line 8 "paying" is a misprint for "paving"

Page 7. Last word "are" is a misprint for or

Page 10. Schedule A

I (e)

I (e) a separate para with letter (f) should be made of the words after "before him".

Page 11. IV. It is noted that in the Rules overpage the word "double" is used where "proper" occurs here – "proper" seems correct.

V. If the proper lighting of tramway carriages drawn by animal power is not compelled by Existing Police or Municipal regulations, it should be provided for in this schedule.

H. A. Jopp Col. R.E.
Jt. Consg. Engr. for Rys.

3-1
PW204/89

9m/

Form No. 1.

PUBLIC WORKS DEPARTMENT.

OFFICE OF CONSULTING ENGINEER FOR RAILWAYS,
Madras, 10th January 1889.

Note by the Consulting Engineer for Railways on the draft order, Madras Tramways

No. 14

SUBMITTED Endt. in the above to Government,

with reference to G.O. No. 967-R., dated 14th November 1888.

Sidney Smith
Major R.E.
for Consg. Engr: for Railways:

~~H. A. C. Stokes~~

Form No. 3.

Special 158

No. 158 C of 14th Jany 1889

Transferred to the Local and Municipal Department with reference to para 2 of G. O. in that Department No. 1165 Mn. dated 20th October 1888.

Vizagapatam Collr.

Under Secy: to Govt. P. W. D.
Ry: Branch

14 Jany /89

Hd. 10. 1. 89
R. 14. 1. 89

From
The CONSULTING ENGINEER
FOR RAILWAYS,
Madras.

P.W.C. No. 204

39

No. 14th

Dated 10th } January 1889
Received 10 }

No. of Enclosures. 1

Subject.

Report by the Consulting Engineer for Railways on the terms of the draft order authorizing the construction of Tramways in the city of Madras.

Transferred

Form No. 3.

Special 158

No. 158 C of 14th Jany 1889

Transferred to the Local and Municipal Department with reference to para 2 of G.O. in that Department No. 1165 Mn. dated 20th October 1888.

Under Secy: to Govt. P.W.D. Ry: Branch.

H.W. 10.1.89
R. 14.1.89

PWC No. 2045

From 39

THE CONSULTING ENGINEER
FOR RAILWAYS,
Madras.

No. 14th

Dated 10th } January 1889
Received 10 }

No. of Enclosures. 1

Subject.

Report by the Consulting Engineer for Railways on the terms of the draft order authorizing the construction of Tramways in the city of Madras.

Transferred

Local & Municipal De

1888. 67 Mgr

Public Works Department.

40

No. 158 C.

Dated 14th January 1889

Despatched 14 ——

Received

CHIEF SECRETARY
15 JAN 89
GOVERNMENT OF MADRAS

SUBJECT.

Transferring note by the Consulting Engineer for Railways on the terms of the draft order authorizing the construction of Tramways in the City of Madras—

55

41 LOCAL AND MUNICIPAL DEPARTMENT.

Read again G. O. d/ 20th October/88 No. 1165 M.

Current No. 2562 M.

From the President, Mu. Commr. Madras.

Current No. 2615 M.

From the Government Solicitor, Madras.

Current No. 2654 M.

From V. P. Parthasarady Pillay & others.

Current No. 67 M

From the Public Works Department.

FOR ORDERS.

In the G. O. read above the draft of a proposed order authorizing the construction by the Indian Tramways Construction Company (Limited) of tramways in the City of Madras was published for general information and criticism, and the President Municipal Commission Madras, the Public Works Department (Railway Branch) & the Government

I would simply refer the papers to the Pres.t Mun.l Com.r & say that except in the points noted herein we will modify the order as now suggested and issue it under Sec. 6 (3). ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~

Sd
9 Feb.

JHS
9/2/89

1888. 67 – M

Public Works Department.

40

No. 158 C.
Dated 14th January 1889
Despatched 14 –
Received

CHIEF SECRETARY
15 JAN 89
GOVERNMENT OF MADRAS

SUBJECT.

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[illegible]

[illegible]

[illegible]

JHG
9/2/89

Ives
9 Feb.

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the Promoters not to carry any traffic at all; but as the success of the Scheme depends on the amount traffic which the line ~~must~~ will carry, it seems better to leave the matter optional.

(3) In Section 33, it seems that by the words "at their option" is meant "the option of the Promoters." The Govt. Solicitor's alteration referred to in para 26 of his letter may therefore stand.

(4) The rent provided in Section 35 is, as observed by the Govt. Solicitor in para 30 of his letter very small. The ~~rate of Rs 200 per annum given here may therefore be fixed for a specified area which the Commissioners may be asked to determine in the first instance.~~ They may

to explain to the Commrs might

to decide of this point

~~FOR ORDERS.~~

AU

Nothing required here.

Section 34. I don't think that ? Sec 29 need be altered as proposed by the Govt. Solicitor. Sec ~~44~~ does not seem to mean that exemption can only be granted after the tramway is finished. The wording in Section 44 of the act seems to mean "not more than" in the case of tramways within municipalities. At any rate the Govt. Solicitor's proposed amendment leaves the matter exactly where it was.

|| I think as his letter suggests. Supt of his

L.S.

The rent I take it is for the use of the roads & is merely a nominal sum to prevent the Company from acquiring any property in them. I would let it alone.

I don't see what we have to do with this. It's a point for the Promoters & the municipality

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so be asked to fix the ma

um amount of the further capi

hat may be raised for the

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of the Govt. Solicitor's letter.

4 The Consulting Engineer

for Railways takes objection

to the provision in Section 7,

which requires the rails of

the tramway to be of such

form and construction as

to admit of carriages used

on the South Indian Railway

passing on & over the same,

as it would add very materially

to the cost of the rails and the

method of laying them and is

unnecessary unless the metre

gauge is adopted. ~~The Govt.~~ This

might be expd. to the Commrs for

~~are however, not concerned~~

consideration

~~much with the matter~~. He also

suggests that if the proper

Solicitor were specially asked to report on the terms of the draft order. The Currents read above contain these reports, and ~~the~~ an objection raised by certain inhabitants of Chintadripetta against the running of the tramway through their Street.

2. The President, Municipal Commission, Madras reports that the terms of the order are substantially those approved by the Commissioners, but he leaves the technicalities of the order to be remarked upon by the Government Solicitor & the Public Works Department.

3. The Government Solicitor makes several suggestions and returns a copy of the draft order revised

Sec 7 & 20. The Govt. Solicitor strikes out certain words about raising more capital. It may be true that the power to do so is given are extensive by the Memorandum of Association but the insertion of the words in the order implies the consent of the local authority and is important in reference to the power of purchase. I would retain the words.

As the words they seem surplusage

Say "subject to the inspection and reasonable approval".

accordance with these suggestions. The alterations proposed by him ~~generally~~ may be adopted, subject to the following remarks:-

(1) In para 16 of his letter the Government Solicitor draws attention to the omission in Section 20 of the draft order to provide for the inspection & examination of tramway carriages by officers of the local Authority or the local Government, as authorized by Section 7(2)(c) of the Act. As surmised by him, the omission may have been intentional, but it would ~~be~~ appear better to supply it.

(2) In para 18 of his letter, attention is drawn to the omission in the draft order to provide for the traffic which the Promoter or lessee shall be bound to carry. As the order now stands, it is optional with

the Promoters not to carry any traffic at all; but as the success of the Scheme depends on the amount traffic which the line ~~must~~ will carry, it seems better to leave the matter optional.

(3) In Section 33, it seems that by the words "at their option" is meant "the option of the Promoters." The Govt. Solicitor's alteration referred to in para 26 of his letter may therefore stand.

(4) The rent provided in Section 35 is, as observed by the Govt. Solicitor in para 30 of his letter very small. The explanation of the Commrs might ~~rate of Rs. 200 per annum~~ to discuss this point ~~given here may therefore be~~ ~~fixed for a specified area which the Commissioners may be asked to determine~~ ~~in the first instance~~. They may

~~FOR ORDERS~~

4M

Nothing required here.

Section 34. I don't think that Sec 29 need be altered as proposed by the Govt. Solicitor. Sec ~~44~~ 44 does not seem to mean that exemption can only be granted after the tramway is finished. The wording in Section 44 of the Act seems to mean no more than " in the case of tramways within municipalities. At any rate the Govt. Solicitor's proposed amendment leaves the matter exactly where it was.

‖ I think as his letter [illegible] suggestion [illegible]

The rent I take it is for the use of the roads & is merely a nominal sum to prevent the Company from acquiring any property in them. I would let it alone.

I don't see what we have to do with this. It is a point for the promoters & the municipality.

so be asked to fix the ma
um amount of the further capi
hat may be raised for the Scheme, referred to in para 31 of the Govt. Solicitor's letter.

4 The Consulting Engineer for Railways takes objection the provision in Section 7, which requires the rails of the tramway to be of such form and construction as to admit of carriages used on the South Indian Railway passing on & over the same, as it would add very materially to the cost of the rails and the method of laying them and is unnecessary unless the metre gauge is adopted. ~~The Govt.~~ This is might be refd. to the Commrs for consideration ~~are however, not concerned much with the matter.~~ He also suggests that if the proper

the Promoters not to carry any traffic at all; but as the success of the scheme depends on the amount traffic which the line ~~must~~ will carry, it seems better to leave the matter optional.

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(4) The rent provided in Section 35 is, as observed by the Govt. Solicitor in para 30 of his letter, very small. The ~~[illegible] of the Commrs might~~ ~~rate of Rs 200 per annum~~ to decide of this point ~~given here may therefore be fixed for a specified area which the Commissioners may be asked to determine in the first instance~~. They may

~~FOR ORDERS.~~

44

Nothing required here.

Section 34. I don't think that Sec 29 need be altered as proposed by the Govt. Solicitor. Sec 44 does not seem to mean that exemption can only be granted after the tramway is finished. The wording in Section 44 of the Act seems to mean no more than " in the case of tramways within municipalities. At any rate the Govt. Solicitor's proposed amendment leaves the matter exactly where it was.

|| I think we had better adopt his suggestion.

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I don't see what we have to do with this. It is a point for the promoters & the municipality.

89

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scheme, referred to in para 31
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o the South Indian Railway
passing on & over the same,
as it would add very materially
to the Cost of the rails and the
method of laying them and is
unnecessary unless the metre
Gauge is adopted. ~~The Govt.~~ They might be pg? to the Commrs for ~~are however, not concerned~~ consideration ~~much with the matter~~. He also
suggests that if the proper

the Promoters will to carry any traffic at all; but as the success of the scheme depends on the amount traffic which the line ~~must~~ will carry, it seems better to leave the matter optional.

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(4) The rent provided in Section 35 is, as observed by the Govt. Solicitor in para 30 of his letter very small. The ~~be explain & the Commrs might~~ ~~rate of Rs 200 per annum~~ be discussion of this point ~~given here may therefore be fixed for a specified area which the Commissioners may be asked to determine in the first instance~~. They may

~~FOR ORDERS~~

Nothing required here.

Section 34. I don't think that Sec 29 need be altered as proposed by the Govt. Solicitor. Sec ~~[illegible]~~ 44 does not seem to mean that exemption can only be granted after the tramway is finished. The wording is Section 44 of the act seems to mean nor more than " in the case of tramways within municipalities". At any rate the Govt. Solicitor's proposed amendment leaves the matter exactly where it was.

|| I think we had better adopt his suggestion

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I don't see what we have to do with this. It is a point for the promoters & the municipality.

89

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lighting of carriages is no
compulsory under the Polic
or Municipal Regulation
it might be provided fo
in the Schedule attached
to the order. This may be d
He also proposes a few
verbal alterations whic
have been made in black
ink in the copy of the ord
returned by the Governmt
Solicitor.

5. The objection raised by
the inhabitants of Sawmdrain
Street Chintadripetta may
be referred to the Municipal
Commission for consideration

VR
6/12/09

47

x

[illegible]

(for orders)

Await further.

LOCAL AND MUNICIPAL DEPARTMENT.

read in Proceedings :—

Again G.O., dated 20th October 1888, No. 1165 M.

Current No. 2502 M of 1888, dated 22nd Nov/88 from Presdt., M. Cm., Madras

" 2615 M of /88 " 30th do " Govt. Solicitor, Madras

" 2654 M " " 24th do " V. P. Parthasarathy Pillay & others.

Current No. 67 M of 1889, dated 14th Jany/89 from Public Works Dept.

le d/ 20th February 89 No. 205 M.

The papers read above

ll be referred to the President Municipal

missioners ~~[illegible]~~ Madras, for early

rks with the intimation that

Govt. as at present advised

prepared to modify the draft

les in accordance with the

ggestions ~~contained therein~~ made by the Govt.

& the Consulting Engr. for Rails

ft in regard to the following

the Govt. Solicitor sugges

l the provision in Sections 7,

the draft rules

giving power to the Promoters

raise their capital ~~may be~~ also

tted. This ~~proposal can~~ proposal cannot be omission advisable ~~adopted since~~ the retention of the provision in the order implies the consent of the local authority to the raising of the capital and is important in reference to the power of purchase.

(2) It is not thought necessary to [illegible] ~~As regards~~ the omission in the draft order to provide for the traffic which the Promoters or Lessee shall be bound to carry, pointed out ~~referred~~ to in para 18 of Govt. Solicitor's letter, the ~~Go~~ ~~consider that it would be better to leave the matter optional~~, as since the success of the scheme depends on the amount of traffic which the line will carry.

The Govt. Solicitor considers that the rent provided in Sect 15 is small, but as this [illegible] the rent is [illegible] apparently levied ~~a nominal sum~~ to prevent Company from acquiring property in the roads the G[illegible] not thought necessary to [illegible] ~~no objection~~

49

The consulting Engineer takes exception to the provision in Section 7, which requires the rails of the tramway to be of such form & construction as to admit of carriages used on the [illegible] Indian Railway passing over ~~the same~~ upon, in the present [illegible] ~~But this is~~ [illegible] considerately to their cost

Not this is

a point to be settled between the Promoters & the Commissioners. ~~Involves~~.

2. With reference to the Government Solicitor's remarks in para 15 of letter regarding the omission in Section 20 to provide for the inspection & examination of tramway carriages by officers of the local authority or the Government, the words "inspection and" will be inserted before ~~between~~ "~~subject~~ ~~to~~ reasonable approval" in that Section.

Sec 36(3) of the draft [illegible] para 31 of the Govt. Sol's letter, the Commissioners will be [illegible] to fix the maximum amount of the further capital

~~that~~ utterly may be raised ~~for the sake~~
of the Chamber, if they think
~~referred to in para 31 of Govt~~
~~Solicitor's letter~~.

(From orders

14/

~~or Draft~~

15

Construction of Tramways in
the City of Madras

57

(From orders)

E

Note.

The draft is submitted to H. E. for orders as to what course is to be taken in regard to sec 34 of the draft order of 20.10. The Hon. Mr. Garstin accepts the Govt. Sol.'s amendment, & if this is agreed to, nothing special need be said on this point in the present ~~draft~~ order. If however the Hon. Mr. Stokes maintains his objection to the Govt. Sol.'s proposal, an alteration will have to be made to para 1.

14/

I don't care to maintain it, as I have already remarked that the Govt. Solicitor's amendment makes no difference.

17 Feb

To The President Munl Commrs Madras with Encs 2616 & 2654 of 1888

Read again Order of Government, dated 188 , No. , Miscellaneous.

Back Paper, No. of 188

Further Paper, No. C 949 of 89 of 188

Enclosures.

Current No.

Statement with ditto.

Order of Government.

Statement with ditto.

Papers not filed up, being meant for despatch in original (not paged).

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

25-2-07
27-07
27-11-15
24-7-19

[7]

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.
G.O., DATED 20th Feby/89
No. 205 M

(Printed G.O. 733)
89

When given for copying

[Despatch Abstract.]

Tramways

Referring to the President Municipal Commission, Madras, papers in connection with the Construction of — in the City of Madras.

73.

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			