# Public Works (1899) Department.

G.O., No. 1491 W

DATED 9 June 1899.

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[Despatch Abstract.]

Parlakimedi Tramway

Pro:; P.W.D. Railway, passing an absolute order authorising the Rajah of Parlakimedi to proceed with his enterprise of making — in the Distt of Ganjam, and directing the publication of this order in the Fort St George and Ganjam Gazettes, communicated to the Supdg Engr Circle.

P. W. 2
5,000—29-4-99.

Indexed.

P. W. Current A & C 4335

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RAILWAY.

# Government {1899} of Madras.

## PUBLIC WORKS.

*Recd.* 29-5 } 1899.
*Regd.* 1-6 }

*Enclosures* Nil

*Spare copies* 6 ~~two~~

**G.O., No. 570 Ry., 12th May 1899.**

B/ No. 1491 W & 2-6-99.
Communicated

**MAY.** to the Supdg. Engr.,
I Circle.
ASK 3-6-99.

Memo No. 5711 dt. 8-6-1899 from Madras via Sorry

**Parlakimedi Tramway**

Passing an absolute order, authorizing the Rajah of Parlakimedi to proceed with his enterprise of making — in the district of Ganjam, and directing its publication in the Fort St. George and Ganjam District Gazettes.

To
The Supdg. Engr., I Circle with ~~Copy~~
2 Copies

O.S. 24 O.S. 171

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

**Railway.**

Read the following papers :—

From—The Agent to the Rajah, Parlakimedi.
To—The Collector of Ganjam.
Dated—Parlakimedi, 19th October 1897, No. 678-Eng.

I have the honour to inform you that the Rajah of Parlakimedi intends to construct a line of light railway to connect the capital of his estate with the East Coast Railway.

2. The line will run from Parlakimedi town to the East Coast Railway somewhere near the Naupada station, the distance being about 25 miles.

3. The Rajah has had a survey and estimates prepared for a 30-inch gauge railway from Naupada salt factory to Parlakimedi, and continued up the valley of the Vamsadara river through his estate, and on thence for 4 or 5 miles to Gunupur in Jeypore.

4. I beg to request you will be so good as to get the necessary sanction of Government for the construction of the whole of this line, though the Rajah's intention at present is only to connect his capital town with railway as stated above.

5. I send by book post three copies of the Engineer's report on the survey of the feeder line to which I have referred for the information of Government.

6. The line, now in contemplation, the Rajah intends to construct entirely at his own expense, and as soon as possible.

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From—The Collector, Ganjam.
To—The Agent to the Rajah, Parlakimedi.
Dated—Berhampur, 21st October 1897, T. C. No. 203-F.

I have the honour to acknowledge receipt of your letter No. 678/Eng. of 1897, dated 19th instant, with three enclosures.

2. I am forwarding a copy of your letter with one enclosure to the Board of Revenue with the request that Government sanction may be obtained for the construction of the railway proposed.

3 In the concluding paragraph of your letter, you state that the Rajah proposes to construct the line at his own expense, but you do not state (1) whether any guarantee from Government is proposed, (2) whether it is desired to construct the line on the "feeder line" system under which, as each section of your line is opened, profits will be granted per mile based on the total mileage or earnings of the East Coast Railway as a whole.

I understand however that you desire the line to be worked entirely as a private line at the sole cost and risk of the Rajah who will also take all benefits accruing therefrom.

4. I have forwarded a copy of your enclosure to the Manager, East Coast Railway, for his remarks in regard to points raised in paragraphs 4 to 7 of Mr. Sandford's report. It seems to me that Mr. Sandford assumes too much, and that the East Coast Railway authorities may be disinclined to alter their levels or incur expenditure for the benefit of the Parlakimedi Railway.

5. I cannot recommend the extension of the line from Naupada to Debhalapad near Pundi and Government has already declined to construct a line to the more important port of Gopalpur, while Pundi has only recently been finally closed as a port.



6. The question as to alignment after leaving Parlakimedi, and whether the line should be continued to Gunupur direct, or march off towards Salur, Bobbili and Parvatipur is a matter of opinion. The latter route would probably prove the more remunerative.

7. I request that I may be furnished with a statement showing the details of the lands, Government, zamindari or inam, which it will be necessary to acquire for the purpose of the railway, until it reaches Parlakimedi zamindari.

8. I request that I may be furnished with two more copies of Mr. Sandford's report for communication to the District Board, and Salt and Abkári Department, respectively.

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From—The Agent to the Rajah of Parlakimedi.
To—The Collector of Ganjam.
Dated—Parlakimedi, 19th November 1897, No. 709.

In reply to your letter No. 203 of 1897, dated the 21st ultimo, I have the honour to inform you that the Rajah of Parlakimedi intends to construct the line of light railway connecting the capital of his estate with the Naupada station, on the East Coast Railway, as a private undertaking, and solely at his own expense. He asks for no guarantee from Government, nor does he wish to construct it on the "feeder line" system.

2. It is proposed that the line be constructed under the Tramway Act XI of 1886. The railway will be 2 ft. 6 in. gauge worked by steam.

3. The line will in no circumstances be extended to Debalapad, whether it shall be extended to Naupada salt pans, or on to Battili, will be matter for future consideration.

4. It is hoped that the land required in the Tekkali taluk can be acquired by agreement with the zamindar; but should it be desirable to take it up under the Land Acquisition Act, I will bring the matter to your notice as soon as possible.

5. Three more copies of Mr. Sandford's report are sent to you under another cover. Thanking you, on behalf of the Rajah, for the interest you take in the matter.

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From—The Collector of Ganjam.
To—The Secy. to the Comr. of R. S. and D. of the Dept. of L. R. and Agri., Madras.
Dated—Camp Chelligodo, 26th November 1897, R.C. No. 1739/Eng.

I have the honour to forward herewith copies of letters No. 678/Eng., dated 19th October 1897, and No. 709, dated 19th November 1897, from the Agent to the Rajah of Parlakimedi, requesting that the permission of Government may be obtained for the construction of a light railway, in connection with the East Coast system, from Naupada station to Parlakimedi, together with copy of my letter in reply to the first of the abovementioned communications.

2. The scheme has my thorough support and the proposed alignment cannot be improved upon. It will be a great thing for the large and fertile zamindari of Parlakimedi to be brought into direct communication with the East Coast Railway, by a line constructed and worked solely by private capital, without any expense to the State.

3. It is proposed that the line should be constructed to a 2 ft. 6 in. gauge and worked by steam, under the Indian Tramway Act XI of 1886. To this there is no objection to offer. The line will run for a considerable portion of its length along the Tekkali-Patapatnam road *viâ* Tembore, on a private road constructed and maintained by the Rajah of Parlakimedi.

4. With reference to section 20 I would state that, in my opinion, a second bridge should be constructed specially for the line in question, as it is undesirable that the line should be allowed at any portion of its length to run along a road, or over a bridge, maintained out of Local funds. It is too doubtful whether the present bridge would bear the weight of a heavily laden train.

5. With reference to the proposed connection with the East Coast Railway near Naupada, I have communicated with the Manager, East Coast Railway, and enclose copy of his reply. The junction must be effected at Naupada station and not at any other point.

6. The line will run for a considerable portion of its length through the Tekkali zamindari, and unless the Agent to the Rajah can arrange with the Tekkali zamindar and other proprietors for the private acquisition of the necessary land, it will be necessary to appoint a Special Deputy Collector for the purpose of acquiring the same for a period of at least three months. I have no doubt that the Rajah of Parlakimedi would be willing to contribute to Government the cost involved by the appointment of the officer and his establishment. It is with reference to this point that I have submitted the application through the Board.

7. The line will be of the greatest possible benefit to the people of the district and will materially benefit the Government salt trade at Naupada. The question of possible extension to Varanasi, Battili and into the Vizagapatam district may be deferred for the present, but if carried out the line would form a valuable link between the Naupada salt factory and the proposed Vizianagram-Raipur Railway.

8. I request that the sanction of Government to the proposed scheme may be obtained at a very early date, so that work may be commenced at the conclusion of the present harvest. I may note that though the prospects of the paddy crop are very good, prices are not likely to regain their ordinary low level in the course of the next year, being at present nearly 100 per cent. above normal. The price of ragi especially is likely to rule excessively high throughout the next year, so that the work will be extremely beneficial to the labouring classes of that portion of the district through which the proposed line will pass.

9. I enclose three copies of Mr. Sandford's report, one for submission to Government, one for Board's reference, and one for communication to the Separate Revenue Department, to which the proposed tramway may be of interest.

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Proceedings of the Board of Revenue, Mis. No. 22, dated 5th January 1898.

Transferring above correspondence to the Secretary to Govt., Revenue Dept.

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Endorsement No. 611, dated 7th February 1898.

Transferring above to Public Works Department, Railway.

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*Order*—No. 258 Ry., dated 15th February 1898.

As required by section 4 of the Indian Tramway Act XI of 1886, the Government of India will be addressed.

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From—The Joint Secy. to the Govt. of Madras, P.W. Dept., Railway Branch.
To—The Secretary to the Government of India, Public Works Department.
Dated—Madras, 15th February 1898, No. 259 Ry.

An application has been received from the Rajah of Parlakimedi to be allowed to make a 2′ 6″ gauge tramway, under the Tramways Act, for a distance of about 25 miles, from Naupada station of the East Coast Railway in a north-westerly direction, to Parlakimedi, the chief town in his estate. The Rajah desires to make the tramway as a private undertaking, solely at his own expense, and as soon as possible. He asks for no guarantee and requires no feeder line terms.

2. As required by clause 4 of the Indian Tramways Act XI of 1886, I am directed to enquire whether the Government of India have any objection to offer to this Government publishing a draft order under the Act, to allow of the making of the proposed line.



3. Should there be no objection on the part of the Government of India, the draft of the proposed order shall, in due course, be sent forward. But in the meantime, pending a reply to this letter, nothing would be gained by entering into further details.

4. I am to add that it is said to be the Rajah's intention, later on, to apply for permission to extend his tramway a further distance of 35 miles to the north-west beyond Parlakimedi, and also a distance of three or four miles from Naupada station eastward into the salt factory at that place. A connection also with the Vizianagram-Raipur line at Ombadola is spoken of as a thing of the future.

5. It is, however, considered best at this stage to deal separately with the first part of his project, viz., the 25 miles from Naupada station to Parlakimedi, and to express a hope that the Government of India will accord early sanction to the matter being dealt with by this Government under the Tramways Act. The Rajah is anxious that work should if possible be begun immediately.

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From—The Secretary to the Government of India, Public Works Department.
To—The Joint Secretary to the Government of Madras, P.W. Dept., Ry. Branch.
Dated—Calcutta, the 14th March 1898, No. 2 R.P.

I am directed to acknowledge the receipt of your letter, No. 259 R., dated 15th February 1898, reporting that an application has been received from the Rajah of Parlakimedi for permission to construct a 2′ 6″ gauge tramway, under the Tramways Act (XI of 1886), from Naupada station on the East Coast Railway to Parlakimedi, a distance of 25 miles, without any guarantee or help from Government, and that the Rajah is believed to contemplate a small extension hereafter from Naupada station eastwards to the salt factory at Naupada, and another from Parlakimedi to Ombadola on the proposed Vizianagram-Raipur Railway.

2. In reply I am to say that the Government of India see no objection to the construction of the proposed tramway on the 2′ 6″ gauge from Naupada station to Parlakimedi, and an extension hereafter to the salt factory at Naupada, on the understanding that a proviso is inserted, in the order authorising the tramway, that the owners of the tramway shall not have any claim to compensation if at any time hereafter the Imperial Government consider it necessary to make or to allow to be made a railway to supersede the tramway, and that it is clearly understood that permission to make this line to Parlakimedi does not imply any rights towards future permission being hereafter claimed for any extensions beyond that place to a point on the proposed Vizianagram-Raipur Railway.

3. I am to add that the Government of India ha[illegible]ided to adopt for its own commercial feeder lines the 2 foot gauge when any [illegible]e smaller than the parent gauge appears desirable.

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*Order*—No. 555 Ry., dated 8th April 1898.

The Board of Revenue will report for the [illegible]rmation of Government whether the Rajah of Parlakimedi consents to the inc[illegible]n the order authorising the tramway, of a proviso to the effect that he s[illegible]ave no claim to compensation if at any time hereafter the Imperial Governm[illegible] consider it necessary to make or to allow to be made a railway to supersede t[illegible]ramway, and that it is to be clearly understood that permission to make a t[illegible]ay to Parlakimedi does not imply any rights towards future permission being [illegible]reafter claimed for any extensions beyond that place to a point on the proposed [illegible]anagram-Raipur Railway.

2. The Board will also report t[illegible] Rajah's decision with regard to the gauge of the proposed tramway. The 2 foot [illegible]uge has been definitely adopted by the Government of India for its own commer[illegible]l feeder lines, and that gauge is recommended by this Government for adoption as [illegible] has elsewhere proved itself to be sufficient for any traffic likely to come upon it on the alignment under reference.

3. The Board should ascertain from the Collector of Ganjam whether the approval of the local authorities referred to as necessary in paragraph 4 (1) (*b*) of Act XI of 1886 has been obtained by the Rajah.

Proceedings of the Board of Revenue (L. Rev.), dated 6th Sept. 1898, Mis. No. 2428.

Read—endorsement of Government, Rev. Dept., R. No. 718, dated 21st April 1898.

Forwarding Government Order, Public Works Department, Railway Branch, No. 555 Ry. dated 8th April 1898.

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Reference on the above, No. 486, dated 2nd May 1898.

Forwarded to the Collector of Ganjám for early report.

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From—The Collector of Ganjam.
To—The Secretary to the Commissioners of Land Revenue, Madras.
Dated—Camp Berhampur, 29th July 1898, Tour C. No. 25/Eng.

I have the honour to reply to the Board's Reference No. 486, dated 2nd May 1898, on Proceedings of the Government of Madras, Public Works Department, Railway Branch, No. 555, dated 9th April 1898, inquiring whether, in the event of the Parlakimedi light railway being sanctioned, the Rajah would be willing to agree to certain conditions stated therein.

2. I enclose copies of two letters received from the Rajah of Parlakimedi on the subject, No. 383/Eng. of 1898, dated 15th, and No. 403/Eng. of 1898, dated 27th July.

3. The Rajah states that he is perforce bound to agree to the conditions imposed by Government; but at the same time expresses an opinion, in which I concur, that it is hard upon him, when he has taken up a project, not from motive of gain but in pursuance of a policy indicated by the Right Honourable the Secretary of State for India, he should be denied all compensation, should Government subsequently construct or allow to be constructed another railway through the same line of country. I think that this condition should be restricted to lines which it may be found necessary to construct departmentally by the State, and that a guarantee might be given that Government would not allow the construction of a line to compete directly with the Rajah's line by private individuals or companies from any point between the Chicacole road and Sompet Stations.

4. In regard to the gauge of the railway, the Rajah states that he regrets that he is unable to adopt the proposal of the Imperial Government to reduce the gauge of the line from 30″ to 24″, as, in the anticipation that Government would welcome his enterprise in the construction of this railway and readily yield an assent to the scheme, he has already arranged for the construction and purchase of rolling-stock adapted to the 30″ gauge.

5. In regard to the consent of the local authority, Mr. Sandford, the Engineer employed by the Rajah to survey the line, was distinctly informed that the sanction of the district and taluk boards would not be accorded to the alignment of the proposed light railway, on roads under their control; so provision has been made for constructing the line parallel to the road where it adjoins a Local Fund road.

For a considerable portion of its length the proposed line will run along a road constructed originally by the Parlakimedi estate, for some time managed by and recently abandoned by the taluk board. The public has acquired a right of way over this road, and the Rajah reports that this has been provided for.

6. I may note that in his zeal to complete the work, the Rajah has already commenced work in anticipation of sanction. I was somewhat astonished to find on visiting Tekkali the other day that work was proceeding under circumstances amounting to trespass on lands outside the Parlakimedi estate. The irregularity of his procedure has been pointed out to the Rajah, and he has been requested to suspend operations until formal sanction is received and the land finally acquired.



7. I trust that the scheme may be sanctioned at an early date, together with the extension to the Naupada salt factory in preference to any scheme that may be brought forward by other parties.

8. In regard to the extension towards the proposed Vizianagram-Raipur railway, I feel sure that any such extension of the line from Parlakimedi would not in any way tap or divert produce coming down to the coast by such route, while it would bring on to that line a considerable inland traffic in salt from the factory at Naupada.

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Enclosures.

From—The Rajah of Parlakimedi.
To—The Acting Collector of Ganjam.
Dated—Parlakimedi, 15th July 1898, No. 383/Eng. of 1898.

In continuation of my letter No. 356/Eng. of 1898, dated the 29th ultimo, I have the honour to state that, under existing circumstances, I have no alternative but to accept the sanction subject to the conditions offered by Government. In doing so I would, however, earnestly beg Government to reconsider their decision. The proviso requiring me to relinquish my line at any time without compensation should Government or any one to whom the concession may be granted desire to adopt the same route for a railway on one of the standard gauges, is a very hard one and it is altogether discouraging. For some years I have been urged by some Government officials to construct a railway connecting my town with the East Coast Railway, and Lord Cross, who was Secretary of State for India in 1889, in his minute on the Administration Report of my Estate, wrote to the Government of India strongly recommending the construction of this very line. I was myself anxious to have my town connected with the East Coast Railway by rail, and, directly I was in a position to do so, I devoted certain accumulated funds of the estate to this object. The amount of these funds did not permit me to construct a line on one of the standard gauges which in such a hilly country would have been very expensive, but I considered a railway on the narrow gauge would be sufficient for the wants of the people of my estate, and so I decided, for it believing that a cheap narrow gauge railway was better for us than no railway at all. Of course I should like to have a fair return for the capital expended, but the present proviso practically makes the railway of no commercial value and offers no inducement to me or to others to risk further capital in extending the line and so giving more of my people the benefits of easy communication with the outer world.

As my railway is in an out-of-the-way part of the country and not near any of the lines contemplated by Government to be constructed in the future I quite believe that Government will never take advantage of their proviso and close my line without giving me compensation, but I have no security that some company or syndicate may not hold other views and step in and oust me from my property and the more successful my line may be the greater will be the risk I run of this occurring.

I trust Government will be pleased to take what I have advanced into their favourable consideration and at least modify their terms. I am risking much in carrying out a very useful public work, and the case being so exceptional, I hope I shall not be considered unreasonable if I look to Government for exceptional treatment.

With reference to the concluding paragraph of the order from Government, No. 555 Ry., dated 8th April 1898, I beg to state that the line having been relaid out clear of the road between Tekkali and Naupada Railway station the consent of the Chicacole Taluk Board to its construction in that direction is not necessary.

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From—The Rajah of Parlakimedi.
To—The Collector of Ganjam.
Dated—Parlakimedi, 27th July 1898, No. 403/Eng. of 1898.

In reply to your letter R.G.B. No. 245/Eng. of 1898, dated the 18th instant, I have the honour to state that I regret very much my inability to act upon the suggestion of Gove[illegible] and make the gauge of my small railway twenty-four instead of thirty inches. A[illegible] when the railway was first proposed six years ago, thirty inches was accept[illegible] suitable gauge for such a line, and so it has been adhered to when I was [illegible] to carry out the scheme. As it was my desire to have the railway ready for [illegible] by next year by His Excellency the Governor of Madras, if at all possi[illegible] under advice from our Agent in London, ordered the locomotives early and they [illegible] the broader gauge so that no change is possible now.

2. The railway has been laid out to follow the road more or less closely between Tekkali and the borders of my estate, a distance of about three miles, but the road has been broadened where necessary so as to allow a free passage to traffic.

*Resolution.*—Mis. No. 2428, dated 6th September 1898.

In G.O., No. 555 Ry., dated 8th April 1898, the Board was requested to ascertain and report—

(1) Whether the Rajah of Parlakimedi would consent to the insertion in the order sanctioning the construction of the proposed tramway from Naupada station on the East Coast Railway to Parlakimedi of a proviso to the effect (*a*) that he should have no claim to compensation if at any future time the Imperial Government should deem it necessary to make or allow to be made a railway to supersede the tramway, and (*b*) that it is to be clearly understood that permission to construct the present line does not imply any right to future permission being claimed for any extension beyond Parlakimedi to a point on the proposed Vizianagram-Raipur Railway.

(2) Whether the Rajah would adopt for the proposed tramway the 2-foot gauge which the Government of India has decided to use for its own commercial feeder lines.

(3) Whether the approval of the local authorities required under section 4 (1) (*b*) of Act XI of 1886 has been obtained by the Rajah.

2. The Collector of Ganjám, to whom a reference was made, now submits his report together with two letters addressed to him by the Rajah on the 15th and 27th July last. The Rajah, while stating that he has no alternative but to accept the conditions offered by Government, nevertheless urges that it would be hard measure to require him to relinquish his line without compensation in the event of Government undertaking or permitting the construction of another line through the same country. He points out that the project was undertaken by him in accordance with the advice tendered to him, as well as to the Court of Wards which was then in charge of the estate, by the Right Honourable the Secretary of State in his despatch No. 106, Revenue, dated 7th November 1889.

Court's Proceedings, No. 1429, dated 13th June 1890.

He is anxious lest the condition imposed by Government should be used to his disadvantage, not by the State itself, but by some Syndicate or Company claiming as a *concessionaire* through the State. The Collector, Mr. Taylor, considers that the condition referred to by the Rajah may be allowed to hold good with reference to any railway line which the State may find it necessary to construct by departmental agency, but recommends that it should be waived in other cases. Mr. Taylor would, in fact, go to the length of giving the Raja a guarantee that Government will not permit the construction by any private body of a line directly competing with that of the Rajah and starting from any point between the Chicacole road and Sompet Railway stations. The Board's own view is that it would be ungenerous and impolitic to place any unnecessary obstacles in the way of the first private enterprise of the kind in this Presidency, and, though not prepared to support the Collector's recommendation, it does consider that the Rajah should receive reasonable compensation if any railway which would practically supersede the tramway be built by the State or by a private company under the concession granted by Government. The expenditure which the Rajah contemplates on the present line cannot be less than 10 lakhs and may be considerably more. It could hardly have been the intention of the Government of India that an expenditure of this magnitude, incurred under the auspices of the Secretary of State, should be liable to utter confiscation for the benefit of a Government or private line which might be subsequently constructed.

3. Secondly with regard to the width of the proposed tramway, the Rajah expresses his inability to adopt the 2-ft. gauge, as he has already in anticipation of sanction arranged for the construction and purchase of rolling-stock suited to the 30 inch gauge.

4. Thirdly, Government enquires whether the consent of the local authority required under paragraph 4 (1) (*b*) of Act XI of 1886 has been obtained by the Rajah. The Rajah merely states that the line having been relaid clear of the local fund roads, the consent of the Chicacole Taluk Board is not necessary. The Collector reports that the Engineer employed by the Rajah to survey the line was distinctly told that "the sanction of the District and Taluk Boards would not be given to the alignment of the



proposed light railway on roads under their control, so provision has been made for constructing the line parallel to the road where it adjoins a local fund road". The Collector is apparently of opinion that the formal consent of the local authority required by section 4 (1) (*b*) is in the present case unnecessary, as the line does not run along any local fund road. The Board observes, however, that the Act requires the consent of the local authority in every case contemplated in section 4 (1) (*b*) and not merely in cases where it is proposed to lay a tramway over roads belonging to the local authority. The Collector will accordingly be requested to cause meetings of the local boards concerned to be convened in order that their consent to the construction of the tramway may be formally signified, whether such consent be necessary in their capacity as "local authority" or as "road authority". The Board observes that no formal method of signifying such consent has been prescribed under sections 4 (2) and 24 of Act XI of 1886: it will be necessary for the Collector to see that the consent and any conditions attached thereto are explicitly and lucidly set out.

5. Pending receipt of the Collector's reply, the Board does not consider it necessary to delay the transmission of the Rajah's application to Government.

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From—The Joint Secretary to the Govt. of Madras, P.W. Dept., Ry. Branch.
To—The Secretary to the Government of India, Public Works Department.
Dated—18th October 1898, No. 1284 Ry.

In your letter No. 2 R.P., dated the 14th March 1898, you expressed the willingness of the Government of India to consent to the issue by this Government of an order under the Tramways Act for the construction by the Rajah of Parlakimedi of a steam tramway from Naupada station on the East Coast Railway to Parlakimedi town. The proviso, however, was attached that no claim for compensation must hereafter be raised by the Rajah if at any time Government should consider it necessary to make or to allow to be made a railway to supersede the tramway, and that he must clearly understand that "permission to make this line to Parlakimedi does not imply any rights towards permission hereafter being claimed for any extensions beyond that place to a point on the proposed Vizianagram-Raipur Railway." Your letter also contains a suggestion that the gauge should be 2 feet instead of 2′ 6″.

2. The accompanying copy of this Government's Proceedings, No. 1283 Ry., dated the 18th October 1898, shows that as regards gauge the Rajah has already, by the purchase of rolling-stock, committed himself to the 2′ 6″ gauge. As, so far as it is possible to foresee, there is no question here of future connection with 2 ft. gauge railway in the neighbourhood, the Rajah's choice of the larger gauge does not appear to this Government to be a matter of much moment. As regards the proviso, however, which perhaps the Government of India looked on as merely a nominal one, the Rajah is much concerned at being obliged to subscribe to it. He can scarcely be expected to quite realize how very remote is the contingency of its being given effect to. He, however, realizes clearly enough that the insertion of such a proviso in the published order for the construction of the tramway will practically have the effect of reducing to the value of old material the commercial value of his ten lakh tramway.

3. It seems advisable that the intention of the word "supersession" should be more clearly defined, and a study of the physical features of the locality make it evident that there can be no supersession unless practically the very alignment intended to be occupied by the tramway is selected for the competing railway of the future. For on the north the projecting spur of the Eastern Ghâts which terminates in the Mohendragiri peak opposite the port of Baruva make the intrusion, from that side, of anything that could be characterized as a superseding line a most remote contingency; while on the south the physical features between Calingapatam and Naupada are such that no railway is conceivable between the Rajah's line and a railway running from Palkonda through the Vamsadhara valley to the port of Calingapatam. The only possible superseding railway, therefore, would be one which would practically occupy the same ground as that in prior possession of the Rajah's tramway.

4. Remote as is the contingency of this alignment being occupied by a superseding railway, it would, in the opinion of this Government, be only fair to the Rajah to specify that in the event of such a line being made, or allowed to be made, by

Government, his tramway should be acquired under the purchase clause of the Tramways Act. Such a provision seems to His Excellency the Governor in Council to be only reasonable, and the chances of its operating adversely to Government interests would appear to be extremely remote.

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Proceedings of the Board of Rev. (L. Rev.), Mis. No. 3002, dated 22nd October 1898.

*Read*—again Board's Proceedings, No. 2428, dated 6th September 1898.

From—The Acting Collector of Ganjam.
To—The Secretary to the Commissioners of Land Revenue.
Dated—Camp, Hingili, 5th October 1898, R.G.B, No. 245/Eng.

With reference to paragraph 4 of Board's Proceedings, Mis. No. 2428, dated 6th September 1898, I have the honour to forward herewith copies of the resolutions of the District Board, Ganjam, Taluk Board, Chicacole, and Municipal Council, Parlakimedi, being the local road authorities in respect of the areas through which and roads over which portion of the Parlakimedi tramway may be expected to pass according to the present alignment, sanctioning its construction subject to the several conditions therein imposed.

2. For the elucidation of the condition imposed by the Taluk Board, Chicacole, I have the honour to state that the conditions proposed by me in my reference were practically the same as those adopted by the District Board, Ganjam, viz., that the tramway should not run along any road in charge of the local board, except at recognized crossings, at which due provision must be made for the safety of road traffic, that there should be no damage done to the slopes of the road so as to injure the drainage, that no damage should be done to the avenues either by cutting the roots or damaging the trees by smoke.

Copy of my endorsement of reference to the President, Taluk Board, is enclosed for information.

3. In regard to the Parlakimedi Municipality, I understand that, for the present, it is not proposed to carry the tramway within municipal limits, the proposed terminus being half mile away from the town.

I mention this as I doubt whether the general reservation of right to itself made by the municipal council in paragraph 3 of its resolution can be legally enforced.

4. In regard to the rest of the country through which, and roads over which, the tramway is aligned, there is some difficulty in deciding who is road authority. Both the District Board and Taluk Board, Chicacole, are no doubt the local authorities.

The road from Naupada to Tekkali, and again from where the Tekkali-Tembur road joins the Calingapatam-Parlakimedi road is under the control of the Taluk Board, Chicacole. In these portions the Taluk Board, Chicacole, is clearly the road authority.

5. The road from Tekkali *viâ* Tembur and on to the point where it joins the Calingapatam-Parlakimedi road near Patapatnam is different. This consists really of two roads. The first portion is part of the road from Tekkali to Hiramandalam. This, so far as I have been able to gather, was originally constructed by the Public Works Department, land being finally acquired for the purpose in or about the years 1866 to 1870.

Its maintenance after completion was then handed over to the district board, but the road was subsequently abandoned. It would appear however still to vest in the district board. The second portion of the Tekkali-Patapatnam road was constructed by the Parlakimedi estate from estate funds and always maintained by the estate. Though used by the public which has acquired a right of way over it by easement, it is to all intents and purposes a private road, and the Raja himself would appear to be the road authority in respect of the same. I understand that it is only on portion of this road that the tramway is actually intended to run.

6. As there may be some doubt as to who is the road authority in the case of the portion of the Tekkali-Hiramandalam road which was originally constructed by Government, handed over to the local board and abandoned by the latter, I think it desirable, in order to clear up any legal doubt, that the sanction of Government in the Public Works Department as road authority should also be accorded.



Endorsement by the Collector of Ganjam.

On Board's Proceedings, Mis. No. 2428, dated 6th September 1898.

Paragraph 4 of the Board's Proceedings communicated to the President, Taluk Board, Chicacole, with the request that he will, at the next meeting, obtain the formal sanction of the taluk board to the construction of the tramway subject to such conditions as it may impose.

2. The consent sought for is required by the board both in its capacity as local authority and road authority under section 4, (*i.b.*) of Act XI of 1886.

The chief precautions which seem desirable are that the tramway should not run along any road in charge of the local board except at recognised crossings at which due provision must be made for the safety of road traffic, that there should be no damage done to the slopes of the road so as to injure the drainage, and that no damage should be done to avenues either by cutting the roots or damaging the trees by smoke.

3. Copies of paragraph of this office letter, R.C. No. 1739/Eng., dated 26th November 1897, paragraph 5 of this office letter Tour C. No. 25/Eng., dated 29th July 1898 to Board of Revenue, and of letter, G.B. No. 245/Eng., dated 20th August 1898, to the Rajah of Parlakimedi are herewith sent.

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Enclosures.

Extract from the Proceedings of the District Board, Ganjám, at its meeting held on Saturday the 24th September 1898, at 2 P.M., in the Senior Assistant Collector's office at Berhampur.

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21. Read endorsement of the Collector of Ganjam, G.B. No. 245/Eng., dated 14th September 1898, communicating paragraph 4 of the Board's Proceedings, Mis. No. 2428, dated 6th September 1898, and requesting to obtain the formal sanction of the district board to the construction of the tramway by the Raja of Parlakimedi, subject to such conditions as it may impose.

*Resolution.*—Sanction to the construction of tramway is accorded subject to the following conditions:—

(1) That the tramway shall not pass along or cross any road under the control of the district board or local authority or over any road for which the district board is the road authority except at recognised crossings.

(2) That the tramway shall be so aligned as not to interfere with the slopes, drainage or embankments of the road or so as to damage the avenues along the roadside.

(3) That proper provision shall be made for level crossings at reasonable intervals for the benefit of the ryots.

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Extract from the Proceedings of the Municipal Council, Parlakimedi, at a special meeting held on Wednesday, the 28th September 1898.

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II. Read Proceedings of the Board of Revenue and the footnote thereto in regard to the Parlakimedi Estate Light Railway.

*Resolution.*—Sanction is accorded subject to the following conditions:—

(1) That where the line runs parallel or adjacent to the municipal roads, the side drains and avenues should not be interfered with.

(2) That where it crosses the municipal roads, proper care should be taken so as not to cause any obstruction to the public traffic.

(3) The municipal council, however, reserves to itself the option of imposing such other conditions as it may deem expedient from time to time.

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Extract from the Proceedings of Taluk Board of Chicacole passed at its meeting held on Saturday, dated the 24th September 1898.

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II. Read footnote R.G.B. No. 245/Eng., dated 14th September 1898, from the Collector of Ganjam, to paragraph 4 of the Proceedings of the Board of Revenue (Land Revenue), Mis. No. 2428, dated 6th September 1898, requesting to obtain the formal sanction of the taluk board to the construction of the tramway by the Rajah of Parlakimedi subject to such conditions as the Board may impose.

*Resolution*.—Sanctioned, subject to the provisions suggested by the Collector.

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*Resolution*—Mis. No. 3002, dated 22nd October 1898.

In paragraph 4 of its Proceedings, No. 2428, dated 6th September 1898, the Board pointed out to the Collector of Ganjam, that section 4 (1) (*b*) of the Tramways Act (XI of 1886) required the consent of the local authority to the construction of the proposed tramway by the Rajah of Parlakimedi even though the line was not intended to traverse any Local Fund road, and the Collector was requested to cause meetings of the Local Boards concerned to be convened in order that their consent might be formally signified, whether such consent was necessary in their capacity as "Local authorities" or as "Road authorities."

2. With the letter read above, the Collector submits three resolutions—one passed by the Ganjam District Board, the second by the Chicacole Taluk Board and the third by the Parlakimedi Municipality. The district board and the taluk board have signified their consent to the construction of the line subject in both cases practically to the same conditions, namely,—

(1) That the tramway shall not pass along or cross any road in charge of the district board or the taluk board, except at recognized crossings;
(2) That the tramway shall not interfere with the slopes, drainage or embankments of the road or damage the avenues along the roadside; and
(3) That proper provision shall be made for level-crossings at reasonable intervals.

The Municipal Council of Parlakimedi has also assented to the construction of the line within the municipal limits, subject to the conditions that side drains and avenues shall not be interfered with where the line runs parallel to municipal roads and that obstruction to public traffic shall be avoided where the line crosses such roads. But the council has, at the same time, reserved to itself the option of imposing such other conditions as it may deem expedient from time to time. The Collector doubts whether this reservation of power can legally be made by the municipality. The board shares his doubts but the question does not arise at present as it is not at present proposed to carry the tramway within municipal limits.

3. Next, as regards the question whether the local authorities and the road authorities are identical throughout the length of the proposed tramway, the Collector states that the first portion of the road from Tekkali to Patapatnam, *viâ* Tambur, was constructed by the Public Works Department and handed over to the district board by which it has since been abandoned. The Collector adds that as there may be some doubt as to who is to be deemed the "road authority" in respect of this portion of the road, it is desirable that the formal sanction of the Government in the Public Works Department should also be accorded. As regards the second portion of the Tekkali-Patapatnam road, the Collector states that it was constructed and maintained out of the funds of the Parlakimedi estate and that, though the public have acquired a right of way over it by easement, it is to all intents and purposes a private road, the Rajah himself being the "road authority" in respect of it.

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Endorsement from—The Secretary to Government, Revenue Department.
To—The Joint Secretary, Public Works Department, Railway Branch.
Dated—19th November 1898, Mis. No. 4515.

Transferred to the Public Works Department, in continuation of endorsement, No. 1386 R., dated 17th September 1898.



From—The Joint Secretary to Government, Public Works Dept., Ry. Branch.
To—The Secretary to Government, Public Works Department, Roads Branch.
Dated—29th November 1898.

Transferred unofficially with reference to the final paragraph of the Collector's letter, with a request that the Railway Branch may be informed whether the doubtful piece of road referred to is under the Public Works Department; and, if so, to request that authority to lay the tramway on it may be communicated.

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From—The Secretary to Government, Public Works Department.
To—The Superintending Engineer, I Circle.
Dated—1st December 1898, No. 5392 C.

Referred to the Superintending Engineer, I Circle, for early report whether the portion of the road referred to is in charge of the Public Works Department.

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From—The Secretary to Government, Public Works Department.
To—The Joint Secretary to Government, Pubtic Works Dept., Ry. Branch.
Dated—21st December 1898, No. 5765 C.

File forwarded in continuation of Endorsement No. 5735 C., dated 17th December 1898, on telegram from the Superintending Engineer, I Circle, stating that the road in question was handed over to the Local Fund Board in 1893.

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From—The Secretary to the Government of India, Public Works Department.
To—The Joint Secretary to the Government of Madras, P.W. Dept., Ry. Branch.
Dated—Calcutta, 6th January 1899, No. 01 R.P.

I am directed to acknowledge the receipt of your letter No. 1284 Ry., dated 18th October 1898, relative to the construction by the Rajah of Parlakimedi of a steam tramway from Naupada to Parlakimedi.

2. In Government of India letter No. 2 R.P., dated 14th March 1898, the construction of the proposed line was approved and it was suggested that the gauge should be 2 feet instead of 2′ 6″. It was also stipulated that in the event of the tramway being hereafter superseded by a railway, the Rajah would not be compensated.

3. You state, however, that by the purchase of rolling stock the Rajah has already committed himself to the 2′ 6″ gauge; and that as he is much concerned at being obliged to subscribe to the stipulation referred to, it would, in the opinion of the Government of Madras, be only fair to him to specify in the draft order under the Tramways Act that in case a railway was hereafter made, or allowed to be made, by Government to supersede the tramway, the latter would be acquired under the purchase clause of that Act.

4. In reply I am to state that as rolling stock has been already purchased the Government of India agree to the proposal that the line should be built on the 2′ 6″ gauge. As regards the other objection raised I am to say that in place of the condition alluded to in paragraph 2 above it may be stipulated, in the draft order, that should the Government of India ever consider that communication is necessary between Naupada and Parlakimedi or between Naupada and the Raipur-Vizianagram Railway *viâ* Parlakimedi on a broader gauge than the 2′ 6″, the Rajah will be allowed to convert his line to the gauge required and it will then be worked for him with the rolling stock provided by the East Coast State Railway or by whatever railway may be deemed advisable, on such terms and conditions as may be then decided.

5. If however the Rajah should decline to exercise the option thus offered, no claim will be entertained for compensation for any loss of traffic to the tramway.

From—The Consulting Engineer for Railways, Madras.
To—The Collector of Ganjam.
Dated—Madras, 12th January 1899, No. 149.

With reference to your letter to the Secretary to the Board of Revenue, No. 25, dated 29th July 1898, I have the honour to inform you, with a view to your communicating the information to the Rajah of Parlakimedi, that the Government of India have now consented to certain modifications, which will doubtless prove acceptable to the Rajah, of the conditions laid down in their letter No. 2 R.P., dated 14th March 1898. They have also accepted the 2′ 6″ gauge.

2. The new conditions are as follows, viz., that should the Government of India even consider that communication is necessary between Naupada and Parlakimedi or between Naupada and the Raipur-Vizianagram Railway *viâ* Parlakimedi, on a broader gauge than 2′ 6″, the Rajah will be allowed to convert his line to the gauge required, and it will then be worked for him with the rolling stock provided by the East Coast Railway or by whatever railway may be deemed advisable, on such terms and conditions as may be then decided. If, however, the Rajah should decline to exercise the option thus offered, no claim will be entertained for compensation for any loss of traffic to the tramway.

3. On the receipt of the Rajah's acceptance of the modified terms there need be no further delay in the publication of a draft order in accordance with the provisions of the Tramways Act.

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From—The Agent to the Rajah of Parlakimedi.
To—The Collector of Ganjam.
Daded—Parlakimedi, 22nd January 1899, No. 40-Eng.

With reference to your letter, R. C. No. 1701-Eng. of 1898, dated the 19th instant, communicating, to the Rajah, letter from the Consulting Engineer to Government, No. 149, dated the 12th instant, I have the honour to inform you the Rajah has now great pleasure in accepting the conditions regarding his line of light railway, as proposed by the Government of India.

The conditions now laid down the Rajah considers reasonable and fair, and he will be very glad if in the near future the amount of traffic over his little line of railway, or any other consideration, should lead the Government of India to propose to run a line of broad gauge railway, through his estate from Raipur, either down the valley of the Vamsadara to Kalingapatam, or to Naupada.

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From—The Collector of Ganjam.
To—The Consulting Engineer for Railways, Madras.
Dated—Chatrapur, 29th January 1899, No. 20-R. Eng.

With reference to your letter No. 149, dated 12th instant, I have the honour to forward herewith a copy of letter, No. 40-Eng. of 1899, dated 22nd instant, from which it will be seen that the Rajah of Parlakimedi accepts the conditions mentioned in your letter.

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Read also the following papers :—

Correspondence between Consulting Engineer, Government Solicitor, Collector of Ganjam, and Departments of Government, on the subject of objections and suggestions in regard to the draft of an order published in *Fort St. George Gazette* week by week, as prescribed by the Tramways Act.



From—The Joint Secretary to the Government of Madras, P.W. Dept., Ry. Branch.
To—The Secretary to the Government of India, P.W. Dept.
Dated—7th April 1899, No. 391 Ry.

With reference to correspondence ending with your letter, No. 01-R.P., dated the 6th January 1899, I am directed to forward a copy of the form at which the draft order for the Parlakimedi Tramway has now arrived. It may possibly receive some alterations, as the result of suggestions, between now and its being made absolute. But meanwhile it is forwarded to the Government of India for favour of any orders or suggestions which they may have to make.

2. It will be observed that no purchase clause has been inserted. The reason is that as the tramway is to be constructed by the Rajah as a private venture, and as the Purchase Clause of the Tramways Act quite sufficiently guards the right of the Local Authority to buy it at the expiration of the periods mentioned in the Act, should they see fit to do so, it seemed unnecessary in this case to embody in the order any special reference to those rights. There has in this case been no application from the Promoters that the period for purchase should be extended.

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Telegram from—The Joint Secy. to the Govt. of Madras, P.W. Dept., Ry. Branch.
To—The Secretary to the Government of India, P.W. Dept.
Dated—Ootacamund, 25th April 1899, No. 1 A.

No further modification proposed in draft Parlakimedi tramway order sent you with my 391 Ry., April seventh. If approved please signify by wire so that order may be made absolute.

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Telegram from—The Secretary to the Govt. of India, P.W. Dept.
To—The Joint Secretary to the Government of Madras, P.W. Dept., Ry. Branch.
Dated—Simla, 28th April 1899, No. 49 R.P.

Your letter numbered and dated as follows : No. 391 Ry., 7th instant. Parlakimedi tramway order approved.

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Order—No. 570 Ry., dated 12th May 1899.

## PARLAKIMEDI TRAMWAY ORDER.

Having, in accordance with the procedure laid down in section (6) of the Indian Tramways Act XI of 1886, duly considered all the objections and suggestions made with reference to the draft published from time to time in the *Fort St. George Gazette* of an order authorising the Rajah of Parlakimedi to make certain tramways in the district of Ganjam, His Excellency the Governor in Council is pleased, under the provision of section 4 of that Act, to now make an absolute order in the following form, authorising the promoter to proceed with his enterprise.

This order will be published in English and in Telugu in the Fort St. George and Ganjam District Gazettes. A copy of ~~their~~ these proceedings will be forwarded to the Government of India.

# ORDER UNDER THE INDIAN TRAMWAYS ACT.

Authorizing the Construction and Maintenance, and to Regulate the Working of Tramways in the District of Ganjam.

Whereas, in pursuance of the provisions of the Indian Tramways Act, 1886, the promoter hereinafter named has applied, with consent of the District Board of Ganjam, for powers to construct, maintain and use a tramway on the two-foot six-inch gauge in the district of Ganjam, the Government of the Presidency of Madras being, for the purposes of the following order, the Local Government within the meaning of the said Act, deems it expedient that the powers so sought should be granted, upon the terms and subject to the conditions and provisions hereinafter contained, that is to say:—

1. *Title.*—This order may be called and cited as the Parlakimedi Tramway Order, 1899. It shall come into force at once.

2. *Interpretation Clause.*—The several words and expressions to which meanings are assigned in the definition clauses of the Indian Tramways Act, 1886, 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 expressions "the tramway" and "the undertaking" shall mean tramway and works and undertaking by this order authorized, and the words "the Act" shall mean the said Indian Tramways Act, 1886, and any subsisting statutory modification thereof, and the word "Government" shall mean the Government of Madras.

3. *Law applicable to the Tramway.*—The tramway shall be constructed, maintained and worked, subject to the provisions of the Act, of the rules from time to time in force under the Act, and of this order, and no powers or rights shall be deemed to have been conferred on the promoter or to have been relinquished by Government except as in this order expressly provided.

4. *The Promoter.*—The Raja of Parlakimedi, or his heirs, representatives or assigns shall be the Promoter for the purposes of this order, and is in this order referred to as "the promoter."

5. *Construction of the Tramway.*—Subject to the provisions of this order, the promoter may construct and maintain the tramway hereinafter described, the route of which is shown on the maps deposited by the promoter with Government and the local authority respectively, with all equipment, works, buildings and conveniences connected therewith or for the purposes thereof, and may work and use the same.

6. *Tramway authorized.*—The tramway authorized by this order is—

A single line with necessary passing places to be laid—

From the east side of the Naupada station of the East Coast Railway to Parlakimedi, a distance of about 25 miles.

7. *Land.*—The promoter may, by agreement from time to time, purchase or take on lease or otherwise acquire such lands as he may require for the purposes of the undertaking, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided such lands are sold or disposed of, through the Collector of Ganjam, under Government of India Circular No. I, Railway, of 1897. Land may, with the approval of Government, be acquired for the promoter under the provisions of the Land Acquisition Act, 1894.

8. *Approval of Plans.*—Before the end of April 1899 the promoter shall lay before Government and the local authority a plan showing the proposed mode of constructing and laying down the tramway and a statement of the materials intended to be used therein, and the promoter shall not commence the construction and laying down of the tramway or any part thereof, until such plan and statement have been approved by Government and the local authority; provided that if, at the end of one calendar month from the time of laying such plan and statement before Government and the local authority, the Government and the local authority respectively, 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 all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the local authority, unless that authority refuses or neglects to give such superintendence when reasonably required so to do.

9. *General Conditions.*—The tramway shall be constructed, maintained, worked and used subject to the conditions prescribed in the Proceedings of a meeting of the District Board of Ganjam held on the 24th September 1898, and subject also to the following conditions:—

The tramway shall be constructed in such position on or off the several roads, and the passing places shall be of such length and shall be constructed and maintained at such places or between such points on the line as the promoter may consider necessary or convenient for the efficient working of the tramway, and the promoter may, after the construction of the tramway or any part thereof, construct and maintain all such additional crossings, passing places, sidings, junctions, or extensions thereof and other works as the promoter may, from time to time, consider necessary or convenient for the efficient working of the tramway or for providing access to any buildings, premises, or works of the promoter. Provided always that the promoter's proceedings under this clause shall be subject to the approval of the local and road authority.



(*a*) The tramway shall be so aligned as not to injuriously interfere with the slopes drainage or embankments of any district road, or so as to damage avenues of trees along the roads. Proper provision shall be made for level crossings at reasonable intervals for the accommodation of the occupants of adjoining lands. Where the tramway crosses District roads at authorised crossing places proper provision shall be made so that ordinary road traffic shall not be unfairly obstructed.

(*b*) Subject to any other provisions of this order, the promoter shall, at his own expense, at all times maintain and keep in good condition and repair, to the reasonable satisfaction of the local authority, the rails and the substructure upon which the same rest and all roads, including slopes and bridges, on which the tramway is laid. Provided always that, if the promoter fail to comply with the provisions of this sub-section the local authority, if it think fit, may, at any time after seven days' notice to the promoter or his agent for the time being, open and break up any part of any road or any bridge on which the tramway shall be laid and do the works necessary for the repair and maintenance or restoration of such road or bridge, and the reasonable expenses incurred by the local authority in so doing shall be repaid to the local authority by the promoter.

(*c*) In case the promoter shall find it necessary for the purposes of the tramway to construct, and shall construct, any new bridge in place of any road-bridge existing at the date of this order, then and in every such case such new bridge shall be so constructed by the promoter as to admit of road traffic crossing the same.

(*d*) In case any question or dispute shall arise between the road authority and the promoter as to whether any rails or any substructure on which the same rest or any road or any part of any road or any slope or any bridge on or over which, respectively, the tramway shall be laid are maintained in good condition and repair as hereinbefore provided or is suitable for road traffic; then and in every such case such question or dispute shall be referred to the Government Superintending Engineer for the time being of the circle in which such rails, substructure, road, slope or bridge shall be, and the decision of such Superintending Engineer upon any such question or dispute shall be final and conclusive and altogether binding and operative on the road authority and the promoter respectively.

(*e*) The local authority shall at all times be at liberty to collect and retain all tolls and fees leviable under the Madras Local Boards Act, 1884, or other law in force for the time being, in respect of any road upon which the tramway shall be laid and the promoter shall not be entitled to such tolls and fees or any of them.

10. *Bridges.*—In all cases where the promoter has obtained permission to utilize existing road bridges, but where in the opinion of the local authority, such bridges are not sufficiently strong to carry the tramway, the promoter shall make at his own cost such additions to or alterations of any such bridges as may be required by, and the work shall be carried out and completed to the satisfaction of, the road authority. Provided that the promoter may, at his option, construct at his own cost, for the purposes of the tramway, separate bridges of such design and in such manner as shall first be approved by an officer duly appointed by Government in this behalf and shall complete the same to the satisfaction of the said officer.

11. *Specification.*—The tramway shall be constructed on a gauge of 2 feet 6 inches. Wherever the tramway runs on or crosses a roadway the upper surface of the rails of the tramway shall be level with the surface of the roadway; and, subject to this provision, the rails of the tramway shall be such as Government shall approve, and the tramway 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 may be approved by Government.

12. *Improvement of rails and substructure.*—The promoter shall from time to time adopt and apply such improvements in the tramway or any part thereof, including the rails and the situation of the rails and the substructure upon which the same rest, as Government may from time to time require, having regard to the security of the public and advantage to the ordinary traffic.

13. *Width of road to be used.*—The promoter may use for the construction of the tramway seven feet in width of one side of all roads over which the tramway is authorised to run. In cases where there are no buildings on that side of the road on which the tramway is laid, the said width of seven feet shall be measured from the drain on that side of the road or, where the road is in embankment, from the edge of such embankment; but, for the purpose of crossing bridges, the tramway may approach the centre of the road as far as shall, in each case, be deemed unavoidable by the road authority.

Provided always—

(1) That there shall nowhere, except at bridges, be a less width of metalled road than ten feet clear of that rail of the tramway which is nearest to the road centre.

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

14. *Period for completion.*—Subject to any extension of time that Government may see fit to grant, the promoter shall substantially complete and open for traffic the tramway before the expiration of two years from the date of this order.

15. *Altering road surface.*—Should the promoter consider it desirable or necessary for the efficient working of any part of the tramway to alter any of the levels or gradients of any of the roads upon which the same is constructed or, for the same purpose, to alter, repair or strengthen any of the bridges over which the same passes the promoter may, with the approval of the road authority, execute the same at his own cost; and where the road is already paved or metalled the promoter may, if he think fit, at his own cost, when constructing the tramway or any part thereof on such road, relay such paving or

metalling: and the promoter shall, at his own cost, provide sufficient new paving or metalling of a similar character for properly making good such road in the event of any of the original paving or metalling having become unsuitable or being insufficient for relaying. At any time within a period of two years from the date of this notification, within the taluks of Tekali and Parlakimedi, the promoter shall be at liberty, free of charge, subject to the approval of the Collector in the case of existing Government quarries, to take road-metal, stone, lime, clay, sand and gravel from Government lands within ten miles of the tramway, for the purpose of constructing the tramway or buildings connected therewith.

16. *Notice of interference with roads.*—For the purpose from time to time of making, forming, laying down, maintaining and renewing the tramway or any part or parts thereof, the promoter may open and break up any road on which the tramway is authorised to run, subject to the following regulations:—

(1) The promoter shall give to the road authority seven days' notice of his intention, such notice to state the portion of road proposed to be opened or broken up.

(2) The promoter shall not open or break up any road except under the superintendence and to the reasonable satisfaction of the road authority, unless the authority concerned refuses or neglects to give such superintendence at the time specified in the notice or discontinues superintendence during the progress of the work.

17. *Making good damage to roads.*—When the promoter shall have opened or broken up any portion of any road, he shall with all convenient speed complete the work on account of which he opened or broke up the same and, subject to the requirements of the formation, maintenance or renewal of the tramway, shall fill in the ground and make good the surface to the satisfaction of the road authority and shall clear away all surplus rubbish and materials. The promoter 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 and shall provide for the free passage of road traffic during the progress of the work.

18. *Alteration of road level.*—If hereafter the road authority should alter the level of any road along or across which the tramway or any part thereof is laid or authorised to be laid, the promoter shall, from time to time, alter the rails of the tramway so that, subject to any other provisions of this order, the uppermost surface of the road shall be on a level with the surface of the road as altered. Provided always that any such alterations as aforesaid by the road authority shall be so made as to alter as little as possible the working conditions of the tramway, and, in any case, so as not to stop or prevent the use or working thereof.

19. *Rights of Authorities and Companies to break up roads.*—Nothing in this order shall take away or abridge any power to open or break up any road along or across which any tramway is laid or any other power vested in any local or road authority for any of the purposes for which such authority is constituted, or in any Company, body or person for the purposes of laying down, repairing, altering or removing any pipe for the supply of gas or water or any tubes, wires or apparatus for telegraphic or other purposes; but, in the exercise of such power, such local or road authority and every such company, body or person shall be subject to the following restrictions that is to say:—

(1) They shall cause as little detriment or inconvenience to the promoter as circumstances may admit.

(2) Before they commence any work whereby the traffic on the tramway will be interrupted, they shall give to the promoter notice of their intention to commence such work, specifying the time at which they will begin to do so; and such notice shall be given 24 hours at least before the commencement of the work.

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

(4) Whenever, for the purpose of enabling them to execute such work, the local or road authority or company, body or person shall so require, the promoter shall either stop traffic on the tramway or on that part thereof to which the notice shall refer where such traffic would otherwise interfere with such work, or shall shore up and secure such tramway or such part thereof at his own risk and cost during the execution of the work there. Provided that such work shall always be completed with all possible expedition by the local or road authority or company, body or person and any differences as to the necessity of such work shall be settled in manner provided in clause 35 of the Act for the settlement of differences between the promoter and other companies or persons.

(5) No local or road authority, company, body or person shall execute such work, so far as it immediately affects the tramway, except under the superintendence of the promoter or his agent, unless the promoter refuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work, or discontinues the same during the progress of the work; and every such authority, company, body or person shall execute such work at its or his own expense and to the reasonable satisfaction of the promoter.

20. *Temporary diversions.*—Where, by reason of the execution of any work affecting the surface or soil of any road along which the tramway is laid, it is necessary or expedient temporarily to remove or discontinue the use of the tramway or any part thereof, or when the use of the tramway or any part thereof is interrupted by floods or other cause, the promoter may, subject to such conditions and in accordance in all respect with such reasonable regulations as the local or 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 tramways in lieu of the tramway or part thereof so removed or discontinued or the use of which is so interrupted.



21. *Motive Power.*—The carriages used on the tramway may, subject to the provisions of this order, be moved by animal power, steam power, electricity conveyed either through overhead or under-ground wires, or any mechanical power. Provided that the exercise of the powers hereby conferred with respect to the use of steam, electricity or any mechanical power shall be subject to the design and condition of all vehicles, engines and hauling contrivances or machinery being approved by Government and to any rules which may be made 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 on the tramway of steam, electricity or any mechanical power. Provided also that, if electrical power be used, communication by the existing Government telephone and telegraph lines shall be safeguarded as provided in any rules made by the Governor-General of India in Council in exercise of the powers conferred by the Electricity Act, 1887, or any subsisting statutory modification thereof.

22. *Improvement of Rolling stock.*—The promoter shall, from time to time, adopt and apply such improvements in the engines and carriages, and in the fittings, appliances and apparatus thereof, as Government may consider necessary or advisable for the safety or convenience of the public.

23. *Traffic upon tramway.*—Subject to and in accordance with the provisions of this order, the tramway may be used for the purpose of conveying passengers, animals, goods, minerals, mails and parcels, and the promoter shall be bound to carry all traffic for which the rolling-stock on the tramway may, in the opinion of Government, be sufficient and suitable. But the promoter may refuse to carry the class of goods referred to in section 59 of the Railway Act, IX of 1890. He may also refuse to carry animals suffering from infectious diseases, as well as the class of persons referred to in section 71 of that Act except in accordance with the conditions therein laid down or referred to.

24. *Rates and fares.*—The promoter shall be entitled to charge the public, for services rendered by way of conveyance on the tramway or any part thereof of passengers, animals, and goods of different classes and descriptions, at rates which the promoter shall be at liberty to vary at his discretion between the minima and twenty-five per centum above the maxima sanctioned from time to time for the East Coast Railway. The promoter shall strictly adhere to the goods classification from time to time in use on the East Coast Railway. The charge to be made for the carriage of mails shall not be higher than that in force from time to time on the East Coast Railway.

25. *Mortgages.*—Nothing in this order contained shall prevent the promoter borrowing money on the security of mortgages of the undertaking or any part thereof, or shall make the consent or approval of Government necessary to the validity or effect of any such mortgage.

26. *Promoter's right to lease the line.*—Subject to the provisions of this order and to the approval of Government, the promoter may, 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 tramway or any part thereof and of demanding and taking in respect of the same the rates and fares authorized by this order. Provided always that all duties and obligations imposed on the promoters by this order shall be equally binding on the lessees.

27. *Promoter to have first refusal of new tramways.*—So long as the promoter or his assignees continue to own or work the 2 feet 6 inches gauge tramway which is the subject of this order, Government or the local authority shall not construct, and shall not consent to any application for power to construct, further or other tramways on the same or a smaller gauge between Naupada and Parlakimedi until the promoter or his assignees shall, within six calendar months of such offer being made to him or them, have refused, or shall have failed to accept, an offer of Government or the road authority that the promoter should construct and work such further or other tramways.

28. *Promoter to have first refusal to construct new Railways.*—So long as the promoter or his assignees continue to own or work the 2 feet 6 inches or smaller gauge tramway which is the subject of this order, Government shall not construct or allow the construction of any railway between Naupada and Parlakimedi until the promoter or his assignees shall, within six calendar months of the offer being made to him or them have refused, or shall have failed to accept, an offer of Government to construct such railway and shall have failed to agree that it shall be worked by the agency of such neighbouring railway as Government may determine under an agreement between the management of such railway and the promoter or his assignees.

29. *Possible change of gauge.*—In case the Government of India should at any time hereafter consider that communication is necessary between Naupada and Parlakimedi or between Naupada and the Raipur-Vizianagram Railway, *viâ* Parlakimedi, on a broader gauge than 2 feet 6 inches, the promoter shall, notwithstanding anything in this order contained, be at liberty to convert the tramway to such gauge as may then be required, and the tramway shall thenceforth be worked for the promoter by the Government of India with such rolling-stock as may be provided for that purpose by the administration of the East Coast Railway or of such other railway as the Government of India may determine and on such terms and conditions as may then be determined by the Government of India.

30. *Liability to submission to future Acts.*—Notwithstanding anything in this order contained, the promoter and any person using the tramway 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, electric power or any mechanical power by any such general Act as aforesaid.

31. *Serving of notices.*—Any notice required to be given by Government or by any local authority to the promoter shall be in writing and may be served on the promoter by being delivered to the promoter or to his representative at Parlakimedi or elsewhere and every notice so served shall be deemed to have been duly given to the promoter, anything hereinbefore contained to the contrary notwithstanding. The promoter shall, from time to time, give notice in writing to Government and to the local authority of some agent at Parlakimedi to whom, and of some office in Parlakimedi where any such notice by Government or a local or road authority may be delivered or left as aforesaid and of any change of such agent or office.

[Here enter No. 571 Ry., dated 12th May 1899.]

(True Extract.)

Under Secretary.

To the Consulting Engineer for Railways.
" Public Works Department.
" Revenue Department.
" Local and Municipal Department.
" Collector of Ganjam.
" Manager, East Coast Railway.

Ed. T. K. Narayana Aiyangar.