

Cal & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1949/m

DATED 22nd November 1895.

[Despatch Abstract.]

Townways.

Communicating to the Municipal Council, Calicut,
Government Order, Public Works Department, directing the publication in the Fort Saint George and the Malabar District Gazettes of a notification embodying the draft of a proposed order authorizing the construction by the promoters of ---- in the town of Calicut, and ordering that the sanction of Government to the grant of the concession to raise capital and start work within one year from date of sanction, be communicated to the promoters.

BACK PAPERS.

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

FURTHER PAPERS.

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

No. 741 R., 7TH NOVEMBER 1895.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read the following papers:—

G.O., dated 28th February 1895, Mis. No. 312, Local and Municipal.

ABSTRACT.—Stating that Government is prepared to give every assistance that is reasonably possible towards carrying out the project of a tramway in Calicut, and calling for information as to the terms to which the Municipal Council and the applicants for the concession would be prepared to agree, the financial position of the gentlemen who have applied for the concession, and the grounds upon which the estimate of the required capital of Rs. 1,20,000 has been based.

Endorsement from the Local and Municipal Department, dated 22nd June 1895, No. 849.

ABSTRACT.—Transferring to the Public Works Department (Railway Branch), letter from the Collector of Malabar furnishing the information called for in Local and Municipal G.O., Mis. No. 312, dated 28th December 1895.

Endorsement from the Collector of Malabar, C. No. 366/M., dated 31st October 1895.

ORDER—No. 741 R., dated 7th November 1895.

Ordered that the following notification be published in the Fort St. George and Malabar District Gazettes in English and Malayalam:—

NOTIFICATION.

Under the provisions of section 6 of the Indian Tramways Act XI of 1886 (India), the following draft of a proposed order authorizing the construction, by the promoters, of tramways in the town of Calicut is published for general information. Notice is hereby given that any objection or suggestion which any person may desire to make with respect to the above order will be considered if submitted on or before the 31st December next.

Draft order authorizing the construction and maintenance and to regulate the working of Tramways in the town of Calicut.

Whereas the promoters hereinafter named have in pursuance of the provisions of the Indian Tramways Act, 1886, applied, with consent of the Municipal Council of the town of Calicut for powers to construct, maintain and use a system of tramways in Calicut.

And whereas the Government of the Presidency of Madras being, for the purposes of the following 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,—

1. (i) This order may be called, and cited as the Calicut Tramway's order, 1895, No. 2.
- (ii) It shall come in force at once.

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 except where the same are expressly varied by this order.

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 Council" shall mean the Municipal Council of the town of Calicut.

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 authorized.

The term "carriage" shall include a "truck."

4. Messrs. A. Brown, A. Subramania Aiyar, Jannai Govindrai and Pyathopil Mahmud Hajee in the town of Calicut, by whom a Joint Stock Company is about to be incorporated and registered in Calicut with a nominal capital of Rs. 1,50,000 divided into 15,000 shares of Rs. 10 each, shall be the promoters for the purposes of this order, and are in this order referred to as "the promoters."

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.

6. *Construction of Tramways.*—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 Council, respectively, with all proper rails, chairs, plates, sleepers, turnouts, crossings, sidings, junctions, passing places, turn-tables, weighbridges, weighing machines, hydrants, offices, workshops, sheds, tables, 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 authorized by this order are:—

Tramway No. 1.—Commencing opposite to the Kallai Municipal landing place, passing thence along the Beypore road to the Big Bazaar road where it joins Tramway No. 2.

Tramway No. 2.—Commencing from Pudyara landing place, passing thence along the Pudyara road and running in a westerly direction along the Big Bazaar road passing the railway station and terminating near the Old Customs House or the South Beach.

Tramway No. 3.—Commencing from a junction with Tramway No. 2, opposite to the Calicut railway station, passing thence along the Robinson road and the Mananchira tank and terminating in the Old Huzur Cutcherry compound.

Tramway No. 4.—Commencing from a junction with Tramway No. 2 at the junction of Big Bazaar street and the Aluvanni street, passing thence along the Aluvanni street and terminating near the Kuttichera tank.

Tramway No. 5.—Commencing from a junction with Tramway No. 2 at the Old Customs House, South Beach, passing thence along the Beach road and terminating at the pier.

Tramway No. 6.—Commencing from the Old Huzur Cutcherry compound, passing thence along the Cannanore road past the St. Mary's Church and the barracks and terminating at the landing place on the beach at Varakkal.

Tramway No. 7.—Commencing from junction with route No. 6 opposite to the tank on the Cannanore road near the barracks and terminating on the old Elephant lines, Paramba.

In addition to the tramways hereinbefore described, this order also authorizes the construction of three miles of extensions (hereinafter called rubbish lines) to any or each of the tramway lines hereinbefore described and numbered, respectively, 1, 2, 3, 4, 5, 6 and 7, which rubbish lines shall be for municipal purposes only and not for passengers' traffic and shall not exceed a total length of three miles.

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 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 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, 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 such gauge as may be mutually agreed upon between the promoters and the Municipal Council 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 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.

8. The promoters shall substantially commence the construction of the tramways and undertaking within a period of twelve months after the date of this order, and shall substantially complete and open for traffic the tramways Nos. 1 to 7 before the expiration of two years from such date and such extensions as may be desired by the council under provision 6 of this order before the expiration of five years from such date.

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 notwithstanding anything to the contrary in that Act, 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 notwithstanding anything in the said Act to the contrary, 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 silver in Calicut 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.

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 regulations:—

(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 the 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 jurisdiction 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, viz. :—

(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.

(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 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 before the local authority and the road authority, respectively, as the case may be, such authority shall not have signified in writing its disapproval, the plans 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 plans 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.

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, 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.

14. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid, or authorized to be laid, the promoters may, and shall 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.

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 re-instating of such road, and the maintenance of any of the tramways within the district of such road authority, and of so much of the roadway 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 Council, 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, 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 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.

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 :—

(1) They shall cause as little detriment or inconvenience to the promoters and lessees as circumstances admit.

(2) Before they commence any work whereby the traffic on the tramway will be interrupted, they shall give to the promoters and lessees (if there be any) notice of their intention to commence such work, 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 execution of such work 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 execute such work 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 it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there. Provided that such work 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 necessity of such work shall be settled in manner provided by the Indian Tramways Act, 1886, for the settlement of differences between the promoters and other companies or persons.

(5) No company, body or person, shall execute such work, so far as it 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 of the work or discontinue the same during the progress of the work, and they shall execute such work at their own expense and to the reasonable satisfaction of the promoters.

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 pipe for the supply of gas or water or any tubes or wires or apparatus for telegraphic or other purposes, subject to the following restrictions—that is to say :—

(1) Before laying down 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, wires or apparatus, give seven days' notice to the company, person or persons to whom such mains or pipes, tubes, wires or apparatus may belong, or by whom they are controlled, of their intention to lay down or alter the tramway and shall at the same time deliver a description of the proposed work. If it should appear to any such company or person that the construction of the tramway as proposed would endanger any such main pipe, tube, wire or apparatus or interfere with or impede the supply of water or gas or the telegraphic or other communication, such company or person (as the case may be) may give notice to the promoters to lower or otherwise alter the position of the said mains or pipes, tubes, wires or apparatus in such manner as may be considered necessary, and any difference as to necessity of any such lowering or alteration shall be settled in manner provided by the Indian Tramways Act, 1886, for the settlement of difference between the promoters and other companies or persons, and all alterations to be made under the section shall be made with as little detriment and inconvenience to the company 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 the district, 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 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 without the consent of such company or person, or in any other manner than such company 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 ready for use, and to the reasonable satisfaction of the surveyor or engineer of such water or gas or other company or of such 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 pipes contrary to the regulations of any Act relating to such water or gas or other company 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 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 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 of the tramways 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.

19. *Motive Power.*—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 over-head or under-ground 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 regulations set forth in the schedule A to this order annexed, and any other regulations 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 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.

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 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.

21. *Traffic upon Tramways.*—The tramway subject to and in accordance with the provisions of this order may be used for this purpose of conveying passengers, animals, goods, minerals and parcels.

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, goods, minerals, and parcels, and the promoters shall not be bound, unless they think fit, to stop for such purpose at any other points or places.

23. The promoters shall not be bound, unless they think fit (and then only subject and in accordance with the provisions of this order), to carry any animals, goods, minerals or parcels other than passengers' luggage not exceeding twenty pounds in weight.

24. The Municipal Council may, during such hours not exceeding 6 in every 24 hours as may be prescribed by the promoters in such manner as the Municipal Council 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 Council to use any other motive power than that used by the promoters and that the promoters shall, if required by the Municipal Council 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 100 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 Council.

25. *Tolls.*—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 charge 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 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.

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 nor to be of a form or description to annoy or inconvenience other passengers.

27. The promoters may demand and take in respect of any animals, goods, minerals, or parcels 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.

28. The tolls and charges by this order authorised shall be paid to such persons and at such places upon or near to the tramways in respect of which the same shall be payable, and in such manner and under such regulations as the promoters may, subject to the other provisions of this order, either on or off the tramways and for such price or prices or other consideration as they may think fit, issue stamps, tickets or tokens, either separately or in quantities entitling the bearer or holder for the time being of any such stamp, ticket or token to such uses of the tramways (for the purpose of sending or carrying passengers, animals, goods, minerals, or parcels as the case may be) as the promoters may think fit to allow in consideration of the use, delivery, or return of any such stamp, ticket or token.

29. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any orders made in pursuance of this section in respect of the tramways of any portion of the tramways it is represented in writing to the Local Government by the local authority or by the promoters, 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, the Local Government may (if they think fit) direct an enquiry by a referee to be appointed by the Local Government 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 they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Local Government made in pursuance of this section, provided that no such revision of rates or charges shall be made without the consent of the promoters unless and until the promoters should distribute 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, and after making due provision for a reserve fund for depreciation and renewal and other matters, and providing a sinking fund for the payment of debenture capital.

30. *General.*—If, at the expiration of two years from the date of this order, the Municipal Council shall not have defined the number and direction of the extensions referred to in clause 6 of this order, the promoters may, by notice in writing left at the office of the Municipal Council, require the Municipal Council 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 Council, no duty shall be imposed on the promoters to locate, construct, maintain or work the said rubbish lines under this order.

31. The promoters and any road authority may, subject to the provisions of this order, from time to time enter into any agreements with respect to the construction, maintaining, removing, renewing, repairing and using of the tramways situated within the district of such road authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating the passage of the traffic over the same.

32. 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.

33. The promoters shall, if required by the Municipal Council before commencing the construction of the tramways or any part thereof, deposit with the Bank of Madras, or such other bank as the Commissioners may agree to, in the name of the Municipal Council, the sum of Rs. 750 or at their option promissory notes of the Government of India or Municipal bonds of the nominal value of Rs. 750 and the same shall remain so deposited until the expiration of the concession, 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 promoters and subject as hereinafter provided be paid to them as the same shall accrue, provided nevertheless that the Municipal Council shall be entitled to deduct out of the sum so deposited or 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 said concession, the said sum of Rs. 750 so to be deposited as aforesaid shall be forfeited to the Municipal Council.

34. 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 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, warehouses, yards and depôts.

34-A. The promoters shall, after the expiration of two years from the date of this order, pay to the Municipal Council rent for the lands occupied by the undertaking at the rate of Rs. 12 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 become due.

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 half of the share capital of such proposed company has been subscribed.

(2) The maximum amount to be paid for preliminary expenses and promotion shall be the sum of Rs. 12,000.

(3) The maximum amount to be paid 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 and such further sum (if any) to be raised by debentures or other obligations as the promoters may consider necessary.

36. Nothing in this order or in the Indian Tramways Act, 1886, contained shall prevent the promoters borrowing money on the security of mortgages of the undertaking 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 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.

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 part thereof, and of demanding and taking in respect of the same the tolls and charges authorized 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 on 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.

38. The promoters for the time being may, if they think fit, at any time sell, assign or transfer the rights, powers, authorities, obligations and liabilities of this order, and upon notice in writing of such sale, assignment or transfer being given to the local Government and to the Municipal Council, respectively, all such rights, powers, authorities, obligations and liabilities shall 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 for the time being in like manner as if the same had not been sold, assigned or transferred. Provided always that in the event of the promoters selling, assigning or transferring such rights, powers, authorities, obligations and liabilities 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 may only be exercised subject to the same conditions as are by this order imposed upon the promoters named in this order 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 and equipment of the tramways.

39. The promoters shall, on demand, repay to the Municipal Council all preliminary, legal and engineering expenses incurred by them in relation to this order not exceeding in the whole the sum of Rs. 500.

40. So long as the promoters continue to own or work the tramways or any part thereof, the local authority of any district, 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 district of such local authority, until the promoters shall have refused the right which is hereby conferred upon them of obtaining power to construct, maintain and work such further or other

tramways upon the same or more or less favorable terms than those contained in this order for the construction, maintenance and working of the tramways by this order authorized.

41. Notwithstanding anything in this order contained, the promoters, and any person using the tramways, shall be subject and liable to the provision 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 future revision or alteration under the authority of the Government of India of the maximum rates of tolls and charges authorized by this order, 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 Calicut for the time being or by being left at any office of the promoters in Calicut, 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 Calicut to whom, and of some office in Calicut, 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, or by steam.

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

(c) 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.

(d) 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.

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.

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

	AS.	P.
For every horse, mule or other beast of draught or burden per head	...	6 0
For every ox, cow, bull or head of cattle per head	...	6 0
For every calf, pig, sheep, or other small animal	...	3 0

Goods and Minerals.

For all coals, coke, culm, charcoal, cannel, limestone, chalklime, salt, sand, pipe-clay, Cinder's dung composed and all sorts of manure and all undressed materials for the repair of public roads or highways, per ton	...	3 0
For all iron, iron ore, pig iron, bar iron, red 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 fire-clay) and for wrought iron not otherwise specially classed herein, and for heavy iron castings, including railway chairs per ton	...	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	...	6 0
For cotton and other wools, drugs, and manufactured goods and all other wares, merchandise, fish, articles, matters or things, per ton	...	6 0
For every carriage of whatever description, each, such sum as the promoters may think fit.		

Small Parcels.

	Per mile. AS. P.
For every parcel not exceeding 7 pounds in weight, each ...	3 0
For any parcel exceeding 7 pounds and not exceeding 14 pounds, each ...	4 0
For any parcel exceeding 14 pounds and not exceeding 28 pounds in weight ..	5 0
For any parcel exceeding 28 pounds, but not exceeding 56 pounds in weight...	6 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.

RS. A. P.

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.

2. The sanction of Government will be communicated to the promoters by the Collector of Malabar, through the Calicut Municipality, to the grant of the concession to raise capital and start work within one year from the date of such sanction,

(True Extract.)

Under Secy. to Govt., P.W.D.,
Railway Branch.

To the Collector of Malabar.

- " Local and Municipal Department.
- " Malayalam Translator to Government.
- " Superintendent, Government Press.

Exd. Shaik Karim,

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17 NOV. 1895
GOVERNMENT OF MADRAS

Dated November, 7th.

Recd.

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Order No 1949 Min. 22-11-95
Communicated to the
Municipal Council, Calicut.
V.R
12/11/95
W.S.R
22/11/95

G.O. No. 741 R., 7th Nov. 1895.

NOVEMBER.

Tramways

Directing the publication in the Fort St. George and the Malabar District Gazettes of a notification embodying the draft of a proposed order authorizing the construction, by the promoters, of — in the town of Calicut and ordering that the sanction of Government to the grant of the concession to raise capital and start work within one year from date of sanction, be communicated to the promoters.

The Chairman M.C. Calicut
supd-20/11/95
a. 20-11-95

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When signed

189.

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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