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MADRAS RECORD OFFICE.

Government of Madras.

Local & Municipal DEPARTMENT.

G.O. No. 1159 M. Press/Mis.
(Municipal)

Dated 2nd September 1893.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following papers:—

G.O., dated 9th January 1892, No. 47 M., Local and Municipal.

ABSTRACT.—Ordering, with remarks, the publication in the *Fort St. George Gazette* of the draft of a proposed order authorizing the construction by Messrs. Hutchinson and Co., London, of tramways in the City of Madras, and requesting the Government Solicitor, President, Municipal Commission, Madras, and the Public Works Department, Railway Branch, to report on the terms of the draft order before the 31st March next.

G.O., dated 18th March 1892, Mis. No. 521 M., Local and Municipal.

From E. O. WALKER, Esq., C.I.E., Superintendent, Government Telegraph Department, Madras Division, to the Chief Secretary to Government, dated Madras, 15th February 1892, No. 5923.

With reference to Government notification, No. 68, published in *Fort St. George Gazette* of 9th instant, and relating to construction of tramways in the City of Madras, I have the honour to request the favour of intimation being given to the promoters that if electrical power be used on such tramways, communication by the existing Government telephone and telegraph lines will require to be safeguarded as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act No. XIII of 1887.

Order—dated 18th March 1892, Mis. No. 521 M., Local and Municipal.

Communicated to Messrs. Champion and Short.

2. The Superintendent of the Telegraph Department, Madras Division, is requested to state what safeguards should be adopted by the promoters of the tramway and to forward a copy of the rules framed by the Governor-General in Council under the Electricity Act XIII of 1887.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To Messrs. Champion and Short.
,, the Superintendent of the Telegraph Department, Madras Division.

READ—also the following papers:—

G.O., dated 5th March 1892, No. 595 R., Public Works.

Endorsement from the Consulting Engineer for Railways, dated Madras, 29th February 1892, No. 182.

Note by the Consulting Engineer for Railways, Madras.

With reference to G.O. No. 388 R., dated 11th February 1892, the undersigned has the honour to report as follows on the draft order authorizing the construction of tramways in the City of Madras by Messrs. Hutchinson and Company, London.

2. With respect to clause 7, the provision directing that the rails of the tramway shall be such as to admit of the passage of South Indian Railway vehicles might be omitted. Obviously the condition cannot hold unless the gauge of the tramway is the same as that of the South Indian Railways, and even if the metre gauge be adopted, it is hardly fair to call upon the Tramway Company to bear the extra cost of the special rail required.

3. It might be advisable, as regards clause 13, to require the promoters to maintain and keep in good condition and repair so much of the roads on which the tramways are laid as is within 9 inches beyond the outside limit of either side of the substructure. It is not clear in the case of a single line whether the responsibility of the promoters for maintenance, &c., extends over so much of the road as is occupied by the substructure—a condition which should at any rate be imposed.

4. With reference to clause 2 of schedule A, it is suggested that each carriage be provided with a brake to be applied by the guard, or at least that the last carriage in the train be so fitted.

5. In schedule A, paragraph 5, a further requirement should be inserted to the effect that every engine or train be also protected in rear by suitable lights. It might be as well to specify the character of the front light in order to avoid any mistake being made by confusing it with other bright lights.

Submitted to Government as called for in G.O. No. 388 R., dated 11th February 1892.

Order—dated 5th March 1892, No. 595 R., Public Works.

Communicated to the Local and Municipal Department with reference to G.O. No. 47 M., dated 9th January 1892.

(True Extract.)

(Signed) W. H. COAKER, Lieut.-Colonel, R.E.,
Joint Secy. to Govt., P.W.D.,
Railway Branch.

To the Local and Municipal Department.
„ Consulting Engineer for Railways.

From E. BARCLAY, Esq., Government Solicitor, Madras, to the Chief Secretary to Government, dated Madras, 21st March 1892, No. 93.

With reference to the Order of Government, dated 9th January last, No. 47 M., Local and Municipal, I have now to advise on the draft order relating to the construction of tramways in Madras.

2. In the second line of the second recital of the order, I have altered the words "the following" into "this" because the recital is, in fact, part of the order in the same way that the preamble to an Act is part of the Act.

3. Section 1 of the order provides that the order may be called and cited as "The Madras Tramways Order, 1888." The year is obviously a mistake for "1892."

4. 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 in italics are *ultra vires* and 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 sub-section;

(*c*) Section 9 (1) provides that, *subject to and in accordance 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."

5. In section 3 of the order, where it defines "Municipal Commission," I have altered the word "of" into "for," as section 6 of the Madras Municipal Act describes the Commissioners as "The Municipal Commission for the City of Madras."

6. In section 4 of the order, I have inserted between the words "each" and "shall" the words "and such Company when incorporated and registered," because from subsequent parts of the order and especially with regard to section 29 of the order this seems necessary.

7. I have also added a section, now numbered 4 (*a*), providing that "words in this order importing the singular number shall include the plural number and *vice versâ*." This is a great convenience, and I would suggest the retention of the section to avoid repetition in many parts of the order. I have not however altered the order throughout with reference to this section, not knowing whether it will be retained.

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

9. In this section 6 of the order, it is said "*the tramways* authorised by this order are" so I have struck out the word "route" where it occurs and substituted the word "tramways." I have also corrected the different points of the compass mentioned in this section as putting "southwardly" for "southerly," &c.

10. *Tramway No.* 2.—"Barbers' bridge" is in Barbers' Bridge road, not in Triplicane High Road; and as the old Round Tannah in the Mount Road has long since been replaced by the Vizianagrum Fountain, I have substituted the latter for the former.

11. This section 6 provides that, in addition to the tramways described, the order authorises the construction of 3 miles of extension to any or each of the tramways which would give a possible length of 18 miles; but the section also provides that the extensions shall not exceed a total length of 3 miles. To avoid this contradiction I have struck out from the 2nd line of the paragraph the words "3 miles of." As "municipal purposes" are not defined, I have thought it better to make the paragraph provide that the "Rubbish lines" shall be for the purposes of the Municipal Commission only." This would not enable the Municipal Commission to use the Rubbish lines for any but municipal purposes.

12. In the same section 6 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."

13. 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."

14. 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 capital expenditure they 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 expedient 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.

15. In the first line of section 8 of the order I have inserted between the words "shall" and "substantially" the words "subject to the condition of sub-section 36 (1) of this order," as that sub-section provides that the construction of the tramways shall not be commenced until £75,000 of the share capital of the proposed company has been subscribed.

16. Section 9 of the order provides that "if the local authority do not within six months after the expiration of 21 years from the date of this order exercise the powers of purchase contained in the Indian Tramways Act, 1886, then, *notwithstanding anything to the contrary in that Act*, such powers," &c. My remarks in paragraph 4 of this letter apply also to these words in italics. 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.

17. *Section 12 of the order.*—In the 3rd line the words "a statement" should apparently be inserted between the words "and" 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 or." In the 9th line the word "plan" should be substituted for "plans," the word "plan" being used throughout elsewhere in the section.

18. 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 firm or an English Company, there might be difficulty and must be delay in serving them with notice.

19. In section 14 of the order, line 3, occur the words "may and shall." The section provides that "if any road authority 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 authorises 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 superflous, 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 the 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."

20. The 15th section of the order provides that "the promoters shall, if so required, *deliver* the surplus paving, metalling or material not used or required to be retained *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 such surplus is to be delivered."

21. In section 16, sub-section (1) of the order, I have inserted between the words "lessees" and "as" the words "of the right of user of the tramways or any of them or any part thereof respectively" as, without these words, it would not be very clear what lessees are referred to.

22. In sub-sections (2), (3), (4) and (5) I have referred to the exercise of powers in preference to executing work, as the exercise of powers is what is referred to in section 7 (2) (*g*) of the Act.

23. In the first line of section 16, sub-section (4) of the 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. In the 6th line of the same sub-section I have substituted the word "propriety" for "necessity," the word "propriety" being the word used in section 35 of the Act. That section provides for the settlement of differences between promoters and lessees on the one hand and the local Government and the local and road authorities on the other, so I have amended the latter part of sub-section 4 of section 16 accordingly.

24. I have struck out from the end of sub-section (5) of section 16 of the order the words "and to the reasonable satisfaction of the promoters," as such a provision might have the effect of abridging the powers mentioned in the section and which the section says are not to be abridged.

25. In section 17 of the order, I have in the last line substituted the word "conditions" for "restrictions" in accordance with section 7 (2) (*k*) of the Act.

26. In section 17, sub-section (1) of the order, I have inserted the words "or altering" in accordance with section 7 (2) (*k*) of the Act. 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 first line of the sub-section. Throughout this sub-section and the others I have inserted the word "body" between "Company" and "or person." This will be in accordance with section 16 of the order. I would suggest that, with reference to the provision in section 17 (1) as to the construction or alteration of a tramway endangering any main, pipe, &c., it would be better to generalise to some extent. In line 8 of this sub-section, I have therefore struck out between the words "impede the" and "such" the words "supply of water or gas or the telegraphic or other

communications" and have inserted the words "the efficient working thereof." I have also in the 16th line struck out the words "the district" and have inserted the word "Madras." There is no definition of a district, and there seems no reason why the convenience of the inhabitants of Madras generally should not be considered when a tramway is altered.

27. In section 17, sub-section (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 apparatus" between the words "pipes" and "contrary."

28. In section 19 of the order, I have substituted the word "rules" for the the word "regulations" to make the section in accordance with section 24 (1) of the Act. I have also inserted in the 7th line of section 19 of the order between the word "rules" and the word "which" the words "made by the local Government" because, under section 24 (1) (*e*) of the Act, it is the local Government that is empowered to make rules for regulating the use of steam power or any other mechanical power on a tramway.

29. *Section* 20 *of the order.*—My remarks in para. 14 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 ommission may have been intentional, but in case it was not, I think it as well to call attention to it.

30. Section 21 of the order authorises the tramways, 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."

31. 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.

32. Section 7 (2) (*o*) 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 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.

33. 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.

34. 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 in italics 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."

35. Section 25 of the order, line 5, the word "charge" should be "charges." I would suggest also that the words "of carriages" be inserted between the word "classes" and the word "as" in the 10th line.

36. In the 5th line of the 26th section of the order, I have inserted between the words "seat" and "nor" the words "in any carriages used on the tramways" as without those words this part of the section would be rather wide.

37. *Section* 27 *of the order.*—My remarks in para. 30 as to the words "minerals or parcels" apply also to those words in this section.

38. 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 persons and at such place or places upon or near to the respective tramways in respect of the use of which such tolls or charges shall be payable and at such times and in such manner and under such rules 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 or other consideration 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 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."

39. 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 someimportance. I would suggest that after 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 is nothing in the order to compel them to do so and the revision of tolls is not to take place until due provision is made for such reserve fund. So also as regards the Sinking fund mentioned in this section. I think therefore it would be better to strike out the latter part of the section from and including the words "and after." Under section 8 (1) of the Act, I think it is only on the application of a promoter that the local Government can vary the order by a further order. I have therefore struck out the words "local authority" in the 5th line of section 29 of the order.

40. In section 30 of the order, I have struck out the word extensions and substituted the words "Rubbish lines" in accordance with section 6 of the order.

41. Section 31 of the order seems, as drawn, to be *ultra vires*, section 13 of the Act providing for the agreements that may be entered into by the road authority and the promoter. I have amended section 31 of the order in accordance with the section 13 of the Act; but, as amended, section 31 of the order seems unnecessary, as it merely repeats what is contained in section 13 of the Act. "Circle," in relation to a road authority, means the area within the control of that authority (see section 3 (4) of the Act) so I have substituted the word "circle" for the word "district" in section 31 of the order. I think however that section 31 might be omitted.

42. Section 32 of the order provides that "the promoters may, subject to the provisions of this order (but only for the purposes of the undertaking and not so as to acquire any exclusive rights therein), acquire, hold and use any patent or other rights or any licenses to use patent rights in relation to any apparatus, material or motive power used on or in connection with tramways." I see no objection so far as Government 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 hindering 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. At the same time I do not see anything in the Act which authorises Government to insert the provisions of this section in the order.

43. Section 33 of the order is not quite clear as to who—the promoters or the Municipal Commission—is to have the 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 5th line of the section, the words "at the option of the promoters" (or "of the Municipal Commission" as the case may be) be inserted. I would also suggest that after the figures "10,000" in the 6th line of the section there be inserted the words "as 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.

44. 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 the 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 therefore suggest 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 hereinafter provided, be paid to the promoters as the same shall accure" or the section can stand as I have amended it.

45. 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 realizing 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."

46. Section 34 of the order provides that "the tramways, plant, engines, carriages and other vehicles, offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, yards and depôts of the promoters shall, for a period of seven years from the date of this order, be exempt from all municipal taxation 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 depôts of the promoter, 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 that 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 promotors 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 be read as I have amended it.

47. Section 35 of the order provides that the promoters shall, after the expiration of two years from the date of the ordor, pay to the Municipal Commission rent at the rate of Rs. 200 per annum; but does not state for what or from what time interest on rent in arrear is to be paid. 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 lands occupied by the undertaking" and insert at the end of the section the words "from the date when such rent in arrear became due."

48. The effect of section 36, sub-section (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 sub-section, 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 such proposed Company" as that capital is mentioned in section 4 of the order. I am however of opinion that Government has not the power to impose the conditions mentioned in clauses 2 and 3 of section 36 of the order; no such power seems to be given by the Act.

49. 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, &c., there is nothing in the Act to affect 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. It is not very clear how a mortgage could comprise the purchase money of the property mortgaged; so, in order to make clearer what is intended, I have inserted between the words "comprise" and "all" the words "the right to receive."

50. 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 promoters are defined for the purpose of the order and there can be no others. If these words were necessary in this section they would also be necessary in very many other sections of the order.

51. This section requiries amendment in other respects. For instance, the promoters could not be said to sell their obligations and liabilities, but they could sell their rights, &c., subject to their obligations and liabilities. Again it could not be sufficient to vest such rights, &c., in the purchaser merely by giving notice to Government of an assignment. The assignment would have to be completed and then notice thereof to Government might be deemed to vest the rights, &c., in the purchaser, nor would Government, I apprehend, be satisfied that a large property such as the undertaking should be transferred by merely giving a notice of assignment. Under section 17 of the Registration Act an assignment of the undertaking or the rights under the order would have to be registered. I am of opinion that the provisio in this section 39 of the order is *ultrâ vires* for the reasons stated in para. 48 above.

52. There is nothing in the Act which empowers Government to insert in the order such a provision as is contained in section 40.

53. I think section 41 of the order as amended by me will be sufficient to give the promoters the first right to construct further tramways. Section 8 of the Act gives them the right to apply for a further order extending the original order.

54. I would also suggest that, instead of the words in line 9 of section 39, "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.

55. The words I have struck out in section 42 of the order seem to me opposed to section 8 of the Act, which provides that the local Government may, on the application of the promoter, amend or vary the order by a further order. If therefore the

promoters did not ask for a revision of the tolls or charges authorised by this order, I do not think the Government of India or the local Government could revise or alter them.

56. I think it would be as well to provide in the order for service of notice on the promoters somewhat to the following effect :—

"43. Any notice required to be given by the local Government or by any local authority or road authority to the promoters may be in writing and may be served on the promoters 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."

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

From Messrs CHAMPION & SHORT, Solicitors, Madras, to the Chief Secretary to Government, dated 22nd March 1892.

We have the honour to acknowledge receipt of Proceedings of Government, dated 18th March, No. 521, Local and Municipal, and to state that we are this day in receipt of a telegram from Messrs. Hutchinson and Co. authorising us to give the necessary guarantee for the protection of the telegraph and telephone lines in the town of Madras.

2. Previous to the receipt of this telegram we placed ourselves in communication with the Superintendent, Central Telegraph Office, Madras, in regard to this matter, but beyond being furnished with a copy of the Act 13 of 1887 (which we had) we have not been informed of the nature of the protection required by that department to safeguard the Government lines in the town.

3. We observe that section 4 of the aforesaid Act contemplates the Governor-General making certain rules, but we have reason to believe that no such rules have been made and promulgated.

4. We shall feel obliged by your informing us at an early date what the safeguards are which should be adopted by the Company and we trust that the absence of the rules contemplated by section 4 will not prevent the Government passing their final order on the 1st proximo on the draft order before them as the promoters at home are anxious to have their prospectus issued by the 4th proximo for reasons stated at our interview with you the other day. These were that they wanted the scheme out before the general elections came on as it would then be more likely to attract attention.

From Lieut.-Col. G. M. J. MOORE, President, Municipal Commission, to the Chief Secretary to Government, dated 22nd March 1892, No. 604.

With reference to G.O., dated 9th January 1892, No. 47-M., I have the honour to submit as follows :—

2. Page 4 (1)—1888 should be 1892.

3. Page 4, 6—Tramway No. 2, the last line should run thus: "Triplicane High Road, Barber's Bridge Road and terminating in the last road at Barber's Bridge."

4. Triplicane High Road does not extend as far as Barber's Bridge. Barber's Bridge Road commences from the junction of Triplicane High Road and Ice House Road.

5. Page 5, Tramway No. 6, after the words "a total length of three miles" the following should be added "to each of the Tramways hereinbefore described and numbered 1, 2, 3, 4, 5 and 6."

6. As the draft order stands there is somewhat of an ambiguity. It might be taken to mean that the total extent of rubbish lines was not to exceed three miles ; the addition of the above renders it clear that the total extension to each of the rubbish lines is not to be more than three miles. I may say that Messrs. Hutchinson and Co. have agreed to this.

7. In other respects the draft order is in accordance with the views of the Commissioners.

From the Secretary, Rate-payers' Association, No. 2 Division, Madras Municipality, dated 21st March 1892, No. 16.

ABSTRACT.—Offering certain suggestions in connection with the construction, &c., of tramways in the City of Madras.

From E. O. WALKER, Esq., C.I.E., Superintendent of Telegraphs, Madras Division, to the Chief Secretary to Government, dated 29th March 1892, No. 6863.

With reference to G.O., No. 521, dated the 18th instant, I have the honour to forward copy of the rules made by the Governor-General in Council in exercise of the powers conferred by section 4, sub-section (1) of the Electricity Act 1887 and dated 3rd May 1889.

2. Rules 43 to 49 inclusive set forth the conditions to be observed by persons using or supplying electricity in regard to the safety of present or future telegraph lines.

ENCLOSURE.

Copy of the rules made by the Governor-General in Council under section 4 (1) of the Electricity Act, 1887, and dated 3rd May 1889.

ORDER—dated 6th April 1892, No. 668 M., Local and Municipal.

In the first of the two Government Orders read above, the draft of a proposed order authorizing the construction 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), and the Government Solicitor were specially requested to report on the terms of the draft order. The third, fourth and sixth of the papers read above contain the replies of these officers, the fifth is a letter from Messrs. Champion and Short, stating, with reference to the second Government Order read above, that they are authorized to give the necessary guarantee for the protection of the Telegraph and Telephone lines at Madras, the seventh is a petition from the Secretary, Rate-payers' Association, No. 2 Division, Madras, making certain suggestions in regard to the routes of the tramways and the rates of tolls proposed to be levied, and the last contains the rules framed by the Governor-General in Council under section 4 (1) of the Electricity Act XIII of 1887.

2. The Government Solicitor's suggestions are accepted, except in regard to the following points :—

(1) The additional section proposed to be inserted after section 4 of the draft order does not appear to be required.

(2) The proposed omission of the words "3 miles of" from section 6 of the draft order would restrict the total length of the rubbish lines to 3 miles. That this is not what is intended is evident from paragraph 6 of the President's letter read above. The apparent contradiction, however, will be removed by the omission of the words "and shall not exceed a total length of 3 miles" at the end of the clause.

(3) The Government does not consider it advisable that the provision in sections 7 and 20 of the draft order giving power to the promoters to raise their capital should be omitted. 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.

(4) It is not thought necessary to supply the omission in the draft order to provide for the traffic which the promoter or lessee shall be bound to carry, pointed out in paragraph 32 of the Government Solicitor's letter, since the success of the scheme depends on the amount of traffic which the line will carry.

(5) It has on a former occasion been found undesirable to fix the maximum limit of capital to be raised, and the proposed addition of the words "not exceeding in the whole the sum of £ " in section 36 of the draft order will therefore not be made.

3. There is apparently some omission in paragraph 17 of the Government Solicitor's letter, but the meaning is clear from the alterations made by him in section 12 of the draft order. A few clerical errors noticed in paragraphs 37 and 54 of his letter and in the alteration made in section 39 of the draft order have been corrected.

4. With reference to the Government Solicitor's remarks in paragraph 29 of his letter regarding the omission in section 20 of the draft order, to provide for the inspection and examination of tramway carriages by officers of the local authority or the Government, the words "inspection and" will be inserted before "reasonable approval" in line 4 of that section.

5. As the adoption of the Government Solicitor's suggestion in paragraph 33 of his letter may place the promoters at a disadvantage as regards the supply of motive power required by the Municipal Commission, the words "it shall not be open to the Municipal Commission to use any other motive power than that used by the promoters and that" will be inserted after the words "provided always that" in section 24. The word "electricity" will also be inserted after "steam" in the same section in order to bring the phraseology of the section into harmony with that of section 19 and to obviate any misconception which may arise as to the meaning of the words "mechanical power."

6. With reference to the Government Solicitor's remarks in paragraphs 42, 48, 51 and 52 of his letter that the Act does not give Government power to insert certain provisions in the order, it is observed that under section 7 (2) of the Act, the power of the Government is not restricted to the matters enumerated in the several sub-clauses of that section but extends also to matters *other* than those specified therein.

7. The following proviso will be added at the end of section 19 of the draft order :—"Provided also that if electrical power be used, communication by the existing Government Telephone and Telegraph lines shall be safe-guarded, as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act XIII of 1887."

8. The Consulting Engineer criticises the provision in section 7 which requires that the rails of the tramways shall be of such form and construction as to admit of carriages used on the South Indian Railway passing on and over them, on the ground that it would add considerably to their cost. This, however, is a point to be settled between the promoters and the Commissioners.

9. It does not appear to Government necessary that any alteration should be made in section 13 of the draft order with reference to paragraph 3 of the Consulting Engineer's note. The section quoted provides "for so much of the road as is occupied by the substructure" in *every* case, and it does not appear that any larger extent should be entrusted to the promoters.

10. The suggestions of the Consulting Engineer contained in paragraphs 4 and 5 of his note will be adopted, and the following additions will be made to clauses 2 and 5 respectively, of schedule A :—"The last carriage in the train shall be fitted with a brake to be applied by the guard," and "every engine and train shall be also protected by suitable lights in the rear." It seems to Government that the character of the front light may well be left to the discretion of the promoters.

11. The Government is unable to adopt the suggestions of the Rate-payers' Association contained in its Secretary's letter read above.

12. The draft order, as thus modified, will now be finally published in English, Tamil, Telugu and Hindustani, in the *Fort St. George Gazette*, under section 6 (4) of the Indian Tramways Act XI of 1886, with the following notification :—

NOTIFICATION.

Under the provisions of section 6 (4) of the Indian Tramways Act XI of 1886 (India), the following order authorizing the construction, by Messrs. Hutchinson and Co., London, of Tramways in the City of Madras, is published for general information.

Order authorising the construction and maintenance and to regulate the working of Tramways in the City of Madras.

Preamble.

WHEREAS the promoters hereinafter named have, in pursuance of the provisions of The Indian Tramways Act, 1886, applied, with the consent of the Municipal Commission of the City of Madras, for powers to construct, maintain and use a system of Tramways in Madras.

And whereas the Government of the Presidency of Madras, being, for the purposes of this order, the Local Government within the meaning of the said Act, deem it expedient that the powers so sought should be granted upon the terms and subject to the conditions and provisions hereinafter contained, that is to say—

Short title and commencement.

1. (i) This order may be called and cited as the Madras Tramways' Order, 1892.

(ii) It shall come in force at once.

Incorporation of Act.

2. The provisions of "The Indian Tramways Act, 1886," so far as the same are applicable to this order, are to be deemed to be incorporated with, and to form part of, this order.

Interpretation.

3. The several words, terms and expressions to which by the said Act meanings are assigned have in this order the same respective meanings unless there be something in the subject or context repugnant to such construction or unless herein otherwise provided.

Provided that in this order—

The expression "Municipal Commission" shall mean the Municipal Commission for the City of Madras.

The expressions "the Tramways" and "the undertaking" shall (unless where any particular Tramways are referred to by name or number, as the case may be) mean the Tramways and the works and undertaking by this order authorised.

The term "carriage" shall include "truck."

4. Messrs. Hutchinson and Co., of 25, Craven Street, Strand, in the County of Middlesex, East India Merchants and Bankers, by whom a Joint Stock Company is about to be incorporated and registered in England, with a nominal capital of £100,000 divided into 100,000 shares of £1 each, and such company when incorporated and registered shall be the promoters for the purposes of this order, and are in this order referred to as "The Promoters."

Lands by agreement.

5. The promoters may, by agreement from time to time, purchase or take on lease or otherwise acquire such lands as they may require for the purpose of the undertaking, and may, from time to time, sell or dispose of any such lands which may not be necessary for such purposes.

Construction of Tramways.

Construction of Tramways and provisions with regard thereto.

6. The promoters may construct and maintain, subject to the provisions of this order, the Tramways hereinafter described, the routes of which are shown on the maps deposited by the promoters with the local Government and the Municipal Commission respectively, with all proper rails, chairs, plates, sleepers, turn-outs, crossings, sidings, junctions, passing places, turn-tables, weigh-bridges, weighing machines, hydrants, offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

The Tramways authorised by this order are—

Tramway No. 1.—Commencing opposite Clive's Battery and passing thence along the Beach Road and Esplanade, through the Evening Bazaar, and in the front of the General Hospital, crossing Hospital Bridge and terminating in the Poonamallee Road, opposite the South Indian Railway station in that road.

Tramway No. 2.—Commencing by a junction with Tramway No. 1, opposite the end of Sydenham's Road, and running in a southwardly direction across Law's Bridge and along Sawmy Naick Street past the east approach to Harris' Bridge, along Blacker's Road past the Vizianagram Fountain in the Mount Road, and a short distance along the Wallajah Road, thence along the Triplicane High Road and terminating at Barber's Bridge, in Barber's Bridge Road.

(4) It is not thought necessary to supply the omission in the draft order to provide for the traffic which the promoter or lessee shall be bound to carry, pointed out in paragraph 32 of the Government Solicitor's letter, since the success of the scheme depends on the amount of traffic which the line will carry.

(5) It has on a former occasion been found undesirable to fix the maximum limit of capital to be raised, and the proposed addition of the words "not exceeding in the whole the sum of £ " in section 36 of the draft order will therefore not be made.

3. There is apparently some omission in paragraph 17 of the Government Solicitor's letter, but the meaning is clear from the alterations made by him in section 12 of the draft order. A few clerical errors noticed in paragraphs 37 and 54 of his letter and in the alteration made in section 39 of the draft order have been corrected.

4. With reference to the Government Solicitor's remarks in paragraph 29 of his letter regarding the omission in section 20 of the draft order, to provide for the inspection and examination of tramway carriages by officers of the local authority or the Government, the words "inspection and" will be inserted before "reasonable approval" in line 4 of that section.

5. As the adoption of the Government Solicitor's suggestion in paragraph 33 of his letter may place the promoters at a disadvantage as regards the supply of motive power required by the Municipal Commission, the words "it shall not be open to the Municipal Commission to use any other motive power than that used by the promoters and that" will be inserted after the words "provided always that" in section 24. The word "electricity" will also be inserted after "steam" in the same section in order to bring the phraseology of the section into harmony with that of section 19 and to obviate any misconception which may arise as to the meaning of the words "mechanical power."

6. With reference to the Government Solicitor's remarks in paragraphs 42, 48, 51 and 52 of his letter that the Act does not give Government power to insert certain provisions in the order, it is observed that under section 7 (2) of the Act, the power of the Government is not restricted to the matters enumerated in the several sub-clauses of that section but extends also to matters *other* than those specified therein.

7. The following proviso will be added at the end of section 19 of the draft order :—"Provided also that if electrical power be used, communication by the existing Government Telephone and Telegraph lines shall be safe-guarded, as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act XIII of 1887."

8. The Consulting Engineer criticises the provision in section 7 which requires that the rails of the tramways shall be of such form and construction as to admit of carriages used on the South Indian Railway passing on and over them, on the ground that it would add considerably to their cost. This, however, is a point to be settled between the promoters and the Commissioners.

9. It does not appear to Government necessary that any alteration should be made in section 13 of the draft order with reference to paragraph 3 of the Consulting Engineer's note. The section quoted provides "for so much of the road as is occupied by the substructure" in *every* case, and it does not appear that any larger extent should be entrusted to the promoters.

10. The suggestions of the Consulting Engineer contained in paragraphs 4 and 5 of his note will be adopted, and the following additions will be made to clauses 2 and 5 respectively, of schedule A :—"The last carriage in the train shall be fitted with a brake to be applied by the guard," and "every engine and train shall be also protected by suitable lights in the rear." It seems to Government that the character of the front light may well be left to the discretion of the promoters.

11. The Government is unable to adopt the suggestions of the Rate-payers' Association contained in its Secretary's letter read above.

12. The draft order, as thus modified, will now be finally published in English, Tamil, Telugu and Hindustani, in the *Fort St. George Gazette*, under section 6 (4) of the Indian Tramways Act XI of 1886, with the following notification :—

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And whereas the Government of the Presidency of Madras, being, for the purposes of this order, the Local Government within the meaning of the said Act, deem it expedient that the powers so sought should be granted upon the terms and subject to the conditions and provisions hereinafter contained, that is to say—

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The term "carriage" shall include "truck."

4. Messrs. Hutchinson and Co., of 25, Craven Street, Strand, in the County of Middlesex, East India Merchants and Bankers, by whom a Joint Stock Company is about to be incorporated and registered in England, with a nominal capital of £100,000 divided into 100,000 shares of £1 each, and such company when incorporated and registered shall be the promoters for the purposes of this order, and are in this order referred to as "The Promoters."

Lands by agreement.

5. The promoters may, by agreement from time to time, purchase or take on lease or otherwise acquire such lands as they may require for the purpose of the undertaking, and may, from time to time, sell or dispose of any such lands which may not be necessary for such purposes.

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Construction of Tramways and provisions with regard thereto.

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The Tramways authorised by this order are—

Tramway No. 1.—Commencing opposite Clive's Battery and passing thence along the Beach Road and Esplanade, through the Evening Bazaar, and in the front of the General Hospital, crossing Hospital Bridge and terminating in the Poonamallee Road, opposite the South Indian Railway station in that road.

Tramway No. 2.—Commencing by a junction with Tramway No. 1, opposite the end of Sydenham's Road, and running in a southwardly direction across Law's Bridge and along Sawmy Naick Street past the east approach to Harris' Bridge, along Blacker's Road past the Vizianagram Fountain in the Mount Road, and a short distance along the Wallajah Road, thence along the Triplicane High Road and terminating at Barber's Bridge, in Barber's Bridge Road.

Tramway No. 3.—Commencing by a junction with Tramway No. 2 in Blacker's Road on the approach to Harris' Bridge, and thence in a south-westwardly direction, crossing the Mount Road and passing along Patter's Road, Wood Street and Westcott's Road and terminating at the junction of Royapettah High Road with Royapettah Bazaar Road.

Tramway No. 4.—Commencing by a junction with Tramway No. 1 at Clive's Battery and passing thence in a westwardly direction along the Old Jail and North Wall Roads to the eastern approach to Basin Bridge, and thence in a southwardly direction along the Wall Tax Road and terminating by a junction with Tramway No. 1 opposite the General Hospital.

Tramway No. 5.—Commencing by a junction with Tramway No. 4 in the Wall Tax Road opposite the approach to Elephant Bridge, passing thence in a westwardly direction across Elephant Bridge and along Elephant Gate Road and part of Sydenham Road, thence through the Choolay Bazaar, Hunter's Road and part of the Pursewalkum High Road to its junction with Cundappa Moodelly High Road terminating in this latter road about 3 furlongs from its said junction with Pursewalkum High Road.

Tramway No. 6.—Commencing by a junction with Tramway No. 4 near the Seven Wells, and passing thence in a northwardly direction along the Trivettore High Road and terminating on that road at the Municipal boundary.

In addition to the Tramways hereinbefore described, this order also authorises the construction of 3 miles of extensions (hereinafter called Rubbish Lines) to any or each of the Tramways hereinbefore described and numbered respectively 1, 2, 3, 4, 5 and 6, which Rubbish Lines shall be for the purposes of the Municipal Commission only and not for passenger traffic.

The Tramways shall be constructed in such position in the several roads, and the passing places shall be of such length (not being less than 66 yards each) and shall be constructed and maintained at such places or between such points in the road as the promoters may, subject to the reasonable approval of the Road authority, consider necessary or convenient for the efficient working of the Tramways, and the promoters may, after the construction of the Tramways or any part thereof, construct and maintain, subject to such reasonable approval, all such additional crossings, passing places, sidings, junctions or extensions thereof and other works as they may from time to time consider necessary or convenient for the efficient working of the Tramways or any of them, or for providing access to any stables, carriage-houses, engine-houses, sheds, depositories or works of the promoters, and if the promoters consider it desirable or necessary for the efficient working of any of the Tramways to alter any of the levels or gradients of any of the roads upon which the same are constructed, or for the same purpose to alter, repair or strengthen any of the bridges over which the same pass, the promoters may execute the same at their own cost, and where the road is already paved or metalled, the promoters shall at their own cost when constructing the Tramways or any part thereof in such road, relay such paving or metalling, and the promoters shall, at their own cost, provide sufficient new paving or metalling of a similar character for properly making good such road in the event of any of the original paving or metalling having become unsuitable for relaying.

7. The Tramway shall be constructed on a metre-gauge of 3 feet 3 inches and three-eighths of an inch, or such other gauge not exceeding 4 feet 8 inches and a half, as may be mutually agreed upon between the promoters and the Municipal Commission, and the upper surface of the rails of the Tramways shall be level with the surface of the roadway, unless otherwise directed or approved by the local Government and the Road authority, and the rails of the Tramways shall be of such form and construction as to admit of carriages used on the South Indian Railway passing on and over the same, and subject to this provision the rails of the Tramways shall be such as the local Government and the Road authority may approve, and the Tramways shall be constructed, laid and maintained according to such general specification as to the kind of rail, foundations, manner of laying and repair thereof as shall be reasonably approved by them, and the promoters may from time to time adopt and apply such improvements in the Tramways or any part thereof, including the rails and the situation of the rails and the substructure upon which the same rest, as experience may from time to time suggest, having regard to the greatest security of the public and advantage to the ordinary traffic, and, in case they shall do so or shall incur any other capital 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 expedient for the raising of such further capital.

Gauge of Tramways and level thereof and mode of formation.

8. The promoters shall, subject to the condition of sub-section 36 (1) of this order, substantially commence the construction of the Tramways and undertaking within a period of 12 months after the date of this order, and shall substantially complete and open for traffic the Tramways Nos. 1 and 2 before the expiration of two years from such date, and the remainder of the Tramways before the expiration of five years from such date.

Time for commencement and completion of Tramway.

9. If the local authority do not, within six months after the expiration of 21 years from the date of this order, exercise the powers of purchase contained in the Indian Tramways Act, 1886, then such powers of purchase shall, unless otherwise agreed between the promoters and the local authority only, be exercised within six months after the expiration of every subsequent period of 21 years, and the amount to be paid for the undertaking shall equal the amount of nominal capital in shares or debentures actually issued or raised on mortgage of the property and expended by the promoters or such proposed company at the date of such purchase with one-fourth of such amount added by way of compensation for compulsory acquisition of the undertaking, and the same shall be paid to the promoters in gold in London or Madras, and in case of difference between the promoters and the local authority as to the amount to be paid, the same shall be settled in the manner provided by section 35 of the said Act for the settlement of the differences in that section mentioned.

Period at which the local authority may purchase and terms of purchase.

10. The promoters from time to time for the purpose of making, forming, laying down, maintaining and renewing any of the Tramways, or any part or parts thereof respectively, may open and break up any road subject to the following conditions :—

Power to open and break up roads, &c., and provisions as to construction of Tramways.

(1) They shall give to the local authority reasonable notice of their intention, such notice to state the portion of road proposed to be opened or broken up.

(2) They shall not open or break up any road except under the superintendence and to the reasonable satisfaction of the Road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice or discontinues the same during the progress of the work. Where the carriage-way over any bridge forms part of, or is a road within the circle of a Road authority, but such bridge is vested in some person or persons, corporation or company distinct from such Road authority, any work which the promoters may be empowered to construct and which affects or in anywise interferes with the structural works of such bridge shall be constructed under the superintendence and to the reasonable satisfaction of such person or persons, corporation or company, unless, after reasonable notice given by the promoters before the commencement of such work, such superintendence is refused or withheld.

(3) Where the carriage-way in or upon which any tramway is proposed to be formed or laid down is crossed by any Railway or Tramway on the level, any work which the promoters may be empowered to construct and which affects or in anywise interferes with such Railway or Tramway or the traffic thereon, shall be constructed and maintained under the superintendence and to the reasonable satisfaction of the person, corporation or company owning such Railway or Tramway, unless after reasonable notice given by the promoters before the commencement of such works such superintendence is refused or withheld.

11. When the promoters have opened or broken up any portion of any road they shall be under the following further obligations, namely :—

(1) They shall, with all convenient speed, complete the work on account of which they opened or broke up the same and (subject to the formation, maintenance or renewal of the Tramways) fill in the ground and make good the surface to the satisfaction of the Road authority and clear away all surplus rubbish and materials.

Completion of work and reinstatement of road.

(2) They shall, in the meantime, cause the place where the road is opened or broken up to be guarded and watched and properly lighted at night.

12. The promoters shall lay before the local Government and the Road authority a plan showing the proposed mode of constructing and laying down the Tramways and a statement of the materials intended to be used therein, and the promoters shall not commence the construction and laying down of any of the Tramways or part of any of the Tramways respectively, until such plan and statement have been approved by the local Government and the Road authority, provided that if, at the end of one month from the time of laying such plan and statement before the local Government and the Road authority respectively, the local Government and the Road authority, as the case may be, shall not have signified in writing its disapproval, the plan and statement shall be considered approved by such authority or authorities, and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the Road authority, unless that authority refuses or neglects to give such superintendence when reasonably required so to do.

Further provisions as to construction of Tramways.

13. The promoters shall, subject to any other provisions of this order, at their own expense, at all times maintain and keep in good condition and repair, to the reasonable satisfaction of the local Government and the Road authority, the rails and substructure upon which the same rest, and so much of the roads whereon the Tramways are laid as is between the rails of the Tramway, and where two Tramways are laid in any road at a distance of not more than 4 feet from each other, the portion of the road between the Tramways and in every case so much of the road as is occupied by the substructure. Provided always that if the promoters fail to comply with the provisions of this section, the Road authority, if they think fit, may, at any time after seven days' notice to the promoters or their agent for the time being in Madras, open and break up the road and do the works necessary for the repair and maintenance or restoration of the road to the extent in this section above mentioned, and the reasonable expense incurred by the Road authority in so doing shall be repaid to them by the promoters.

Portion of road maintainable and repairable by promoters.

14. If any Road authority hereafter alter the level of any road along or across which any Tramway is laid or authorized to be laid, the promoters shall, on the requisition of the local Government from time to time, alter or (as the case may be) lay their rails so that the uppermost surface thereof shall, subject to any other provisions of this order, be on a level with the surface of the road as altered. Provided always that any such alteration as aforesaid shall be so made as to interfere as little as possible with the safe and convenient working of the said Tramways and in any case so as not to stop or prevent the free use or working thereof.

Alteration of level of Tramways if level of surface of road altered.

15. Any paving, metalling, or material excavated by the promoters in the construction of their works from any road under the jurisdiction or control of any Road authority, may be applied by the promoters, so far as may be necessary, in or towards the reinstating of such road, and the maintenance of any of the Tramways within the district of such Road authority and of so much of the road-way of such road as the promoters are by this order required to maintain, and the promoters shall, if so required, deliver the surplus paving, metalling or material not used or required to be retained for the purposes aforesaid 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 and deposited as the Road authority or such person or persons may direct. Provided also that, if within seven days after notice in writing to the Road authority that the surplus of such paving, metalling or material is ready for removal, 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 at what place or places as above said such surplus is to be delivered, such surplus paving, metalling or material shall absolutely vest in and belong to the promoters and may be dealt with, removed and disposed of by them in such manner as they may think fit; any difference between the promoters and any Road authority or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Indian Tramways Act, 1886, with respect to all differences between the promoters and any Road authority.

Application of road materials excavated in construction of works.

16. Nothing in this order shall take away or abridge any power to open or break up any road along or across which any Tramway is laid, or any other power vested in any local or Road authority for any of the purposes for which such authority is respectively constituted, or in any company, body, or person, for the purposes of laying down, repairing, altering or removing any pipe for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes, but in the exercise of such power such local or Road authority and every such company, body or person shall be subject to the following restrictions (that is to say)—

Rights of authorities, companies, &c., to open roads.

(1) They shall cause as little detriment or inconvenience to the promoters and lessees of the right of user of the Tramways or any of them or any part thereof respectively as circumstances admit.

(2) Before the exercise of any such power whereby the traffic on the tramway will be interrupted, they shall give to the promoters and lessees (if there be any) or to their respective agents for the time being in Madras notice of their intention to exercise such power, specifying the time at which they will begin to do so, such notice to be given 24 hours at least before the commencement of the work.

(3) They shall not be liable to pay to the promoters or lessees any compensation for injury done to the Tramway by the exercise of any such power or for loss of traffic occasioned thereby or for the reasonable exercise of the powers so vested in them as aforesaid unless negligence shall be shown.

(4) Whenever for the purpose of enabling them to exercise any such power the local authority or the road authority shall so require, the promoters or lessees shall either stop traffic on the Tramway to which the notice shall refer where such traffic would otherwise interfere with the exercise of such power, or shore up and secure such Tramway at their own risk and cost during the exercise of such power. Provided that the exercise of any power shall always be completed by the local authority or the road authority, as the case may be, with all possible expedition, and any differences as to the propriety of such work shall be settled in manner provided by the Indian Tramways Act, 1886, for the settlement of differences between the promoters and the Local Government and the local and Road authorities.

(5) No company, body, or person shall exercise any such power so far as the exercise thereof immediately affects the Tramways except under the superintendence of the promoters unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement or during the exercise of such power, and every such company, body or person shall exercise every such power at their own expense.

17. For the purpose of making, forming, laying down, maintaining, repairing or renewing any of the Tramways, the promoters may from time to time where, and as far as is necessary, or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connection with the same, alter the position of any mains or pipes for the supply of gas or water, or any tubes, wires or apparatus for telegraphic or other purposes, subject to the following conditions (that is to say)—

Provision as to gas and water companies, &c.

(1) Before laying down or altering any Tramway in a road in which any mains or pipes, tubes, wires, or apparatus may be laid, the promoters shall, if they contemplate altering the position of any such mains or pipes, tubes, wires or apparatus, give 7 days' notice to the company, body or person or persons to whom such mains or pipes, tubes, wires or apparatus may belong, or by whom they are controlled, of the promoters' intention to lay down or alter the Tramway and shall at the same time deliver to such company, body, person or persons a description of the proposed work. If it should appear to any such company, body or person that the construction or alteration of the Tramway as proposed would endanger any such main or pipe, tube, wire or apparatus or interfere with or impede the efficient working thereof, such company, body or person (as the case may be) may give notice to the promoters to lower or otherwise alter the position of any of the said mains or pipes, tubes, wires or apparatus in such manner as may be considered by such company, body or person necessary, and any difference as to the propriety of any such lowering or alteration shall be settled in manner provided by the Indian Tramways Act, 1886, for the settlement of differences between the promoters and the local and Road authorities, and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company, body or person to whom such mains or pipes, tubes, wires or apparatus may belong, or by whom the same are controlled, or to the inhabitants of Madras, as the circumstances will admit, and under the superintendence of such company or person or of their surveyor or engineer if they or he think fit to attend after receiving not less than 48 hours' notice for that purpose, which notice the promoters are hereby required to give.

(2) The promoters shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes, wires or apparatus or other works belonging to or controlled by any such company, body or person, or do anything to impede the passage of water or gas, or the telegraphic or other communication into or through such mains or pipes, tubes, wires or apparatus without the consent of such company, body or person, or in any other manner than such company, body or person shall approve until good and sufficient mains, pipes, valves, syphons, plugs and other works necessary or proper for continuing the supply of water or gas, or telegraphic or other communication, as sufficiently as the same was supplied by the mains or pipes, tubes, wires, or apparatus proposed to be removed or displaced, shall, at the expense of the promoters, have been first made and laid down in lieu thereof and be ready for use, and to the reasonable satisfaction of the surveyor or engineer of such company, body or person, or, in case of disagreement between such surveyor or engineer and the promoters, as an engineer appointed by the local Government shall direct.

(3) The promoters shall not lay down any such mains, pipes, tubes, wires or apparatus contrary to the regulations of any Act relating to such company or body or relating to telegraphs.

(4) The promoters shall make good all damage done by them to property belonging to or controlled by any such company, body or person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property or with private service pipes of any person supplied by any such company, body or person with water or gas.

18. Where, by reason of the execution of any work affecting the surface or soil of any road along which any Tramway is laid, it is necessary or expedient temporarily to remove or discontinue the use of such Tramway or any part thereof, or when the use of such Tramway is interrupted by floods or other cause, the promoters may, subject to such conditions and in accordance in all respects with such reasonable regulations as the Road authority may from time to time make, construct in the same or any adjacent road and maintain so long as occasion may require a temporary Tramway or temporary Tramways in lieu of the Tramway or part of the Tramway so removed or discontinued, or the use of which is so interrupted.

Temporary Tramways may be made when necessary.

Motive Power.

19. The carriages used on the Tramways may, subject to the provisions of this order, be moved by animal power, steam power, electricity conveyed either through overhead or underground wires, or any mechanical power, provided that the exercise of the powers hereby conferred with respect to the use of steam, electricity, or any mechanical power, shall be subject to the rules set forth in the Schedule A to this order annexed, and any other rules made by the local Government which may be necessary for securing to the public all reasonable protection against danger in the exercise of the powers by this order conferred with respect to the use of steam, electricity, or any mechanical power on the Tramways. Provided also that if electrical power be used, communication by the existing Government telephone and telegraph lines shall be safeguarded as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act XIII of 1887.

Carriages on Tramways may be moved by animal, steam or mechanical power.

20. The engines (if any) and carriages to be used on the tramways shall be of the best construction, and the dimensions, fittings, appliances and apparatus of such engines (if any) and carriages shall be subject to the inspection and reasonable approval of the local Government and the local authority, and the promoters shall, from time to time, adopt and apply such improvements in the engines (if any) and carriages, and in the fittings, appliances and apparatus thereof, as the local Government may consider necessary or advisable for the safety or convenience of the public, and in case they shall do so or shall incur any other capital 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 expedient for the raising of such further capital.

As to engines and carriages.

Traffic upon Tramways.

21. The Tramways subject to and in accordance with the provisions of this order may be used for the purpose of conveying passengers, animals and goods.

Traffic upon Tramways.

22. The promoters may from time to time, subject to the reasonable approval of the local authority, fix or appoint points or places at distances not exceeding 440 yards apart for the purpose of taking up and setting down passengers, animals and goods, and the promoters shall not be bound, unless they think fit, to stop the carriages used on the Tramways for such purpose at any other points or places.

Promoters may fix stopping places.

23. The promoters shall not be bound to carry any animals, or goods, other than passengers' luggage not exceeding 20 pounds in weight, and in case any such animals or goods shall be so carried it shall be subject to and in accordance with the provisions of this order.

Promoters not bound to carry animals, goods, &c.

24. The Municipal Commission may, during such hours not exceeding 6 in every 24 hours as may be prescribed by the promoters in such manner as the Municipal Commission may think fit (but subject to the rules for the time being in force with respect to the Tramways, and so as not to interfere with the ordinary traffic on the Tramways and with engines and carriages suitable for running on the Tramways), use the Tramways for the conveyance of night-soil, dung, manure, ashes, rubbish, filth and other refuse, scavenging stuff, coal, cannel, coke, gas and water pipes and apparatus, road-metal and other materials required for their respective works free of all tolls and charges whatsoever, and may for such purposes, subject to the provisions of this order, use animal, steam, electricity or any mechanical power on the Tramways, provided always that it shall not be open to the Municipal

Municipal Commission may use Tramways for certain purposes during certain hours.

Commission to use any other motive power than that used by the promoters and that the promoters shall, if required by the Municipal Commission so to do, provide motive power for the purpose of moving or propelling on the Tramway carriages containing night-soil, dung, manure, ashes, rubbish, filth and other refuse and scavenging stuff at the rate of 8 pies per ton per mile to the extent of 200 tons and no more in every 24 hours, or at such other rate and to such other extent as may be agreed upon from time to time between the promoters and the Municipal Commission.

Tolls.

25. The promoters may demand and take for every passenger travelling upon the Tramways including tolls and charges for the use of the Tramway and of carriages and for motive power and every other expense incidental to such conveyance, any tolls or charges not exceeding one half-anna per mile, or the promoters may, subject to the reasonable approval of the local authority, fix stages of 1 mile in length and may demand and take for every passenger travelling as aforesaid any sum not exceeding one half-anna per stage, and for the purpose of this section a fraction of a mile or a fraction of a stage shall be deemed a mile or a stage, as the case may be, provided always that the promoters may provide two classes of carriages as accommodation for passengers, and may, in respect of the first or better class of accommodation, demand and take in addition to the sum of one half-anna per mile or one half-anna per stage, as the case may be, any sum not exceeding one half-anna per mile or one half-anna per stage as the case may be.

Tolls for passengers.

26. Every passenger travelling upon any of the Tramways may take with him his personal luggage not exceeding 20 pounds in weight without any charge being made for the carriage thereof, all such personal luggage to be carried by hand and at the responsibility of the passenger, and not to occupy any part of a seat in any carriage used on the Tramways nor to be of a form or description to annoy or inconvenience other passengers.

Passengers' luggage.

27. The promoters may demand and take in respect of any animals, or goods, conveyed by them in the Tramways except as is by this order specially provided, including the tolls and charges for the use of the Tramways and for waggons or trucks and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding the tolls and charges specified in the Schedule B to this order annexed subject to the regulations in that behalf therein contained.

Tolls for animals and goods.

28. The tolls and charges by this order authorised shall be paid to such persons and at such places upon or near to the respective Tramways in respect of the use of which such tolls or charges shall be payable and at such times and in such manner and under such rules 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 or other consideration 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 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.

Payment of tolls, &c.

29. At any time after 3 years from the opening for public traffic of the Tramways or any portion of the Tramways, or after 3 years from the date of any order made in pursuance of this section in respect of the Tramways or any portion of the Tramways, the local Government may on the application in writing of the promoters, representing that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the Tramways, or on such portion of the Tramways, should be revised, direct an inquiry by a referee to be appointed by the local Government, as to such application, and if such referee report that it has been proved to his satisfaction that all or any of such tolls or charges should be revised, the local Government may make an order in writing altering, modifying, reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the Tramways or on such portion of the Tramways in such manner as the local Government may think fit, and thenceforth such order shall be observed until the same is revoked or modified by a further order of the local Government made in pursuance of this section, provided that no such revision of tolls or charges shall be made without the consent of the promoters unless and until the promoters shall have distributed by way of dividend to their shareholders an amount equal to interest at the rate of 10 per cent. per annum upon the total capital of the company whether represented by shares or debentures.

Periodical revision of tolls.

General.

30. If, at the expiration of one year from the date of this order, the Municipal Commission shall not have defined the number and direction of the rubbish lines referred to in section 6 of this order, the promoters may, by notice in writing left at the office of the Municipal Commission, require the Municipal Commission to take the place of the promoters in all things appertaining to the location, construction, maintenance and working of the said rubbish lines, and from and after the delivery of such notice at the office of the Municipal Commission, no duty shall be imposed on the promoters to locate, construct, maintain or work the said rubbish lines under this order.

Power to hold patents.

31. The promoters may, subject to the provisions of this order (but only for the purposes of the undertaking and not so as to acquire any exclusive rights therein), acquire, hold, and use any patent or other rights and any licenses to use patent rights in relation to any apparatus, material or motive power used on or in connection with Tramways.

Security for completion of Tramways.

32. The promoters shall, if required by the Municipal Commission, before commencing the construction of the Tramways or any part thereof, deposit with the Bank of Madras, or such other Bank as the Municipal Commission may agree to, in the name of the Municipal Commission, the sum of Rs. 10,000, or, at the option of the promoters promissory notes of the Government of India or Municipal bonds of the nominal value of Rs. 10,000, as security for the due compliance by the promoters with the provisions of this order, and the same shall remain so deposited so long as this order or any further order made on the application of the promoters shall remain in force, provided always that all interest accruing on the said sum, or the said notes or bonds as the case may be, shall be credited to the account of the promoters with the Municipal Commission and subject as hereinafter provided be paid to them as the same shall accrue, provided nevertheless that the Municipal Commission shall be entitled to deduct out of the sum so deposited, and the interest accruing on the said sum or notes or bonds as the case may be, or of the proceeds of the sale of the said notes or bonds as the case may be, any moneys to which they may be entitled under any of the provisions of this order. Provided also that upon the failure of the promoters to carry out the undertaking, the said sum of Rs. 10,000 so to be deposited as aforesaid shall be forfeited to, and become the property of, the Municipal Commission. For the purpose of realising 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.

Exemption from certain Municipal taxation.

33. As each of the Tramways is completed, the same and all plant, rolling stock, offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, ware-houses, yards and depôts of the promoters used thereon or in relation thereto or in connection therewith shall, for a period of seven years from the date of such completion 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 offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, ware-houses, yards and depôts.

Rent to be paid by promoters.

34. The promoters shall, after the expiration of two years from the date of this order, pay to the Municipal Commission rent for the lands occupied by the undertaking at the rate of Rs. 200 per annum, which shall become due and payable on the 31st day of December in each year, and if the said rent or any part thereof shall be in arrear for the space of 21 days next after the same shall have become due, the promoters shall be liable to pay interest on the amount so in arrear at the rate of 8 per cent. per annum from the date when such rent in arrear became due.

Conditions.

35. The promoters shall observe and perform the following conditions, that is to say—

(1) The construction of the Tramways shall not be commenced until £75,000 of the share capital of such proposed company has been subscribed.

(2) The maximum amount to be paid by such proposed company for preliminary expenses and promotion shall be the sum of £10,000.

(3) The maximum amount to be paid by the promoters to any contractor or contractors for the construction and equipment of the Tramways, for providing expenses and interest during

construction and sufficient working capital, shall not exceed the total nominal capital of such proposed company and such further sum (if any) to be raised by debentures or other obligations as the promoters may consider necessary.

Saving as to powers of borrowing on mortgage.

36. Nothing in this order contained shall prevent the promoters borrowing money on the security of mortgages of the undertaking, or any part thereof, or shall make the consent or approval of the Local Government necessary to the validity or effect of any such mortgage, provided that every mortgage of the undertaking shall be deemed to comprise the right to receive all purchase money which may be paid to the promoters in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 22 of the Indian Tramways Act, 1886, and that any mortgage granted by the promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section 22 of the Indian Tramways Act, 1886, and that every mortgage deed granted by the promoters shall be endorsed with notice to that effect.

Power to lease right of user of Tramways.

37. The promoters may, subject to the provisions of this order, by lease or leases demise to any person or persons, corporation or company the right of user by such person or persons, corporation or company of the Tramways, or any of them or any part thereof, respectively, and of demanding and taking in respect of the same so demised the tolls and charges authorised by this order. Provided always that in the first instance such lease or leases shall not be made for any term exceeding 21 years from the passing of this order, and after the expiration of such lease or leases, any further lease or leases shall be so made as to expire at or before the time or times at which the local authority may exercise the powers of purchase conferred by section 22 of the Indian Tramways Act, 1886.

Power to assign undertaking and provisions in the event of sale before construction.

38. The promoters may at any time sell, assign, or transfer the rights, powers and authorities, conferred by this order, subject to the obligations and liabilities imposed hereby, and upon completion of such sale, assignment or transfer and notice thereof in writing being given to the local Government and to the Municipal Commission respectively, all such rights, powers, authorities, obligations, and liabilities or such of them respectively as shall then be subsisting and capable of taking effect, shall respectively be deemed to be transferred to and vested in and may be exercised by and shall attach to the purchaser or purchasers, or assignee or assignees, or transferee or transferees, as the case may be, of the promoters in like manner as if this order had been made in favour of such purchaser or purchasers, assignee or assignees, transferee or transferees, as the case may be, instead of in favour of the promoters named herein. Provided always that in the event of the promoters selling, assigning or transferring such rights, powers, and authorities, subject as aforesaid to a Company or Limited Liability Company to be formed in England or elsewhere before commencing or during the construction of the Tramways, the powers of sale, assignment or transfer hereby granted shall only be exercised subject to the same conditions as are by this order imposed upon the promoters with regard to capital, the amount of capital to be subscribed before commencing the construction of the Tramways, and the payments out of capital for promotion and construction of the Tramways.

Certain expenses of Municipal Commission to be paid by promoters.

39. The promoters shall, on demand, repay to the Municipal Commission all preliminary, legal and engineering expenses incurred by them in relation to this order not exceeding in the whole the sum of Rs. 2,000.

Promoters to have option of constructing and using further Tramways.

40. So long as the promoters continue to own or work the Tramways or any of them or any part thereof, respectively, the local authority of any circle in which the Tramways so owned or worked are laid shall not consent to any application for power to construct further or other Tramways or railways in the circle of such local authority until the promoters shall have refused the right which is by section 8 of the Indian Tramways Act, 1886, conferred upon them of obtaining a further order.

Saving for General Acts.

41. Notwithstanding anything in this order contained, the promoters, and any person using the Tramways, shall be subject and liable to the provisions of any General Act now in force, or which may hereafter be passed, relating to Tramways, or by which any tax or duty may be granted or imposed for or in respect of Tramways or the passengers or traffic conveyed thereon, and to any condition, regulation or restriction which may be imposed upon the use of Tramways or upon the use on Tramways of animal power, steam power, or any mechanical power, by any such General Act as aforesaid.

42. Any notice required to be given by the Local Government or by any local authority or road authority to the promoters may be in writing and may be served on the promoters 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.

SCHEDULE A.

1. Every engine used on the Tramways shall comply with the following requirements, that is to say—

(*a*) Each coupled wheel shall be fitted with a brake block which can be applied by a screw or treadle or by other means, and also by steam.

(*b*) A governor (which cannot be tampered with by the driver) shall be attached to each engine, and shall be so arranged that at any time when the engine exceeds a speed of 10 miles an hour, it shall cause the steam to be shut off and the brake applied.

(*c*) Each engine shall be numbered, and the number shall be shown in a conspicuous part thereof.

(*d*) Each engine shall be fitted with a suitable fender to push aside obstructions, and with a special bell or whistle, or other apparatus, to be sounded as a warning when necessary.

(*e*) Arrangement shall be made, enabling the driver to command a full view of the road before him. Every such engine shall be free from noise produced by steam or machinery so as to constitute a reasonable ground of complaint to the public, and the machinery shall be concealed from view on all sides to within 6 inches from the level of the rails.

2. Every carriage used on the Tramways shall be so constructed as to provide for the safety of passengers, and for their safe entrance to, exit from, and accommodation in, such carriages, and for their protection from the machinery of any engine used for drawing or propelling such carriages. The last carriage in the train shall be fitted with a brake to be applied by the guard.

3. The speed at which such engines and carriages shall be driven or propelled along the Tramways shall not exceed the rate of 8 miles an hour, and the speed at which such engines and carriages shall pass through facing points, whether fixed or moveable, shall not exceed the rate of 4 miles an hour.

4. The engines and carriages shall be connected by proper couplings.

5. Every engine running on the Tramways shall carry a lamp or lamps placed in a conspicuous position in the front of the engine, and such lamp or lamps shall be kept lighted from sunset to sunrise and when there is a fog, and shall show when lighted a bright coloured light, and every engine and train shall also be protected by suitable lights in the rear.

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

	Per mile. RS. A. P.
Animals.	
For every horse, mule, or other beast of draught or burden, per head	0 6 0
For every ox, cow, bull, or head of cattle, per head	0 6 0
„ every calf, pig, sheep, or other small animal	0 3 0
Goods and Minerals.	
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, pipeclay, Cinder's dung composed, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton	0 3 0
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slags and stone, stones for building, pitching and paving tiles, slates and clay (except fireclay), and for wrought iron, not otherwise specially classed herein, and for heavy iron castings, including railway chairs, per ton	0 4 0
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals and metals (except iron), nails, anvils, vices and chains, and for light iron castings, per ton	0 6 0
For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish articles, matters or things, per ton.	0 6 0
For every carriage of whatever description, each	1 0 0

	Per mile. RS. A. P.
Small Parcels.	
For every parcel not exceeding 7 pounds in weight, each	0 3 0
For any parcel exceeding 7 pounds, and not exceeding 14 pounds, each	0 5 0
For any parcel exceeding 14 pounds, and not exceeding 28 pounds in weight	0 7 0
For any parcel exceeding 28 pounds, but not exceeding 56 pounds in weight	0 9 0
For any parcel exceeding 56 pounds in weight—Such sum as the promoters may think fit.	
Provided always that articles sent in large aggregate quantities although made up in separate parcels, such as bags of sugar, coffee, meal and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.	
For the carriage of single Articles of great weight.	
For the carriage of any iron boiler, cylinder or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which including the carriage exceeds 4 tons, but does not exceed 8 tons—Such sum as the promoters may think fit not exceeding per ton	1 6 0
For the carriage of any single piece of timber, stone, machinery, or other single article the weight of which with the carriage exceeds 8 tons—Such sum as the promoters may think fit.	

REGULATIONS OF TOLLS.

A fraction of a mile beyond an integral number of miles shall be deemed a mile. For a fraction of a ton the promoters may demand and take tolls and charges according to the number of the quarters of ton in such fraction, and if there be a fraction of a quarter ton, such fraction shall be deemed a quarter of a ton.

With respect to all articles except stone and timber, the weight shall be determined according to the usual avoirdupois weight.

With respect to stone and timber, 14 cubic feet of stone, 40 cubic feet of oak, mahogany, teak, beech or ash, and 50 cubic feet of any other timber, shall be deemed one ton weight, and so on in proportion for any smaller quantity.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the President, Municipal Commission, Madras.
„ Messrs. Champion and Short, Solicitors, Madras.
„ Public Works Department (Railway Branch).
„ Government Solicitor, Madras.
„ Secretary, Rate-payers' Association, No. 2 Division, Madras Municipality.
„ Superintendent, Government Telegraph Department, Madras Division.
„ Tamil Translator to Government.
„ Telugu do.
„ Hindustani do.
Gazette.

Ex.d. A. Raitt.

Govt. of {1892} Madras.

LOCAL AND MUNICIPAL.

Issued

Recd. *Encl.*

G.O., 6th April 1892, No. 668 M.

APRIL.

Tramways.

Ordering with remarks the publication in the *Fort St. George Gazette* of the order authorizing the construction, by Messrs. Hutchinson and Co., London, of Tramways in the City of Madras.

13

Madras Electric Tramways Company, Limited.

CHAIRMAN :
WM. .GBY, C.I.E.,
LONDON.

MANAGING DIRECTOR :
SIDNEY. A. CHALK,
MADRAS.

H. V. FAULCONER, C.E.,
CHIEF ENGINEER & MANAGER,
MADRAS.

A. C. COLEBROOK CODD,
SECRETARY,
LONDON.

J. B. SALISBURY,
ASST. SECY. IN INDIA.

9, ARMENIAN STREET,

Madras, 25th August *1893.*

13

The Chief Secretary

Madras Government

M A D R A S .

Sir,

We have the honor to forward herewith, in terms of Section XII of the Government orders of concession No. 668 ~~688~~ M. Local and Municipal dated 6th April 1892 granted to Messrs William Hutchinson & Co. and since transferred by them to this Company, detail plans in duplicate showing the Tramway lines proposed to be laid along Section No.1 from the Custom House to the South Indian Railway Company's terminus at Egmore.

2. These plans are in accordance with the original scheme provided for by Section VI of the concession order, except that it is proposed to begin the line from a point opposite the Custom House instead of from Clive's Battery. This slight digression has been caused by the difficulty at present felt in crossing the Railway lines running into the Custom House. If however it is found practicable on the arrival of our electrical Engineers we will construct the line to the terminus at Clive's Battery

as required by the concession.

3. Plans and Sections in duplicate showing the mode of electrical construction this Company propose to adopt also accompany the above mentioned plans, and in explanation of the same we beg to state that the motive power will be supplied through an insulated conductor contained within a conduit, and drawn from thence and supplied to the electrical propelling motors attached to the axles of the cars by means of collectors which make contact in the conduit with the insulated conductor. The electrical force will be generated by dynamos at the Terminal Power Station which we propose to locate on a freehold property situated on the South side of the South Indian Railway Station at Egmore, where we also intend to build our car barns,workshops and administrative offices.

4. This electrical system of propulsion has been decided on by the Board of Directors in England after much consideration in consultation with the first Electrical Engineers, and has been specially designed for Madras by Mr. Parker M.I.C.E.,M.I.E.E.,M.I.M.E. Director of the Electric Construction Company of Wolverhampton in whom this Company's Directors have every confidence.

The Ag. President of the Madras Municipality and his Engineer have approved and signed one copy of the

plans we are now submitting, and we shall be much obliged if you will also approve and sign the same copies keeping one set for Government and returning the other set to us here.

We beg to point out that Section No. XII of the concession provides that we shall place the plans before the Local Government and Road Authorities for a period of atleast one month before commencing work, but as the extension of time granted by Government on the 15th Instant is limited to the 6th of October next, we earnestly solicit Government to move as expeditiously as possible in the matter to enable us to place our tenders for construction &c. so as to be able to begin work before the required time.

We have the honor to be

Sir,

Your most obedient servants

The Madras Electric Tramways Co. Ltd:

By- H. V. Faulconer.

C.E.

Manager & Chief Engineer.

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By- H. V. Faulconer

C.E.

Manager & Chief Engineer.

amendment or variation of an order made under § 6 must take the form of a "further order", & such further order must under clause (4) of the ~~first~~ former section (8) be made "in the same manner as an order". It follows that the formalities of § 6 would have to be observed.

3 This seems rather absurd when a small amendment is made, & on the whole ~~it~~ the point need not perhaps be raised, as the contingency of a change in the starting place of the tramway may not occur at all.

If so, nothing is necessary but to telegraph approval of the plans, which will then be counter-signed. ~~[illegible]~~

28/8 M.P.

28/8/53

I understand that the new starting point is to be temporary only pending ~~settlement~~ the diversion of the H.T.B. railway lines (that matter should be expedited). This being so, I don't think any objection should be raised now but I would ~~point~~ out in the order sanctioning the plans that if the new starting point is to be permanently adopted, a further order under the Act will be necessary

Ulo
29 Aug.

E
28 AUG 83

Under ref. to Mily Dept. A reminder will be sent.
9276

[9]

LOCAL AND MUNICIPAL DEPARTMENT.

904 R Dd 11-9-93
854 Rd 3-7-93
807 Rd 19-6-93
704 Rd 13-4-92
668 Rd 6-4-92

Local & Municipal Dept. CURRENT No. 1758 91

From

The Manager + Chief Engineer Madras Electric Tramways Co

No.

Dated 25 August 1893.

Received

Enclosures Six (six plans)

SUBJECT.

Forwarding with remarks plans showing the tramway lines proposed to be laid along section No. 1 from the Custom House to the South Indian Railway Company's terminus at Egmore.

(Enclosures)

For orders

The plans are laid before Govt. with reference to clause 12 of the ~~Concession~~ Order of 6 April 1892, & in ordinary course it would be sufficient to abstain from expressing disapproval. As however the concession does not hold good beyond Octr. 6th, the approval of Govt. may be telegraphed.

2 There is only one point requiring attention: the ~~possible~~ change in the point at which the line is to begin.

The Order of 6 April 1892 authorised a tramway (No. I) "commencing opposite Clive's battery". The Company think that another point must be selected, altho' they cannot say for certain yet, & the plan provides for this change. It really does not matter at which of the two points the tramway begins (both points are within municipal limits), but the alteration appears to be one which ~~strictly~~ strictly speaking should be sanctioned by an Executive order. Under § 8 (1) of Act XI (the Indian Tramways Act) of 1886 any

Despd 29/8

Telegram to

Madras

Madras Electric Tramways Company, 9 Armenian Street

No. 521 x Your letter 25 instant x plans approved x order will follow x.

(Sd) Ley A. S.

[9]

LOCAL AND MUNICIPAL DEPARTMENT.

Local & Municipal Dept. ~~xd~~

CURRENT No. 1883 93

904 dd 14-9-93.
854 dd 3-7-93
807 dd 19-6-93
704 dd 13-4-92
668 dd 6-4-92

E

From

The Manager & Chief Engineer

Madras Electric

Tramways Co.

No.

Dated 25 August 1893.

Received

Enclosures Six (six plans)

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KR 27/8/93

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Vide. § 8(1) of Act XI (the Indian Tramways Act) of 1886

[illegible] 27/8]

any

despd 29/8 (C)

Telegram to

Madras

Madras Electric Tramways Company, 9 Armenian Street

No. 521 × Your letter 25 instant × plans approved × order will follow ×

(Sd) Ch. Sec.

[9]

LOCAL AND MUNICIPAL DEPARTMENT.

Local & Municipal Dep.

CURRENT No. 1788 M

From

The Manager & Chief Engineer

Madras Electric Tramways Co.

No.

Dated 25 August 1893.

Received

Enclosures Six (six plans)

SUBJECT.

Forwarding with remarks plans showing the tramway lines proposed to be laid along section No. 1 from the Custom House to the South Indian Railway Company's terminus at Egmore.

[Initials]

904 R.D. 11-9-93.
854 R.D. 3-7-93
807 R.D. 19-6-93
704 R.D. 13-4-92
668 R. 6-4-92

E

For orders

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Under § 8(1) of Act XI (the Indian Tramways Act) of 1886 any

Telegram to

Madras

Madras Electric Tramways Company, 9 Armenian Street

No. 521 × Your letter 25 instant × plans approved × order will follow ×

(Sd) Secy. L. & M. D.

Despd. 29/8 (C)

NOTE FOR THE CHIEF ~~SECRETARY~~ Assistant.
I + M Dept

19

One set of plans relating to Madras Tramways has under Asstt Secy's orders, been retained at Coty and the other set sent down today. We has countersigned both the sets. The set sent herewith down has to be returned to the company with the y.o.

HJ
30/8/93.

பிரதி.

ANNDAKANNAN

(ஆவணக் காப்பகம்.
...ச்சிக்கூடம்)

...ங்களுக்கான கோ... ...கை.

துறை.

தேதி: 14/3

கையொப்பம்.

குறிப்பு.—(1) ஒரே கோரிக்கையில் ஒன்றுக்கு மேற்பட்ட துறைகளோடு தொடர்புள்ள ஆவணங்களைச் சேர்க்கக்கூடாது.
(2) கோரிக்கை இரட்டைப்படிகளாக எழுதப்படவேண்டும்.

L. & M. dept

C. No. 1788 M 193

Order : 2/2-9-93 No. 1159

The Madras Electric Tramways Company has been informed by telegraph that the plans are approved.

2. With regard to the possible ~~removal of the site of the terminus~~ substitution of a point opposite the Customs house for Clive's battery as the site of the terminus, the Govt. understands that this alteration would only be temporary, pending the diversion of the railway lines of the Harbour Trust Board. If it is found that the new starting point must be permanently adopted, a further order under Section 8 of Act XI (the Indian Tramways Act) of 1886 will be necessary, and the Company should in due course apply for one.

(true order)

Despd. 11/9 + sent separately

The Madras Electric Tramways Company (with one set of plans stamped & signed)

" President Madras Municipality

30/12 20/8/93

A 1159

C.S.
Mis

From orders

[1]

Miscellaneous.

11-8-67/D7

LOCAL AND MUNICIPAL DEPT.
G.O., DATED 2-9-93
No. 1159 M

When given for copying.

[Despatch Abstract.]

Tramways

Approving with remarks the plans forwarded by the Melbourne Electric Tramway Company showing the tramway lines proposed to be laid along certain streets from the Eastern Market to the South Melbourne Railway Company's terminus at Emerald

[7]

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 2-9-93
No. 1159 M

11-8-67/D7

When given for copying.

[Despatch Abstract.]

Tramways

Approving with remarks the plans forwarded by the Madras Electric Tramway Company showing the tramway lines proposed to be laid along section No. 1 from the Custom House to the South Indian Railway Company's terminus at Egmore

[1]

Miscellaneous.

11-8-67/D7

LOCAL AND MUNICIPAL DEPT.
G.O., DATED 2-9-93
No. 1159 M

When given for copying.

[Despatch Abstract.]

Tramways

Approving with remarks the plans forwarded by the Madras Electric Tramways Company showing the tramway lines proposed to be laid along certain roads from the Customhouse to the South Beach Railway Company's premises at Egmore