G.O. No 1312 dt 31-5-189

27 7/69 for no 1888/67

Restored 16.8.67

NDEXED.

ocal & Munl. (1897) Department.

PRINTED.

G.O., No. 1312 M

DATED 31-5-97

Sent to Gazette [illegible]

DESPATCHED

[Despatch Abstract.]

Madras Electric Tramways Coy

Considering that the conditions proposed by the Attorneys to the Trustees for the Debenture Holders of the ______, with reference to the extension of time applied for, for completing certain sections of the tramway, may be accepted; requesting the Munl. Commrs. Madras to state whether they are prepared to modify the conditions to this extent or would still adhere to those originally proposed by them, accepting the request of the Attorneys relative to the re-alignment of the tramway & ordering the publication of the necessary notification for the insertion of an additional clause to that effect in the order authorising the construction & maintenance, & regulating the working of tramways in the City of Madras.

BACK PAPERS.

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

FURTHER PAPERS.

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

Proof 17/6

Recd 18/6/97

Government {1897} of Madras.

LOCAL AND MUNICIPAL.

Proof for approval.

Proof struck off as [illegible] 21/6/97

Recd. } 1897. *Enclosures*

Regd. } *Spare copies*

G.O., No. 1312 M., 31st May 1897.

MAY.

Madras Electric Tramway Company.

Considering that the conditions proposed by the attorneys to the trustees for the debenture holders of the —, with reference to the extension of time ~~applied for,~~ for completing certain sections of the tramway, may be accepted; requesting the Municipal Commissioners, Madras, to state whether they are prepared to modify the conditions to this extent or would still adhere to those originally proposed by them; accepting the request of the attorneys relative to the re-alignment of the tramway, and ordering the publication of the necessary notification for the insertion of an additional clause to that effect in the order authorizing the construction and maintenance and regulating the working of tramways in the City of Madras.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—again the following papers:—

G.O., Mis. No. 138 M., dated 3rd February 1897.

Read—the following papers:—

of/ Memorandum ~~in~~ the Public Works Department (Railway Branch), dated 7th December 1896, No. 4652-C.

Read—the following papers:—

From Messrs. ARBUTHNOT & CO., Attorneys to the Trustees for the Debenture Holders, Madras Electric Tramways Company (Limited), to the Chief Secretary to Government, dated Madras, 2nd November 1896.

We have the honour to send herewith a memorial to His Excellency the Governor in Council, praying that he may be pleased to grant an extension of time for the completion of Sections 4, 5 and 6 of the Madras Electric Tramways, the construction of which has already been authorized under G.O ~~No.~~, dated 6th April 1892.

2. The reasons for the prayed-for extension of time are fully set forth in the accompanying memorial, to which we have the honour to request your attention.

ENCLOSURE.

Memorial from Messrs. ARBUTHNOT & CO., Attorneys ~~for~~ to the Trustees ~~of~~ for the Holders of the Debentures of the Madra~~s~~ Electric Tramways Company (Limited), to His Excellency the Governor, dated Madras, 2nd November 1896.

SHEWETH,—That, by the order of the Madras Government, dated 6th April 1892, No. 668 M., Local and Municipal, authority was granted to the promoters (in clause 4 of such order defined as 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 was about to be incorporated and registered in England, with a nominal capital of £1,000,000, divided into 1,000,000 shares, of £1 each, and such company when incorporated and registered) for the construction and maintenance and to regulate the working of tramways in the City of Madras.

2. The company there referred to is the Madras Electric Tramways Company (Limited) which was duly incorporated and registered.

3. The tramways authorized by such order were—

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.

4. Under clause 8 of the order it was provided that the promoter should, subject to the condition of sub-section 36 (35 ?) I/ of the order (which provided that the construction of the tramways should not be commenced until £ 75,000 of the share capital of the proposed company should have been subscribed), substantially commence the construction of the tramways and undertaking within a period of twelve months from the date of the order, and should 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.

5. By clause 36 of the order it was provided that nothing in the order contained should prevent the promoters borrowing money on security of mortgages of the undertaking or any part thereof or should make the consent of the Local Government necessary to the validity or effect of any such mortgage provided, that, every mortgage of the undertaking should be deemed to comprise the right to receive all purchase money which might 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 should 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 should be endorsed with notice to that effect.

6. By an Indenture, dated 23rd October 1894, and made between the Madras Electric Tramways Company (Limited) of the one part, and Sir Daniel Cooper, *Baronet*, G.C.M.G., of 6, De Vere Gardens, Kensington Palace, in the County of Middlesex, and James William Barclay of 5, Clarendon Place, Hyde Park, in the said County, Esquire (therein called the present trustees), of the other part, the company (amongst other things) assigned to the trustees all and singular the concession granted by the Municipal Commission of the City of Madras with the sanction of the Government of the Presidency of Madras, the terms and conditions whereof were set out in the order bearing date the 6th April 1892 for the construction and maintenance of the tramways in the said City of Madras, along with the several routes mentioned in clause 6 of the said order and also the several tram lines, either fixed or unfixed, tram-cars, machinery, boilers, dynamos, motors, electrical and other fixed plant, fixtures and fittings of the company in England or the Empire of India or elsewhere.

7. By the same Indenture it was provided that the premises thereby conveyed and assigned and the premises comprised in all or any of the covenants in such Indenture contained (all of which were therein called the mortgaged premises) should be held by the trustees as a security for the debentures mentioned in the deed and upon trust to permit the company and its assigns to hold and enjoy the mortgaged premises and to carry on therein and therewith the business or any of the businesses authorized by the Memorandum of Association of the Company until the happening of some or one of the events upon which the security constituted should become enforceable, and then upon trust that the trustees might in their discretion and should upon the request in writing of the registered holder or holders of one-fifth part in value of the debentures for the time being outstanding or upon the request of the debenture holders by a special resolution, enter upon and take possession of the mortgaged premises or any part thereof.

8. Clause 9 of the Indenture provided that the security thereby constituted should become enforceable (in, amongst other events) (i) if the company without the previous consent in writing of the trustees should cease to carry on or if the company threatened to cease to carry on its business or any material part thereof and, this event having happened, the trustees entered into possession of the mortgaged premises.

2/

9. Upon the above mentioned Indenture was endorsed a notice such as is required by clause 36 of the order of 6th April 1892.

10. By an Order of Government, No. 1064 A M., Local and Municipal, dated 5th August 1893, the Government of Madras was pleased to extend by six months, counting from 6th April 1893, the period of twelve months named in clause 8 of the order, dated 6th April 1892 authorizing the construction and maintenance and to regulate the working of tramways in the City of Madras, thus giving the promoters until the 6th of October 1893 to commence the construction of the tramways until the 6th of October 1895 to substantially complete and open for traffic the Tramways Nos. 1 and 2 and until the 6th of October 1898 to substantially complete and open for traffic Tramways Nos. 3, 4, 5 and 6.

11. By an Order of Government, dated 8th November 1894, Mis. No. 1664 M., the Government was pleased to approve the recommendation of the Municipal Commissioners for the City of Madras to further extend the time for the construction of Tramways Nos. 1 and 2 for a period of six months from the date of the publication of the Government Order sanctioning definitely the route of construction of Tramway No. 2.

12. By an Order of Government, Mis. No. 448 M., dated 15th March 1895, the Government was pleased to extend by six months, from 5th March 1895 or until 6th September 1895, the time for the completion of the Tramways Nos. 1 and 2, though, as your memorialists submit the time for the completion of those tramways had, by the order of 15th August 1893, been already extended to 6th October 1895.

13. By an Order of Government, dated 11th February 1895, No. 205 M., Local and Municipal, the following Tramway No. 2 was substituted for that mentioned in the order of 6th April 1892 :—

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 along Iyah Moodelly Street, turning off along Arunachala Naick Street to Sawmy Naick Street, 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 Triplicane High Road and terminating at Barber's Bridge in Barber's Bridge Road.

14. In the month of May 1895 Tramway No. 1 was opened for traffic by the beginning of the month of November 1895 Tramway No. 2 was opened for traffic, and a few days later Tramway No. 3 was finished and in running order and a continued service of tram-cars over it has been maintained since November 1895.

15. The above mentioned Tramways Nos. 1, 2 and 3 cover a distance of about 8 miles, of which about 2½ miles on Tramway No. 1 consist of a double line of rails, while, where the tramways consist of a single line, the various sidings and crossings measure together nearly a mile, thus bringing up the total track laid to between 11 and 12 miles.

16. There yet remain to be completed Tramways Nos. 4, 5 and 6 which will cover a distance of about 11 miles.

17. Since the trustees have taken possession of the mortgaged premises, they have advanced large sums of money for the construction of the existing tramways and to meet the current expenses of working the same but, so far as the trustees are aware, the Madras Electric Tramways Company (Limited) has up to the present time made no provision or arrangement for re-payment of the moneys so advanced.

8/

18. Under the provisions of section 10 (1) of the Indian Tramways Act, 1886, the powers given by the order of 6th April 1892 to the promoters for constructing the tramways and otherwise in relation thereto shall cease to be exercised except as to so much of the tramway as is completed, if the promoters, having commenced the construction of the tramways suspend it without a reason sufficient, in the opinion of the Local Government, to warrant the suspension or do not, within the time specified in the order complete the tramways and open them for public traffic, unless the Local Government in writing prolongs the time or condones the suspension and even, as to so much of the tramway as is completed, the Local Government may either permit or refuse to permit the powers given by the order to continue.

19. The construction of Tramways Nos. 4, 5 and 6 and the working of Tramways Nos. 1, 2 and 3 being now in the hands of the trustees, who are willing to find the funds necessary for the purpose, there is every prospect of Tramways Nos. 4, 5 and 6 being completed by the 6th of October 1900 and without the recurrence of any of the causes which delayed the completion of Tramways Nos. 1, 2 and 3 but considering the possibility of the cessation of the powers given by the order of 6th April 1892 the trustees hesitate to advance further moneys for the construction and completion of Tramways Nos. 4, 5 and 6 unless the Local Government be pleased to further extend the time for their completion.

20. By clause 18 of the order of 6th April 1892 it is provided that 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.

21. The above clause relates only to the temporary removal or discontinuance of the use of a tramway or any part of a tramway when, for the reasons stated in the clause, it may be necessary or expedient so to do, but the clause does not authorize the promoters to permanently alter any part of the alignment of the road-bed of a tramway or to remove and permanently re-lay the rails in a new alignment.

Your memorialists, as the duly constituted attorneys of the abovenamed Trustees Sir Daniel Cooper and Mr. James William Barclay, therefore pray that your Excellency in Council will be pleased to direct in writing, under the provisions of section 10 (1) (*i*) and (*ii*), that the time allowed to the promoters by clause 8 of the order of 6th April 1892 for the substantial completion and opening for traffic of the Tramways Nos. 4, 5 and 6 be prolonged up to the 6th of October 1900, or for such other period as to your Excellency may seem proper, and that your Excellency will also be pleased to order that, if at any time it shall seem expedient to alter any part of the alignment of the road-bed of any of the tramways which may have been constructed, the promoters may, with the consent of the road authority, remove any of the rails of such tramway and may re-lay them in a new alignment approved of by the road authority.

Memorandum—No. 4652 C, dated 7th December 1896.

Forwarded, in original, to the Local and Municipal Department, with reference to the last paragraph of the note by the Joint Secretary, Public Works Department, Railway Branch, dated 21st November 1896, and to the Honourable Mr. Bliss' remarks thereon, dated 2nd December 1896.

(Signed) F. D. FOWLER,
Offg. Jt. Secy. to Govt., P.W.D.,
Railway Branch.

From Lieutenant-Colonel G. M. J. MOORE, C.I.E., President, Municipal Commission, to the Secretary to Government, Local and Municipal Department, dated Madras, 4th January 1897, G. No. 647.

Pursuant to section 69 of the City of Madras Municipal Act I of 1884, as amended by Madras Acts VII of 1884 and II of 1892, I have the honour to forward herewith minutes of the proceedings of a general meeting of the Commissioners held on 30th November 1896.

ENCLOSURE.

MINUTES of the Proceedings of a General Meeting of the Municipal Commissioners for the City of Madras, held at their Office Premises, No. 22, Errah Bauloo Chetty Street, Black Town, on Monday the 30th November 1896, at 5 P.M., under the provisions of the City of Madras Municipal Acts I and VII of 1884 and II of 1892.

* * * * *

No. 1.

Memorial from the Attorneys to the Trustees for the Debenture Holders, Madras Electric Tramways Company, praying for an extension of time to 6th October 1900 for the completion of Sections 4, 5 and 6 of Tramways.

Proposed by M.R.Ry. P. Theagaroya Chetty Garu and seconded by Mr. J. DeCaster—

> "That the extension applied for be recommended to Government on the condition that one of the remaining three sections be completed by 6th October 1898 and another by 6th October 1899, and that an advising committee of shareholders be appointed in Madras to act with the Attorneys to the Trustees."

Carried.

MADRAS,
December 1896.

(Signed) G. M. J. MOORE, Lt.-Col.,
President, Municipal Commission.

Order—Mis. No. 138 M., dated 3rd February 1897.

The request of the petitioners that the promoters of the Madras Electric Tramway Company may be authorized to alter, with the consent of the road authority, the alignment of any portion of the tramway line, will be referred to the Municipal Commissioners of Madras for early remarks.

2. Messrs. Arbuthnot & Co. will be requested to state whether they are prepared to agree to the two conditions, subject to which the Municipal Commissioners recommend that the extension of time asked for be granted, viz.,—(1) that one of the three sections be completed by 6th October 1898 and another by 6th October 1899, and (2) that an advising committee of shareholders be appointed in Madras to act with the Attorneys to the Trustees.

(True Extract.)

(Signed) G. S. FORBES,
Secretary to Government.

To the President, Municipal Commission, Madras,
with petition to be returned.
„ Messrs. Arbuthnot & Co.

READ—also the following papers:—

From Lieutenant-Colonel G. M. J. MOORE, C.I.E., President, Municipal Commission, to the Secretary to Government, Local and Municipal Department, dated Madras, 6th February 1897, G. No. 722.

With reference to G.O., Mis. No. 138 M., dated 3rd February 1897, I have the honour to state that there is no objection to the proposed re-alignment of the tramway. It will be of advantage to the public, in fact the public desire it.

2. Any future re-alignment can be decided on its merits.

Ref. No. 288.

The President is requested to forward a copy of the resolutions of the Commissioners on the subject, if it has already been considered by them and, if not, to place it before the Commissioners and report their decision to Government.

(Signed) G. S. FORBES,
Secretary to Government.

10th March 1897.

To the President, Municipal Commission, Madras.

From Lieutenant-Colonel G. M. J. MOORE, C.I.E., President, Municipal Commission, to the Secretary to Government, Local and Municipal Department, dated Madras, 30th March 1897, G. No. 974.

With reference to your memorandum No. 288, dated 10th March 1897, I have the honour to forward herewith an extract from the proceedings of a general meeting, of the Commissioners, held on 29th March 1897.

ENCLOSURE.

MINUTES of the Proceedings of a General Meeting of the Municipal Commissioners for the City of Madras, held at their Office Premises, No. 22, Errah Bauloo Chetty Street, Black Town, on Monday, the 29th March 1897, at 5 P.M., under the provisions of the City of Madras Municipal Acts I and VII of 1884, and II of 1892.

Memorandum from the Secretary to Government, No. 288, dated 10th March 1897, requesting to forward a copy of the resolution of the Commissioners in the matter of the proposed re-alignment of the tramway.

Proposed by the Honourable P. Rungiah Naidu Garu and seconded by Surgeon-Lieutenant-Colonel G. L. Walker—

> "That the proposed re-alignment is approved of."

Carried.

From Messrs. ARBUTHNOT & Co., Attorneys to the Trustees for the Debenture Holders, Madras Electric Tramways, to the Secretary to Government, Local and Municipal Department, dated Madras, 30th March 1897.

With reference to our memorial to Government, dated 2nd November 1896, to your G.O., Mis. No. 138 M., dated 3rd February 1897, and to our reply thereto, dated 9th February 1897, we have now the honour to advise that we have heard from the Trustees for the Debenture Holders of the Madras Electric Tramway Company (Limited), who ask us to lay the following remarks before you in connection with the abovementioned memorial, praying for an extension of time for the completion of the proposed extensions of the present tramway system in the town of Madras.

With regard to your first query, namely, whether we are prepared to agree to the suggestion of the Municipal Commissioners that one of the three additional sections shall be completed by 6th October 1898 and another by 6th October 1899, we are instructed to explain that, as the trustees are acting for the debenture holders in the first instance, they have no power to give an undertaking on behalf of the company that one of the remaining sections of the tramways will be constructed in 1898 and another in 1899, and it would be misleading the Government if they gave such an undertaking.

While the trustees are acting, in the first instance, for the debenture holders, they considered that they might very properly do what they could to conserve the interests of the shareholders by making a formal application to Government for an extension of the period allowed for the construction of the balance of the tramways. If a definite settlement with Government were arrived at, it would do much to facilitate the re-construction of the company.

We may mention that, so far the tramway traffic has been found disappointing and does not as yet cover the working expenses, and we need hardly remark that it would greatly discourage the investment of capital in India if the Government were to add to the natural difficulties of the situation by declining in the circumstances to extend the period for completion of the tramways.

There is no doubt whatever that the company must be re-constructed, the present management changed, and the affairs of the company placed in the hands of new Directors possessing the confidence of the shareholders of the company as re-constructed. The trustees contemplate taking measures to bring about this result so soon as the No. 1 Section of the tramways is re-constructed, and the beach portion re-laid, and the trustees are anxious to impress upon Government, in the interests of the shareholders, that the re-construction plan will be carried out with much more advantage to the unfortunate shareholders, if it is felt that Government mean to deal with them generously in their present difficulties.

It will be to the interests of the re-constructed company to extend the lines as quickly as their resources will permit, because one reason why the tramways are not at present remunerative is that the mileage is too small for the necessary standing charges, and increased mileage could be run at much under the present cost.

If the company is to be re-constructed, which the trustees consider inevitable, some time will be necessary to carry out the details and to provide the capital for extensions, and having regard thereto, the trustees do not think that the re-constructed company could undertake to build another section before 1899.

If the Government should be pleased to provide that one section be constructed before the end of 1899 and the balance in 1900, we think the shareholders of the re-constructed company should be able to comply with these conditions.

We have, therefore, the honour to request that you will take the above into consideration, and we trust that the Government will generously recognise that the proposals submitted are reasonable.

The trustees have suggested our saying that if the Government does not see its way to complying with their request to postpone the time for completion of another section to 1899, it would be much better that the Government deferred any decision on the memorial until the company is re-constructed.

With reference to the second enquiry in your Government Order of 3rd February 1897, above mentioned, the trustees will be pleased to have an advising committee of shareholders to act with the attorneys to the trustees, and we shall be very pleased to co-operate with any committee that may be appointed.

Commending the above to your attention.

ORDER—No. 1312 M., dated 31st May 1897.

In their petition dealt with in the Government Order read above, the attorneys to the trustees of the Madras Electric Tramway Company requested that the time for completing Sections 4, 5 and 6 of the tramway which, under existing orders, will expire by the 6th October 1898, may be extended to the 6th October 1900, and that an order may be issued to the effect that, if at any time it shall seem expedient to alter any part of the alignment of the road-bed of any tramway, which may have been constructed, the promoters may, with the consent of the road authority, remove any of the rails of such tramway and may re-lay them in a new alignment approved of by the road authority.

2. As regards the first request, the Municipal Commissioners have, in their resolution No. 1, dated 30th November 1896, expressed the opinion that the extension applied for may be sanctioned on the condition that one of the three sections be completed by 6th October 1898 and another by 6th October 1899. The attorneys to the trustees in their letter of 30th March state that it would be misleading the Government if they gave such an undertaking, while at the same time they consider that the shareholders of the re-constructed company might fairly be required to undertake to complete the construction of one section before 1899 and of the remaining two before the end of 1900. The Government is of opinion that, in the circumstances, the conditions proposed by the attorneys may be accepted. Before, however, taking any action His Excellency the Governor in Council desires, with reference to sections 5 and 8 of the Indian Tramways Act XI of 1886, to ascertain whether the Commissioners are prepared to modify the conditions to this extent, or would still adhere to those proposed by them, in the latter case setting out their reasons for attaching those conditions.

3. The Municipal Commissioners have no objection to the second request contained in the memorial relative to the re-alignment of the tramway, and this is accordingly accepted. The following additional clause will therefore be inserted in, and read as part of, the order "authorizing the construction and maintenance and regulating the working of tramways in the City of Madras," which was issued under the authority of G.O., No. 668 M., dated 6th April 1892. It will be previously published for general information under section 6 of Act XI of 1886, the 15th July 1897 being fixed as the date on or before which any objection or suggestion which any person may desire to make with respect to the proposed clause will be received by Government:—

> "18-A. If at any time it shall seem expedient to alter any part of the alignment of the road-bed of any tramway which may have been constructed, the promoters may, with the consent of the road authority, remove any of the rails of such tramway and may re-lay them in a new alignment approved by the road authority; and the provisions of clauses 10 to 13 of this order shall *mutatis mutandis* apply to the case of every such alteration."

4. The draft order will be forwarded to the Tamil, Telugu and Hindustani Translators to Government, who will without delay translate them into the vernaculars and such translations will be published in the Gazette, as soon as received.

5. It is observed that the trustees have no objection to the formation of an advising committee of shareholders in Madras to act with the attorneys to the trustees.

(True Extract.)

Secretary to Government.

To Messrs. Arbuthnot & Co~~, Attorneys for the Trustees, &c.~~
To the President, Municipal Commission, Madras.
" Public Works Department.
" Tamil Translator to Government.
" Telugu " "
" Hindustani " "
Gazette. Supdt. Govt Press.

Exd. W D'Moss.

[5]
700—6-4-96.

38 P

Papers to be read in Proceedings :—

Again G.O., dated No. 138 m d 3-2-1897, ~~No.~~

Current No. 523 m of 1897, dated 6th Feby. from the Prest. Munl. Commn. Madras

Current No. 1407 m of 1897, dated 30th March from the do Messrs Arbuthnot & Co. attorneys &c.

do. 1420 m of 97 d — do —

~~Bray~~ Order. No. 1312 Mpl. 31-5-97.

V. urgent
SB 28

In their petition dealt with in the G.O. read above ~~quoted~~, the attorneys to the trustees of the Madras Electric Tramways company requested that the time for completing Sections 4, 5 and 6 of the tramway which under existing orders will expir by the 6th October 1898 may be extended to the 6th Oct. 1900, an that an order may be issued t the effect that if at any time it shall seem expedien to alter any part of the al ment of the road-bed of any tramway, which may have be been constructed, the promo may, with the consent of the road authority, remove any the rails of such tramway" may relay them in a alignment approved of by the road authority.

2. As regards the first request, the Government ~~is of~~ opinion (in the circs that the conditions ~~consider that~~ ~~the reasons~~ proposed by the attorneys ~~urged~~ may be accepted ~~given~~ by the trustees' attorneys ~~for requiring the wider margin of time~~ for the completion ~~are a good and~~ ~~extended to 6th Octr 1899~~ ~~may be accepted, but the~~

The Attorneys to the trustees in their letter of 30th March state that it would be misleading the Govt. if they gave such an undertaking, while at the same time they consider that the shareholders of the reconstructed Company might fairly be required to undertake to complete the construction ~~of the three sections~~ one section ~~to be completed~~ before 1899 & of the remaining two before the end of 1900.

the municipal commissioners have in their resolution No. 1, dated 30th Novr. 1896, expressed the opinion that the extension applied for may be sanctioned on the condition that one f the three sections be completed y 6th Octr. 1898, and another y 6th Octr. 1899.x Before, owever, taking any action is Excellency the Governor in ouncil desires, with reference to secns. 5 & 8 of the Madras Tramways Act XI of 1886, to ascertain hether ~~in the above circum-~~ ~~stances~~ the Commissioners are prepared to modify the conditions to this extent or would still ere to those ~~conditions~~ proposed by them, ~~and if so to state~~ in the latter case setting out reasons for attaching those conditions ~~grounds of such adherence~~.

x Note. Please see the Resolution of the commissioners flagged Y. They stipulate that one of the 3 remaining sections be completed by 6th Oct. 1898 and another by 6th Oct. 1899 and remain silent as regards the last remaining section. Perhaps they also agree to the extension of time

3. The municipal commissioners no objection to the second t contained in the memorial to the realignment of the tramway

and this is accordingly ~~accepted~~ ~~being complied with, and this is accordingly~~ approved. The following additional clause will therefore be inserted ~~made~~ in & read as part of ~~to~~ the Order ~~issued under the authority~~ ~~and be~~ ~~sanctioned by~~ ~~read as part of~~ "authorising the construction & ~~maintenance & regulating~~ the working of Tramways in the City of Madras", which was G.O. No. 668 M of 6th April 1892. It will ~~and~~ be previously published for general information under Section 6 of Act XI of 1886; the 15th July ~~August~~ 1897 being fixed as the date on or before which any ~~proposed~~ objection or suggestion which any person may desire to make with respect to the proposed clause ~~to the rule~~ ~~from any person~~ will be received by Government:—

"18.A. If at any time it shall seem expedient to alter any part of the alignment of the road-bed of any tramway which may have been constructed, the promoters may, with the consent of the road authority, remove any of the rails of such tramway and may relay them in a new alignment approved by the road authority; ~~but~~ and the provisions of clauses 10 to 13 of this order shall mutatis mutandis apply to ~~every~~ the case of every such alteration."

4. The draft order will also be forwarded to the Tamil, Telugu

To
Messrs Arbuthnot & Co attorneys for the Trustees re- √3
The Prest., Munl. Commn. Madras
" Public Works Dept. (Railw. Br) 3/
" ~~Govt. Solicitor.~~
" Tamil Translator to Govt. 3
" Telugu —— 3
" Hindustani —— 3
" ~~Suppl.~~ Gazetted 15/6/97 2/6/97
Supd. 1/7/97

+ Hindustani Translators to Govt.,
~~who will~~ without delay their ~~[illegible]~~ translations into the Vernaculars & such translations will be
published in the Gazette, as soon
as received.

5. It is deemed that the Trustees have no objection to the formation of an advisory committee of Shareholders in Madras to act with the Attorneys to the Trustees

28/5/7

Prey

1. Have this issued in next Gazette (Part I. A)

[illegible] 2 June/97

"authorising the construction
"maintenance regulating
"the working of Tramways in the
"City of Madras", which was

. on 31/5/97 in office

Gazetted 15-6-97

1312 M
31-5-97

Notification

Under the provisions of Sect: 6 of the Indian Tramways Act, XI of 1886 (India) the following draft of an additional clause ~~will be made~~ to the "Order (issued ~~for~~ under the authority of G.O. No. 668 M of 6th April 1892 ~~and~~ is ~~a 18-A~~. published for general information. Notice is hereby given that any objection or suggestion which any person may desire to make with respect to the said additional clause ~~above order~~, will be considered, if submitted by post, on or before the 15th ~~August~~ July next.—

Here enter ~~the~~ "18-A" in the draft order

28/

"18A. If at any time it shall seem expedient to alter any part of the alignment of the ra of any tramway which may have been constructed, the promoters may with the consent of the road authority, remove any of the rails of such tramway and may re-lay them in a new alignment approved by the road authority; and the provisions of clauses 10 to 13 of this order shall *mutatis mutandis* apply to the case of every such alteration"

NOTE FOR THE Head [illegible]

Please get the accompanying slip attached to the Madras Tramway papers —

Sub

NOTE FOR THE Secretary

in fo 31-5-97

The Madras Tramway papers are marked Very Urgent – for the next Gazette, but were received in Office from the Secretary's house at 4 pm today. The Gazette day is tomorrow. Tuesday: & it is ~~f~~ submitted that the notification will appear only in the Gazette of the 8th June – tomorrow next week.

Extension of time for Constructing three sections of the Madras Electric Tramway.

~~(1) [illegible]~~
~~(2) [illegible]~~

A

Again G.O. 138 M, dated 3rd February 1897.
Current No. 523 M, 1407 M + 1420 M of 189

For Orders.

Please see the notes and orders in G.O.No.138 M, dated 3rd February 1897.

2. In their petition dealt with in the G.O above quoted, the attorneys to the trustees of the Madras Electric Tramway Company requested that (1) the time for completing sections 4,5 and 6 of the tramway, which under existing orders would expire by the 6th October 1898, may be extended (2) to 6th October 1900, and that an order may be issued to the effect that if at any time it shall seem expedient to alter any part of the alignment of the road-be of any tramway, which may have been constructed, the promoters may with the consent of the road authority remove any of the rails of such tramway and may relay them in a new alignment approved of by the road authority.

3. As regards the first request, the Mun Commissioners recommended the grant of the extension of time on the conditions (1) that one of the three sections viz, 4,5 and 6 be completed by 6th October 189 and another by 6th October 1899 and (2) that an advising Committee of shareholde be appointed in Madras to act with the attorneys to the Trustees.

4. The attorneys to the Trustees who we then consulted in the matter state that

Ind G.O. 1312 M
31-5-97

they are instructed by the Trustees to explain that as the Trustees are acting for the Debenture holders in the first instance, they have no power to give an undertaking on behalf of the Company to the effect that one of the remaining sections will be constructed in 1898 and another in 1899, that they have made the application to Government for an extension of time merely with a view to conserve the interests of the shareholders and that if a definite settlement with Government were arrived at it would do much to facilitate the reconstitution of the Company which they (the Trustees) consider to be inevitable. They point out that the Tramway traffic has been found to be disappointing and does not as yet cover the working expenses, that it would greatly discourage the investment of capital in India if Government were to refuse the extension of time asked for, and that as the Company has to be reconstituted, the management changed, and the affairs of the company placed in the hands of new Directors, some time will be necessary to carry out the details and to provide the capital for extension. Having regard therefore to these facts, the Trustees do not think that the reconstituted company could undertake to build another section before 1899, and they accordingly request that Government may be pleased to provide that one section may be constructed before the end of 1899 and the remaining two in 1900 and that if Government does not see its way

A

to comply with this request, the decision on the memorial may be deferred until the Company is reconstituted.

From the above, it appears that although the Trustees point out some practical difficulties in fulfilling the condition prescribed by the Commissioners regarding the time of construction of sections 4 and 5, yet they X undertake to complete all the three sections before 1900. Under section 5 of the Indian Tramways Act XI of 1886, the consent of the road authority does not appear to be necessary to the grant of the extension of time and the Local Government may by an order impose on the promoters any conditions which it deems fit. It is therefore submitted that in view of the circumstances explained by the Petitioners, the extension of time applied for by them may be granted, on the condition that one of the sections is completed before the end of 1899 and the remaining two in 1900.

B

i.e. So far as they are concerned but they cannot bind the Company. The trustees only consider that the Govt. might make such a stipulation with every prospect of its being carried out

S.K. 7/6/7

X slip C. bottom of file

The Trustees have no objection to ~~have~~ an advising Committee of shareholders in Madras to act with their attorneys and they state that they will be pleased to cooperate with any committee that may be appointed. It is presumed that this Committee will be appointed by the Company.

5. With regard to the second request contained in the memorial, it is submitted that the following addition to be made to the order issued in G.O.No.668 M dated 6th April 1892 may be published for

D

and be read as part of it S.K.

NOTE FOR THE

for criticisim under section 6(1) of Act XI of 1886:-

"18A. If at any time it shall seem expedient to alter any part of the alignment of the road-bed of any Tramway which may have been constructed, the promoters may with the consent of the road authority remove any of the rails of such Tramway and may relay them in a new alignment approved by the road authority, but the provisions of ~~sections~~ clauses 10 to 13 of [the] this order [relating to the construction of Tramways] shall *mutatis mutandis* apply to every case of such alteration".

A

The new clause will be read as part of the Order

V.R.
27/4/97

H.M.

The part of the questions at ssue which mainly concerns this Dept is the point as to the power to alter the alignment of the roadbed of the ramway. The Mun. Comsrs. have objection; and the Govt. may pprove. As the order is to be us varied, a new clause as oposed above at A may published under sec 6(1) of Act – *vide* section 8(1) *ibid*.

As to the extension of the proposal of the Trustees may accepted – that the Govt. may tend on condition that one section be completed before 1899 & the remaining two before the end of 1900. The Comsrs. (*vide* cont. 31?? in Co. 3/2/97 no. 1381?) wd. make it a condition that one section be completed before 6 Oct. 98 & ~~the same~~ another section by 6 Oct. 99. The reasons given by the Trustees attorneys for requiring the wider margin are good, and may be accepted by Govt.. A legal Question however arises as to the mode in which Govt. is to set aside the Comsrs' recommendation.

Under sec. 5 a local or road authority may attach conditions to its consent but the Govt. may nevertheless make such order as it deems fit, "if after considering of the reasons of the "authority for x x attaching the

NOTE FOR THE

conditions thereto it is satisfied ~~xxxx~~ that the conditions attached by the authority to its consent ought "not to be imposed"

Section 8 (2) ~~extends~~ applies the above section to any variance of the original order

The proposal to extend the time varies clause 8 of the original Order.

It seems therefore that before modifying the Comrs' recommendation, the Govt. ~~[illegible]~~ should consider the Comrs' "reasons". Now the Comrs have communicated to us only their final resolution without any statement of reasons, and I think before taking action the Comrs. sh^d be ~~informed~~ asked to state their reasons, or perhaps better they may be informed of the view which Govt. takes & be asked if they adhere to their conditions & if so ~~to~~ state the grounds of their adherence. Govt may then, if necessary, overrule them.

As the "time-extension" will modify clause 8 of the original order it should be published under section 6 of the Act, as proposed above in the case of the new clause (8A.

The papers will now be returned to the P.W.D.

G.K. 7/5/97

10/5/97

To D.P.W. us

G.K. 1/5/97

__Note__

There is a report in the Mar. Mail of the discussion — see extract appended to curnt 3290/97 in f.o. 3/5/97: but that is clearly not [illegible] to [illegible]

R. Form No. 11

No. 291 D

Government of Madras.

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

[illegible]

Office

Draft on Note to L & M - [illegible]

28/5/7

MEMORANDUM.

Dated ~~Madras,~~ Ootacamund 21st May 1897.

Note for Orders by Secretary to Government, Local and Municipal Department, dated 7th May 1897 with file of "Madras Tramway" papers.

Returned to the Local and Municipal Department with the intimation that there is no objection in the Public Works Department, Railway Branch to the proposals made in the Note for Orders.

F. D. Fowler

Under Secretary.

To,

The Local and Municipal Department.

Local & Munl. (1897) Department.

CURRENT No. 523 M

23 P

From

THE PRESIDENT,
Municipal Commission,
Madras.

Copy & desp. / Keep papers together 8/3/97

~~Order~~ Reference 288 / 10/3/97

G. No. 722

Dated 6th February 1897

Received 10-2-97

SECRETARY TO GOVERNMENT * LOCAL & MUNICIPAL DEPARTMENT * 9 FEB 97

Registered 10-2-97

Enclosures 1.

Spare copies

The President is requested to forward a copy of the resolutions of the Commissioners on the subject, if it has already been considered by them, and if not, to place it before the Commissioners and report their decision to Government. 6/3/97

~~2. He will also state what is meant by the "proposed re-alignment of the Tramway" referred to in para. 1 of his letter, as the petition of the attorneys to the Trustees for the Debenture Holders makes no reference to the re-alignment of any particular section of the Tramway, but only asks for the issue of an order authorizing the Company to alter the~~

SUBJECT.

Stating that with reference to G. O. No: 138 M. Mis. dated 3rd February '97 there is no objection to the proposed re-alignment of the Tramway, and any future re-alignment can be decided on its merits.

the alignment of the Tramway whenever such course may be considered necessary.

V.R.
2/3/97

BACK PAPERS.

G.O.	No.	Department.	Date.
go	138	[illegible]	3-2-97
go	448	[illegible]	15-3-96
go	205	[illegible]	11-2-95
go	1664	[illegible]	8-11-94
go	1064A	[illegible]	15-8-93
go	668	[illegible]	6-4-92

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To
The President, Munl Commn Madras.

Despd 10/3/97

Genl. Dept.
13

Read - also the following papers:-

G. No. 722

MUNICIPALITY OF MADRAS.
General Department,
Madras, 6th February 1897.

From

Lieut.-Col. G. M. J. MOORE, C. I. E.,
President, Municipal Commission.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 523/M

To

The Secretary to Government,
Local and Municipal Department,
Fort Saint George.

Sir,

Enclosure 1

With reference to G.O.No.138 M.Mis., dated 3rd February 1897, I have the honor to state that there is no objection to the proposed realignment of the Tramway. It will be of advantage to the Public, in fact the Public --- desire it.

2. Any future re-alignment can be decided on its merits.

I have the honor to be,
Sir,
Your most obedient servant,
G M J Moore Lt.Col.
President, Munl. Commn.

Local & Munl. (1897) Department.

CURRENT No. 1407/M

From

THE PRESIDENT,
Municipal Commission,
Madras.

Order

SECRETARY TO GOVERNMENT * LOCAL & MUNICIPAL DEPARTMENT *
G. No. 97
30 MAR. 97

Dated 30 March 1897
Received 30-3-1897
Registered 30-3-1897
Enclosures 1.
Spare copies

SUBJECT.

Forwarding an Extract from the Proceedings of a General Meeting of the Commissioners held on 29th March 1897 regarding the proposed re-alignment of the Tramway.

BACK PAPERS

G.O.	No.	Department.	Date.
Encl.	288/97 ke		
po	411	Lele	6-3-97

FURTHER PAPERS

G.O.	No.	Department.	Date.

Enclosure

83/P

258

Extract referred to.

Memorandum from the Secretary to Government, No. 288, dated 10" March 1897, requesting to forward a copy of the resolution of the Commissioners in the matter of the proposed re-alignment of the Tramway.

Proposed by the Hon'ble P. Rungiah Naidu Garu and seconded by Surgeon Lt. Col. G.L. Walker -

"That the proposed re-alignment is approved of."

Carried.

1/407 M of 1897

248

Genl. Dept.
13.

G. No. 974

MUNICIPALITY OF MADRAS,

General Department,

Madras, 30 March 1897

LOCAL & MUNICIPAL DEPT.
CURRENT No. 1407/M

From

LIEUT.-COL. G. M. J. MOORE, C. I. E.,

President, Municipal Commission.

To

The Secretary to Government,
Local and Municipal Department,
Fort Saint George.

SIR,

Enclosure. 1

With reference to your Memorandum No.288, dated 10th March 1897, I have the honor to forward herewith an Extract from the Proceedings of a General Meeting, of the Commissioners, held on 29th March 1897.

I have the honor to be,

Sir,

Your most obedient servant,

G M Moore Lt.Col.

President, Munl. Commn.

[L. & M.
1,000—28-10-96.]

Local & Munl. (1897) Department.

Ans.

CURRENT No. 1420th

Order

From

Messrs. Arbuthnot & Co.,
Attorneys to the Trustees
for the Debenture Holders,
Madras Electric Tramways.

No.

Dated 30-3-1897

Received 31-3-1897

Registered 31-3-1897

Enclosures

Spare copies

SUBJECT.

Regarding the extension of time for the completion of the proposed extensions of the present Tramway System in the town of Madras.

BACK PAPERS.

G.O.	No.	Department.	Date.
Mis	1407	L/9/7/97	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL & MUNICIPAL DEPT.
No. 1420 M

SECRETARY TO GOVERNMENT * LOCAL & MUNICIPAL DEPARTMENT *
31 MAR 1897

Madras 30th March 1897

From

Messrs Arbuthnot and Co
Attorneys to the Trustees
for the Debenture Holders
Madras Electric Tramways

To

The Secretary to Government
Local and Municipal Department
Madras

Sir

Madras Electric Tramways

With reference to our Memorial to Government dated 2nd November 1896, to your G.O. No. 138 M. Mis: dated 3rd February 1897 and to our reply thereto dated 9th February 1897, we have now the honor to advise that we have heard from the Trustees, for the Debenture Holders of the Madras Electric Tramway Company Ld, who ask us to lay the following remarks before you in connection with the abovementioned Memorial praying for an extension of time for the completion of the proposed extensions of the present Tramway system in the town of Madras.

With regard to your first query; namely whether we are prepared to agree to the suggestion of the Municipal Commissioners that one of the three additional sections shall be completed by 6th October 1898 and another by 6th October 1899; we are instructed to explain that as the Trustees are acting for the Debenture Holders in the first instance, they have no power to give an undertaking on behalf of the Company that one of the remaining sections of the Tramways will be constructed in 1898 and another in 1899, and it would be misleading the Government if they gave such an undertaking.

While the Trustees are acting, in the first instance, for the Debenture Holders, they considered that they might very properly do what they could to conserve the interests of the Shareholders by making a formal application to Government for an extension of the period allowed for the construction of the balance of the Tramways. If a definite settlement with Government were arrived at, it would do much to facilitate the reconstruction of the Company.

We may mention that, so far, the Tramway traffic has been found disappointing and does not as yet cover the working expenses, and we need hardly remark that it would greatly discourage the investment of capital in India if the Government were to add to the natural difficulties of the situation by declining in the circumstances to extend the period for completion of the Tramways.

There is no doubt whatever that the Company must be reconstructed, the present management changed, and the affairs of the Company placed in the hands of new Directors possessing the confidence of the Shareholders of the Company as reconstructed. The Trustees contemplate taking measures to bring about this result so soon as the n° 1 Section of the Tramways is reconstructed, and the beach portion relaid, and the Trustees are anxious to impress upon Government, in the interests of the Shareholders, that the reconstruction plans will be carried out with much more advantage to the unfortunate Shareholders, if it is felt that Government mean to deal with them generously in their present difficulties.

It will be to the interests of the reconstructed Company to extend the lines as quickly as their resources will permit, because one reason why the Tramways are not at present remuneration is that the mileage is too small for the necessary standing charges, and increased mileage could be run at much under the present cost.

If the Company is to be reconstructed, which the Trustees consider inevitable, some time will be necessary to carry out the details and to provide the capital for extensions, and having regard thereto, the Trustees do not think that the reconstructed Company could undertake to build another section before 1899.

If the Government should be pleased to provide that one section be constructed before the end of 1899 and the balance in 1900, we think the Shareholders of the reconstructed Company should be able to comply with these conditions.

We have therefore the honour to request that you will take the above into consideration, and we trust that the Government will generously recognise that the proposals submitted are reasonable.

The Trustees have suggested our saying that if the Government does not see its way to complying with their request to postpone the time for completion of another section to 1899, it would be much better that the Government deferred any decision on the Memorial until the Company is reconstructed.

With reference to the second enquiry in your L. O. of 3rd February 1897, above mentioned, the Trustees will be pleased to have an advising Committee of Shareholders to act with the Attorneys to the Trustees, and we shall be very pleased to cooperate with any Committee that may be appointed.

Commending the above to your attention

/.

298

We have the honour to be
Sir
your most obedient Servants

Arbuthnot

Cw.c.

Attorneys to the Trustees
for the Debenture Holders
Madras Electric Tramways

D

py sent to Press. 5-6-97

led ... signature. 18-6-97

ched in print. 1-7-97

AIN G.O. No. 138 ku DATED
189 } -

23V ~~28~~

~~CNO 3290~~
~~1 31~~ — M M } + O

NUMBER OF COPIES REQUIRED
Order complete. 90
Letter only.
Order complete with Letter.

523 ku
1407 ku
1420 ku } — A

CRS TO C. No.

F GOVERNMENT

ER OF GOVERNMENT

T WITH DITTO.

NOT FILED UP BEING MEANT FOR ...
IN ORIGINAL.

A Print in full.
B Not to be printed.
P = in abstract only.
Q = in heading only.