	(4)	(5)	(6)	(7)

M.R.O. 1—82 400—23-11-30

MADRAS RECORD OFFICE.

Government of Madras.

Local & Municipal DEPARTMENT.

G.O. No. 668 M Press Mis.

Dated 6-7- 18 22.

Not to be folded or roughly handled

Read also the following

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH. 40

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following :—

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

Note by the Consulting Engineer for Railways, Madras.

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

2. With respect to clause 7, the provision directing that the rails of the tramway shall be such as to admit of the passage of Standard Indian Railway Vehicles might be omitted. Obviously the condition cannot hold unless the gauge of the tramway is the same as the

of

of the South Indian Railways, and even if a metre gauge be adopted, it is hardly fair to call upon the tramway Company to bear the extra cost of the Special rail required.

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

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

In schedule A para 5 a further

requirement.

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

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

Order thereon No. 595 R dated 5th March 1892.

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

(True Extract)

W. Monteith Lieut Col. RE
Joint Secy: to Govt. P. W. D Ry: Branch.

To
The Local and Municipal Dept.
& Consq: Engr: for Railways.

47 h 9-1-92

1890[illegible]

Public Works Department.

Local & Municipal Dep
CURRENT No. 741 M

No. 595 d

Dated 5 Mar/92

Despatched

Received

CHIEF SECRETARY 08 MAR 92 GOVERNMENT

SUBJECT.

Cong report of the Cong Engr for Railways on the subject of the tramways proposed to be constructed in Madras

To be over pending receipt of other replies.

[illegible] 15/3/92

No. 16. 16

883 M

7

[illegible]

The Secretary

Ratepayers' Association

No. 2, Division

Madras Municipality

Madras.

To

The Chief Secretary

Government of Madras

Fort St. George

244, Mint Street, Madras 21st March

One Enclosure

Sir

Referring to the publication of Draft order, in the Fort St. George Gazette, of 9 February last, Part I A. page 20, No. 6[illegible] regarding the construction and maintenance, and to regulate the working of Tramways in the City of Madras, I am directed, by the Association, to state that in the City of Madras, the main, lengthy and thickly populated road is the M[illegible] Road, and its vicinity, the 2nd Division of the Municipality, and that no passenger could be had, in all the Wall Tax road as it is one side of the unoccupied portion of the City towards the north, and besides workmen, generally inhabit in that road throughout.

2. To get the Tramway, route No. 1 or 4 the inhabitants, from the heart of the

sand division that is, people in Jelbunt
reet; Govindappah Naick street &c should
, all along, towards the East, or West, to
the, one half of the breadth, of the City.
The Officials, Vakeels &c, on the North of
the City, that is, from the Toll Gate;
Thundiarpett; Washermanpett; &c.
will have, also to come, a long, and
tedious route, not to speak of the
excessive charge, and to break their
routes; to go to the Fort, and the Round
Tannah in the Mount Road; by taking
route No 6, upto the Seven Wells; route
No 4, upto the General Hospital; route
No 1, upto Sydenham's Road and route
No 2, upto the Mount Road.
3. For the above reasons I am directed
to suggest, that the route No 6 should
continue, first, towards the South and
then, throughout the full length of the
Mint Street, crossing the route No 1 at
the Medical College; and thence
towards the East, crossing the S. I. Ry. and
then, turn towards the South, and west of
the Fort, and then turn, towards the East
and South of the Fort, crossing the Wallajah
Bridge, and running up, through the
Wallajah Road, and crossing the Bridge
at the Government House; and terminating
by a junction, with route No 2, at the
Round Tannah in the Mount Road, or
with the short distance along the Wallajah
Road; instead of route No 4, from Clive's
Battery, terminating by a junction, with
route No 1 at the General Hospital
as put down in the Draft Order under

4. If the foregoing suggestion, of the
Association, be approved, and taken up
the passengers, from the north of the City, will
be greatly benefitted, in several ways, and
in this case, the route No 4, in full length
from Clive's Battery, may be considered
to be cancelled.
5. As all the routes, (1-2-3 & 5) pass
through the overcrowded localities, such
as by the Custom House; Evening Bazaar;
General Hospital; Mount Road; Tripli-
-cane High Road; Poodoopettah; Roya-
-pettah; Sullay and Porasawaukum; I
humbly beg to say that the crowded portion
in the extension proposed by this Associa-
-tion, for the route No 6 is between, [illegible]
Cady and Parra Cady (north of the Medical
College) about 200 yards in length, and
there are also, narrow portions, between
Soomythangy, and Thundamuthalee
School, & some portions of Sowcarpett, in
the centre of the Mint Street and at the
two narrow portions, the pavements of
houses, on both sides, of the road, may be
taken off; like that portion at the Washer-
-manpett, south of the Police Station, for
the route No 6.
6. I am enclosing an extract, of a letter
No 13 of 8th November 1889 from this Asso-
-ciation, to the address of the President
Municipal Commission Madras, your
honor may observe, that in widening, the
portion of the Mint Street, it was not
widened, as originally proposed; and
it therefore, now requires to be widened

to more additional expenditure charges

Coming to route No 5. the junction, should commence, from the extension, proposed for route No 6, at the junction, of the Mint Street, and Audiappah Naick Street, near Adipattai Pilliar's temple, and from thence, running through the Elephant Gate Bridge &c as published, in the notification of the Gazette.

8. I am also directed to bring to your kind and favorable consideration that under the "Tolls" as per Section 26, the rate, of six pies per mile, per head of passenger, will be considered, excessive, and hence, there will be, a very few passengers, so to speak. From the Seven Wells, upto Thereevuttoor, on the north of [illegible] Gate, is more than four miles, for which, a single bullock cart is engaged [illegible] pies per head, allowing four persons [illegible] a cart, the fullhire of the cart, would be, annas three only - but as the route No 6, terminates at the Toll Gate, and the passengers, should engage another conveyance, upto Thereevuttoor, for, an additional distance, of a mile and a half - For the three miles, from the Seven Wells, to the Toll Gate, each passenger, will not pay one anna and six pies, per head, instead of six pies, now a days, and the same reasons, will hold good, to all other routes, therefore, I am directed to suggest that [illegible], three pies, per mile, is sanctioned, a good many passengers, will find their way, [illegible] the Tramway - as the Railway Company [illegible] a large income, by the reduction of 3rd Class [illegible] in the Draft Order under

fares, and the [illegible] by the introduction of the 2nd [illegible] Cards system.

9. I am therefore directed, to request your honor, that the above, two suggestions will receive, your favorable consideration for the benefit, of the Tramway Company, and for the travelling public as well.

I have the honor to be

Sir

your most obedient Servant

R. S. Subramanium Moodr.

Secretary, Ratepayer's

Association No 2. Di[illegible]

Madras Municipality

Madras.

11

13

An extract, of a letter No. 13, of 8th November 1889 from the Secretary, Ratepayers' Association the Bo... Madras Municipality Madras, to the President Municipal Commission Madras -

para 5 - With reference, to ... Report, for April and May last, published, in the Fort St. George Gaz... Supplement, of 27th August last page regarding the Improvements, of Mint... it is reported, that " the houses, along whole length, of this portion, of the stre... to be widened, have been demolished, the drains are in progress." I am du... to bring to your information, that in widening the Mint Street, on the so... from the junction, of Annah Pillay S... the breadth of the road, widened is, feet; many houses, on the western si... have been demolished, upto the wa... of the inner Verandah, and by g... going up, to the North, upto Cam... Verayagur Pillai Covil, it was done so, and at Vimmara Pill... the breadth of the road, is only 25 and further going up North, on th... side, some of the houses, have been ... demolished - the breadth of the roa... stable door No. 202, is reduced, to ... and ... extreme North, a curve wa... a ... eastern ... de, with ... a width

13

spoil

x The Association,

[illegible] case, why, a different widenings, have been observed, in the road while the [illegible], where heavy traffic, is carried [illegible] the western side of the Town. [illegible] It is presumed, no widening, [illegible] such a traffic road, the road, should [illegible] straight, rather than curves. Some [illegible] years ago when the Survey was made, [illegible] widened the North part, of this Street. [illegible] was measured to 36. feet wide for [illegible] road, and thus proposed, and marked [illegible] demolish, the houses on this part, of [illegible] Street, up to the [illegible] [illegible], only up to [illegible] pavement is [illegible] widened, in the North, thus the [illegible] road is not wider. x x x By [illegible] opening this portion of the Mint & the [illegible] allowing, the Municipal Light, [illegible] former place, the object of widening [illegible]

[illegible] Edward) [illegible]

R. P. [illegible] Mood

CHIEF SECRETARY
24 MAR 92
GOVERNMENT OF MAURITIUS

[9]

LOCAL AND MUNICIPAL DEPARTMENT.

883 /m

Petition

From The Secretary
Rate payers Association
No 2 Division
Madras Municipality

No. 16

Dated 21-3-92

Received 25-3-92

Enclosures

SUBJECT.

Stating certain suggestions re- the construction &c of Tramways in the City of Madras.

For

MPION AND SHORT,
SOLICITORS

27 & 28, Second Line Beach,

Madras, 22nd March 1892.

867 /m

TO,

THE CHIEF SECRETARY TO GOVERNMENT

FORT ST. GEORGE.

CHIEF SECRETARY'S GOVERNMENT 23 MAR 92

Sir,

re TRAMWAYS Madras.

We have the honor to acknowledge receipt of Proceedings of Government dated 18th March No.521 L & M and to state that we are this day in receipt of a telegram from Messrs. Hutchinson & Co authorising us to give the necessary guarantee for the protection of the Telegraph and Telephone lines in the Town of Madras.

Previous to the receipt of this telegram we placed ourselves in communication with the Superintendent Central Telegraph Office, Madras in re-gard to this matter , but beyond being furnished with a copy of the Act 13 of 1887[which we had] we have not been informed of the nature of the protec-tion required by that department to safe guard the Government lines in the Town.

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

We shall feel obliged by your informing us at an early date what the safe-guards are which should be adopted by the Company and we trust that the absence of the rules contemplated by Section 4 will not prevent the Gover-ment passing their final order on the 1st proximo on the Draft Order before

17

CHAMPION AND SHORT,
SOLICITORS.

27 & 28, Second Line Beach,

Madras, ... 189

them as the promoters at home are anxious to have their prospectus issued by the 4th proximo for reasons stated at our interview with you the other day.

We have the honor to be ,

Sir,

Your most obedient servants,

Champion & Short

These were that they wanted the scheme out before the General Elections came on, as it would then be more likely to attract attention.

I. 23/3

[9]

LOCAL AND MUNICIPAL DEPARTMENT.

E

C 8584/92
521 [illegible] 18-3-92

867 M.P.

From Messrs Champion & Short
Solicitors
Madras.

No.

Dated 22-3-92
Received 23-3-92
Enclosures -

SUBJECT.

Stating that they are authorized to give the necessary guarantee for the protection of the Telegraph & Telephone lines in Madras &c

To be open till the reply from the Superintendent of the Telegraph Depart Madras Division is received.

[illegible]

24/3

For

218

MUNICIPALITY OF MADRAS.

G. No. 604

General Department.

Madras, 22 March 1892.

878 M

From

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

President, Municipal Commission.

To

The Chief Secretary to Government
Fort St. George

Enclosu[res]

SIR,

With reference to G.O. dated 9 January 1892 No: 47 M. I have the honor to submit as follows.

2 Page 4. 1(1) - 1888 should be 1892.

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

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

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

23

6 As the Draft Order stands there is somewhat of an ambiguity. It might be taken to mean that the total extent of Rubbish Lines was not to exceed 3 miles. The addition of the above renders it clear that the total extension to each of the Rubbish Lines is not to be more than 3 miles. I may say that Messrs. Hutchinson and Co. have agreed to this.

7 In other respects the Draft Order is in accordance with the views of the Commissioners.

I have the honor to be
Sir
Your most obedt servant,
[signature] Moore Lt Col
President Muncl Commn

1892

[Madr]as Municipality.

878 M

President,
Municipal Commission,
MADRAS.

The Chief Secretary
to Government
Fort St George

G. No. 604

CHIEF SECRETARIAT 24 MAR

[date] March 1892

Enc.

SUBJECT.

[Forwardin]g the views of the [Commissioners] on Draft Order re[garding G. O. No. 47 M. [dated] January 1892 regarding [constr]uction of Tramways.

[the] 31st March.

INDEX No. of 188 -8.

ABSTRACT.

22 P

PRECIS.

Forwards copy of the Electricity Act.

933 M

[With refere]nce to ~~your letter~~ Government Order No. 521, dated the 18' instant ~~188~~, I have the honour to forward [a copy of the rules] made by the Governor General in Council [under th]e powers conferred by Section 4, Sub[-section ... of th]e Electricity Act 1887 and dated

[... Rules] 43 to 49 inclusive set forth the conditions [to be observed] by persons using or supplying electri[city ... with regard] to the safety of present or future tele[graph lines].

CHIEF SECRETARIAT 1 APL 92

I have the honor to be,
Sir,
Your most obedient servant,
[signature] Walker
Superintendent.

27

G. No. 604

Z 28.

GOVERNMENT TELEGRAPH DEPARTMENT.

From E.O. Walker Esqr. C.S.E.
The ~~CHIEF~~ SUPERINTENDENT of Tels
Madras Division,

To The Chief Secretary to the
Government of Madras

No. 6863 Dated 29th March 1892

(Place) Madras

Encs. Recd.

Sir,

With refere
~~of~~

A

copy of the rules
in exercise of th
Section (1) of th
31st May 1889.

2. Rules
to be observed
- City in regard
graph lines.—

G. No. 604

Don't print E

Government of India 29
Public Works Department

Telegraphs

The 3rd May 1889

No. 134 — In exercise of the powers conferred by section 4, sub section (1), of the Electricity Act, 1887, the Governor-General in council is pleased to make the following rules:

General

I. In these rules, unless the context otherwise requires, —

(1) Expressions used in the Indian Telegraph Act, 1885, and the Electricity Act, 1887, have the same meanings as in those Acts:

(2) "Electric supply line" means a wire or wires, ~ conductor, or other means used for the purpose of conveying, transmitting or distributing electricity for light or power, with any casing, coating, covering tube, pipe, or insulator enclosing, surrounding or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting or distributing electricity or electric currents for light or power:

(3) "main" means a conductor used to convey ~ electricity from the source of supply to the point or points where it is distributed for use:

(4) "lead" means a conductor used to distribute electricity from the mains to the various appli-ances in which it is to be used:

(5) "switch" means any appliance for permitting arresting or changing the flow of electricity in conduct

(6) "commutator" means any appliance for regulating or diverting the flow, or for altering the direction, of electricity in conductors:

(7) "cut-out" means any appliance for confining the flow of electricity to conductors capable of safely carrying it when its amount rises accidentally above the normal:

(8) "transformer" means any appliance by means of which electricity of high potential is converted to electricity of lower potential, or vice versa.

Rules for the protection of persons and property from injury by reason of contact with, or the proximity of, appliances or apparatus used in the generation or supply of electricity.

2. Whenever notice has been given under section 3 of the Electricity Act, XIII of 1887 of an intention of any person to undertake the business of supplying electricity or to use electricity for a public purpose or in a public place or such other place as is referred to in clause (b) of that section, the District Magistrate or Commissioner of Police receiving such notice shall forthwith report the circumstance to the Local Government, who may thereupon authorise an officer, either by name or in virtue of his office, to enter, inspect and examine any place, carriage or vessel in which the officer has reason to believe any appliances or apparatus used in the generation or supply of electricity are, and any building or place to and in which electricity is, to be supplied and used.

3. The local government shall, if necessary, instruct the District Magistrate, or, in a Presidency town, the Commissioner of Police, as to the roads or public places in which overhead electric supply lines are not to be allowed; and the persons undertaking the supply of electricity or using the same shall attend to any orders of these officers in this respect.

4. The person or persons who intend to undertake the business of supplying electricity, or intend to use the same for the purpose or in a place indicated in Rule I, shall provide all means for testing the appliances or apparatus ~~as~~ used in the generation or the supply and use of electricity.

5. Conductors must have a sectional area and ~~conduct~~ conductivity so proportioned to the work they have to do that if double the current proposed is sent through them, the temperature of such conductors shall not exceed 150° Fahrenh

6. The conductors or their casings must be placed in sight as far as possible; and they must always be as accessible as circumstances will permit.

7. Within buildings the conductors must all be insulated; and this rule applies equally to all conductors and parts of fittings which may have to be handled.

8. Whatever insulating material is employe it must not soften until a temperature of 170° F. has been reached, and in all cases the material must be damp-proof.

9. Where leads pass through roofs, floors, wa or partitions, and where they cross or are

are liable to touch metallic substances such as bell-wires, iron girders or pipes, they must be thoroughly protected by suitable additional covering; and where they are liable to abrasion from any cause or to the depredations of rats or mice, they must be encased in some suitable hard material.

10. In the case of portable fittings with which flexible leads are used, special precautions must be taken.

11. Conductors must be kept as far apart as circumstances will permit, the spacing between them being governed by their potential difference.

12. When conductors are carried in very inflammable structures, precautions must be taken to isolate them therefrom.

13. Conductors which are protected on the outside by lead or metallic armour of any kind require the greatest care in fixing on account of the large conducting surface which would become connected to the core in the event of metallic contact between them.

14. In cases where conductors pass into a building from one building to another, or from one room to another, precautions must be taken to prevent the possibility of fire or water passing along the course of the conductors.

15. All joints must be mechanically and electrically perfect, to prevent heat being generated at these points. When soldering fluids are used in making joints, the latter must be carefully washed and dried before insulation is applied

16. Under all circumstances complete metallic circuits must be employed. Gas and water pipes must never form part of the circuit, as their joints are rarely electrically good, and therefore become a source of danger.

17. Overhead conductors, whether passing over or attached to buildings, must be insulated at their points of support. Precautions must be taken to obviate all risk of short circuiting where they are likely to touch a building or other overhead conductors and wires, either by their own falling or being fallen upon by other conductors.

18. In the case of overhead wires, every main conductor must have a lightning protector at each point where it enters or branches into a building.

19. Metal fastenings for fixing conductors must be avoided.

20. The insulation of a system of distribution must be such that the greatest leakage from any conductor to earth (and in case of parallel working, from one conductor to the other, when all branches are switched on, but the lamps, motors, &c., removed)

does not exceed one five-thousandth part of the total current intended for the supply of the said lamps, motors, &c., the test being made at the usual working electromotive force.

21. It is desirable, as a means for the prevention of accidents, for the positive lead to be coloured differently to the negative, or made otherwise distinguishable.

22. Every switch or commutator must be of such construction as to comply with the following condition, namely, that, when the handle is moved or turned to and from the positions of "on" and "off," it is impossible for it to remain in any intermediate position or to permit of a permanent arc or heating.

23. The handle of every switch must be completely insulated from the circuit.

24. The main switches of a building must be placed as near as possible to the point of entrance of the conductors, or to the generators of the current if they are within the building itself. Switches must be provided on both leads.

25. Switch boards must bear clear instructions for their use by the inexperienced.

26. Switches, commutators, resistances, bare connections, lamps &c, must be mounted on incombustible bases. Cut-outs mounted on bases of wood rendered uninflammable are admissible. Vulcanite bases are undesirable in damp situations. The backing of porcelain and earthenware fittings is a cause of danger which can be avoided by precautions in fixing.

27. All circuits must be protected with cut-outs; and all leads from the mains or small conductors from larger ones must be fitted with cut-outs at their branching points.

28. Where fusible cut-outs are used, the section must so be situated within its frame that the fused metal cannot fall where it may cause a "short circuit" or an ignition.

29. For all main conductors a cut-out must be provided for both the "flow" and "return" and the two fusible sections must not be in the same compartment.

30. The flexible leads of portable fittings must in all cases be protected by cut-outs at their fixed points of connection.

31. Arc lamps must always be guarded by lanterns or netted globes, so as to prevent danger from ascending sparks and from falling glass or incandescent pieces of carbon.

32. All parts of the lamps and lanterns which are liable to be handled (except by the persons employed to trim them) must be insulated.

33. The armatures and field magnet coils of dynamo-machines must be thoroughly insulated. Dynamo-machines must always be fixed in dry places, and they must not be exposed to dust flyings or other industrial waste products carried in suspension in the air. They must not be permitted in the working-rooms of mills where the liability to such dangers exists, or where any inflammable manufactures are carried on, or inflammable materials are stored.

34. Motors must be subject to the same conditions; but when it is necessary to use them in positions such as those referred to, they must be securely cased in, such cases

having a non-combustible lining.

35. Both primary and secondary batteries must be placed and used under the same precautions as prescribed for dynamo-machines; and the room in which they are placed must be well ventilated. The batteries themselves must be well insulated.

36. When transformers are used to transform either direct or alternating currents of high electromotive force, that is, from, or to an electromotive force of, say, 200 volts, they, together with their switches and cut-outs must be placed in a fire and moisture proof structure, preferably outside the building for which they are required. No part of such apparatus must be accessible, except to the person in charge of their maintenance.

37. In all cases conductors conveying currents of high electromotive force inside buildings must be specially and exceptionally insulated cased in, the casing made fire-proof.

38. The positive and negative terminals — connected to such conductors must not be permitted to be nearer each other than 12 inches.

39. Transformers which, under normal conditions of load, heat above 150° Fahrenheit must not be permitted to remain in use.

40. Transformers must ... constructed that under no circumstances whatever should a contact between the primary and secondary coils lead the high-electromotive force into the building.

41. No repairs nor alterations must be made ... current is "on".

42. Full particulars of the proposed installation must be furnished when required to the officer authorised by the Local Government under Rule I. These particulars must include a statement of the maximum current to be sent by means of the various conductors, the electromotive force of the current, and the nature of the current, (whether direct or alternating) that is to be employed. Samples of the conductors to be used must be furnished, that their conductivity and the quality of their insulation may be ascertained. — Specimens of the cut-outs, protectors and switches may be required if considered necessary, by such officer.

Rules for preventing Telegraph lines from being injuriously affected by any appliance or apparatus used in the generation or supply of electricity.

43. Any person supplying or using electricity shall not lay down any electric supply line or do any other work for the supply or use of electricity whereby any telegraph line established by, or by license from, the Governor-General in Council is or may be injuriously affected. Before any such electric supply line is laid down, or work is done within ten yards of any part of such telegraph line (other than repairs or the laying of connections with the mains where the direction of the electric supply

lines so laid down crosses such telegraph line at right angles at the point of shortest distance and continues the same for a distance of five feet on each side of such point), the person or his agent shall not more than twenty-eight nor less than fourteen clear days before commencing such work give written notice to the Telegraph authority, specifying the course and nature of the work, including the gauge of any electric supply lines; and the person and his agent shall conform with such reasonable requirements, either general or special, as may from time to time be made by the Telegraph authority for the purpose of preventing any telegraph lines established by, or by license from, the Governor General in Council from being injuriously affected by the said work.

44. Any differences which arises between the Telegraph authority and the person supplying or using electricity or his agent with respect to any requirement so made shall be referred to the Local Government for decision, and the orders of that Government shall be final.

45. For the purposes of the foregoing rules, a telegraph line shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work, or by any use made of such work.

46. Electric supply lines must throughout their entire lengths and in all localities be so constructed as to avoid contact with Telegraph lines, and if carried overhead, must be so placed as to enable telegraph lines at any future time to be carried in any street on posts of 24 feet in height without contact with or interference from such electric supply lines.

47. Only one side of any street must be occupied by electric supply lines.

48. At all street crossings the minimum headway of electric supply lines must be 30 feet.

49. The provisions of Rules 5 and 6 may be relaxed in certain localities where it is not intended immediately to construct telegraph lines for, or by license from the Governor General in Council, on condition that the person or persons erecting the electric supply lines give a general undertaking to the Telegraph authority to comply with these rules within fourteen days from the time when notice may be given that telegraph lines are to be constructed in such localities.

(sd) R. C. B. Pemberton, Colonel, R.E.
Secretary to the Government of Jamaica

True copy
L. Walker
Supt of Telegraphs
Turks Island

[9]

LOCAL AND MUNICIPAL DEPARTMENT.

VE

733 Mtc

57

From

The Superintendent of
Telegraphs
Madras Division

No. 6863

Dated 29-3-92

Received 1-4-92

Enclosures /

SUBJECT.

Forwarding copy of the rules framed by the Government of India under the Electricity Act under section 4(1) of the Electricity Act XIII of 1887

For

No 92

68

Madras 21st March 1892

858 M

From,

Ernest Barclay,

Government Solicitor,

Madras

To,

The Chief Secretary to Government,

Madras.

Sir,

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

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

new suggestion

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

4 Section 2 of the draft order provides that "the provisions" of "The Indian Tramways Act 1886" so far as the same are applicable "to this order are to be deemed incorporated with and to form part of "this order, except where the same are expressly varied by this order" It seems to me that the words I have underlined are ultrâ vires and that the provisions of the Act cannot be varied by the Order. My reasons for coming to this conclusion are,

(a) Section 3 (6) of the Act defines an "order" as an "order authorising the construction of a tramway under the Act

43

(b) Section 7 (2) provides that the order may provide, in manner consistent with the Act for all or any of the matters mentioned in the subsection,

(c) Section 9 (1) provides that subject to and in accordance - with the provisions of the Act the Local Government may on a joint application or on two or more separate applications make an order &c.

(d) Section 9 (2) provides that all the provisions of the Act - which relate to the construction of tramways shall extend and apply to the construction of the whole and the separate parts of the tramway.

These provisions seem to me to provide that any order must be strictly in accordance with the Act and it is, I think, beyond the power of government to vary the terms of the Act by the order. Of course it may be contended that Section 7 (2) is only permissive and that the order need not provide for all the matters there mentioned This is, no doubt, so; but, where any of the matters mentioned in Section 7 (2) or other matters mentioned in the Act are provided for in the order, the order must provide for those matters in accordance with the Act. I would therefore omit from Section 2 of the order the words "except where the same "are expressly varied by this Order"

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

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

78

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

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

9 In this Section 6 of the order it is said "The Tramways authorised by this order are", so I have struck out the word "route" where it occurs and substituted the word "Tramways" I have also corrected the different points of the compass mentioned in this section as putting "Southwardly" for Southerly" &c

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

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

12 In the same Section 6 of the order it is provided that "the

45

"Promoters may if they think fit at their own cost when constructing -
"the Tramways or any part thereof in such road relay such paving or -
"metalling (i.e.in a road already paved or metalled). It seems to me
"that instead of the words "may if they think fit" the word "shall" -
"ought to be used, and that it should not be left optional with the Pro-
"moters to replace paving or metalling which they have removed in con-
"structing their works &c.

13 In Section 7 of the order it is provided that "the rails of -
"the Tramways shall be of such form and construction as to admit of the
"passage of carriage used on the South Indian Railway passing on and -
"over the same "This should read"to admit of carriages used on the -
"South Indian Railway passing on and over the same"

14 In the same Section 7 at the end it is provided that "in case
"they (i e the Promoters) shall do so (i e adopt and apply improvements
"or shall incur any other capital expenditure they may raise further -
"capital either by the creation and issue of further shares or stock or
"the exercise of borrowing powers to such amount as shall be found ex-
"pedient for the raising of such further capital". I do not see the -
object of this provision. If the Memorandum or Articles of Association
provide for the Promoters increasing their capital they can do so with-
out the sanction of this provision, and I do not think the Local Govern-
ment have power to deal with this matter, though the order would, by Sec-
tion 4, preclude a reduction of the Promoters capital. If on the other
hand the Promoters Memorandum or Articles of Association do not enable
them to increase their capital this provision will not enable them to
do so. I think therefore the provision should be omitted

15 In the first line of Section 8 of the order I have inserted
between the words "shall" and "substantially" the words "subject to the
"condition" Sub section 36 (1) of this order" as that sub section provides

that the construction of the Tramways shall not be commenced until
£ 75,000 of the share capital of the proposed company has been -
subscribed.

16 Section 9 of the Order provides that "if the local authority
"do not, within six months from the date of this order, exercise the
"powers of purchase contained in the Indian Tramways Act 1886, then
notwithstanding anything to the contrary in that Act such powers" &c.
My remarks in para 4 of this letter apply also to these words under-
lined. So far as I can see there is nothing in Section 9 of the order
contrary to the provisions of the Act as regards purchase of the -
Tramways; but, if there is, then I am of opinion that the provisions of
the Act must be followed in preference to the provisions of the order

17 Section 12 of the order. In the 3rd line the words "a state-
ment" should apparently be inserted between the words "and" and "of"
The plan referred to in the first line could not include the materials
and in the 5th & 6th lines reference is made to "such plan & state-
ment" The words "and statement" should also be inserted in the 7th
line between the words "plan" and "before" The Section apparently
contemplates that the plan and statement should be laid before the
Local Government and the road authority, but in the 7th line reference
is made to the "Local authority" instead of the "Local Government"
According to the definitions in Section 3 of the Act a local authority
means a Municipal Committee legally entitled to the control or manage-
ment of a municipal fund and a "Road authority", in relation to a road,
means if a local authority maintains and repairs the road, then that
authority. In this case therefore the Local authority and the Road
Authority are one and the same, viz the Municipal Commission. It is
therefore I think clear that the words "local authority" in the 7th
line of this Section 12 should be "Local Government". If I am correct

47

in this, the 8th line of the Section will require alteration by inser - tion of the words "the Local Government or". In the 9th line the word "plan" should be substituted for "plans" the word "plan" being used throughout elsewhere in the Section.

18 In Section 13 of the Order, line 10, I would suggest the insertion of the words "or their Agent for the time being in Madras" - between the words "promoters" and "open". The Promoters being an - English firm or an English Company there might be difficulty and must be delay in serving them with notice.

19 In Section 14 of the order, line 3, occur the words "may and - shall" The Section provides that "if any road authority hereafter - "alter the level of any road along or across which any of the Tramways ("any Tramway" would read better) is laid or authorised to be laid " the Promoters may and shall from time to time alter" &c. Section 7 (2) (g) of the Act authorises the order providing for the liability of - the promoter on the requisition of the Local Government altering the position or level of the tramway to suit future alterations in the road or roads. The words "may and" therefore seem superfluous. It is not however very clear whether the words "on the requisition of the Local Government" in Section 7 (2) (g) of the Act apply to cases of alteration. I think they do myself; but, even if they do not, the - words "may and" are superfluous for there is no object in giving a permission and at the same time a command to do a thing. If the words "on the requisition of the Local Government" do apply to cases of alter ation, then those words should be inserted in the 3rd line of the 14th Section of the order between the words "shall" and "from"

20. The 15th Section of the order provides that "the Promoters shall, if so re "quired, deliver the surplus paving metalling or material not used or "required to be retained to such road authority or to such person or

98

persons as such road authority may appoint to receive the same and at such place or places within the jurisdiction of the Municipal Commis- sion not exceeding one mile from the place or places where such sur- plus paving, metalling or material is excavated or deposited as the - road authority or such person or persons may direct". The Section - then goes on to provide "that if within seven days after notice in - writing to the road authority (here insert the word "that") the sur- plus of such paving metalling or material is ready for removal such surplus is not removed by some person or persons named by the road authority for that purpose such surplus" is to belong to the Promoters These provisions appear to me to be inconsistent, the first is that - the surplus is to be delivered by the Promoters to certain persons at certain places to be named by the road authority, and the second that the surplus is to be removed by the persons so named within a certain time. I would therefore suggest that instead of the words "such sur- plus is not removed by some person or persons named by the road autho rity for that purpose" there be inserted in the Section the words "the road authority or some person or persons to be named by the road - authority for that purpose shall not give notice in writing to the "Promoters or to their Agent for the time being in Madras to whom & "in what place or places as aforesaid such surplus is to be delivered"

21 In Section 16 subsection (i) of the order I have inserted - between the words "lessees" and "as", the words "of the right of user of the Tramways or any of them or any part thereof respectively" as, without these words, it would not be very clear what lessees are refer red to

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

49

23 In the first line of Section 16, Sub section (4) of the order the words "legal authority" are apparently a misprint for "local - "authority". The "legal authority" is not elsewhere mentioned in the order nor is it mentioned in the Act & the words have no apparent - meaning here. Inthe 6th line of the same Sub section I have substituted the word "propriety" for necessity, the word "propriety"being the word used in Section 35 of the Act. That Section provides for the - settlement of differences between promoters and lessees on the one hand and the Local Government and the local and road authorities on the other, so I have amended the latter part of Sub section 4 of Section 16 accordingly.

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

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

26 In Section 17 sub section (1) of the order I have inserted - the words "or altering in accordance with Section 7 (2) (k) of the Act. The word "tubes" has been omitted from the 3rd line. The word should come between the words "pipes" and "wires" as it does in the - first line of the subsection. Throughout this subsection and the - others, I have inserted the word "body" between "Company" and "or person". This will be in accordance with Section 16 of the order. I would suggest that with reference to the provision in Section 17 (1) as to the construction or alteration of a Tramway endangering any main, pipe &c, it would be better to generalise to some extent. In line 8 of this Subsection I have therefore struck out between the words "impede the" and "such" the words" supply of water or gas or the telegraphic "or other communications "and have inserted the words" the efficient working thereof. I have also in the 16th line struck out the words "the district" and have inserted the word "Madras" There is no definition of a district and there seems no reason why the convenience of the - inhabitants of Madras generally should not be considered when a Tramway is altered.

27 In Section 17, subsection (3) the word "mains" and the words "tubes, wires or apparatus" are apparently omitted from the first line The word "mains" should be inserted between the words "such" and - "pipes", and the words "tubes wires or apparatus" between the words - "pipes" and "contrary"

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

29 Section 20 of the order. My remarks in para 14 of this - letter apply to the words in the 7th line commencing "and in case" - down to the end of this Section. This section does not provide for the inspection and examination by officers of the Local Government or the local authority of the carriages &c of the Promoters as authorised by Section 7 (2) (n) of the Act. The omission may have been intentional, but, in case it was not, I think it as well to call attention to it.

30 Section 21 of the Order authorizes the Tramways subject to & in accordance with the provisions of the order, to be used for the purpose of conveying passengers, animals, goods, minerals and parcels. Under Section 76 of the Contract Act the word "goods" means and includes every kind of moveable property and, in general, such would ~~to~~ be the meaning of the word except perhaps as to money and the emblems of - money, bank notes &c. I think therefore that unless there be some - special reason for retaining in Sections 21, 22 & 23 respectively the words "minerals and parcels" and "minerals or parcels" those words - should be omitted as being included in the word "goods" and that the word "and" should be inserted in Sections 21 & 22 & the word " or" in Section 23 before the word "goods"

31 Section 22 of the order provides that "the Promoters shall - not be bound unless they think fit ~~to stop~~ for the purpose mentioned at any other place or places" The words "unless they think fit" are superfluous.

32 Section 7 (2) (o) of the Act allows of the order providing for the Traffic which the Promoter or lessee shall be bound to carry. I see no provision on this subject in the order and as the order - stands, it is optional with the Promoters to carry any traffic at all. Possibly such a provision was intentionally omitted.

33 Section 24 of the Order which provides for the Municipal Commission using the Tramways for certain purposes during certain hours permits the Commissioners to use only steam or mechanical power. It might be impossible for or extremely inconvenient to the Commissioners to use any but animal power; but as this Section stands, it might very well be argued that they have no right to use animal - power. Unless therefore it be intended to prevent the Commissioners using animal power it would be as well to give them express power

to do so as it is given to the Promoters by Section 19 of the order It can be done by inserting the word "animal" between the words "use" and "steam" in the 10th line of the Section.

34 By the proviso to this Section 24 the Promoters are bound to provide motive power if required by the Commission at the rate and to the extent mentioned "unless otherwise agreed upon from time to time between the Promoters and the Municipal Commission" It is not very clear whether the words I have underlined refer to the duty cast on the Promoters of providing motive power or to the rate and the extent to which the motive power is to be provided. If, as I should presume is the case, the latter is intended it would be as well to amend the Section by striking out the words "unless otherwise" and inserting "or at such other rate and to such other extent as may be"

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

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

37 Section 30 of the order. My remarks in para 16 as to the - words "minerals or parcels" apply also to those words in this Section.

38 Section 28 of the Order so worded as to be almost incomprehensible, I would suggest the following in lieu of it as conveying what is apparently the meaning of the Section as drawn.

"28 The tolls and charges by this order authorised shall be paid "to such persons and at such place or places upon or near the -

"respective Tramways in respect of the use of which such tolls or "charges shall be payable and at such times and in such manner & "under such Rules as the Promoters may, subject to the other pro- "visions of this order, prescribe, and the Promoters may either on "or off the Tramways and for such price or prices or other consi- "-deration as, subject to the other provisions of this order, they "may think fit, issue stamps, tickets or tokens either separately "or in quantities entitling the bearer or the holder for the - "time being of any such stamp ticket or token to such uses of the "Tramways for the conveyance of passengers, animals or goods as the "case may be) as the Promoters may prescribe and as shall be de- " noted on any such stamp, ticket or token"

39 In the proviso in Section 29 of the order, line 15, the word "rates" is used instead of "tolls" as in the previous parts of the Section. It would be as well to use the same word throughout. In the 16th line of the Section I would suggest that instead of the words - "should distribute" the words "shall have distributed" should be - used. In the 18th line between the words "shares" and "debentures" the word "or" should be substituted for "and" It does not appear - who is to be the judge of what is due provision for a reserve fund & as the revision of tolls and charges is not to be made until the Promoters shall have distributed by way of dividend 10 % on the capital of their Company and after making due provision for a reserve fund this may be a matter of some importance. I would suggest that after words "due provision" inthe 18th line of the Section be inserted - the words "to the satisfaction of the Local Government" But, if the Promoters do not choose to form any reserve fund there is nothing in the order to compel them to do so and the revision of tolls is not to take place until due provision is made for such reserve fund.

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also as regards the Sinking Fund mentioned in this section. I think therefore it would be better to strike out the latter part of the Section from including the words "and after" Under Section 8 (1) of the Act I think it is only on the application of a promoter that the - local Government can vary the order by a further order. I have therefore struck out the words "local authority in the 5th line of Section 29 of the order

new suggestion

40. In Section 30 of the order I have struck out the word extensions" and substituted the words "Rubbish Lines" in accordance with Section 6 of the Order.

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

42 Section 32 of the order provides that "the Promoters may subject to the provisions of this order (but only for the purposes of "the undertaking and not so as to acquire any exclusive rights there- "in) acquire, hold and use any patent or other rights or any licenses "to use patent rights in relation to any apparatus, material or motive "power used on or in connection with Tramways" I see no objection so far as Government is concerned to the limitation created by the - words in parenthesis, indeed such limitation might be useful should the Tramways be sold, as it would prevent the Promoters hindering the

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purchasers from using a patent invention. Beyond this however I see no object in the limitation. However that is a matter for the consider -ation of the Promoters. At the same time I do not see anything in the Act which authorises Government to insert the provisions of this section in the order.

43 Section 33 of the order is not quite clear as to who, the Promoters or the Municipal Commission, is to have the option as to the - nature of the security to be lodged by the Promoters. I would therefore suggest, in order to make this clear, that, instead of the words "at their option" in the 5th line of the Section, the words "at the option of the Promoters" (or "of the Municipal Commission" as the - case may be) be inserted. I would also suggest that after the figures "10000" in the 6th line of the Section there be inserted the words "as security for the due compliance by the Promoters with the provisions of this order" so that there may be something to show the object for which the deposit is made.

44 The same Section provides that the interest on the deposit is to be credited to the Promoters and, subject as thereinafter provided, be paid to them as the same shall accrue, and at the same time that the Municipal Commission shall be entitled to deduct out of the sum deposited (or "should be "and") the interest accruing thereon or on the notes or bonds &c, any moneys to which they may be entitled under any of the provisions of the order. I presume it is intended that - credit for the interest when realized shall be given by the Municipal Commission. If it is considered necessary to retain a lien on the - interest accruing on the deposit, it would be better to omit from - the Section the provision for crediting such interest to the Promoters. There is no object in it that I can see and it may lead to complications. I would therefore suggest that this Section 33 be amended so

far as regards this proviso as follows "Provided always that all - "interest accruing on the said sum or the said notes or bonds, as the "case may be, shall, subject as hereinafter provided, be paid to the "Promoters as the same shall accrue" or the Section can stand as I have amended it.

45. This Section does not contain any express provision for selling the notes or bonds deposited. I would therefore add to the Section the following words "For the purpose of realizing any of such moneys the Municipal Commission shall be at liberty, from time to - time, to sell by public auction or private contract all or any of - such notes or bonds as the case may be".

46 Section 34 of the order provides that "the tramways, plant "engines, carriages and other vehicles, offices, workshops, sheds, - "stables, buildings, carriage-houses, engine-houses, ware-houses, - "yards and depots of the Promoters shall, for a period of seven - "years from the date of this order, be exempt from all Municipal taxa- "tion except" &c. Section 44 of the Act provides that when a tramway is constructed under the Act within the limits of a Municipality, the Local Government may exempt the animals, plant, rolling stock, yards, workshops, engine-sheds and depôts of the promoter, lessee or - licensee for such period as it thinks fit from all or any municipal taxes leviable within those limits. It appears therefore that until a tramway is constructed it cannot be exempted from taxation. I do not know that this difference will have any practical effect; but, however that may be, it hardly seems desirable that Government should grant an exemption which, on the face of it, Government has not, as yet, the power to grant. I think as each tramway is constructed it may be exempted from taxation to the extent mentioned in the Section. ~~It may be exempted from taxation to the extent mentioned in the Section.~~ It is no doubt the object both of Section 44 of the Act and

of Section 34 of the order to exempt all the property (except animals which are not exempted by the order) of the Promoters from taxation; but, as I do not think that the exemption in the order can go beyond Section 44 of the Act, it might be as well to follow as nearly as possible the words of that Section. I would suggest therefore that Section 34 of the order be read as I have amended it.

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

48 The effect of Section 36 subsection (3) appears to be to leave the maximum amount to be paid for construction and equipment for providing expenses and interest during construction & sufficient working capital absolutely unlimited. According to this subsection, such maximum is not to exceed the nominal capital and such further sum to be raised by debentures or other obligations as the Promoters may consider to be necessary. If it be intended to limit this maximum amount this Section certainly does not do it; and, in order that the Section may have that effect, it will be necessary to strike out the last part of the section from & including the words "& such further" or to insert after the words "if any" the words "not exceeding in the whole the sum of £ "(such sum as Government may determine) I think that after the words "nominal capital" should be inserted the words "of such proposed Company" as that capital is mentioned in Section 4 of the order. I am however of opinion that Govt has not the power to impose the conditions mentioned in Clauses 2 & 3 of Section 36 of the order: no such power seems to be given by the Act.

148

49 In Section 37 of the order line 1 the words "or in the Indian Tramways Act 1886" appear to me to be out of place and useless. Except in Section 7 (2) (q) of the Act, which authorises the order to provide the conditions subject to which the promoter may transfer the undertaking or any part thereof by mortgage &c, there is nothing in the Act to affect the right of the Promoters to mortgage the undertaking; and, if there were, and such provisions were contrary to the terms of the order in this respect, the provisions of the Act must, in my opinion, over-ride the terms of the order. It is not very clear how a mortgage could comprise the purchase money of the property mortgaged; so, in order to make clearer what is intended, I have inserted between the words "comprise" and "all" the words "the right to receive"

50 I n lines 1 and 8 of Section 39 of the order the words " for the time being" are superfluous, as by Section 4 of the order the Promoters are defined for the purpose of the order and there can be no others. If these words were necessary in this Section they would also be necessary in very many other Sections of the order.

51 This Section requires amendment in other respects. For instance, the promoters could not be said to sell their obligations & liabilities; but, they could sell their rights &c subject to their obligations and liabilities. Again it could not be sufficient to vest such rights &c in the purchaser merely by giving notice to Government of an assignment, the assignment would have to be completed and then notice thereof to Government might be deemed to vest the rights &c in the purchaser, nor would Government, I apprehend, be satisfied that a large property such as the undertaking should be transferred by merely giving a notice of assignment. Under Section 17 of the Registration

59

Act an assignment of the undertaking or the rights under the order would have to be registered. I am of opinion that the proviso in this Section 39 of the order is ultra vires for the reasons stated in para 48 above.

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

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

54 I would also suggest that instead of the words in line 9 of this Section 39 "the same had not been sold assigned or transferred" - "there be substituted the words "this order had been made in favour of "such purchaser or purchasers assignee or assignees or transferee or "transferees as the case may be instead of in favour of the Promoters "named herein" I think these words will convey the meaning intended - more clearly than those which I have suggested being struck out.

55 The words I have struck out in Section 42 of the order seem to me opposed to Section 8 of the Act which provides that the Local Govt may, on the application of the promoter, amend or vary the order by a further order. If therefore the promoters did not ask for a revision of the tolls or charges authorised by this order, I do not think the Government of India or the local Government could revise or alter - them.

56 I think it would be as well to provide in the order for service of notice on the Promoters somewhat to the following effect "43 "Any notice required to be given by the Local Government or by any - "local authority or road authority to the Promoters may be in writing "and may be served on the Promoters by being delivered to any Agent of "the Promoters in Madras for the time being or by being left at any - "office of the Promoters in Madras and every notice so served shall be "deemed to have been duly given to the Promoters anything hereinbefore "contained to the contrary notwithstanding The Promoters shall from "time to time give notice in writing to the Local Government and to - "the local authority of some Agent in Madras to whom, and of some office "in Madras where any such notice may be delivered or left as aforesaid "and of any change of such Agent or office"

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

I have the honor to be,

Sir,

Your Obedient Servant,

Ernest Barclay

Government Solicitor.

From The Government Solicitor Madras.

No. 92

Dated 21-3-92

Received 22-3-92

Enclosures /.

SUBJECT.

Making remarks in the draft order relating to the construction of tramways in Madras.

To be returned with the opinion on the reply from the President when it is received.

For

6TH APRIL 1892, No. 668 M., LOCAL AND MUNICIPAL.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following papers:—

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

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

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

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

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

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

Communicated to Messrs. Champion and Short.

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

(True Extract.)

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

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

READ—also the following papers:—

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

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

Note by the Consulting Engineer for Railways, Madras.

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

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

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

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

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

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

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

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

(True Extract.)

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

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

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

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

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

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

4. Section 2 of the draft order provides that "the provisions" of "the Indian Tramways Act, 1886, so far as the same are applicable to this order are to be deemed incorporated with and to form part of this order, *except where the same are expressly varied by this order.*" It seems to me that the words in italics are *ultra vires* and the provisions of the Act cannot be varied by the order. My reasons for coming to this conclusion are—

(*a*) Section 3 (6) of the Act defines an "order" as an order authorising the construction of a *tramway under the Act*;

(*b*) Section 7 (2) provides that the order may provide, *in manner consistent with the Act*, for all or any of the matters mentioned in the sub-section;

(*c*) Section 9 (1) provides that, *subject to and in accordance with the provisions of the Act*, the local Government may, on a joint application or on two or more separate applications, make an order, &c.;

(*d*) Section 9 (2) provides that all the provisions of the Act which relate to the construction of tramways shall extend and apply to the construction of the whole and the separate parts of the tramway;

These provisions seem to me to provide that any order must be strictly in accordance with the Act, and it is, I think, beyond the power of Government to vary the terms of the Act by the order. Of course it may be contended that section 7 (2) is only permissive, and that the order need not provide for all the matters there mentioned. This is, no doubt, so, but where any of the matters mentioned in section 7 (2) or other matters mentioned in the Act are provided for in the order, the order must provide for those matters in accordance with the Act. I would therefore omit from section 2 of the order the words "except where the same are expressly varied by this order."

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

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

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

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

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

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

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

12. In the same section 6 of the order it is provided that "the promoters *may, if they think fit*, at their own cost when constructing the tramways or any part thereof in such road, relay such paving or metalling (*i.e.*, in a road already paved or metalled). It seems to me that, instead of the words "may if they think fit" the word "shall" ought to be used, and that it should not be left optional with the promoters to replace paving or metalling which they have removed in constructing their works, &c."

13. In section 7 of the order it is provided that "the rails of the tramways shall be of such form and construction as to admit of the *passage of carriage* used on the South Indian Railway *passing* on and over the same." This should read "to admit of carriages used on the South Indian Railway passing on and over the same."

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

27. In section 17, sub-section (3), the word "mains" and the words "tubes, wires or apparatus" are apparently omitted from the first line. The word "mains" should be inserted between the words "such" and "pipes," and the words "tubes, wires or apparatus" between the words "pipes" and "contrary."

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

29. *Section* 20 *of the order.*—My remarks in para. 14 of this letter apply to the words in the 7th line commencing "and in case" down to the end of this section. This section does not provide for the inspection and examination by officers of the local Government or the local authority of the carriages, &c., of the promoters as authorised by section 7 (2) (*u*) of the Act. The ommission may have been intentional, but in case it was not, I think it as well to call attention to it.

30. Section 21 of the order authorises the tramways, subject to and in accordance with the provisions of the order, to be used for the purpose of conveying passengers, animals, goods, minerals and parcels. Under section 76 of the Contract Act, the word "goods" means and includes every kind of moveable property, and, in general, such would be the meaning of the word except perhaps as to money and the emblems of money, bank notes, &c. I think therefore that unless there be some special reason for retaining in sections 21, 22 and 23 respectively the words "minerals and parcels" and "minerals or parcels" those words should be omitted as being included in the word "goods" and that the word "and" should be inserted in sections 21 and 22 and the word "or" in section 23 before the word "goods."

31. Section 22 of the order provides that "the promoters shall not be bound, *unless they think fit*, to stop for the purpose mentioned at any other place or places." The words "unless they think fit" are superfluous.

32. Section 7 (2) (*a*) of the Act allows of the order providing for the traffic which the promoter or lessee shall be bound to carry. I see no provision on this subject in the order, and as the order stands, it is optional with the promoters to carry any traffic at all. Possibly such a provision was intentionally omitted.

33. Section 24 of the order, which provides for the Municipal Commission using the tramways for certain purposes during certain hours, permits the Commissioners to use only steam or mechanical power. It might be impossible for or extremely inconvenient to the Commissioners to use any but animal power; but as this section stands, it might very well be argued that they have no right to use animal power, Unless therefore it be intended to prevent the Commissioners using animal power, it would be as well to give them express power to do so as it is given to the promoters by section 19 of the order. It can be done by inserting the word "animal" between the words "use" and "steam" in the 10th line of the section.

34. By the proviso to this section 24, the promoters are bound to provide motive power if required by the Commission at the rate and to the extent mentioned "*unless otherwise agreed upon from time to time between the promoters and the Municipal Commission.*" It is not very clear whether the words in italics refer to the duty cast on the promoters of providing motive power or to the rate and the extent to which the motive power is to be provided. If, as I should presume is the case, the latter is intended, it would be as well to amend the section by striking out the words "unless otherwise" and inserting "or at such other rate and to such other extent as may be."

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

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

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

38. Section 28 of the order is so worded as to be almost incomprehensible. I would suggest the following in lieu of it as conveying what is apparently the meaning of the section as drawn:—

"28. The tolls and charges by this order authorised shall be paid to such persons and at such place or places upon or near to the respective tramways in respect of the use of which such tolls or charges shall be payable and at such times and in such manner and under such rules as the promoters may, subject to the other provisions of this order, prescribe, and the promoters may either on or off the tramways and for such price or prices or other consideration as, subject to the other provisions of this order, they may think fit, issue stamps, tickets or tokens either separately or in quantities entitling the bearer or the holder for the time being of any such stamp, ticket or token to such uses of the tramways (for the conveyance of passengers, animals or goods as the case may be) as the promoters may prescribe and as shall be denoted on any such stamp, ticket or token."

39. In the proviso in section 29 of the order, line 15, the word "rates" is used instead of "tolls" as in the previous parts of the section. It would be as well to use the same word throughout. In the 16th line of the section I would suggest that instead of the words "should distribute" the words "shall have distributed" should be used. In the 18th line between the words "shares" and "debentures" the word "or" should be substituted for "and." It does not appear who is to be the judge of what is *due* provision for a reserve fund, and as the revision of tolls and charges is not to be made until the promoters shall have distributed by way of dividend 10 per cent. on the capital of their Company and after making due provision for a reserve fund this may be a matter of someimportance. I would suggest that after the words "due provision" in the 18th line of the section be inserted the words "to the satisfaction of the local Government." But if the promoters do not choose to form any reserve fund there is nothing in the order to compel them to do so and the revision of tolls is not to take place until due provision is made for such reserve fund. So also as regards the Sinking fund mentioned in this section. I think therefore it would be better to strike out the latter part of the section from and including the words "and after." Under section 8 (1) of the Act, I think it is only on the application of a promoter that the local Government can vary the order by a further order. I have therefore struck out the words "local authority" in the 5th line of section 29 of the order.

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

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

42. Section 32 of the order provides that "the promoters may, subject to the provisions of this order (but only for the purposes of the undertaking and not so as to acquire any exclusive rights therein), acquire, hold and use any patent or other rights or any licenses to use patent rights in relation to any apparatus, material or motive power used on or in connection with tramways." I see no objection so far as Government is concerned to the limitation created by the words in parenthesis, indeed such limitation might be useful should the tramways be sold, as it would prevent the

promoters hindering the purchasers from using a patent invention. Beyond this however I see no object in the limitation. However that is a matter for the consideration of the promoters. At the same time I do not see anything in the Act which authorises Government to insert the provisions of this section in the order.

43. Section 33 of the order is not quite clear as to who—the promoters or the Municipal Commission—is to have the option as to the nature of the security to be lodged by the promoters. I would therefore suggest, in order to make this clear, that, instead of the words "at their option" in the 5th line of the section, the words "at the option of the promoters" (or "of the Municipal Commission" as the case may be) be inserted. I would also suggest that after the figures "10,000" in the 6th line of the section there be inserted the words "as security for the due compliance by the promoters with the provisions of this order" so that there may be something to show the object for which the deposit is made.

44. The same section provides that the interest on the deposit is to be credited to the promoters, and, subject as thereinafter provided, be paid to them as the same shall accrue, and at the same time that the Municipal Commission shall be entitled to deduct out of the sum deposited (or should be "and") the interest accruing thereon or on the notes or bonds, &c., any moneys to which they may be entitled under any of the provisions of the order. I presume it is intended that credit for the interest when realized shall be given by the Municipal Commission. If it is considered necessary to retain a lien on the interest accruing on the deposit, it would be better to omit from the section the provision for crediting such interest to the promoters. There is no object in it that I can see, and it may lead to complications. I would therefore suggest that this section 33 be amended so far as regards this proviso as follows "provided always that all interest accruing on the said sum or the said notes or bonds, as the case may be, shall, subject as hereinafter provided, be paid to the promoters as the same shall accure" or the section can stand as I have amended it.

45. This section does not contain any express provision for selling the notes or bonds deposited. I would therefore add to the section the following words "for the purpose of realizing any of such moneys the Municipal Commission shall be at liberty, from time to time, to sell by public auction or private contract all or any of such notes or bonds as the case may be."

46. Section 34 of the order provides that "the tramways, plant, engines, carriages and other vehicles, offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, yards and depôts of the promoters shall, for a period of seven years from the date of this order, be exempt from all municipal taxation except," &c. Section 44 of the Act provides that when a tramway is constructed under the Act within the limits of a municipality, the local Government may exempt the animals, plant, rolling stock, yards, workshops, engine-sheds and depôts of the promoter, lessee or licensee for such period as it thinks fit from all or any municipal taxes leviable within those limits. It appears therefore that, until a tramway is constructed, it cannot be exempted from taxation. I do not know that this difference will have any practical effect; but however that may be, it hardly seems desirable that Government should grant an exemption which, on the face of it, Government has not as yet the power to grant. I think as each tramway is constructed it may be exempted from taxation to the extent mentioned in the section. It is no doubt the object both of section 44 of the Act and of section 34 of the order to exempt all the property except animals which are not exempted by the order of the promotors from taxation; but as I do not think that the exemption in the order can go beyond section 44 of the Act, it might be as well to follow as nearly as possible the words of that section. I would suggest therefore that section 34 of the order be read as I have amended it.

47. Section 35 of the order provides that the promoters shall, after the expiration of two years from the date of the order, pay to the Municipal Commission rent at the rate of Rs. 200 per annum; but does not state for what or from what time interest on rent in arrear is to be paid. It might be as well to mention in the section for

what the rent is to be paid, so I would insert between the words "rent" and "at" the words "for the lands occupied by the undertaking" and insert at the end of the section the words "from the date when such rent in arrear became due."

48. The effect of section 36, sub-section (3), appears to be to leave the maximum amount to be paid for construction and equipment for providing expenses and interest during construction and sufficient working capital absolutely unlimited. According to this sub-section, such maximum is not to exceed the nominal capital and such further sum to be raised by debentures or other obligations as the promoters may consider to be necessary. If it be intended to limit this maximum amount this section certainly does not do it; and, in order that the section may have that effect, it will be necessary to strike out the last part of the section from and including the words "and such further" or to insert after the words "if any" the words "not exceeding in the whole the sum of £ " (such sum as Government may determine). I think that after the words "nominal capital" should be inserted the words "of such proposed Company" as that capital is mentioned in section 4 of the order. I am however of opinion that Government has not the power to impose the conditions mentioned in clauses 2 and 3 of section 36 of the order; no such power seems to be given by the Act.

49. In section 37 of the order, line 1, the words "or in the Indian Tramways Act, 1886," appear to me to be out of place and useless. Except in section 7 (2) (*q*) of the Act, which authorises the order to provide the conditions subject to which the promoter may transfer the undertaking or any part thereof by mortgage, &c., there is nothing in the Act to affect the right of the promoters to mortgage the undertaking; and, if there were, and such provisions were contrary to the terms of the order in this respect, the provisions of the Act must, in my opinion, over-ride the terms of the order. It is not very clear how a mortgage could comprise the purchase money of the property mortgaged; so, in order to make clearer what is intended, I have inserted between the words "comprise" and "all" the words "the right to receive."

50. In lines 1 and 8 of section 39 of the order, the words "for the time being" are superfluous, as by section 4 of the order the promoters are defined for the purpose of the order and there can be no others. If these words were necessary in this section they would also be necessary in very many other sections of the order.

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

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

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

54. I would also suggest that, instead of the words in line 9 of section 39, "the same had not been sold, assigned or transferred" there be substituted the words "this order had been made in favour of such purchaser or purchasers, assignee or assignees, or transferee or transferees as the case may be instead of in favour of the promoters named herein." I think these words will convey the meaning intended more clearly than those which I have suggested being struck out.

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

73

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

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

"43. Any notice required to be given by the local Government or by any local authority or road authority to the promoters may be in writing and may be served on the promoters by being delivered to any agent of the promoters in Madras for the time being or by being left at any office of the promoters in Madras, and every notice so served shall be deemed to have been duly given to the promoters, anything hereinbefore contained to the contrary notwithstanding. The promoters shall from time to time give notice in writing to the local Government and to the local authority of some agent in Madras to whom, and of some office in Madras where any such notice may be delivered or left as aforesaid and of any change of such agent or office."

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

READ—the following letter from R. S. SUBRAMANIUM MUDALIAR, Secretary, Rate-payers' Association, No. 2 Division, Madras Municipality, to the Chief Secretary to Government, dated 21st March 1892, No. 16 :—

Referring to the publication of draft order in the *Fort St. George Gazette*, dated 9th February last, Part I-A, page 20, No. 68, regarding the construction and maintenance and to regulate the working of Tramways in the City of Madras, I am directed by the Association to state that in the City of Madras the main, lengthy and thickly-populated road is the Mint Road and its vicinity, the second division of the Municipality, and that no passenger could be had in all the Wall Tax Road, as it is one side of the unoccupied portion of the city towards the north, and besides workmen generally inhabit in that road throughout.

2. To get the Tramway route No. 1 or 4, the inhabitants from the heart of the second division, that is people in Mint Street, Govindappah Naick Street, &c., should go all along towards the east or west to the one-half of the breadth of the city. The officials, vakeels, &c., on the north of the city, that is from the Toll-gate, Thandiarpett, Washermanpett, &c., will have also to come a long and tedious route, not to speak of the excessive charge and to break their routes to go to the Fort and the Round Tannah in the Mount Road, by taking route No. 6 up to the Seven Wells ; route No. 4 up to the General Hospital ; route No. 1 up to Sydenham's Road, and route No. 2 up to the Mount Road.

3. For the above reasons I am directed to suggest that the route No. 6 should continue first towards the south, and then throughout the full length of the Mint Street crossing the route No. 1 at the Medical College, and thence towards the east, crossing the South Indian Railway and then turn towards the south and west of the Fort, and then turn towards the east and south of the Fort, crossing the Wallajah Bridge and running up through the Wallajah Road, and crossing the bridge at the Government House and terminating by a junction with route No. 2 at the Round Tannah in the Mount Road, or with the short distance along the Wallajah Road, instead of route 4 from Clive's Battery terminating by a junction with route No. 1 at the General Hospital as put down in the draft order under reference.

4. If the foregoing suggestions of this Association be approved and taken up, the passengers from the north of the city will be greatly benefited in several ways, and in this case the route No. 4 in full length from Clive's Battery may be considered as cancelled.

5. As all the routes (1, 2, 3 and 5) pass through the overcrowded localities, such as by the Custom House, Evening Bazaar, General Hospital, Mount Road, Triplicane High Road, Poodoopetta, Rayapetta, Choolay and Pursewalkum, I humbly beg to say that the crowded portion in the extension proposed by this Association for the route No. 6 is between Chinnacadai and Parriacadai (north of the Medical College) about 200 yards in length, and there are also narrow portions between Soomythangay

and Thundamundalum School, and some portions of Sowcarpett in the centre of the Mint Street, and at these two narrow portions the pavements of houses on both sides of the road may be taken off like that portion at the Washermanpett south of the Police station for the route No. 6.

6. In enclosing an extract of a letter No 13, dated 8th November 1889, from this Association to the address of the President, Municipal Commission, Madras, your honour may observe that in widening that portion of the Mint Street it was not widened as originally proposed and it therefore now requires to be widened with more additional expensive charges.

7. Coming to route No. 5 the junction should commence from the extension proposed for route No. 6 at the junction of the Mint Street and Andiappah Naick Street near Adipattapillar's Temple, and thence running through the Elephant Gate Bridge, &c., as published in the notification of the Gazette.

8. I am also directed to bring to your kind and favorable consideration that under the "Tolls" as per section 26, the rate of six pies per mile per head of passenger will be considered excessive and hence there will be a very few passengers so to speak. From the Seven Wells up to Thereevuthoor on the north of the Toll-gate is more than four miles, for which a single bullock cart is engaged at nine pies per head allowing four persons in a cart, the full hire of the cart would be annas three only ; but as the route No. 6 terminates at the Toll-gate the passengers should engage another conveyance up to Thereevuthoor for an additional distance of a mile and-a-half. For the three miles from the Seven Wells to the Toll-gate each passenger will not pay one anna and six pies per head instead of six pies now-a-days and the same reasons will hold good to all other routes ; therefore I am directed to suggest that if three pies per mile is sanctioned, a good many passengers will find their way in the Tramway as the Railway Company get a large income by the reduction of third-class fares, and the Postal department by the introduction of the quarter-anna card system.

9. I am therefore directed to request your honour that the above two suggestions will receive your favorable consideration for the benefit of the Tramway Company and for the travelling public as well.

From ~~C. SHORT, Esq~~, to the Chief Secretary to Government, dated 22nd March 1892, ~~No. 867 M.~~ :—

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

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

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

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

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

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

2. Page 4 (1)—1888 should be 1892.

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

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

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

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

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

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

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

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

ORDER—dated 6th April 1892, No. 668, ~~Municipal.~~

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

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

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

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

(3) The Government does not consider it advisable that the provision in sections 7 and 20 of the draft order giving power to the promoters to raise their capital should be omitted. The retention of the provision in the order implies the consent of the local authority to the raising of the capital, and is important in reference to the power of purchase.

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

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

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

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

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

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

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

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

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

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

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

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

NOTIFICATION.

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

Draft Order authorising the Construction and Maintenance and to regulate the Working of Tramways in the City of Madras.

Preamble.

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

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

Short title and commencement.

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

(ii) It shall come in force at once.

Incorporation of Act.

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

Interpretation.

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

Provided that in this order—

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

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

The term "carriage" shall include "truck."

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

~~4. (a) Words in this order importing the singular number shall include the plural number and *vice versâ*.~~

Lands by agreement.

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

Construction of Tramways.

Construction of Tramways and provisions with regard thereto.

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

The Tramways authorised by this order are—

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

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

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

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

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

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

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

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

Gauge of Tramways and level thereof and mode of formation.

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

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

Time for commencement and completion of Tramway.

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

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

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

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

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

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

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

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

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

Completion of work and reinstatement of road.

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

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

Further provisions as to construction of Tramways.

all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the Road authority, unless that authority refuses or neglects to give such superintendence when reasonably required so to do.

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

Portion of road maintainable and repairable by promoters.

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

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

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

Application of road materials excavated in construction of works.

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

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

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

(2) Before the exercise of any such power whereby the traffic on the tramway will be interrupted, they shall give to the promoters and lessees (if there be any) or to their respective agents for the time being in Madras notice of their intention to exercise such power, specifying

the time at which they will begin to do so, such notice to be given 24 hours at least before the commencement of the work.

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

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

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

Provision as to gas and water companies, &c.

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

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

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

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

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

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.

Temporary Tramways may be made when necessary.

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

Motive Power.

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

19. The carriages used on the Tramways may, subject to the provisions of this order, be moved by animal power, steam power, electricity conveyed either through overhead or underground wires, or any mechanical power, provided that the exercise of the powers hereby conferred with respect to the use of steam, electricity, or any mechanical power, shall be subject to the rules set forth in the Schedule A to this order annexed, and any other rules made by the local Government which may be necessary for securing to the public all reasonable protection against danger in the exercise of the powers by this order conferred with respect to the use of steam, electricity, or any mechanical power on the Tramways.

As to engines and carriages.

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

inspection and

Traffic upon Tramways.

Traffic upon Tramways.

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

Promoters may fix stopping places.

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

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

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

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

24. The Municipal Commission may, during such hours not exceeding 6 in every 24 hours as may be prescribed by the promoters in such manner as the Municipal Commission may think fit (but subject to the rules for the time being in force with respect to the Tramways, and so as not to interfere with the ordinary traffic on the Tramways and with engines and carriages suitable for running on the Tramways), use the Tramways for the conveyance of night-soil, dung, manure, ashes, rubbish, filth and other refuse, scavenging stuff, coal, cannel, coke, gas and water pipes and apparatus, road-metal and other materials required for their respective works free of all tolls and charges whatsoever, and may for such purposes, subject to the provisions of this order, use animal, steam or any mechanical power on the Tramways, provided always that the promoters shall, if required by the Municipal Commission so to do, provide motive power for the purpose of moving or propelling on the Tramway carriages containing night-soil, dung, manure, ashes, rubbish, filth and other refuse and scavenging stuff at the rate of 8 pies per ton per mile to the extent of 200 tons and no more in every 24 hours, or at such other rate and to such other extent as may be agreed upon from time to time between the promoters and the Municipal Commission.

it shall not be in the Municipal Commission to use any other motive power than that used by the promoters and that I

& electricity

and in case they shall do so or shall incur any other capital expenditure may raise further capital either by the creation and issue of further shares or stock or the exercise of borrowing powers to such amounts as shall be found expedient for the raising of such further capital.

Tolls.

Tolls for passengers.

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

Passengers' luggage.

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

Tolls for animals and goods.

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

Payment of tolls, &c.

28. The tolls and charges by this order authorised shall be paid to such persons and at such places upon or near to the respective Tramways in respect of the use of which the such tolls or charges shall be payable and at such times and in such manner and under such rules as the promoters may, subject to the other provisions of this order prescribe, and the promoters may either on or off the Tramways, and for such price or prices or other consideration as subject to the other provisions of this order they may think fit, issue stamps, tickets or tokens, either separately or in quantities, entitling the bearer or the holder for the time being of any such stamp, ticket or token to such uses of the Tramways (for the conveyance of passengers, animals, or goods, as the case may be) as the promoters may prescribe and as shall be denoted on any such stamp, ticket or token.

Periodical revision of tolls.

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

General.

30. If, at the expiration of one year from the date of this order, the Municipal Commission shall not have defined the number and direction of the rubbish lines referred to in section 6 of this order, the promoters may, by notice in writing left at the office of the Municipal Commission, require the Municipal Commission to take the place of the promoters in all things appertaining

to the location, construction, maintenance and working of the said rubbish lines, and from and after the delivery of such notice at the office of the Municipal Commission, no duty shall be imposed on the promoters to locate, construct, maintain or work the said rubbish lines under this order.

Agreements between promoters and road authorities.

31. ~~The promoters~~ and any road authority may, subject to the provisions of this order, from time to time enter into any agreements with respect to the keeping in repair the whole or any part of any road traversed by any of the Tramways and situated within the circle of such road authority, and as to the proportion to be paid by either of them of keeping the road or part in repair.

Power to hold patents.

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

Security for completion of Tramways.

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

Exception from certain Municipal taxation.

34. As each of the Tramways is completed, the same and all plant, rolling stock, offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, ware-houses, yards and depôts of the promoters used thereon or in relation thereto or in connection therewith shall, for a period of seven years from the date of such completion be exempt from all Municipal taxation, except such lighting rates and water-tax as may, from time to time, be payable in respect of such offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, ware-houses, yards and depôts.

Rent to be paid by promoters.

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

Conditions.

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

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

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

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

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

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

Saving as to powers of borrowing on mortgage.

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

Power to lease right of user of Tramways.

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

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

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

Certain expenses of Municipal Commission to be paid by promoters.

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

Promoters to have option of constructing and using further Tramways.

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

Saving for General Acts.

42a. Any notice required to be given by the local government or by any local authority or road authority to the promoters may be in writing or may be served on the promoters by being delivered to any agent of the promoters in Madras for the time being or by being left at any office of the promoters in Madras; and every notice so served shall be deemed to have been duly given to the promoters. Notwithstanding anything hereinbefore contained or to the contrary notwithstanding the promoters shall pay to the

SCHEDULE A.

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

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

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

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

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

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

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

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

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

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

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &c.

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

87

in writing of the local government and of the local authority of some agent in Madras to whom, & at some office in Madras where, any such notice may be delivered as aforesaid, and of any change of such agent or

Small Parcels.	Per mile. RS.	A	P.
For every parcel not exceeding 7 pounds in weight, each	0	3	0
For any parcel exceeding 7 pounds, and not exceeding 14 pounds, each	0	5	0
For any parcel exceeding 14 pounds, and not exceeding 28 pounds in weight	0	7	0
For any parcel exceeding 28 pounds, but not exceeding 56 pounds in weight	0	9	0

For any parcel exceeding 56 pounds in weight—Such sum as the promoters may think fit.

Provided always that articles sent in large aggregate quantities although made up in separate parcels, such as bags of sugar, coffee, meal and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single Articles of great weight.

	RS.	A	P.
For the carriage of any iron boiler, cylinder or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which including the carriage exceeds 4 tons, but does not exceed 8 tons—Such sum as the promoters may think fit not exceeding per ton	1	6	0

For the carriage of any single piece of timber, stone, machinery, or other single article the weight of which with the carriage exceeds 8 tons—Such sum as the promoters may think fit.

REGULATIONS OF TOLLS.

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

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

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

(True Extract.)

Chief Secretary.

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

Exd. A. Raitt.

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23 P

Read again G.O. 9th January 1892 No. 147 M & G.O. 18th March 1892 No. 521 M. & C Nos. 741, 858, 867, 878 & 880 M.

Honble Mr H. E. Stokes C.S.I.
Honble Mr J. H. Garstin C.S.I.

P.S. Order.

In the first of the two G.Os read above, the draft of a proposed order authorizing the construction of tramways in the City of Madras was published for general information & criticism, and the President Municipal Commission, Madras, the Public Works Department (Railway Branch) and the Government Solicitor were specially requested to report on the terms of the draft order. The papers read above third, fourth, seventh contain the replies of these officers, the fifth a letter from Messrs Champion & Short, stating, with reference to the second G.O. read above, that they are authorized to give the necessary guarantee for the protection of the Telegraph & Telephone lines at Madras, and a petition from the Secretary, Rate-payers' Association, No. 2 Division, Madras Municipality, making certain suggestions in regard to the routes of the tramways and the rates of tolls proposed to be levied and the last contains the rules framed by the Governor General in Council under Sec. 4 (1) of the Electricity Act XIII of 1885.

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

(1) The additional sections

This paper ... 2/4/92

... remarks ...

89

posed to be inserted after Section 4 of the draft order does not appear to be absolutely necessary, and will not therefore be retained.

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

(3) The Government does not consider it advisable that the provision in Sections 7 & 20 of the draft order, giving power to the promoters to raise their capital should be omitted. The retention of the provision in the order implies the consent of the local authority to the raising of the capital, & is important in reference to the power of purchase.

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

(5) It has on a former occasion been found Parliament not considered desirable to fix the maximum limit of capital to be raised, & the proposed addition of the words "not exceeding in the whole the sum of £ —" in Section 36 of the draft order will not be made.

3. There is apparently some omission in para 17 of the Government Solicitor's letter, but the meaning is clear from the alterations made by him in Section 12 of the draft order. A few clerical errors noticed in paras 37 & 50 of the petn & in the alterations made in Letters 39 & 54, have been corrected.

4. With reference to the Government Solicitor's remarks in para 29 of his letter regarding the omission in Section 20 of the draft order, to provide for the inspection and examination of tramway carriages by officers of the local authority or the Government, the words — "inspection and" will be inserted before "examination" in line 3 of that Section.

91

5. As the adoption of the Government Solicitor's suggestion in para 33 of his letter may place the Promoters at a disadvantage as regards the supply of motive power required by the Municipal Commission, the words "it shall not be open to the Municipal Commission to raise use any other motive power than that used by the Promoters & that" will be inserted after the words "provided always that" in line 11 of section 24. The word "electricity" will also be inserted after "steam" in the same section in order to bring the phraseology of the section into harmony with that of section 19 & to obviate any misconception which may arise as to the meaning of the words "mechanical power".

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

7. The Superintendent of the Government Telegraph Department not having yet furnished the information called for in G.O. 18th March 1892 No 521 M, the following proviso will be added at the end of section 19 of the Draft order :- Provided also that if electrical power be used, communication by the existing Government ~~telegraphic & telephonic~~ Telephone & Telegraph lines shall be safe-guarded as provided in the rules made by the Governor General in Council in exercise of the powers conferred by the Electricity Act ~~XIII~~ of 1887."

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

9. It does not appear to Government necessary that any alteration should be made in Section 12 of the draft order with reference to para 3 of the Consulting Engineer's note. The section quoted provides

93

occupied by the substructure in every case; it does not appear that any longer extent should be entrusted to the promoters.

10. The suggestions of the Consulting Engineer contained in paras 4 & 5 of his letter 2081, will be adopted, and the following additions will be made to clauses 2 & 5 respectively of Schedule A:-

"The last carriage in the train shall be fitted with a brake to be applied by the guard", and

"Every engine & train shall be also provided by suitable lights in the rear." Hence Government that the character of the front light may well be left to the discretion of the Promoters.

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

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

268

Notification.

Under the provisions of Section 6(4) of the Indian Tramways Act VI of 1886 (India), the following Order authorizing the construction by Messrs Hutchinson & Co, London, of Tramways in the City of Madras, is published for general information.

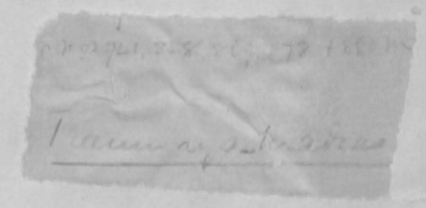
Order authorizing the construction and maintenance & Regulating the working of Tramways in the City of Madras.

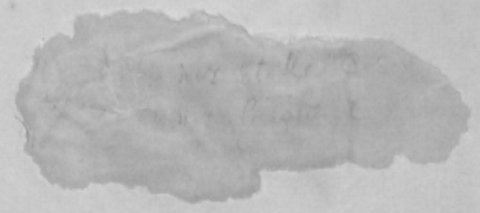
(Here enter the draft rules, in the annexed copy of ~~adopted~~ in G.O. dt 9th January 1892 No. 47 M, as ~~now~~ modified).

138
30/3/92

Mad. 31.3.92.

To,
The Pres. M.C. Madras.
Messrs Champion Rhett, Solicitors, Madras.
The Public Works Department (Railways Branch).
" Government Solicitor, Madras.
" Secretary, Rate-payers' Assn. No 2 Division, Madras M/S.
" Superintendent Government Telegraph Dept. Madras Divn.
" Tamil Translator to Govt.
" Telugu Translator to Govt.
Gazette
2/3/4/92 (in duplt)





V. E.

741m

Tramways – Madras

1. The Hon'ble Mr. Stokes C.S.I. ✓
2. The Hon'ble Mr. Gwinter C.S.I. ✓

Note for C.S.

Cir. no 935 [illegible] received from the Supdt of Telegraphs [illegible] paras [illegible]
+ 7 of the G.O. have been altered as shown [illegible]

Recirculated to the Hon Mr. Stokes with reference to the remarks of the Hon Mr. Gantin

&

4 April

Note for C.S.

Please see addition to para 6 of the draft in accordance with orders.

[illegible]
5.4.92

Seen [illegible] [illegible] sheets
6/4

[7]

Press.

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.
G.O., DATED 6-4-92
No. ~~6217~~ 668.m

668 m
6-4-1892

When given for copying.

[Despatch Abstract.]

15-9-27 III
13-5-28 III
7-8-29 III

11-8-67/27

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