

Public Works (1899) Department.

G.O., No.

1561

25

DATED

15 June 1899.

[Despatch Abstract.]

Madras District Tramways, P.W. Pros: in
the Railway Branch making an absolute
order authorizing the promoters, Messrs. ^{Cutler} ~~W. & A.~~
Madras to proceed with the construction of ^{Cutler} ~~the~~
tramways in the Madras District.
(Comd to I.R. V. M. C.)

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

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GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read again the following papers :—

G.O., No. 995 Ry., dated 3rd August 1898.
 „ „ 1295 Ry., „ 18th October „

Read also the following papers :—

From—The President, District Board, Madura.
 To—The Secretary to Government, Local and Municipal Department.
 Dated—26th November 1898, R.C. No. 175 G.

[Transferred to P.W. Dept. with L. & M. Dept., No. 1330, dated 2nd Dec. 1898.]

With reference to G.O., No. 1295 Ry., dated 18th October 1898, I have the honour to state that the suggestions therein contained were considered at the meeting of the District Board held on the 21st November 1898 along with the communications (copies enclosed) from Messrs. Wilson & Co. and Mr. C. E. Crighton acting on behalf of the Tramway Company who interviewed me on the 19th instant. I had a letter from Messrs. Wilson & Co., authorizing Mr. Crighton to negotiate in the matter, and Mr. Crighton's letter is a statement of the terms asked for by the proposed Company and it will be seen that Mr. Crighton agreed to maintain the whole existing roadway thus waiving the request in Messrs. Wilson & Co.'s letter of 31st October 1898.

2. The views of the District Board are embodied in its resolution, No. 128, copy of which is herewith submitted.

3. I am also forwarding a copy of the resolution to Messrs. Wilson & Co., and on receipt of their reply I shall forward it to Government, so that a draft agreement may be prepared by the solicitors to Government and sent for the formal approval of the District Board.

ENCLOSURE No. 1.

From—Messrs. Wilson & Co., Madras.
 To—The President, District Board, Madura.
 Dated—31st October 1898.

Referring to the Proceedings of the Madras Government, Local and Municipal Department, and to Order thereon, No. 1295 Ry., dated 18th October 1898, we have the honour to enquire if the agreement between the Board and ourselves is being drawn up.

In respect to the points mentioned in clause 4 of the order, (a) and (e) have our approval, but as regards the bridges we think the agreement should define that those to be built at Periyakulam and at Theni are the two bridges, which the Board desires shall be made suitable both for the tramway and ordinary road traffic, and on the cost of which it has noted a contribution of 1½ per cent. As regards the other points we would simply venture the following remarks :—

(b) Ten feet of road outside of our rails should be sufficient width to be kept in repair by us and this only on the main road and branch to Kistnama Naik's tope. The road from the 39th mile to Bodinayakkanur is already much narrower than the main road and it appears to us that a much less width than 10 feet should answer the purpose. We are presuming that from 7 to 7½ feet will be allowed for our tramway measured from the ditch or embankment on the left side of the road, i.e., the near rail to be 1½ to 2½ feet from the edge of the ditch.

(c) We presume the seven years will be calculated from the date of the first payment of the allowance of Rs. 200 per mile, and that same will be paid a month or so after work is commenced on each section of road. Ammayanayakanur to Periyakulam and the tope 31½ miles, being taken as one section; Periyakulam to Uthamapalayam 29½ miles, as second section; and the branch from the 38th and 39th mile to Bodinayakkanur 8 miles or further, the third section.

(d) We understand that the net profit of 5 per cent. will be calculated exclusive of the Board's allowance, i.e., if the Tramway Company can pay a dividend of 5 per cent. derived from other sources the Board's contribution is to cease, but if the Board's contribution is required to make up the 5 per cent. then it shall not cease.

Further, we understand from the Board's resolution that the contribution shall not permanently cease until a dividend from other sources is permanently attained. Five per cent. in any one year not coming under the term "permanently attained," but each year being responsible for its own income and dividend, and the consequent withdrawal, or otherwise as the case might be, of the contribution.

ENCLOSURE No. 2.

Copy of communication from—C. E. CRIGHTON, Esq.
 To—The President, District Board, Madura.
 Dated—19th November 1898.

With reference to our conversation this morning regarding the agreement to be made between the District Board and Messrs. Wilson & Co. in respect to the proposed Periyar tramway, I beg to send you a memorandum of the proposed clauses we considered necessary.

(1) That in case any other bridges are required to be constructed for road as well as tramway traffic in addition to the ones at Periyakulam and Theni, the Board will pay 1½ per cent. per annum on the capital cost in addition to and without reference to the maximum of Rs. 3,000 already allowed on the two bridges above stated.

(2) That the Company only maintain such bridges as are crossed by the tramway so far as the road is concerned, and in case of a bridge not crossed by the tramway being washed away or damaged by floods, the Company would not be required to rebuild same.

(3) The Company to take over the roadway as it stands and maintain same.

(4) The line to be divided into three sections, and the payment of Rs. 200 per mile for maintenance to be made by the District Board on the date work on each section is commenced, the Company undertaking at the same time the maintenance of the road from same date.

(5) The seven years' term to commence from the date intermediate between the date of the first section being commenced and the work of the last section being finished, subject to a condition that the seven years will commence to run not later than eighteen months from the commencement of work on first section.

(6) If any expenditure is incurred on the maintenance of the road in 1899–1900 by the District Board, the amount to be deducted from the maintenance allotment made to the Tramway Company in such official year.

ENCLOSURE No. 3.

PROCEEDINGS OF THE DISTRICT BOARD, MADURA,
No. 128, DATED 21ST NOVEMBER 1898.

Read G.O., No. 1295 Ry., dated 18th October 1898, offering certain suggestions to be considered in preparing the agreement between the District Board and Messrs. Wilson & Co. for the construction of a tramway.

Also letter from Messrs. Wilson & Co. on the subject, dated 31st October 1898.

Also Mr. C. E. Crighton's letter, dated 19th November 1898, containing the notes of conversation between himself as the authorized representative of Messrs. Wilson & Co. and the President, District Board, on the 19th instant.

Proposed by the Revd. C. S. Vaughan and seconded by Surgeon-Major W. F. Thomas. "That the contribution of Rs. 200 a mile will be guaranteed for seven years. Whenever after that period the net profit of the Tramway Company for any given year exceeds 5 per cent. on capital, the contribution will cease for that year." Proposition lost, only five voting in its favour. Proposed by M.R.Ry. M. Vencatramaiyar Avergal and seconded by M.R.Ry. P. S. Santanakrishnam Pillai Avergal :—

(1) "That the District Board meant by the phrase—'whenever after that period (seven years) the net profit of the Tramway Company exceeds 5 per cent., the contribution for maintenance of road will permanently cease,' that the contribution shall cease permanently if in any one year a dividend greater than 5 per cent. is attained." Carried by 17 against 4.

(2) That the District Board adheres to its former resolution No. 90, dated 10th September 1898, and to its interpretation of it. Carried by 16 against 7.

The Board accepts paragraphs 2, 4 and 5 of Mr. Crighton's letter.

The Board accepts Messrs. Wilson & Co.'s contention that the contribution of the District Board is not to be included in the Company's earnings for the purpose of arriving at 5 per cent.

The Board agrees to specify in this agreement the bridges over the Théní and Varahanadi (Periyakulam) as the only two bridges required to be made fit for ordinary road traffic, and they adhere to their decision to contribute not more than Rs. 3,000 per annum.

The Board accepts paragraph 3 of Mr. Crighton's letter, but will require that a minimum width of 7½ feet outside the tram car be left at all parts of the road.

The Board as well as Messrs. Wilson & Co. accept the recommendation of Government that the Superintending Engineer should be the referee and decide matters referred in clauses A and E of the Government Order.

From—The President, District Board, Madura.

To—The Secretary to Government, Local and Municipal Department.

Dated—8th December 1898, R.C. No. 175 G.

[Transferred to P.W. Dept. with L. & M. Dept. No. 1410, dated 17th Dec. 1898.]

In continuation of this office letter No. 175 G., dated 26th November 1898, I have the honour to submit, herewith, for the information of Government, copy of letter from Messrs. Wilson & Co. accepting the terms proposed by the District Board. I request that instructions may issue to the Government Solicitor to draw up the agreement between Messrs. Wilson & Co. and the District Board.

ENCLOSURE.

Copy of communication from Messrs. Wilson & Co., dated Madras, 2nd December 1898.

We have the honour to acknowledge receipt yesterday of your letter of the 25th ultimo kindly handing us copy of the Proceedings of the District Board at their meeting on the 21st November, which comprise the several resolutions passed thereat in respect to our letter of 31st October, and Mr. Crighton's of 19th November, all on the matter of our projected tramway, Periyakulam to Uttamapalayam, &c. We have now to say that we accept the terms at which the Board has now finally arrived as above, and shall be obliged if you will address Government at your early convenience in respect to the drawing up of the agreement between us by the Government Solicitor.

Order—No. 149 Ry., dated 7th February 1899.

Ordered that the following notification * be published in the Fort St. George and Madura District Gazettes. The Government of India will be addressed, as prescribed in the proviso at the end of section 4 (1) of the Tramways Act XI of 1886.

* Note.—The draft of an Order as directed to be published in Section 6 (1) (2) of the Indian Tramways Act. This draft Order was modified from week to week, until April 11th, when it appeared to meet all reasonable objections.

From—The Joint Secretary to the Government of Madras, P.W. Dept., Ry. Branch.
To—The Secretary to the Government of India, Public Works Department.
Dated—7th February 1899, No. 150 Ry.

With reference to correspondence ending with your No. 15 R.P., dated 1st April 1898, a copy of which will be found in this Government's proceedings, No. 995 Ry., dated 3rd August 1898, I am directed, in accordance with the proviso at the end of section 4 (1) of the Tramways Act, to apply to the Government of India for sanction to issue an order, as laid down in section 6 (3) of the Act, authorising Messrs. Wilson & Co. of Madras to promote the construction of certain tramway in the Madura district.

2. I am directed to enclose a copy of the draft of the order which will be published in the next and subsequent Gazettes, as a draft for objections only, as laid down in section 6 (1) (2) of the Act, pending the receipt of the Government of India's permission to confirm it, or direction to modify it.

3. I am to explain that the conditions mutually affecting the local authority and the would-be promoters have been mutually settled with the approval of Government.

4. I am to invite special attention to clauses 15, 25, 30 and 31, as they contain conditions which the Government of India may or may not desire to modify. So far as this Government is in a position to judge they appear to be suitable conditions.

Note.—The subsequent amended draft Orders were forwarded from time to time to the Government of India.

Read—

Correspondence between the Consulting Engineer for Railways and the General Manager, Kanan Devan Hills Produce Company (Limited), Manaar.
Correspondence between the Consulting Engineer for Railways and Messrs. Wilson & Co.
Correspondence between the Consulting Engineer for Railways and the P.M.G., Madras.
Correspondence between the Consulting Engineer for Railways and the Government Solicitor.

From—The Postmaster-General, Madras.

To—The Consulting Engineer for Railways.

Dated—15th February 1899, No. 40360.

In reply to your No. 459, dated February 10th, 1899, I have the honour to state that the draft order will suit the purposes of the Postal Department very well and that I have no emendations to suggest in it.

2. It would be an advantage in some ways if on the construction of the line the name of the Ammayanayakkanur station were changed to something less cumbersome such as "Periyar Junction." The present name is so cumbersome as to be a real nuisance in correspondence.

From—The General Manager, K. D. H. P. & Co., (Limited).

To—The Joint Secretary to Government, P.W. Dept., Railway Branch.

Dated—20th April 1899.

With reference to my letter to you of the 13th February, I have the honour to state, that, in view of the amended order with regard to the Ammayanayakkanur-Periyar tramway published in the *Fort St. George Gazette* of the 11th April 1899, I am instructed by my Directors to withdraw their objections to Messrs. Willson & Co.'s concession for the construction of the above tramway, as the understand (1) that the tramway is to be carried to the terminus of their ropeway at Kotagudi; and (2) that the time for construction as been reduced from four to two years.

I beg to thank the Government of behalf of my Directors for the trouble they have taken in this matter.

Telegram from—The Secretary to the Government of India, Public Works Dept.
To—The Joint Secretary to the Government of Madras, P.W. Dept., Ry. Branch.
Dated—Simla, 19th April 1899, No. 36 R.P.

Your telegram No. 57, dated 17th instant. Draft order approved. Letter follows.

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—Simla, 19th April 1899, No. 37 R.P.

In continuation of Government of India telegram No. 36 R.P., dated the 19th April 1899, reproduced in the margin,

Your telegram numbered and dated as follows: April 1899, reproduced in the margin, and your letter No. 390 Ry., dated the 57, 17th instant. Draft order approved. 7th April 1899, I am directed to confirm the sanction accorded to the draft order received with your above-quoted letter, authorising the construction by Messrs. Wilson & Co., Madras, of the Ammayanayakkanur-Periyar tramway on the 2' 6" gauge, and to request that you will forward 36 copies of the order as finally issued.

ORDER—No. 550 Ry., dated 9th May 1899.

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 Messrs. Wilson & Co. of Madras to make certain tramways in the district of Madura, His Excellency the Governor in Council is pleased, under the provisions of section 4 of that Act, to now make an absolute Order in the following form, authorising the promoters to proceed with their enterprise. This Order will be published in the Fort St. George and Madura District Gazettes, in English and in Tamil. A copy of this Order 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 MADURA.

Whereas in pursuance of the provisions of the Indian Tramways Act, 1886, the promoters hereinafter named have applied, with consent of the District Board of Madura, for powers to construct, maintain and use a system of tramways on the two-foot six-inch gauge in the district of Madura, the Government of the Presidency of Madras, being, for the purposes of the following 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 Madura District Tramways 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 tramways" and "the undertaking" shall mean the tramways and works and undertaking by this order authorized, and the words "the Act" shall mean the said Indian Tramways Act, No. XI, 1886, and any subsisting statutory modification thereof, and the word "Government" shall mean the Government of Madras.

3. *Law applicable to the Tramways.*—The tramways 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 promoters or to have been relinquished by Government, except as in this order expressly provided.

4. *The promoters.*—Messrs. Wilson & Co. of Madras, as for the time being constituted, by whom a joint stock Company is about to be incorporated and registered in London with a share capital of not less than £150,000, and, in lieu of them, such Company when registered, shall be the promoters for the purposes of this order, and are in this order referred to as "the promoters."

5. *Construction of the Tramways.*—Subject to the provisions of this order, the promoters may construct and maintain the tramways hereinafter described, the routes of which are shown on the maps deposited by the promoters 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. *Tramways authorized.*—The tramways authorized by this Order are—

A single line with necessary passing places to be laid—

From Ammayanayakanur station of the South Indian Railway to Kotagudi, the foot of the Kanan Devan Hills Produce Co.'s rope airway, about	55 miles.
With a branch from Periyakulam, mile 27, to Krishnamanaik's tope, at the foot of the hill road to Kodaikanal, about	5 "
From near Theni, mile 39, to Uttamapalaiyam, about	18 "
With power to extend at any future time from Uttamapalaiyam to Kuruvaruth, to the foot of the Periyar waterfall, and to the Madura District frontier in the Periyar neighbourhood, about	15 "

7. *Land.*—The promoters may, by agreement from time to time, purchase or take lease or otherwise acquire such lands as they 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 Madura, under Government of India Circular No. 1, Railway, of 1897. Land may, with the approval of Government, be acquired for the promoters under the provisions of the Land Acquisition Act, 1894.

8. *Approval of plans.*—The promoters shall lay before Government and the local 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 any part of any of the tramways, respectively, 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 road authority, unless that authority refuses or neglects to give such superintendence when reasonably required so to do.

9. *General Conditions.*—The tramways shall be constructed, maintained, worked and used subject to the following conditions:—

The tramways 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 promoters may 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 buildings, premises, or works of the promoters. Provided always that the promoter's proceedings under this clause shall be subject to the approval of the local authority.

(a) Subject to any other provisions of this order, the promoters shall, at their 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 the whole surface of all roads, including the portion used for cart traffic, as well as the slopes and bridges, on which the tramways are laid. In consideration of the promoters so doing, the local authority shall pay to the promoters the annual sum of two hundred rupees for every mile of road upon which the tramway shall be laid during a period of seven years from the date on which the road authority shall make over the roads on which the tramways are to be laid to the promoters, and also for every year after such period of seven years in which the working of the tramways shall not realise a net profit equal to interest on the share and debenture capital of the Company so to be formed as aforesaid at the rate of five per centum per annum. Provided always that if in any year after the expiration of the said period of seven years the working of the tramways shall realise a net profit equal to interest at five per centum per annum on the paid up capital of the Company so to be formed as aforesaid, then and from that year the payment by the local authority of the said annual sum of two hundred rupees per mile and every part of such sum shall permanently cease and determine, anything hereinbefore contained to the contrary notwithstanding. Provided also that if the promoters 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 promoters or their agent for the time being, open and break up any part of any road or any bridge on which the tramways 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 promoters or may be deducted by the local authority from any moneys payable by it to the promoters under this order.

(b) In case the promoters shall find it necessary for the purposes of the tramways 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, and also the two new bridges to be built at Periyakulam and Theni, shall be so constructed by the promoters as to admit of road traffic crossing the same; and, in consideration of the promoters so doing, the local authority shall pay to the promoters an annual sum equal to one and a half per centum on the actual cost of constructing every new bridge built by the promoters; provided that such annual sum shall not exceed in any one year the sum of three thousand rupees.

(c) The several annual sums so to be paid by the local authority to the promoters as hereinbefore provided shall not nor shall any part thereof respectively be included in the profits of the Company so to be formed as aforesaid for the purpose of arriving at the net annual profit of five per centum hereinbefore mentioned.

(d) In case any question of dispute shall arise between the road authority and the promoters 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 tramways shall be laid is 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 promoters 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 tramways shall be laid and the promoters shall not be entitled to such tolls and fees or any of them.

10. *Bridges.*—In all cases where, in the opinion of the road authority, the existing road bridges are not sufficiently strong to carry the tramways, the promoters shall make at their 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, in case of difference of opinion as regards the necessity for such alterations, the decision of the Government Superintending Engineer of the Circle shall be final and binding. The promoters may, at their option, construct at their own cost, for the purposes of the tramways, 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 for rail surface and substructure.*—The tramways 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 tramways 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 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 Government shall approve.

12. *Improvement of rails and substructure.*—The promoters shall 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 Government may from time to time require, having regard to the security of the public and to the advantage of ordinary traffic; and in case the promoters shall do so or shall incur any other capital expenditure, they may raise further capital either by the creation and issue of further shares, debentures or stock or by the exercise of borrowing powers to such amount as shall be found expedient and as may be approved by Government.

13. *Width of road to be used.*—The promoters may use for the construction of the tramways seven feet in width of one side of all roads over which the line is to run. In cases where there are no buildings on that side of the road on which the tramways are laid the said width of seven feet shall be measured from the drain on that side of the road, or when the road is in embankment, from the edge of such embankment; but for the purpose of crossing bridges, the tramways 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 the road centre.
- (2) That the promoters fix and at all times maintain, in a suitable manner and subject to the approval of the road authority, guard rails flush with the surface of the rail and of the road wherever any road or street crosses that in which the tramway is laid.

14. *Period for completion.*—Subject to any extension of time that Government may see fit to grant, and subject to the condition of sub-section 26 (1) of this order, the promoters shall substantially commence the construction of the tramways and undertake within a period of 12 calendar months after the date of this order, and shall substantially complete and open for traffic the tramway on the section from Ammayanayakkanur to Kotagudi with the branch to Krishnamanaik's tope before the expiration of two years, and the Theni-Uttamapalayam section in three years from such date.

15. *Purchase.*—If the local authority do not within six calendar months after the expiration of a period of thirty years from the date of this order exercise the powers of purchase contained in the Act then such powers of purchase shall, unless otherwise agreed between the promoters and the local authority, only be exercised within six calendar months after the expiration of every subsequent period of seven years. Whenever the powers of purchase contained in the Act shall be exercised by the local authority, the amount to be paid to the promoters for the undertaking shall be equal to the then value of the undertaking, which value shall be determined as being equal to twenty-five times the average net earnings of the tramway for a period of ten half-years immediately prior to the half-year in which the sale is concluded, and the purchase money shall be paid to the promoters or their assignees in Madras in the standard currency of India at the time of purchase, or proportionally in the standard in force during the aforesaid ten half-years.

16. *Altering road surface.*—Should the promoters consider it desirable or necessary for the efficient working of any part of the tramways to alter any of the levels or gradients of any of the roads upon which the tramways are constructed, or for the same purpose to alter, repair or strengthen any of the bridges over which the same pass, the promoters may, with the approval of the road authority, execute the same at their own cost; and where the road is already paved or metalled the promoters may if they think fit, at their own cost, when constructing the tramways or any part thereof on 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 or being insufficient for relaying. The promoters shall be at liberty free of charge, subject to the approval of the Collector in the case of 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.

17. *Notice of interference with roads.*—For the purpose from time to time of making, forming, laying down, maintaining and renewing the tramways or any part or parts thereof the promoters may open and break up any road subject to the following regulations:—

- (1) They shall give to the road authority seven days' 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 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.

18. *Making good damage to roads.*—When the promoters have opened or broken up any portion of any road, they shall, with all convenient speed, complete the work on account of which they opened or broke up the same and, subject to the requirements of the formation or maintenance or renewal of the tramways, 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. 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, and shall provide for the free passage of road traffic during the progress of the work.

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

20. *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 respectively constituted, or in any company, body or person, for the purposes of laying down, repairing, altering or removing any pipe for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes; but in the exercise of such power such local or road authority and every such company, body or person, shall be subject to the following restrictions, that is to say—

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

(2) Before they commence any work whereby the traffic on the tramways will be interrupted, they shall give to the promoters 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 promoters any compensation for injury done to the tramways 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 promoters shall either stop traffic on the tramway to which the notice shall refer where such traffic would otherwise interfere with such work, or shall shore up and secure such tramway at their 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 promoters 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 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 of the work, or discontinue 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 promoters.

21. *Temporary diversions.*—Where, by reason of the execution of any work affecting the surface or soil of any road along which the tramways are laid, it is necessary or expedient temporarily to remove or discontinue the use of any such tramway or any part thereof, or when the use of the tramways or any part thereof 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 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 tramways or part thereof so removed or discontinued, or the use of which is so interrupted.

22. *Motive power.*—The carriages used on the tramways may, subject to the provisions of this order, be moved by animal power, steam power, electricity conveyed either through over-head or under-ground wires, or any mechanical power. Provided that the exercise of the powers hereby conferred with respect to the use of steam, electricity, or any mechanical power, shall be subject to the 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 tramways 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 the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act, 1887.

23. *Improvement of Rolling Stock.*—The promoters 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; and in case they shall do so or shall incur any other capital expenditure, they may, with the approval of Government, raise further capital either by the creation and issue of further shares or debentures or stock, or by the exercise of borrowing powers, to such amount as shall be found expedient for the raising of such further capital.

24. *Traffic upon tramways.*—Subject to and in accordance with the provisions of this order the tramways may be used for the purpose of conveying passengers, animals, goods, minerals, mails and parcels, and the promoters shall be bound to carry all traffic for which their rolling-stock may in the opinion of Government be sufficient and suitable.

25. *Rates and Fares.*—The promoters shall be entitled to charge the public, for services rendered by way of conveyance on the tramways or any part thereof of passengers, animals and goods of different classes and descriptions, at rates which they shall be at liberty to vary at their discretion between the minima and twenty-five per centum above the maxima sanctioned from time to time for the South Indian Railway Company. The promoters shall strictly adhere to the goods classification from time to time in use on the South Indian 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 South Indian Railway.

26. *Provision and application of capital.*—The promoters shall observe and perform the following conditions, that is to say,—

(1) The construction of the tramways shall not be commenced until half of the share capital of the proposed company shall have been subscribed.

(2) The maximum amount to be paid by such proposed company for preliminary expenses and promotion shall not exceed 12 per cent. on £150,000.

(3) The maximum amount to be paid by the promoters to any contractor or contractors for the construction and equipment of the tramways, and for providing interest at 3 per cent. per annum during construction and sufficient working capital, shall not exceed the total nominal capital of the proposed Company and such further sum (if any) to be raised by debentures or other obligations as the promoters may consider necessary and as may be approved by Government.

27. *Mortgages.*—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 Government necessary to the validity or effect of any such mortgage; provided that every mortgage of the undertaking shall be deemed to secure to the mortgagee 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 Act, 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 Act, and that every mortgage deed granted by the promoters shall be endorsed with notice to that effect.

28. *Promoters' right to lease the line.*—Subject to the provisions of this order and to the approval of Government, the promoters 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 tramways 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 in the first instance such lease or leases shall not be made for any term exceeding thirty 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 Act. Provided also that all duties and obligations imposed on the promoters by this order shall be equally binding on the lessees.

29. *Promoters' right to sell.*—Subject to the approval of Government 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 Government and to the local authority 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 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 or in like manner as if this order had been in favour of such purchaser or purchasers, assignee or assignees, transferee or transferees instead of in favour of the promoters. Provided always that in the event of the promoters selling, assigning or transferring such rights, powers, 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 and equipment of the tramways and the provision of interest during construction.

30. *Promoters to have first refusal to construct and work new tramways.*—So long as the promoters or their assignees continue to own or work the tramways which are 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 in the valley of the Vaigai river west of Ammayanayakanur, until the promoters or their assignees shall within six calendar months of such offer being made to them have refused or failed to accept an offer of Government or the local authority that they, the promoters, should construct and work such further or other tramways.

31. *Promoters to have first refusal to construct new railways.*—So long as the promoters or their assignees continue to own or work the tramways which are the subject of this order, Government shall not construct or allow the construction of any railway in the valley of the Vaigai river west of Ammayanayakanur until the promoters or their assignees shall, within six calendar months of the offer being made to them, have refused or failed to accept an offer to construct such railway or have refused or failed to agree that it shall be worked by the agency of such railway as Government may determine under an agreement between the management of such railway and the promoters or their assignees.

32. *Liability to submission to future Acts.*—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, electric power or any mechanical power, by any such general Act as aforesaid.

33. *Serving of notices.*—Any notice required to be given by Government or by any local or road authority or by any company, body or person to the promoters shall be in writing and may be served on the promoters by being delivered to their representative at Ammayanayakanur or to the promoters themselves 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 Government and to the local and road authorities of some agent at Ammayanayakanur to whom, and of some office in Madras where, any such notice by Government or a local authority or a road authority may be delivered or left as aforesaid, and of any change of such agent or office.

[Here enter No. 551 Ry., dated 9th May 1899.]

(True Extract.)

W. D. L.
Under Secretary.

To the Consulting Engineer for Railways.
,, the Public Works Department, Roads and Buildings Branch.
,, the Local and Municipal Department.
,, the Revenue Department.
,, Messrs. Wilson & Co., Madras.
,, the Examiner, Guaranteed Railway Accounts.
,, the Agent, South Indian Railway Company.