[L. & M. 2,000—28-10-07.]

Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 2450 M

DATED 6—11—97

INDEXED. 62.

DESPATCHED

[Despatch Abstract.]

Tramways in the Town of Calicut

Communicating to the Munl. Council of Calicut and the District Board of Malabar, G.O. P.W.D. ordering that a revised notification embodying the draft of a proposed order authorizing the Construction, by the promoter, of — be published in the Fort Saint George and Malabar District Gazettes.

BACK PAPERS.

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

FURTHER PAPERS.

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

RAILWAY.

Government {1897} of Madras.

PUBLIC WORKS.

Recd. } 1897. *Enclosures*

Regd. *Spare copies* 6

G.O., No. 742 R., 28th September 1897.

SECRETARY TO GOVERNMENT
28 SEP 1897
LOCAL & MUNICIPAL DEPARTMENT

SEPTEMBER.

Tramways in the Town of Calicut

Ordered that a revised notification embodying the draft of a proposed order authorizing the construction, by the promoter, of — be published in the Fort St. George and Malabar District Gazettes.

This order No. 2480 mis dt 6-11-97
Communicated to the Municipal Council of Calicut and the District Board of Malabar.
V.R
4/11/97

ovpt 10/11/97
To the Chairman, M.C. Calicut.
" Pt. Distt Board, Malabar.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read again the following papers:—

G.O., No. 741 R., dated 7th November 1895.

ABSTRACT.—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 tramways 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.

G.O., No. 412 R., dated 2nd May 1896.

ABSTRACT.—Directing that the application of the promoters, for powers to construct, maintain and use a system of tramways in Calicut, be granted upon certain terms and subject to certain conditions.

Read also the following papers:—

From the Acting Collector of Malabar, to the Chief Secretary to Government, Local and Municipal Department, dated Calicut, 29th May 1896, Dis. No. 100 $\frac{M.}{Dis.}$

I have the honour to forward letter No. 535, dated the 17th May 1896, from the Chairman of the Calicut Municipal Council, enclosing a letter from Mr. Brown relating to the proposed Calicut tramway.

2. Mr. Brown proposes to substitute Ewing's single rail tramway for the double line of rails sanctioned by Government. I understand that one wheel of the car will run on the single rail and that the other wheel will run on the ordinary road. No doubt this will mean great economy to the promoters, but it will entail great expenditure to keep the road in good order where the wheel runs and if the road is not kept in perfect order, the passengers will have an uneasy time inside the car.

3. Mr. Brown does not name the towns in Burma in which the system is said to have been introduced, but no doubt the Chief Commissioner, if addressed, would give all the information available on the subject.

4. The Municipal resolution sent up is quite colourless, though the Chairman speaks of the resolution as approving the alteration. I venture to think that the change should not be allowed unless considerably more information is furnished to Government than has been given so far.

ENCLOSURES.

From the Chairman Delegate, Municipal Council, Calicut, to the Chief Secretary to Government (through the Revenue Divisional Officer), dated 7th May 1896, No. 535.

In forwarding herewith copy of letter No. C./1380, dated 24th April 1896, from Mr. A. Brown, one of the promoters of tramways in the Calicut Municipality, suggesting the desirability of substituting Ewing's single rail tramway instead of the double line of rail as sanctioned by Government in G.O., No. 741, dated 7th November 1895. I have the honour to request you will be good enough to accord the necessary sanction for the proposal.

It will be observed that the request of the promoters can be sanctioned under clause 7 of order No. 2 of G.O., No. 741, dated 7th November 1895.

A copy of the resolution of the council approving the proposal, together with a plan of the tramway carriage is herewith submitted.

Forwarded.

CALICUT, 19th May 1896. (Signed) S. SWAMINATHA IYER, Deputy Collector.

From A. BROWN, Esq., Calicut, to the Chairman, Municipal Council, Calicut, dated 24th April 1896, No. C./1380.

I have the honour to submit herewith, for the consideration and approval of the Council, an amended proposal for constructing the above, and to beg that you will kindly send it up to the Local Government for sanction, with as little delay as possible.

Instead of the double line of rail, as sanctioned by Government, in G.O., No. 741 of the 7th November last, I propose to substitute Ewing's single rail tramway, which although unknown, I believe, in any part of India, has been used with great success in one or two towns in Burma. The advantages of such a tramway over any other are at once apparent.

(1) Owing to the little room it will occupy on the public road, as the one rail can be laid on one side, while one-half of the car overhangs the berm or drain.

(2) The ease and speed with which the line can be laid.

(3) The all important question of cost, which will be considerably less than any other system.

To enable you to better understand the alteration in construction, for which sanction is now asked, I have the honour to send you herewith a plan showing a passenger car in detail, and form of rail, the latter need only be one inch above the ground, and as it will be laid at the side of the road, it will in no way interfere with the ordinary traffic.

At all level crossings, as well as any crowded portion of the bazaar, the rail would be kept flush with the road.

Suitable waggons and trucks for the conveyance of all kinds of goods, as well as Municipal refuse and night-soil will be provided.

I would point out also that by adopting a cheap, easy and rapid one rail system; it would tend to popularise street tramways in the mofussil, and Calicut will set them a good example to follow.

EXTRACT from the Proceedings of the Municipal Council, Calicut, at a meeting held on the 6th May 1896.

* * * * *

5. Read letter from Mr. A. Brown, dated 24th April 1896, No. C./1380, submitting, for the consideration and approval of the Council, a proposal to substitute Ewing's single rail tramway instead of the double line of rail as sanctioned by Government in the Calicut town and requesting to obtain the sanction of Government for the same.

Resolution.—Will be forwarded to Government.

CALICUT, 13th May 1896. (Signed) S. SWAMINATHA IYER, Rev. Divl. Officer in charge of Chairman's Office.

No. 647, Local and Municipal.

Transferred to the Public Works (Railway) Department.

FORT ST. GEORGE, 10th June 1896. (Signed) W. W. PHILLIPS, Ag. Asst. Secretary.

From the Consulting Engineer for Railways, Madras, to the Chief Commissioner of Burma, dated 20th June 1896, No. 512 D.

I have the honour to forward copy of a letter from the promoters of the Calicut Tramway, together with a tracing of the proposed car.

2. Mr. Brown for the promoters states that the single rail system has been used with success in one or two towns in Burma. I should feel much obliged if you would inform me if this is the case, and supply me with any information on the subject that you are able to give and if possible with plans and estimates of the rolling-stock and permanent-way used.

ENCLOSURES.

From the Chairman, Municipal Council, Calicut, to the Chief Secretary to Government, Local and Municipal Department (through the Collector of Malabar), dated 18th June 1896, No. 683/1896.

With reference to G.O., No. 741 R., dated 7th November 1895, Public Works, I have the honour to forward, for your information, copy of a resolution passed by the municipal council at its meeting held on the 15th instant accepting the proposal of Mr. A. Brown to be the sole concessionaire in the proposed Tramway Company at Calicut. Mr. A. Brown is a successful timber merchant at Calicut carrying on large business.

The three* other promoters have made over their title and interest in the Company to Mr. A. Brown.

* Messrs. M. A. Subramania Iyer, Pazhayathoppil Mammadaji and Zamroi Govindrei.

No. 216/M.

Forwarded.

(Signed) J. HEWETSON,
Ag. Collector.

21st June 1896.

EXTRACT from the Proceedings of the Municipal Council, Calicut, at a meeting held on the 15th June 1896.

* * * * *

5. Read letter, dated 26th May 1896, C. No. 1774, from Mr. A. Brown, Calicut, forwarding, for information, a letter from each of the other promoters of the proposed Tramway Company at Calicut making over all their right title and interest in the Company to him.

Resolution.—The Council accepts Mr. Brown's proposal to be the sole concessionaire. The matter will be reported to Government.

(Signed) S. SWAMINATHA IYER,
Chairman, Municipal Council, Calicut.

No. 778, Local and Municipal.

Transferred to the Public Works (Railway) Department.

(Signed) W. W. PHILLIPS,
Ag. Asst. Secretary.

FORT ST. GEORGE,
6th July 1896.

No. 1013 D.

Forwarded to the Government Solicitor for favour of remarks with reference to the revised draft notification which it is proposed to publish in the *Fort St. George Gazette*.

(Signed) C. H. B. BURLTON,
Under Secretary.

7th August 1896.

NOTIFICATION.

From the Government Solicitor, Madras, to the Joint Secretary to Government, Public Works Department, Railway Branch, dated 21st August 1896, No. 400.

With reference to your memo. No. 1013 D., dated 7th instant, I shall be obliged by your informing me whether any Joint Stock Company is to be formed by Mr. Brown for the carrying out of the order of Government in respect of the Calicut tramways.

2. Apparently, from the correspondence forwarded to me with your memorandum, a company was formed or to be formed for the purpose of constructing and carrying on the tramways but that the interests of all parties in such company were in some way, which is not explained, made over to Mr. Brown. Nevertheless in paragraph 4 of the amended draft order it is said that Mr. A. Brown, by whom a Joint Stock Company is about to be incorporated and registered with a nominal capital of Rupees 1,50,000 divided into 15,000 shares of Rs. 10 each, shall be the promoter for the purposes of the order. It is therefore important for me to know whether, in fact, such a company is about to be incorporated, as, if so, the company should be included in the expression "the promoters." If, on the other hand, there is to be no such company, then several of the provisions of the order, such as paragraph 35 (1) that the construction of the tramways shall not be commenced until half of the share capital of such proposed company has been subscribed and (3) will be inapplicable. Before, therefore, I can finally settle the draft order it is necessary for me to know the actual position of affairs.

From the Under Secretary to Government, Public Works Department, Upper Burma, to the Secretary to the Government of Madras, Public Works Department, Railway Branch, dated Rangoon, 4th September 1896, No. 8831/42 C.R.

In reply to your letter, No. 512 D., dated the 20th June 1896, asking for information in regard to the use in Burma of the single rail system of tramways, I am directed to forward, herewith, a copy of a report (to be kindly returned when done with) of Addis' single rail system, and to state that a short length on this system, the estimated cost of which was Rs. 11,292 for 6,424 running feet (as per details given in the accompanying copy of estimate), was laid down in Prome during the year 1879–80 for the carriage of refuse.

2. I am to say that, besides the above, there is no other information on record in this office on the subject of the single rail system of tramways.

ENCLOSURE.

ESTIMATE for constructing a single line tramway including rolling-stock, &c., from the slaughter-house to the market, being a distance of one mile and a half.

Number.	Description of charges.	Measurements.			Quantity.	Rates.	Per	Amount.
		Length.	Breadth.	Depth.				
		FT.	FT.	FT. IN.	C. FT.	RS. A. P.	C. FT.	RS. A. P.
1	Earthwork	6,424	15	3 6	337,260	1 8 0	100	5,058 14 4
2	Ballast	6,424	6	0 6	19,272	2 12 0	100	530 0 0
					NO.			
3	Bridge 64 feet span	64	10	7 6	1	799 0 0	Bridge.	799 0 0
4	,, 24 ,, ...	24	10	7 0	1	377 0 0	Do.	377 0 0
5	Teakwood sleepers	..	..	..	2,541	0 5 7	Sleeper.	886 11 0
6	Coach screws	..	..	..	..	..	..	160 0 0
7	Nails	..	..	..	..	..	..	50 0 0
8	Cost of permanent-way construction, carpenter hire, &c. ..	..	..	..	..	..	..	150 0 0
	Conservancy wagons	..	..	..	4	350 0 0	..	1,400 0 0
9	Meat van	..	..	..	4	350 0 0	..	1,400 0 0
10					PAIRS.			
11	Bullocks	..	..	..	6	80 0 0	..	480 0 0
	Total ..	..	..	..	..	..	..	11,291 9 4

PROME,
3rd May 1879.

(Signed) W. J. ADDIS, C.E.,
Secretary and Engineer.

From the Joint Secretary to the Government of Madras, Public Works Department, Railway Branch, to the Collector of Malabar, dated 14th September 1896, No. 1287/D.

With reference to your endorsement on current No. 216 M., dated 21st June 1896, forwarding letter, No. 683, dated 18th June 1896, from the Chairman, Municipal Council, Calicut, to the address of the Honourable the Chief Secretary to Government, Local and Municipal Department, which has been transferred to me for disposal, I am directed to forward herewith a proposed draft Government order approving of the recommendation of the Municipal Council and directing the publication of a revised notification in the Fort St. George and Malabar District Gazettes and copy of letter, No. 400, dated 21st August 1896, from the Government Solicitor, Madras, and to request that the papers may be placed before the Municipal Council, Calicut, for their scrutiny and favour of reply.

2. The very early return of the papers is requested.

From the Joint Secretary to the Government of Madras, Public Works Department, Railway Branch, to the Collector of Malabar, dated 1st October 1896, No. 1465/D.

With reference to your letter, Dis. No. $\frac{100}{\text{Dis.}}$ M., dated 29th May 1896, relating to a proposal to substitute Ewing's single rail system of tramway for the double line of rails sanctioned by Government, I have the honour to inform you that Mr. A. Brown appears to have compared Mr. Ewing's with Mr. Addis' system. I am informed by the Chief Commissioner, Burma, that the only town in Burma where the single rail system has been tried is Prome. The system used there was Addis': only about 2 miles were laid, and there is no information as to its financial success or otherwise.

2. I had an interview with Mr. Ewing on the 25th instant when he explained his system more fully. The advantages appear to be—

(1) Reduced cost of construction.
(2) The rail being at one side of the road will not interfere with traffic.
(3) The rail being above the road is more easily kept clean.
(4) The earnings being about the same and the capital smaller, there is the better chance of its proving a financial success.

3. The chief objection, as you point out, is the difficulty of keeping the road in sufficiently good order.

4. It would be necessary to insert a clause in the notification handing over to the Tramway Company that portion of the road from the rail to a point a foot or two beyond the road wheel. When once the tramcars begin to run the ordinary wheel traffic will probably decrease very considerably and it will cost the municipality a good deal less to keep their portion of the road in order.

5. Another clause would have to be added ordering that guard rails must be provided where roads or streets cross the tramway line.

6. It is understood that the main object of the municipality is to get a cheap means of conveying refuse outside the town and that the conveyance of passengers is a secondary consideration.

7. I understand that Mr. Ewing intends to visit you in Calicut and I shall be glad to know your further views about the matter.

From the Chairman, Municipal Council, Calicut, to the Collector of Malabar, dated 25th October 1896, No. 1261.

With reference to your endorsement, C. No. 299 M., dated 21st September 1896, on letter, No. 1287/D., dated 14th September 1896, from the Joint Secretary, Public Works Department, Railway Branch, forwarding a proposed draft Government order approving of the recommendation of the municipal council regarding the construction

NOTIFICATION.

of tramways in the town of Calicut, and copy of letter, No. 400, dated 21st August 1896, from the Government Solicitor, Madras, and requesting that the papers may be placed before the municipal council for their scrutiny and reply, I have the honour to forward herewith copy of a resolution of the municipal council passed at a meeting held on the 23rd instant, from which it will be observed that the council has approved of the draft Government order.

ENCLOSURES.

EXTRACT from the Proceedings of the Municipal Council, Calicut, at a meeting held on the 23rd October 1896.

* * * * *

Read again resolution No. 5 of the municipal council, dated 13th October 1896.

Read also endorsement C. No. 299 M., dated 21st September 1896, from the Collector of Malabar, on letter, No. 1287/D., dated 14th September 1896, from the Joint Secretary, Public Works Department, Railway Branch, forwarding a proposed draft Government order approving of the recommendation of the municipal council regarding the construction of tramways in the town of Calicut, and copy of letter, No. 400, dated 21st August 1896, from the Government Solicitor, Madras, and requesting that the papers may be placed before the municipal council for their scrutiny and favour of reply.

The council approves of the draft Government order, and a copy of Mr. Brown's letter will be submitted to Government through the Collector.

(Signed) S. SWAMINATHA IYER,
Chairman.

From A. BROWN, Esq., Calicut, to the Chairman, Municipal Council, Calicut, dated 16th October 1896, No. C. 4261.

I have the honour to acknowledge the receipt of a copy of a letter from the Government Solicitor to the Joint Secretary to Government, Public Works Department, Railway Branch, No. 400, dated 21st August 1896, with your endorsement thereon, dated 14th October 1896.

In reply, I have the honour to inform you that the concession for constructing a tramway in the town of Calicut was, in the first instance, granted to myself, and three others; but the latter not caring to continue as concessionaires, made over their entire interests in the matter to me.

As the sole concessionaire, I am now about to form a joint stock company, for carrying out the orders of Government in respect of the Calicut tramways, with a capital of Rs. 1,75,000 in 17,500 shares of Rs. 10 each, to be incorporated under the Act.

The names of my co-concessionaires and the respective date of their making over their interests in the matter to me are as follows:—

Mr. M. A. Subramania Iyer, on the 9th March 1896.
Mr. Zamroi Govindre, on the 7th April 1896.
Mr. Pazhayathoppil Mammadaji, on the 7th April 1896.

I shall be glad to furnish any further information that may be required.

No. 166 M./Dis.

Forwarded to the Joint Secretary to Government, Public Works Department, with reference to his letter, No. 1287 D., dated the 14th ultimo.

CALICUT,
30th October 1896.

(Signed) G. W. DANCE,
Collector.

From A. BROWN, Esq., Calicut, to the Collector of Malabar, dated 1st October 1896, No. 153 M./Dis.

In anticipation of the Government of Madras according their sanction to my being the sole concessionaire of the Calicut tramway project, I have the honour to request the favour of your kindly ascertaining whether Government would have any

objection to the expurgation from the concession for the construction of the Calicut tramway of that part of clause (29) limiting the dividend earning powers of the company to 10 per cent.

I ask, as I am very much afraid that, in view of the fact of the company having neither subsidy nor guarantee, and it consequently being on exactly the same footing as other industrial enterprises, such as banking, tea and coffee cultivation, and jute manufactures, all of which industries are in many cases returning to investors as much as from 15 to 25 per cent., it may be difficult to raise the small capital required for this undertaking.

It is a well-known fact that it is a much more difficult matter to form a company and raise the capital required for such a small project as this, than in one like that of the Madras Tramway Company, it being large enough in the latter case to make it worth the while of well-known financial agents to undertake the business of floating the Company, whereas in the case of this Company, the capital will have to be raised by my own personal influence assisted, perhaps, by that of my bankers.

The absolute certainty of being unable to receive more than 10 per cent., while it is of course possible they may receive *less*, will, I am afraid, strongly militate against small capitalists investing their money in such an undertaking.

I would venture to point out that for the sake of earning as large a return as possible, the interests of the shareholders would lie in keeping the rates for carriage sufficiently low to secure as great a portion as possible of the traffic, and this I think would be the greatest safeguard the public could possibly have against the Company's charging any more than fair rates.

This matter was referred to, and, I believe, more fully explained to, His Excellency the Governor, by Mr. Ewing at the interview kindly accorded to him yesterday.

No. 2852 M/Dis.

Submitted to Government for favourable consideration.

CALICUT, 14th October 1896. (Signed) G. W. DANCE, Collector.

No. 1257, Local and Municipal.

Transferred to the Public Works Department.

3rd November 1896. (Signed) G. S. FORBES, Secretary to Government.

From the Officiating Joint Secretary to Government, Public Works Department, Railway Branch, to the Government Solicitor, Madras, dated 14th November 1896, No. 4109 C.

With reference to your letter, No. 400, dated 21st August 1896, I am directed to forward the case of the Calicut Tramway together with the draft notification which has been approved by the Calicut Municipality and a letter from the promoter (Mr. A. Brown) giving the information you require. A further letter from the promoter (Mr. Brown), dated 1st October 1896, is also enclosed.

2. From the above the clauses which require attention would seem to be—

(4) The incorporation of a Joint Stock Company with a capital of Rs. 1,75,000 instead of Rs. 1,50,000.

(29) Mr. Brown reads this paragraph to mean that interest is never to be allowed to rise above 10 per cent. I am however of opinion that it only gives the power to the Local Government to decrease tolls should the promoters be making a profit which the Local Government considers excessive.

I am to request the favour of your opinion on these points and the return of papers with draft notification corrected where necessary.

NOTIFICATION.

From the Government Solicitor, Madras, to the Joint Secretary to Government, Public Works Department, Railway Branch, dated Madras, 19th November 1896, No. 596.

I beg to acknowledge receipt of your letter of the 14th instant, No. 4109 C., with file of papers relating to the proposed Calicut tramways.

2. I do not see that any question arises with regard to the incorporation of a Joint Stock Company with a capital of Rs. 1,75,000 instead of Rs. 1,50,000. As I understand, the final order, as amended, has not yet been published, so that, all that is necessary is that clause (4) of the amended order should be further amended by altering the figures "1,50,000" to "1,75,000" and the figures "15,000" to "17,500." It is a distinct advantage I think that the capital should be larger than originally intended, as the larger capital is a greater guarantee that the construction of the tramways will be carried out. In this connection I may mention that, as clauce 35 of the amended order provides that the promoter shall observe the condition (1) that the construction of the tramways shall not be commenced until *half* of the share capital of the proposed company has been subscribed, instead of, as in the order of the Madras Tramways, "until the sum of £75,000 of the share capital". No amendment will be necessary in this respect.

3. With regard to clause (29) of the amended order I am of opinion that Mr. Brown is mistaken in his reading of same. The clause enables Government, from time to time, on the representation of the local authority or of the promoter, that, under the circumstances then existing, all or any of the tolls or charges demanded and taken in respect of the traffic should be revised, to direct an enquiry by a referee, 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, Government may make an order in writing altering, modifying, reducing or increasing all or any of the tolls or charges in such manner as Government may think fit (the word "they" here refers to Government not to the promoters) but no such revision of rates (should be "tolls") or charges is to be made, without the consent of the promoter, *unless and until* the promoter shall distribute by way of dividend to their (should be "the") shareholders an amount equal to interest at 10 per cent. per annum upon the total capital of the company, whether represented by shares or debentures and after making due provision for reserve and sinking funds. This clearly means that, until a dividend of 10 per cent. per annum has been paid on the capital, Government cannot exercise its right of revising the tolls or charges.

4. I return the file of papers which accompanied your letter, &c.

From the Acting Collector of Malabar, to the Joint Secretary, to Government, Public Works Department, dated Calicut, 14th December 1896, Dis. No. 195 M.

I have the honour to forward a copy of a resolution of the Calicut Municipal Council.

2. The matter is purely a professional one. I need therefore only say that the introduction of the proposed tramway will be of great benefit to the public if it can be worked satisfactorily.

ENCLOSURE.

EXTRACT from the Proceedings of the Municipal Council, Calicut, at a meeting held on the 2nd December 1896.

* * * * *

(2) Read again resolution No. 16 of the Municipal Council, dated the 25th November 1896.

Read also letter, dated 24th November 1896, No. C.4763, from Mr. A. Brown, Calicut, requesting for reasons given to reconsider the resolution of the council relating to his keeping up a portion of the road over which the tram cars would pass for a distance of nearly 8¼ miles.

"The council has no objection to the conditions 4 and 5 laid down in the letter from the Government of Madras, Public Works Department, Railway Branch, to the Collector of Malabar, No. 1165, dated 1st October 1896, Mr. A. Brown, the sole Concessionaire, appeared before the council and explained matters to it. He stated that the portion of the road between the single

rail and the place over which the balance wheel would pass was about 5 feet 6 inches, that if he was made to maintain this portion, *plus* a foot or two beyond the balance wheel, he would have to maintain 7 feet or 7 feet 6 inches of the portion of the road which would be a very great hardship to him. He further explained that the balance wheel would not cut the road or injure it as the wheels of the heavily loaded country carts, but would consolidate the road as a roller. The scheme being a new one, the council is not in a position to judge of the matter, though it is inclined to agree with Mr. Brown. The council is quite willing to give all facilities to Mr. Brown in the matter of his scheme and will accept any term which the Government may lay down.

From the Secretary to the Government of Madras, Public Works Department, Railway Branch, to the Government Solicitor, Madras, dated 7th January 1897, No. 65 C.

With reference to correspondence ending with your letter, No. 596, dated 19th November 1896, I am directed to retransmit the file of papers relating to the proposed Calicut tramways, together with letter, Dis. No. 195 M., dated 14th December 1896, from the Collector of Malabar and with regard to the resolution of the municipal council forwarded with the Collector's letter to propose the undermentioned additions after clause 7, with the request that you will kindly see that they are couched in proper form :—

Clause 8.—Notwithstanding the obligation imposed in clause 7, it shall be lawful for the promoter to use the system known as Ewing's single rail tramway and to use one rail only, the surface of which may be raised not more than one inch above the surface of the road provided—

(1) that such rail is placed at a distance not more than 5 feet from the edge of the road ;

(2) that the promoter shall fix and maintain in a suitable manner and subject to the approval of the road authority guard rails flush with the surface of the rail and of the road wherever any road or street crosses that used by the tramway ;

(3) that switches or other device of a suitable pattern approved by the road authority and the Local Government shall be placed at the entrances of the crossing stations for the purpose of diverting the cars from one rail to another as may be required.

From the Government Solicitor, Madras, to the Joint Secretary to Government, Public Works Department, Railway Branch, dated Madras, 21st January 1897, No. 37.

I beg to acknowledge receipt of your letter of the 7th instant, No. 65 C., with file of papers relating to the proposed Calicut tramways.

2. I think that, instead of making the provisions regarding the use by the promoter of "Ewing's single rail tramway" a separate clause in the concession, it would be better to make it a proviso to clause 7. This will have the advantage of it not being necessary to renumber the subsequent clauses of the Concession and it will also make the use of Ewing's system subject to such of the provisions of clause 7 as may be applicable thereto. I have specially provided for this and indeed for all the provisions of the order which may be applicable applying to Ewing's system.

3. I have some doubt with regard to the provisions of the second condition attached to the use of Ewing's system, but I express the doubt with some hesitation as it is on a matter which seems to come more within your province than mine and there may be nothing in it. At the commencement of the provision for the use of Ewing's system, it is said that the promoter may lay one rail only, the surface of which may be raised not more than one inch above the surface of the road but, in the second condition attached, it is provided that the promoter shall fix and maintain guard rails flush with the surface of the rail and of the road wherever, &c. But, if the surface of the single rail is raised, as it may be, one inch above the surface of the road it is not apparent to me, at any rate, how the guard rails can be flushed with the surface of both the rail and the road.

4. I enclose a copy of the provisions set out in the margin of your letter with such alterations in such copy as I have thought advisable. I have altered the word "cars" to "carriages" with reference to the definition of "carriage" given in clause 3 of the Concession.

5. I observe that in the penultimate line of clause 8 of the Concession, the word "council" is used. Here and throughout the Concession where the word "council" is used, it should be preceded by the word "municipal", see clause 3 of the Concession.

6. I return the file of papers which accompanied your letter, &c.

ENCLOSURE.

Provisions.

Provided always that anything hereinbefore in this clause contained to the contrary notwithstanding it shall be lawful for the promoter in constructing the tramways to use the system known as "Ewing's single rail tramway" and to lay one rail only, the surface of which may be raised not more than one inch above the surface of the road except where any road or street crosses that used by the tramway, but subject nevertheless to the following conditions, namely—

(1) that such rail is placed at a distance of not more than 5 feet from the edge of the road ;

(2) that the promoter fix and at all times maintain in a suitable manner and subject to the approval of the road authority guard rails flush with the surface of the rail and of the road wherever any road or street crosses that in which the tramway is laid ;

(3) that switches or some other device of a suitable pattern and approved by the road authority and the Local Government be placed at the entrance of all crossing stations on the tramway for the purpose of diverting the carriages from one rail to another as may be required ;

(4) that such of the provisions in this order contained as shall be applicable thereto shall apply to such system known as "Ewing's single rail tramway."

From the Joint Secretary to Government, Public Works Department, Railway Branch, to the Collector of Malabar, dated 5th February 1897, No. 722 C.

With reference to correspondence ending with your letter, Dis. No. 195 M., dated 14th December 1896, I am directed to forward herewith, for the final approval of the Municipal Council at Calicut, the revised draft notification regarding the Calicut tramways, together with copies of letters as per margin from the Government Solicitor, Madras, on the subject.

No. 596, dated 19th November 1896.
No. 37, dated 21st January 1897, with enclosure.

From the Chairman, Municipal Council, Calicut, to the Collector of Malabar, dated Calicut, 28th March 1897.

With reference to your endorsement, dated 13th ultimo, Ref. on C. No. 54/M., forwarding for council's remarks the revised draft notification regarding the Calicut tramways, I have the honour to inform you that the notification was placed before the municipal council at its meeting held on the 24th instant and the following resolution was passed :—

"Re-submitted to the Collector with the remark that the council recommends that section 29 which is objected to by the promoter be expunged for reasons stated in Mr. Brown's letter to the Collector, dated * 1st October 1896.

* Submitted to Government with the Collector's endorsement, Dis. No. 153/M., dated 14th October 1896.

2. The enclosures received with your endorsement are herewith returned.

3. As Mr. Ewing is telegraphing to Mr. Brown that the draft notification is urgently wanted by the Government, I request that its despatch from your office to Madras may be expedited.

Dis. No. 78/M.

Submitted to the Secretary to Government, Public Works Department, Railway Branch, for favourable consideration with reference to his letter, No. 722 C., dated 5th February 1897.

(Signed) V. RAJAGOPALA CHARRY,
Dy. Collector *for* Collector.

30th March 1897.

From the Joint Secretary to the Government of Madras, Public Works Department, Railway Branch, to the Collector of Malabar, dated 23rd April 1897, No. 14 D.

In reply to your endorsement, Dis. No. 78/M., dated the 30th March 1897, I am desired to acquaint you that His Excellency the Governor in Council is of opinion that in the interests of the public of the future it is desirable that Government should reserve some control over the rates and fairs.

Government, however, have no objection to the limit of dividends at which such control shall come into action being raised from the 10 per cent. which was proposed in the draft agreement to 15 per cent.

I am to enquire whether this alteration commends itself to the municipality and to the promoters, for, if so, there need be no further delay in settling the agreement.

I am also to suggest, for the consideration of the municipality and the promoter that, after the draft clauses 7 (ii) (1), it would be better to insert a clause 1 (*a*) "that such rail is placed at a distance of not less than seven feet from existing structure." The object of the suggested clause is that men and cattle may not be crushed between buildings and the cars.

From the Chairman, Municipal Council, Calicut, to the Collector of Malabar, dated Calicut, 14th May 1897, No. 1031/O.R.

In reply to your Ref. on C. No. 163/M., dated 29th April 1897, I have the honour to state that the communication from Government was under circulation at the time of the last council meeting on the 12th instant and so was not placed before it for approval.

2. The promoter is willing to accept the revised limit of 15 per cent. suggested by Government if Government is not willing to do away with the clause altogether and fully approves of the suggested clause 1 (*a*).

3. The councillors to whom the letter of Government was circulated had no remarks to offer and in view of the known acquiescence of the council in the promoter's views as to clause 29 and of the obvious expediency of clause 1 (*a*). I think it better to write in the council's behalf and accept the alterations proposed by Government than to delay the matter any longer. The revised contract can be formally approved by the council at its next meeting.

Dis. No. 114 M.

Forwarded to the Joint Secretary, Public Works Department, with reference to his letter, dated 23rd April 1897, No. 14 D.

CALICUT,
20th May 1897.

(Signed) R. F. AUSTIN,
for Collector.

From the President, District Board, Malabar, to the Secretary to Government, Local and Municipal Department, dated Calicut, 29th April 1897, Ref. on C. No. 907/L.F.

I have the honour to forward herewith, for the approval of Government, copy of a resolution of the district board passed at its meeting held on the 14th instant regarding the extension of the proposed tramway, in the Calicut Municipality, to the landing place to Elathur wherefrom the water communication is continued up to Badagara. The reasons assigned by Mr. Brown for this extension are set forth in his letter, dated 1st October 1896, a copy of which is herewith submitted for the information of Government. Now that Government has sanctioned the construction of the tramway on Ewing's system within the municipal limits as per G.O., No. 722 C., dated 5th February 1897, the extension of the tramway on the same system to Elathur would be of great advantage to both goods and passenger traffic.

NOTIFICATION.

ENCLOSURES.

Extract from the Proceedings of the District Board, Malabar, at its meeting held at Calicut on Wednesday, the 14th April 1897.

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4. Read letter from Mr. A. Brown of Calicut, dated 2nd March 1897, No. D/5200, requesting that permission may be given him to extend the proposed construction of the tramway in the Calicut Municipality to Elathur, and the connected papers on the subject.

Resolution.—The Board will be willing to allow the proposed tramway to be extended up to Elathur on the same conditions regarding the maintenance of the road as have been agreed on by Mr. Brown with the Calicut Municipality.

2. The Tramway Company should also agree to carry local fund stores and material at the rate of one anna a ton per mile.

3. The promoters or representatives of the company will be required to enter into a formal agreement with the President of the District Board before they commence the construction of the tramway.

* * * * *

(Signed) G. W. DANCE,
President.

From A. BROWN, Esq., to the Collector of Malabar, dated Calicut, 1st October 1896.

I have the honour to submit an application for permission to extend the tramway from where it leaves the Cannanore road to go to Varakkal, to the Elathur landing place on the backwater of the river Korapoya, as the additional traffic, both goods and passengers, that would thus be secured, while apparently sufficient of itself to yield a good return on the cost of such extension would largely increase the traffic on Tramways Nos. 6 and 3, *and ensure their being remunerative when goods are being landed at, and shipped from, the South Beach, instead of at Varakkal.* The approximate length of this line would be 5,500 yards as shown in the accompanying plan.

As a further reason for the grant of the concession for which I have the honour to apply, I would beg to point out that in the event of the construction of the proposed extension of the Madras Railway from Calicut to Cannanore, the carts that would be employed, in the absence of this extension of the Calicut Tramway, to carry out permanent-way materials for the construction of the line, as well as food-supplies for the coolies engaged on the works, would soon render the road almost, if not quite, impassable, the construction of this extension would be the means of not only preserving the road in its ordinary state, but, by so doing, effect a very considerable saving to the local funds board.

No. 602, Local and Municipal.

Transferred to the Public Works Department.

FORT ST. GEORGE,
24th May 1897.

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

From the Chairman, Municipal Council, Calicut, to the Collector of Malabar, dated 13th June 1897, No. 1194.

In continuation of this office letter, No. 1031, dated 14th May 1897, I have the honour to forward herewith copy of a resolution of the municipal council passed at its meeting held on the 11th instant, from which it will be observed that the council has approved of the proposals of Government in regard to the proposed tramway.

ENCLOSURE.

EXTRACT from the Proceedings of the Municipal Council, Calicut, at a meeting held on the 11th June 1897.

* * * * *

5. Read endorsement, dated 29th April 1897, Reference on C. No. 163/M., from the Collector of Malabar, forwarding copy of letter from the Joint Secretary, Public Works Department, Railway Branch, regarding the insertion of certain clause in the draft agreement in connection with the proposed tramway, and requesting to be informed if the suggestions made by Government commend themselves to the council and the promoter.

Read also remarks from Mr. Brown and Chairman's letter to the Collector of Malabar on the subject.

Resolution.—The council approves of the proposals of Government.

Dis. No. 145 M.

Forwarded to the Joint Secretary, Public Works Department, in continuation of this office No. 114 M./Dis., dated 20th May 1897.

CALICUT,
17th June 1897.

(Signed) G. W. DANCE,
Acting Collector.

Telegram from C. EWING, Esq., Calicut, to the Under Secretary to Government, Public Works Department, Railway Branch, dated 20th July 1897.

Clause 35. Have you increased amount twelve thousand preliminary expenses promotion money correspondingly with increased capital from one and half to one and three-quarter lakhs due Elattur extension; if not will you kindly do so?

From the Officiating Consulting Engineer for Railways, Madras, to the Collector of Malabar, dated Madras, 23rd July, 1897, No. 2429.

With reference to the accompanying copy of a telegram from Mr. Charles Ewing of Calicut, I shall be glad to have it made quite clear whether there is any objection, on the part of others concerned, to the proposed enhancement of the figure quoted in clause 35 of the draft contract from Rs. 12,000 to Rs. 14,000.

Will you also be good enough to inform me whether the proposed extension to the Elattur landing place, or, indeed, any part of the tramway, lies outside municipal limits, and if so, that I may be furnished with a plan or a statement showing how much of it lies outside.

This is necessary because in such a case, under clause 4 of the Tramways Act, the consent of the Governor-General in Council is necessary before the tramway can be constructed.

From the Acting Collector of Malabar, to the Officiating Consulting Engineer for Railways, Madras, dated 1st August 1897, Ref. on C. No. 2240/L.F.

With reference to your letter, No. 2429, dated 23rd July 1897, I have the honour to inform you that the question of enhancement of the figures therein referred to will be placed before the district board at its meeting to be held on the 14th August 1897 for consideration. The extent beyond the municipal limit from Varakkal toll-gate to Elattur is 3 miles and 22 yards, as will be seen from the plan forwarded to you with this office letter, C. No. 2016/L.F., dated 29th June 1897.

From the Joint Secretary to the Government of Madras, Public Works Department, Railway Branch, to the Secretary to the Government of India, Public Works Department, Simla, dated Ootacamund, the 12th August 1897, No. 549 R.

Negotiations have been going on for some years between the Calicut Municipality and certain tramway promoters and this Government, which have culminated in the preparation of the accompanying proof copy of a draft order which it is proposed to publish in the Gazette in compliance with the provisions of section 6 of Act XI of 1886.

2. It has, however, come to notice that a small section, viz., a length of 3 miles and 22 yards of the proposed tramway lies outside municipal limits, and, under the provisions of clause 4 of the Act, it is therefore necessary to refer the whole project to the Government of India for orders.

3. I am instructed to explain that the tramway, though called by that name, partakes in no respect of the characteristics of a steam-worked railway against the unauthorized construction of which, under the guise of a "tramway" the words in clause 4 of the Act were intended, presumably, to operate.

4. The proposed tramway is a single rail one of the Ewing type, intended for bullock transport, and chiefly for the conveyance of town refuse. It is presumed therefore, and hoped, that the Government of India will see no reason to interfere in its inception.

5. I am therefore directed to express a hope that, in reply to this letter, telegraphic orders may be communicated to the effect that no objection will be raised by the Government of India to the proposed single rail tramway being carried for a distance not to exceed for the present $3\frac{1}{4}$ miles outside the municipal limits of the town of Calicut.

6. The urgency with which an early and favourable reply is asked for is due to financial and other consideration affecting the promoters and the municipality.

Telegram from the Secretary to the Government of India, Public Works Department, Simla, to the Joint Secretary to the Government of Madras, Public Works Department, Railway Branch, dated 24th August 1897, No. 1392 R.C.

Your letter, numbered and dated as follows, 549 R., 12th instant. Government of India have no objection to the proposal single line tramway being carried for a distance not exceeding $3\frac{1}{4}$ miles outside municipal limits of Calicut, subject to condition that alignment does not interfere with alignment chosen for Calicut-Cannanore Railway; would recommend the cancellation of clause 9 purchase clause, and in substitution a single reference to the carefully considered conditions of clause 22 of the Indian Tramways Act.

From the Officiating Consulting Engineer for Railways, Madras, to the Collector of Malabar, dated Madras, 31st August 1897, No. 2815.

With reference to your letter, No. 2240/L.F., of the 1st August 1897, I shall be obliged if you will inform me whether the enhancement of the figures referred to in my No. 2429, dated the 23rd July 1897, has or has not been yet agreed to by the district board.

From the Officiating Consulting Engineer for Railways, Madras, to the Government Solicitor, Madras, dated 31st August 1897, No. 2816.

The Government of India, to whom a reference about the Calicut Tramway was made in accordance with the proviso at the end of clause 4 of the Indian Tramways Act, XI of 1896, have recommended that clause 9, the purchase clause, of the draft notification, of which a copy is sent herewith, be cancelled, and that in substitution a reference be inserted "to the carefully considered conditions of clause 22 of the Indian Tramways Act."

I have, therefore, the honour to request that you will carefully draft a revised clause 9, which, while containing the essence of the matters already provisionally agreed to with the promoter, may comply with the Government of India's suggestion.

From the President, District Board, Malabar, to the Consulting Engineer for Railways, dated Wandur, 29th August 1897, Dis. No. 1062 L.F.

In continuation of my letter, Reference on C. No. 2240/L.F. of 1897, dated 1st instant, I have the honour to forward, herewith, for your information, a copy of the district board's resolution, No. 2, supplemental, passed on the 14th instant, approving of the enhancement of the figures from Rs. 12,000 to Rs. 14,000 on account of the extension of the tramway to Elattur.

ENCLOSURE.

EXTRACT from the Proceedings of the District Board, Malabar, at its meeting held at Calicut on the 14th August 1897.

* * * * *

Supplemental.

* * * * *

2. Read letter from the Consulting Engineer for Railways, Madras, dated 23rd July 1897, No. 2429, requesting to be informed whether there is any objection to the enhancement of Rs. 12,000 to Rs. 14,000 towards the preliminary expenses in connection with the extension of the tramway to Elattur.

(2) Letter from the President, District Board, dated 1st August 1897, Reference on C. No. 2240/L.F., to the Consulting Engineer replying to the above letter.

Resolution.—Sanctioned.

* * * * *

Letter from the Government of India, Public Works Department, dated 31st August 1897, No. 1422 R.C.

Letter to the Government Solicitor, Madras, dated 11th September 1897, No. 115/O.

From the Acting Government Solicitor, Madras, to the Consulting Engineer for Railways, dated 17th September 1897, No. 542.

I beg to acknowledge receipt of your letter, No. 2816 of the 31st August 1897, with enclosure, and also your letter, No. 115/O., of the 11th instant.

2. In accordance with the instructions contained therein, I have re-drawn clause 9 of the proposed notification and now send your fair draft thereof for approval.

3. The clause is drafted *strictly* on the lines of section 22 of the Indian Tramways Act, 1886, but if it has been agreed that the purchasing clause shall come into operation every *21* years, you will have to alter the clause accordingly.

ORDER—No. 742 R., dated 28th September 1897.

The following revised draft notification will 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 promoter, 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 1st November next.

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

Whereas the promoter hereinafter named has, 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. *Title.*—(i) This order may be called and cited as the Calicut Tramways' Order, 1897, No. 3.

(ii) It shall come in force at once.

2. *Indian Tramways Act to apply.*—The provisions of "The Indian Tramways Act No. XI, 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. *Definitions.*—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. *The Promoter.*—Mr. A. Brown, 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. 1,75,000, divided into 17,500 shares of Rs. 10 each, shall be the promoter for the purposes of this order, and is in this order referred to as "the promoter."

5. *Land.*—The promoter may, by agreement from time to time, purchase or take on lease or otherwise acquire such lands as he 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 promoter 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 promoter 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.

Tramway No. 8.—Commencing from a junction with Tramway No. 6 near the race-course, and passing thence along the Cannanore road to the Ellatur landing-place.

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 promoter may, subject to the reasonable approval of the road authority, consider necessary or convenient for the efficient working of the tramways, and the promoter 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 promoter, and if the promoter considers 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 promoter may execute the same at his own cost and where the road is already paved or metalled the promoter may, if he thinks fit at his own cost when constructing the tramways or any part thereof in such road, relay such paving or metalling, and the promoter shall, at his 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. *Specification.*—(i) The tramway shall be constructed on such gauge as may be mutually agreed upon between the promoter 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 promoter 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 he 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.

(ii) Provided always that anything hereinbefore in this clause contained to the contrary notwithstanding it shall be lawful for the promoter in constructing the tramways to use the system known as "Ewing's single rail tramway" and to lay one rail only, the surface of which may be raised not more than one inch above the surface of the road except where any road or street crosses that used by the tramway but subject nevertheless to the following conditions, namely:—

(1) That such rail is placed at a distance of not more than 5 feet from the edge of the road.

(1*a*) That such rail is placed at a distance of not less than 7 feet from existing structures.

(2) That the promoter fix and at all times maintain in a suitable manner and subject to the approval of the road authority guard rails flush with the surface of the rail and of the road wherever any road or street crosses that in which the tramway is laid.

(3) That switches or some other device of a suitable pattern and approved by the road authority and the Local Goverament be placed at the entrance of all crossing stations on the tramway for the purpose of diverting the carriages from one rail to another as may be required.

(4) That such of the provisions in this order contained as shall be applicable thereto shall apply to such system known as "Ewing's single rail tramway."

8. *Period for completion.*—The promoter 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 Municipal Council under provision 6 of this order before the expiration of five years from such date.

9. *Purchase.*—The local authority may, with the previous sanction of the Local Government, within six months after the expiration of a period of twenty-one years from the date of this order and within six months after the expiration of every subsequent period of seven years, or within two months after the publication of a notification under section 19 of the Indian Tramways Act, 1886, or within six months after the publication of a notification under section 21 of the same Act, by notice in writing require the promoter to sell to the local authority his undertaking and thereupon the promoter shall sell the same upon the terms of paying the then value of the undertaking exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever and the purchase money shall be paid to the promoter in silver in Calicut, and in case of difference between the promoter 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 Indian Tramways Act, 1886, for the settlement of the differences in that section mentioned.

10. *Interference with roads.*—The promoter 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) He shall give to the local authority reasonable notice of his intention, such notice to state the portion of road proposed to be opened or broken up.

(2) He 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 promoter 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 promoter 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 promoter 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 promoter before the commencement of such works such superintendence is refused or withheld.

11. *Making good the damage to roads.*—When the promoter has opened or broken up any portion of any road, he shall be under the following further obligations, viz.:—

(1) He shall, with all convenient speed, complete the work on account of which he 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) He 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. *Approval of plan.*—The promoter 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 promoter 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. *Maintenance.*—The promoter shall, subject to any other provisions of this order at his 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 promoter fails 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 promoter, 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 promoter.

14. *Level of rails.*—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 promoter may, and shall from time to time, alter or (as the case may be) lay his 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. *Surplus road material.*—Any paving, metalling or material excavated by the promoter in the construction of his works from any road under the jurisdiction or control of any road authority may be applied by the promoter so far as may be necessary, in or towards the reinstating of such road, and the maintenance of any of the tramways within the district of such road authority, and of so much of the roadway of such road as the promoter is by this order required to maintain, and the promoter 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 promoter and may be dealt with, removed and disposed of by him in such manner as he may think fit; any difference between the promoter 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 promoter and any road authority.

16. *Breaking up roads.*—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 promoter 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 promoter 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 promoter 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 promoter 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 promoter 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 promoter, unless he refuses or neglects 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 promoter.

17. *Altering pipes, &c.*—For the purpose of making, forming, laying down, maintaining, repairing or renewing any of the tramways, the promoter 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 promoter shall, if he contemplates 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 his 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 promoter 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 promoter 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 promoter is hereby required to give.

(2) The promoter 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 promoter, 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 promoter, as an engineer appointed by the Local Government shall direct.

(3) The promoter 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 promoter shall make good all damage done by him 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 promoter 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 safeguarded as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act, XIII of 1887.

20. *Engines, &c.*—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 promoter 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 he 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. *Stopping places.*—The promoter 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 promoter shall not be bound, unless he thinks fit, to stop for such purpose at any other points or places.

23. *Goods to be carried.*—The promoter shall not be bound, unless he thinks 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 20 pounds in weight.

24. *Use of tramway for scavenging.*—The Municipal Council may, during such hours not exceeding 6 in every 24 hours as may be prescribed by the promoter 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 promoter and that the promoter 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 promoter and the Municipal Council.

25. *Tolls.*—The promoter 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 promoter may, subject to the reasonable approval of the local authority, fix stages of one 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 promoter 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. *Personal luggage.*—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. *Tolls for animals, &c.*—The promoter may demand and take in respect of any animals, goods, minerals, or parcels conveyed by him 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. *Tickets, &c.*—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 promoter 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 he 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 promoter may think fit to allow in consideration of the use, delivery, or return of any such stamp, ticket or token.

29. *Revision of tolls.*—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 promoter, 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 inquiry 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 tolls or charges shall be made without the consent of the promoter unless and until the promoter should distribute by way of dividend to the shareholders an amount equal to interest at the rate of 15 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. *Scavenger lines, location of*—. 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 promoter may, by notice in writing left at the office of the Municipal Council, require the Municipal Council to take the place of the promoter 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 promoter to locate, construct, maintain or work the said rubbish lines under this order.

31. *Future agreements.*—The promoter 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. *Patents and licenses.*—The promoter 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. *Security deposit.*—The promoter 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 his 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 promoter and subject as hereinafter provided be paid to him 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 promoter 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. *Municipal taxation.*—The tramways, plant, engines, carriages, and other vehicles, offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, yards and depôts of the promoter 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, workshop, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, yards and depôts.

34-A. *Rent of lands.*—The promoter 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 promoter 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. *Provision and application of capital.*—The promoter 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. 14,000.

(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 promoter may consider necessary.

36. *Mortgages.*—Nothing in this order or in the Indian Tramways Act, 1886, contained shall prevent the promoter 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 promoter 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 promoter 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 promoter shall be endorsed with notice to that effect.

37. *Promoter's right to lease the line.*—The promoter 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. *Promoter's right to sell.*—The promoter for the time being may, if he thinks 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 promoter 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 promoter 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 promoter 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. *Preliminary expenses.*—The promoter 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. *Promoter to have first refusal of new lines.*—So long as the promoter 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 promoter shall have refused the right which is hereby conferred upon him of obtaining power to construct, maintain and work such further or other tramways upon the same or more or less favourable terms than those contained in this order for the construction, maintenance and working of the tramways by this order authorized.

41. *Liability for submission to future Acts.*—Notwithstanding anything in this order contained, the promoter, 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. *Serving of notices.*—Any notice required to be given by the Local Government or by any local authority or road authority to the promoter may be in writing and may be served on the promoter by being delivered to any agent of the promoter in Calicut for the time being or by being left at any office of the promoter in Calicut, and every notice so served shall be deemed to have been duly given to the promoter anything hereinbefore contained to the contrary notwithstanding. The promoter 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.

	Per mile. 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, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron bricks, slags and stone, stones for building, pitching and paving tiles, slates and clay (except 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 promoter may think fit.		

Small Parcels.

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 promoter 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 promoter 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 promoter 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 promoter may demand and take tolls and charges according to the number of the quarters of ton in such fraction, and if there be a fraction of a quarter ton, such fraction shall be deemed a quarter of a ton.

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

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

(True Extract.)

F. Fraser

Under Secretary to Government,
Railway Branch.

To the Collector of Malabar.
" Local and Municipal Department.
" Malayalam Translator to Government.
" Superintendent, Government Press.
" Consulting Engineer for Railways.

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Exd. W. D'Mons.

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RD AGAIN G.O., No. , DATED
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CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT.								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

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