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M.R.O. 1-77,000-4-6-34

(1) Number of pages 36
(2) Date of repair 12-3-41
(3) Initials of the Referencer G/S

~~25/2/81/RS~~

~~4/3/81/RS~~

MADRAS RECORD OFFICE.

Government of Madras.

Local & Municipal DEPARTMENT.

G.O. No.	904-A	Municipal	Press
			Mis.
Dated	10th July	18	73.

Not to be folded or roughly handled

3/3

257

4/3

G. No. 151

MUNICIPALITY OF MADRAS.

General Department.

Madras, 6 July 1893.

From

LIEUT.-COL. G. M. J. MOORE,

President, Municipal Commission.

To

The Chief Secretary to Government,
Fort Saint George.

SIR,

In forwarding the accompanying Abstract of the Proceedings of a Special Meeting of the Commissioners held on the 5th July 1893 I have the honor to submit as follows.

2 After the receipt of your telegram dated the 19th June 1893 confirmed by G.O. dated 19 June 1893 No 807 M. Mis. a letter was received from Messrs Champion & Biligiri - Copy marked A herewith.

3 This letter was circulated to the Commissioners with the result that an application for a Special Meeting was received signed by 10 Commissioners under the provisions of Section 70 of Act I of 1884.

4 This meeting was convened for the 5th July 1893.

5 On the morning of the 4th July I received a telegram from "Board of Tramways" Copy marked B attached.

The same day I received a letter from Messrs
Barclay Morgan & Co. Copy marked & appended.
I also attach a proof copy of the Full
Proceedings of the Special Meeting in order
that Government may be in possession of the
opinions of the Commissioners. The usual
Full proceedings will follow in due course.

I have the honor to be
Sir,

Yours most Obedt. Servant,
E. J. Moore Esq.
President & Council

Minutes of the Proceedings of a Special
Meeting of the Municipal Commissioners for the City
of Madras, held at their Office Premises No. 22 Errol
Baulu Chetty Street, Black Town, on Wednesday the
5 July 1893 at 5 P.M. under the provisions of the
City of Madras Municipal Acts I and VIII of 1884
and II of 1892.

Present.

Mr. Col. G. M. J. Moore, President

Mr. Rowlandson, Esq.

Mr. P. Theagaraya Chetty Garu, Rao Sahib

— " — R. S. Pragasu Mudaliar Awangal

— " — Mr. Ramesh Chetty Pantulu Garu, Rao Sahib

— " — Mr. Yetharajulu Nayudu Garu, Rao Sahib

— " — Rao Bahadur C. V. Gummiah Chetty Garu

Cowasjee Eduljee, Esq.

Mr. Rai Bahadur P. Rangaswami Mudaliar Awangal

— " — P. V. Chinnaswamy Chetty Garu, Rao Sahib

— " — Mr. Varadarajulu Chetty Garu Rao Sahib

J. F. Davies, Esq.

Mr. T. V. Apparao Nayudu Garu, Rao Sahib

J. P. Nicholas, Esq.

Mr. P. Theagaraya Mudaliar Awangal Rao Sahib

— " — Rai Bahadur P. Annanda Chariu Awangal

— " — Mr. S. Venkataramanjulu Nayudu Garu

— " — P. Vijayaranga Mudaliar Awangal

Mr. Lovering, Esq.

Mr. Subrahmanyam, Esq. Rao Sahib

W. S. Gantz Esq.

M. R. Parthasarathy Iyengar Avangal
" A. Balajee Row Avangal.

To consider the fresh proposals contained
in the letter dated 20 June 1893 from Messrs
Champion and Biligiri, Solicitors to the Madras
Electric Tramways Company Ltd.

Proposed by Mr. Gantz and seconded
by Mr. Rowlandson.

"That as the Commissioners are functi
officio this meeting dissolves"

Lost.

Proposed by Mr. Ananda Charlu and
seconded by Mr. Vijayaranga Mudaliar—

"That having regard to the fact
that more than the stipulated sum has
now been subscribed the Commissioners strongly
recommend that the extension applied for be granted"

Carried.

Mr. Theagaraya Chetty calls for a poll
supported by Mr. Rowlandson.

Pro.

Mr. P. Theagaraya Chetty
" A. V. Pragasam Mudaliar
" M. Ramakrishnaiah Pantulu
" K. Yetharajulu Chetty
Rao Bahadur C. T. Srinivas Chetty
Mr. Leomanjiv Eduljee
Rao Bahadur P. Rangaswami Mudaliar
Mr. P. V. Krishna Rao Chetty

Mr. M. Varadarajulu Chetty

" — J. F. Davies,

" — T. V. Apparao Chetty

" — J. P. Nicholas

" — C. S. Theagaraya Mudaliar

Rao Bahadur P. Ananda Charlu

Mr. M. S. Venkatarangam Chetty

" — P. Vijayaranga Mudaliar

" — B. Lowry

" — M. Subrahmanyan

" — M. R. Parthasarathy Iyengar.

" — A. Balajee Row
Con.

Mr. W. S. Gantz.

" — F. Rowlandson

The Meeting terminated

Municipal Office,

Madras.

July 1893

W. Moore Esq.

President. Municipal Council.

T. H.

Agar Bank Buildings
Madras, 20 June 1893.

To

The President & Municipal Commissioners
Madras.

Gentlemen,

We much regret to see that the Government has telegraphed you its inability to recommend the extension of time asked for.

There are a few facts we should like to call your attention to with a view to the Commissioners reconsidering the matter.

The difficulty in floating a Tramway Company were found to be greater than expected, partly in consequence of a former Tramway Company having tried and failed, but mainly in consequence of financial difficulties and the great fall in the value of the rupee making it difficult to induce people in England to put money in Indian ventures. Mr. Digby at considerable expense came to Madras and with the assistance of His Highness the Maharaja of Vizianagram and some wealthy Native Gentlemen induced the Estates of this Country for the first time in history to take an interest in local enterprises of this kind. Over £40000 has been subscribed by Native Gentlemen and if now the Company

1441 A. M. 1893

and the Public could have no reasonable cause to complain.

Awaiting your favorable reply.

We are, Gentlemen,

Yours faithfully,

10) Champion & Peligieri
Solicitors

(True copy)

Wm. Moore Esq.

President. Municipal Commission

[Signature]

Company is wound up it will not only be a serious loss to the share-holders but will we fear effectually prevent estates of India from again coming forward to help in any public enterprise. This from a Public point of view should be prevented if possible.

If this present Company ends in a fiasco we doubt if any such enterprise will in future receive any support locally and the money will have to be found in England or elsewhere. On the other hand if the Tramway is constructed by this Company and should be a success it will encourage the estates to help such enterprises and be a source of income to those living here instead of strangers.

The personal views of the Company on the question of the Capital being subscribed and the prospects of the Company have already been fully dealt with in previous correspondence.

We have to submit that taking into consideration what has been done already that the request for 6 months extension of time is reasonable and will on further consideration be strongly recommended by you to Government.

If at the expiration of that time £75,000 are not bona fide subscribed, you will then be fully justified in cancelling the Concession, and the shareholders and

B

11

Indian Telegraph.

Relates to F.P.

Monthly Local No 15.

To Station.

From Station

Madras Mylapore.

London.

Words. Day. Hour. Minute Official Instruction

30. 3 - 8 - 45

Bur. Via Surg.

To Person

From Person.

President Municipal

Adyar Madras Mylapore.

Barclays Agent wired satisfied allotment proper pray submit meeting Wednesday move government speedily grant extension enable us forward material begin operations before October. board tramways.

(True copy)

W. Moore Esq

President, Municipal Council

W. Moore

2
1441 A 14743

Madras 14 July 1893

Tramways

To

The President,

Municipal Commission, Madras

Dear Sir,

We have this morning received the following telegram from our London Agents.

"At request Tramways Company again examined register - are now satisfied shares properly allotted are 77797. England 34077 India 43720"

Yours faithfully,

W. Barclay Morgan & Co

(True Copy)

W. Moore Esq.
President, Municipal Commission

TS
7/11

3
1441 A. M. 1/15

MUNICIPALITY OF MADRAS.

THE TRAMWAY QUESTION.

A Special Meeting of the Municipal Commissioners for the City of Madras was held at their office premises last evening at 5 o'clock. Present: Col. G. M. J. Moore (President), Mr. F. Rowlandson, Mr. P. Theagaraya Chetty Garu, Rao Sahib, Mr. R. N. Pragassa Mudaliar Avargal, Mr. M. Ramakist-naiya Pantula Garu, Mr. C. Yetharajulu Nayudu Garu, Rao Bahadur C. V. Cuoniah Chetty Garu, Mr. Cowasjee Eduljee, Rai Bahadur P. Ranganadham Mudaliar Avargal, Mr. P. V. Kistnasawmy Chetty Garu, Mr. M. Varadarajulu Chetty Garu, Mr. J. F. Davies, Mr. T. V. Apparow Nayudu Garu, Mr. J. P. Nicholas, Mr. C. S. Theagaraya Mudaliar Avargal, Rai Bahadur P. Ananda Charlu Avargal, Mr. W. S. Venkataraman-julu Nayudu Garu, Mr. P. Vijayaranga Mudaliar Avargal, Mr. B. Loverly, Mr. N. Subrahmanyam, Mr. W. S. Gantz, Mr. M. O. Parthasarathy Iyengar Avargal, and Mr. R. Balajee Row Avargal.

The PRESIDENT.—Well, gentlemen, I think we had better proceed with the business. This meeting has been convened, as you are aware, in accordance with a written requisition signed by certain Municipal Commissioners to consider the fresh proposals contained in the letter of 20th June, 1893, from Messrs. Champion and Biligiri, Solicitors to the Madras Electric Tramways Company (Limited). I do not see any fresh proposals in it, but, however, that is a matter of detail. Since the meeting has been called I received the following telegram yesterday from the Tramway Board. "Barclay's Agents wired satisfied allotment proper. Pray submit meeting Wednesday. Move Government speedily grant extension, enable us forward material begin operations before October. Board Tramways." Then in course of the day I had the following letter from Messrs. Barclay, Morgan and Orr:—"We have this morning received the following telegram from our London Agents:—

"At request Tramway Company examined register; are now satisfied shares properly allotted are 77,797—England 34,077, India 43,720."

If the fresh proposal contained in Messrs. Champion and Biligiri's letter is the condition that £75,000 would be subscribed, it apparently has been subscribed now. Then there is another point which the Commissioners ought to take into consideration, and which perhaps they have not considered. What I say is only my opinion, and you may take it at what it is worth. There is no such thing as a tramway concession now. The Commissioners have no power to act, and the Government itself has no power to act. In fact, the Government having refused to grant the extension asked for, cancelled the concession.

Mr. ANANDA CHARLU.—Are there any proceedings to the effect that the Government cancelled the concession?

The PRESIDENT.—It has refused to extend the time. You must read the order of Government. I see one of the Commissioners made a minute to the effect that he wanted to know the wording of the Government order. The first one was a telegram; and the order, dated 19th June, is as follows:—"The President will be informed that the Government is not able to give its favourable consideration to the recommendation of the Commissioners, as the condition attached to it has not been complied with." You must read that with the Tramway Act. Of course the Government knows its own powers. Section 10 of the Act says "if a promoter authorised by an order to construct a tramway does not, within the time specified in the order, substantially commence the construction of the tramway or &c., &c., the following consequences shall ensue:—(1) The powers given by the order to the promoter for constructing the tramway and otherwise in relation thereto shall, unless the Local Government, by special direction in writing, prolongs the time or condones the suspension, cease to be exercised except as to so much of the tramway as is then completed, &c., &c." Reading the order with the Act, my opinion is that there is no such thing as the tramway concession. Of course the Commissioners can make any recommendation they like, and the Government will say whether it can act or not. It knows its own powers. I believe one of the Commissioners practically said so, in stating "we are *functi officio*." What I have said is only my opinion, gentlemen.

Mr. VIJAYARANGA MUDALIAR.—I do not really understand this. If the Government is disposed, it can give another concession. It can act independent of the former concession.

The PRESIDENT.—That is the position I take. There is no tramway concession now. As the Government has refused to

Mr. GANTZ.—I beg to move that, "inasmuch as the Commissioners are *functi officio*, this meeting do dissolve." You referred to the expression which I used in my minute; it seems to me that section 10 of the Tramway Act makes the position all the clearer. I do not pretend, in the view I take now, especially when the section which you just now read is so very plain, to go into considerations which have been discussed elsewhere. That does not seem to be the question before us, but the only question in my view is whether we can interfere at all at this stage of the matter. Of course we must not lose sight of the Act. We have hitherto endeavoured to give the promoters every assistance and support that we possibly could; and when the matter came before us on the last occasion, we certainly, as a body, although there was some difference of opinion on one or two minor points, recommended the application of the concessionaires for the favourable consideration of Government. Inasmuch as Government has not been pleased to comply with the request made by the concessionaires, it seems to me that we have no power, by the express provision of the Act, to do anything further. Apart from that, even if the Act were not so clear as it is, I still maintain it does not become us to interfere in the matter or to endeavour to get the order of the Government revised, because if you do so, it practically amounts to implying that Government has not considered the matter in all its bearings. The only concern we have in the matter—the only position in which we can view the matter, is as representatives of the public. We have done that and we have had our answer, from the Government. It seems to me we are absolutely precluded from moving in the matter and therefore I propose that, inasmuch as we are *functi officio*, this meeting do now dissolve.

Mr. ROWLANDSON.—I have much pleasure in seconding the proposition moved by Mr. Gantz. I do not think that this is an occasion on which we should attempt to exceed our powers; and I am sure that any body who has studied the question from a legal point of view will be satisfied that what Mr. Gantz has said is the correct view to take. As a matter of fact, the Commissioners for Madras here assembled have absolutely no power to interfere in the matter. Therefore I beg to second Mr. Gantz's proposition.

Mr. ANANDA CHARLU.—I beg to propose an amendment. My amendment is: "Having regard to the fact that as the stipulated sum has now been subscribed, the Government be requested to extend the time asked for."

The PRESIDENT.—That is no amendment to this resolution. The first thing is to throw this out and then move that proposition. The only way in which this can be disposed of is either to accept it or not.

Mr. VIJAYARANGA MUDALIAR.—Will we be in order in proposing this after that is disposed of?

The PRESIDENT.—Yes.

Mr. N. SUBRAMANYAM.—I regret I do not share the view expressed, that we have no power to take any action in this matter, nor do I agree with the proposer and the seconder of the proposition in saying that our powers have ceased. I read the Act and carefully read it before I came here; and it strikes me, looking at section 10, that Government has ample power to extend the time for the construction of the tramway. The section says (here the speaker read the section which has already been quoted). The meaning of that I take to be this: the time having expired, the Tramway Company cannot exercise their power, but Government has power. It does not say that that power is to be exercised before the time originally fixed has expired. Government has power without any qualification to extend the time. Now that the time has gone, i.e., the 6th of April, there is nothing in the Act to say that the extension should have been given before the 6th of April and could not be given after that date. The Government's power is large and unrestricted; and therefore I think the Government has ample powers under that section, by special direction in writing, to prolong the time. Now what was done is this: there was a previous application to us asking us to recommend to Government an extension of time. We had two meetings on the subject. At the first meeting we resolved—I am only telling you the substance from memory—that provided our Solicitors are satisfied that capital to the extent of £75,000 has been subscribed for, we should recommend to Government for favourable consideration. Then, at our next meeting held for the same purpose, it was agreed that capital of £75,000 has not been subscribed, and it was understood

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1441 A.M. of 83

1893.

Madras Municipality,

Local & Municipal Dept

From CURRENT No. 1441A.1h

The President,

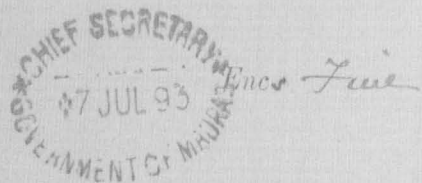
Municipal Commission,
MADRAS.

To

The Chief Secretary
to Government
Fort St. George

G. No. 151

Dated 6th
Despd. 6th
Recd. } July 1893



SUBJECT.

Forwarding with President's remarks
the abstract Proceedings of a
Special Meeting of the Commis-
sioners held on 5th July 1893 with
other papers re. extension of the
Tramway concession.

Madras Electric Tramways Company, Limited, B

9, ARMENIAN STREET,

Madras, 6th July 1893.

CHAIRMAN:
WM. DIGBY, 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.

CHIEF SECRETARY
To Government
Collyermond

Sir

Colonel Moore the President of the Madras
Municipality at our special request has decided on
forwarding on to day direct the papers in connection
with the proceedings of last night's special meeting of
the Municipal Commissioners, who have strongly
recommended Government to now grant our application
for an extension of time, as every day that passes is of
vital importance to us, we being at a complete standstill
till Government passes its order, we beg that you will
much oblige us by placing the papers before H. E. the
Governor in Council at as early a date as possible.

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.

[G
9
2,000-13-5-93.

Local & Municipal Dept
CURRENT No. 1452 A.M

Current No.

L & M DEPARTMENT.

From

The Manager & Chief Engineer

Madras Electric Tramway Co.
Madras

No.

Dated 6th July 1893

Received &

Enclosures

SUBJECT.

Regarding the extension
of line - Madras Electric
Tramway Co: Ld.

L. & M. Dept

27

Tramway -

From President, M. C. Madras,
No. 157, 6 July 1893.

" Mr Faulkner, 6th July 1893.

For order.

The ^{last} rates ~~of~~ of S. M. & M. E. the fares are at Madras. They were telegraphed for yesterday, but it is expected that they will not reach here until tomorrow (Sunday) evening. They will however be remembered. There are two points for settlement:-

First. Can Govt. extend the concession?
Second. Should they do so?

As to the first point, it is in same quarters argued that there is now no concession to extend - that when the time specified in the order passed under Section 10 of Act XI of 1886 expired, concession & can-

I have no doubt that it is still open to Govt. to extend the period for commencing the construction of the tramway. The view of the law held by Mr N. Lubbock many years seems to me correct. My claim of the order under the Act & the construction was to be commenced within 12 months from 6th April 92, but by ch. 35 (1) the construction was not to be commenced until 75000 £ was subscribed. There is nothing that I can see to prevent subscription of capital subsequent to 6th April 93. The power of postponing the time voted in Govt. by sec 10 (1) may be exercised at any time. It is not exercised. The order expires, but is renewable until the notice referred to in sec 10 (2) is given, which has not yet been done in this case.

As the Commissioners are almost unanimous in recommending the grant of the extension, I think we should agree to it, always subject to the condition that the ~~Commissioners~~ report by letter as to the valid subscription of the capital satisfactorily confirms the telegram from the Agents of Messrs Barclay Morgan & Co. The Com^{rs} might be informed by wire that if this report is satisfactory Govt. will issue the formal order of extension required by sec 10 (1) (i).

Jayaram
in the name
of the
M.C.

Wm
JH
C

cessionaries ceased in the absence of a "special direction in writing" - to exist. The adoption of this view would render the issue of fresh orders, authorising the Company of Mr Digby to construct the proposed tramway, necessary. ^{and} ~~which~~

On the whole, Section 10 does not seem to support this view. Clause (a) on the contrary clearly contemplates the expiration of the period allowed in the order, ^{this being} and followed in some cases by a "special direction in writing," extending the period retrospectively.

If it had been intended to provide that such a "special direction" must precede the date of expiration of the period allowed in the order, this would no doubt have been stated in the Act.

The reasonable construction of the Section is that Govt. may at any time give the "Special Direction in writing" & there appears to be no

The question will perhaps arise whether the other dates mentioned in cl 8 will not have to be extended, but we need not dwell with it now.

MS
9 July.
J.H.S. 9/7/93

I think it is the good policy to say that the Govt. are glad to learn that the Comtee. are so satisfied that the ~~condition~~ condition that £75000 of the capital shd be subscribed for has been duly fulfilled & that ^{consequently} ~~therefore~~ ^{giving} ~~him~~ ^{him} ~~the~~ ^{the} ~~extension~~ ^{extension} of time recommended by the Comtee. subject to the condition set out in the hon. Sir Herbert's letter. I think he is well known to remove any impression that any such extension is opposed to the scheme in any way.

9/7/93
I think that in such a matter of pure business, it would hardly do for Govt. to display any effusiveness on the subject. We withheld our consent to any extension before, because a certain amount of money had not been shown to have been subscribed. It is now stated that the money is forthcoming, and so we can withdraw the bar which ^{has} been placed against any further extension of time. This I think we ought to do, as we can do it, and I think this action of ours will be sufficient to show that we are not hostile to the scheme. If anything in the future may occur to upset the scheme - or if it ^{turn out a} ~~turn out a~~ ^{failure}, I think it may be awkward for us to have pronounced such a blessing on it, as the hon. Mr. Gordon proposes.

legal reason why such a ~~stop~~ ^{stop} direction may ^{not} ~~not~~ be given.

As to the policy of doing this, it is far faint. I say.

It may merely be noted here that the word "properly" in the telegram from London may beg the question. The sum of £77,797 may - & one cannot but suspect does - contain the £20,000 about which there was dispute: the shares which the Contractors promised to take, & which the Company would regard as properly allotted. The Company has acted with such want of straight-forwardness that some more certain evidence that the public has paid down £77,797 than is contained in the telegram seems to be required.

MS
8/7/93
A file of "Madras Mails" is circulated, as they contain letters & on the subject & may be referred to with advantage.

Madras Tramways

Argent

U. & C. C.

PUBLIC, &c., DEPARTMENTS.

PAPERS FOR PERUSAL AND FOR SELECTION
FOR EDITORS' TABLE.

THE HONORABLE MR. STOKES, C.S.I.

Dated 8-7-93

Recd
11 July

With reference to para 2 G.O. 27 June 93
re. 219 Marine. immediate action is
more than ever necessary. The known
order extending the concession should
be sent to H. B. with reference
H. B.

Recd
11 July

Done
H. B.
12 July

2107

M

L. B. M. Sept

BB

C. Nos. &

M/93.

Order :- 11th July/93. No. 904A
M. mis

Subject to the condition
that the report by letter
as to the valid subscription
of the capital of £75,000
satisfactorily confirms the
telegram from the Agents
of Messrs. Barclay, Morgan
& Co., the Government will
be prepared to pass the
further order of extension
required by Section 10 (1) (c)
of Act XI of 1886.

from orders

10/7 1893

Note

The following telegram has
been despatched to the
President :-

Provided letters satisfactorily
confirm telegram from Agents
of Messrs. Barclay, Morgan & Co.
regarding valid subscription

President, M.C., Sept 11. 93.

Chairman, N. 1. Bd. (with refce)
Para 2 of 40. 17 June/93. No. 26
M

E

Hon. Sir H. Stokes
H.C.S.S.

Hon. Mr. Garstin C.S.

Issue has today & five books
have to me. Please make a note
for copy that the same