

(1) Number of pages 6

(2) Date of repair 12 July

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. <u>561</u>	Press Mis.
Dated <u>12 July</u>	<u>18 1/2</u>

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
3rd February 1864.*

No. 70. Read the following letter from Lieutenant-Colonel J. P. BEADLE, R. E., Officiating Secretary to the Government of India, Public Works Department, to the Secretary to the Government of Fort Saint George, in the Public Works Department, dated Fort William, 17th December 1863, No. 5,253 :—

SIR,

1. I am desirous to acknowledge the receipt of your letter No. 3,222 of the 5th November, transmitting, for the final approval of the Government of India, a revised Draft Agreement for the formation of Street Railways in the Town of Madras.

2. It is observed that the suburbs, though defined in the Order of the Madras Government, No. 917 of the 15th April, have not been so defined in the Agreement, and it is therefore concluded from the preamble of the Agreement that it only has reference to the limits of the Municipality.

3. The 13th Clause of the Agreement provides that any additional lines "shall, in the first instance, be offered to the said Concessionaries upon the same terms." But the Municipal Commissioners agree with the Government Solicitor in the desirability of substituting "upon such terms and conditions as Government and the Municipal Commissioners may then be willing to agree to and sanction," and no opinion to the contrary is expressed by the Government of Madras, in the papers submitted to the Government of India. As in Order No. 2,449 of 26th August 1863, the Madras Government deferred passing orders as to the conditions on which extensions of the present concession should be made to Messrs. Bruce and Samuel, till the Municipal Commissioners had expressed an opinion on the subject, this point may, possibly, have escaped notice.

4. Further, in the 17th paragraph, the right of the Government to purchase at the end of 21 years is referred to as conferred by these presents, but this right is nowhere granted. Section 16 only gives the right at the expiration of the first 7 or 14 years. From Order No. 917 of the 15th April 1863, it would appear that the Government of Madras intended to provide that "the right to occupancy shall be perpetual, with a recurring right on the part of Government to purchase at the end of every seven years," but this has not been made a condition of the Agreement; whether advisedly or not, does not appear from the papers.

5. Subject to such further revision as may, in the opinion of the Madras Government, be thought desirable with reference to the foregoing remarks, the Agreement is approved by the Government of India.

No. 71. ORDER THEREON, 3rd February 1864, No. 361.

1. Communicated to the Government Solicitor with reference to his letter of the 29th September 1863, No. 727.

2. Adverting to paragraph 2 of Lieutenant-Colonel Beadle's letter, it seems expedient to define the suburbs in the manner pointed out in the note to paragraph 4 of Proceedings dated 15th April 1863, No. 917, viz., "the limits of the jurisdiction of the old Supreme Court or present High Court, Original side."

3. As regards paragraph 3, the Government resolves to adopt the amendment in Clause 13 proposed by Mr. Boyson and approved of by the Municipal Commissioners, as it concurs in the opinion that the experience gained of the practical working of the present Agreement will show in future arrangements of a similar character, whether it will be expedient to enter upon them on the same terms, or on others which may then suggest themselves.

4. Mr. Boyson will be requested with reference to paragraph 4, to modify Clause 16 so that it may provide for the right of purchase being granted to the Government at the end of 21 years, in addition to the first 7 or 14 years. Considering that the Municipal Commissioners are to be parties to the Agreement, and that they signified their approval of the provisions of the draft forwarded to them by the Government Solicitor, the Government did not deem it necessary to insist on the condition referred to by the Government of India in the latter portion of paragraph 4 being provided for; but while on this subject it appears proper to consider with reference to Clause 17, whether it would not be expedient that at the end of 21 years, the concessions now made should cease absolutely and be renewable only on a fresh Agreement, the Concessionnaires having the power to remove their plant if not satisfied with the stipulations which may then be required. The Municipal Commissioners will submit a report of their opinion on this point, and pending its receipt Mr. Boyson will defer making the alterations referred to in this paragraph.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Government Solicitor, with Agreement.

„ Municipal Commissioners, with copy of do.

„ Superintending Engineer, 4th Division.

Exd. S. T. Augustin.

No 361.

Communicated to the Govern-
ment Solicitor with reference to his letter of
the 29th September 1863, No 727.

According to Para 2 of Bill
Colonel Beadler's letter, it seems expedient to
define the suburbs in the manner pointed out
in the note to Para 4 of Proceedings dated 18th
April 1863, No 947. viz "the limits of the juris-
-diction of the old Supreme Court or present High
Court, original side."

As regards Para 3 the Government
resolves to adopt the amendment in clause
13 proposed by Mr Boyson and approved of
by the Municipal Commissioners, as it concurs
in the opinion that the experience gained of
the practical working of the present Agree-
-ment will show in future arrangements
of a similar character, whether it will be
expedient to enter upon them on the same
terms, or on others which may then

Suggest

suggest themselves.

Mr. Bryson will be requested with reference to Para 4, to modify clause 16 so that it may provide for the right of purchase ^{being} granted to the Government at the end of 21 years, in addition to the first 7 or 14 years. Considering that the Municipal Commissioners are to be parties to the Agreement, and that they signified their approval of the provisions of the draft forwarded to them by the Government solicitor, the Government did not deem it necessary to insist on the condition referred to by the Government of India in the latter portion of Para 4. Being provided for, but while on this subject it appears proper to consider with reference to Clause 17, whether it would not be expedient that at the end of 21 years, the concessions now made should cease absolutely and be renewable ^{only} on a fresh agreement, the Commissioners having

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N.Y.C. 71

power to remove their property
and satisfied with the stipulations
which may now be required.
The Municipal Commissioners
will submit a report of their
opinion on this point, and
presenting ^{its} receipt Mr. Boyson
will begin making the
alterations referred to
in this Paragraph. —

Слобода
22. Июль 1848

From Shiner 6200
1860

To the Genl. Solicitor. with
agreements
and official Commissioners.

with copy of
"Supp. Engr. & Co."
Sept. 1. 1841

Pro. of Govt. 997 Feb 19/1

From the Office of the
Supt. of the Indian
Office, Wash. D. C.

11
Dec 7/63
Wm C. 1281/84

William Orr
 Approving of the
 revised Draft Agreement
 for the formation of
 The C. P. Railways in
 the Town of Windsor
 Subject to such further
 revision as may be
 shown to be desirable
 by the Govt & with refer-
 to the ~~London~~ ^{London} Board
 381-38 February