Public Works (1890) Department.

RAILWAY BRANCH.

G.O., No. 729 Ry.

DATED 26th May

[Despatch Abstract.]

Tramways in the City of Madras. — Proceedings, Local and Municipal Department extending the time for commencing the — from 15th June to 15th December 1890, Communicated to the Consulting Engineer for Railways.

Indexed.

P. W. Ry.
10—25-9-99.

BACK PAPERS.

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

FURTHER PAPERS.

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

20th October 1888, No. 1165 M., Local and Municipal.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—again the following paper :—

G.O., dated 2nd June 1888, Mis. No. 568 M., Local and Municipal.

Abstract.—Returning to Messrs. Wilson and King certain papers relative to the construction of tramways in Madras, and requesting that they may again be put before the Municipal Commissioners with reference to the remarks made.

Read—also the following paper :—

From Messrs. WILSON and KING, Solicitors, Madras, to the Chief Secretary to Government, dated Madras, 2nd October 1888.

We have the honor to return herewith the draft Madras Tramways order submitted by us on behalf of the Indian Tramways Construction Company (Limited) on the 7th May last, and to inform you that, in accordance with the directions contained in the order of the Madras Government, dated 2nd June 1888, Mis. No. 568 M., Local and Municipal, the draft order was, on the 5th day of September last, submitted to a general meeting of the Commissioners, and at that meeting the order was approved of by the Commissioners with the exception that the minimum capital of the Indian Tramways Construction Company (Limited) or any company to which they may assign their rights, be £1,20,000 with power to increase.

2. The company has, in accordance with the wishes of the Municipality, increased its capital from £80,000 to £1,20,000.

3. We have the honor therefore to request that His Excellency the Governor in Council will be pleased to grant the said company power to construct, maintain and use a system of tramways in Madras subject to the terms and conditions contained in the accompanying order.

Order—dated 20th October 1888, No. 1165 M., Local and Municipal.

Ordered that the following notification be published in the *Fort St. George Gazette* :—

NOTIFICATION.

Under the provisions of section 6 of the Indian Tramways Act XI of 1886 (India), the following draft of a proposed order authorizing the construction, by the Indian Tramways Construction Company (Limited), of tramways in the City of Madras is published for general information. Notice is hereby given that any objection or suggestion which any person may desire to make with respect to the above order will be considered, if submitted on or before the 31st of December next.

DRAFT ORDER authorising the construction and maintenance and to regulate the working of Tramways in the City of Madras.

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

Preamble.

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

Short Title and commencement.

1. (i) This order may be called and cited as The Madras Tramways Order, 1888.

(ii) It shall come in force at once.

Incorporation of Act.

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

Interpretation.

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

Provided that in this order

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

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

The term "Carriage" shall include "Truck."

The Promoters.

4. The Indian Tramways Construction Company, Limited (being a Joint Stock Company, duly incorporated and registered in England, with a nominal Capital of £1,20,000 divided into 24,000 shares of £5 each) its successor and assigns shall be the Promoters for the purpose of this order, and are in this order referred to as "The Promoters."

Lands by Agreement.

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

CONSTRUCTION OF TRAMWAYS.

Construction of Tramways and provisions with regard thereto.

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

The Tramways authorised by this order are—

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

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

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

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

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

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

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

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

Gauge of Tramways and level thereof and mode of formation.

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

Time for commencement and completion of Tramways.

8. The Promoters shall substantially commence the construction of the Tramways and undertaking within a period of 12 months after the date of this order, and shall substantially complete and open for traffic the Tramways Nos. 1 and 2, before the expiration of two years from such date, and the remainder of the Tramways before the expiration of five years from such date.

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

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

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

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

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

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

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

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

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

Completion of work and re-instatement of road.

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

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

Further provisions as to construction of Tramways.

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

Portion of road maintainable and repairable by Promoters.

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

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

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

Application of road materials excavated in construction of works.

16. Nothing in this order shall take away or abridge any power to open or break up any road along or across which any Tramway is laid, or any other power vested in any local or road authority for any of the purposes for which such authority is respectively constituted, or in any company, body, or person, for the purposes of laying down, repairing, altering or removing any pipe for the supply of gas or water, or any 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 :—

Rights of authorities and Companies, &c., to open roads.

(1) They shall cause as little detriment or inconvenience to the Promoters and Lessees as circumstances admit.

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

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

(4) Whenever for the purpose of enabling them to execute such work the legal authority or the road authority shall so require, the Promoters or Lessees shall either stop traffic on the Tramway to which the notice shall refer, where it would otherwise intefere with such work, or shore up and secure the same at their own risk and cost

during the execution of the work there. PROVIDED that such work shall always be completed by the local authority or the road authority as the case may be, with all possible expedition, and any difference as to the necessity of such work shall be settled in manner provided by the Indian Tramways Act, 1886, for the settlement of differences between the Promoters and other companies or persons.

(5) Any company, body, or person shall not 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 they shall execute such work at their own expense and to the reasonable satisfaction of the Promoters.

Provision as to Gas and Water Companies.

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

(1) Before laying down any Tramway in a road in which any mains or pipes, tubes, wires or apparatus may be laid, the Promoters shall, if they contemplate altering the position of any such mains or pipes, wires, or apparatus, give seven days' notice to the company, person or persons to whom such mains or pipes, tubes, wires, or apparatus may belong or by whom they are controlled, of their intention to lay down or alter the Tramway, and shall, at the same time, deliver a description of the proposed work. If it should appear to any such company or person that the construction of the Tramway as proposed would endanger any such main or pipe, tube, wire, or apparatus, or interfere with or impede the supply of water or gas or the telegraphic or other communication, such company or person (as the case may be) may give notice to the Promoters to lower, or otherwise alter the position of the said mains, or pipes, tubes, wires, or apparatus in such manner as may be considered necessary, and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by the Indian Tramways Act, 1886, for the settlement of diffierence between the Promoters and other companies or persons, and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company or person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom the same are controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of such company or person or of their Surveyor or Engineer if they or he think fit to attend after receiving not less than forty-eight hours' notice for that purpose, which notice the Promoters are hereby required to give.

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

(3) The Promoters shall not lay down any such pipes contrary to the regulations of any Act relating to such water or gas or other company, or relating to telegraphs.

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

Temporary Tramways may be made when necessary.

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

MOTIVE POWER.

Carriages on Tramways may be moved by Animal, Steam, or Mechanical power.

19. The carriages used on the Tramways may, subject to the provisions of this order, be moved by Animal power, Steam power, or any Mechanical power. PROVIDED that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power, shall be subject to the regulations set forth in the schedule A to this order annexed, and any other regulations which may be necessary for securing to the public all reasonable protection against danger in the exercise of the powers by this order conferred with respect to the use of steam or any mechanical power on the Tramways.

As to Engines, &c., Carriages.

20. The Engines and Carriages to be used on the Tramways shall be of the best construction and the dimensions, fittings, appliances, and apparatus of such Engines and Carriages shall be subject to the reasonable approval of the Local Government and the local authority, and the Promoters shall from time to time adopt and apply such improvements in the Engines and Carriages and in the fittings, appliances and apparatus thereof as the Local Government may consider necessary or desirable for the safety or convenience of the public, and in case they shall do so, or shall incur any other capital expenditure, may raise further capital either by the creation and issue of further shares or stock or the exercise of borrowing powers to such amount as shall be found expedient for the raising of such further capital.

TRAFFIC UPON TRAMWAYS.

Traffic upon Tramways.

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

Promoters may fix stopping places.

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

Promoters not bound to carry Animals, Goods, &c.

23. The Promoters shall not be bound unless they think fit (and then only subject and in accordance with the provisions of this order) to carry any animals, goods, minerals or parcels other than passenger's luggage not exceeding 20 pounds in weight.

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

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

TOLLS.

Tolls for Passengers.

25. The Promoters may demand and take for every passenger travelling upon the Tramways or any part thereof, including tolls and charges for the use of the Tramways and of Carriages and for motive power and every other expense incidental to such conveyance any tolls are

charge not exceeding one-half anna per mile, or the Promoters may, subject to the reasonable approval of the local authority, fix stages of one mile in length, and may demand and take for every passenger travelling as aforesaid any sum not exceeding one-half anna per stage, and for the purpose of this section a fraction of a mile or a fraction of a stage shall be deemed a mile or a stage as the case may be. Provided always that the Promoters may provide two classes as accommodation for passengers, and may, in respect of the first or better class of accommodation, demand and take in addition to the sum of one-half anna per mile or one-half anna per stage as the case may be, any sum not exceeding one-half anna per mile or one-half annas per stage as the case may be.

Passenger's Luggage.

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

Tolls for Animals, Goods, &c.

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

Payment of Tolls, &c.

28. The tolls and charges by this order authorised shall be paid to such persons, and at such places upon or near to the Tramways in respect of which the same shall be payable, and in such manner and under such regulations as the Promoters may, subject to the other provisions of this order either on or off the Tramways and for such price or prices or other consideration as they may think fit, issue stamps, tickets, or tokens either separately or in quantities entitling the bearer or holder for the time being of any such stamp, ticket, or token to such uses of the Tramways (for the purpose of sending or carrying passengers, animals, goods, minerals, or parcels, as the case may be) as the Promoters may think fit to allow in consideration of the use, delivery or return of any such stamp, ticket, or token.

Periodical revision of Tolls.

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

General.

30. If at the expiration of one year from the date of this order, the Municipal Commission shall not have defined the number and direction of the extensions referred to in clause 6 of this order, the Promoters may, by notice in writing, left at the office of the Municipal Commission, require the Municipal Commission to take the place of the Promoters in all things appertaining to the location, construction, maintenance and working of the said rubbish lines, and from and after the delivery of such notice at the office of the Municipal Commission, no duty shall be imposed on the Promoters to locate, construct, maintain or work the said rubbish lines under this order.

Agreements between Promoters and road authorities.

31. The Promoters and any road authority may, subject to the provisions of this order, from time to time enter into any agreements with respect to the construction, maintaining, removing, renewing, repairing and using of the Tramways situated within the district of such road authority and the rails, plates, sleepers and works connected therewith and the facilitating the passage of the traffic over the same.

Powers to hold patents.

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

Security for completion of Tramways.

33. The Promoters shall, if required by the Municipal Commission before commencing the construction of the Tramways or any part thereof, deposit with The New Oriental Bank Corporation, Limited, in Madras, in the name of the Municipal Commission, the sum of Rs. 10,000 or, at their option, Promissory notes of the Government of India or Municipal Bonds of the nominal value of Rs. 10,000, and the same shall remain so deposited until the construction and opening for public traffic of the Tramways Nos. 1 to 6 inclusive. Provided always that all interest accruing on the said sum or the said notes or bonds as the case may be, shall be credited to the Promoters and subject as hereinafter provided, be paid to them as the same shall accrue. Provided nevertheless that the Municipal Commission shall be entitled to deduct out of the sum so deposited or the interest accruing on the said sum or notes or bonds as the case may be, or of the proceeds of the sale of the said notes or bonds as the case may be, any moneys to which they may be entitled under any of the provisions of this order.

Exemption from certain Municipal Taxation.

34. The Tramways, plant, engines, carriages and other vehicles, offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, ware-houses, yards and depôts of the Promoters shall, for a period of seven years from the date of this order, be exempt from all Municipal taxation, except such lighting rates and water-tax as may from time to time be payable in respect of such offices, workshops, sheds stables, buildings, carriage-houses, engine-houses, ware-house, yards and depôts.

Rent to be paid by Promoters.

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

Article.

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

(1) The construction of the Tramways shall not be commenced until £75,000 of the share capital of the Promoters has been subscribed.
(2) The maximum amount to be paid for promotion shall be the sum of £10,000.
(3) The maximum amount to be paid to any contractor or contractors for the construction and equipment of the Tramways for providing expenses and interest during construction and sufficient working capital shall not exceed the total nominal capital and such further sum (if any) to be raised by Debentures or other obligations as the Promoters may consider to be necessary.

Saving as to Powers of borrowing on Mortgage.

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

Power to lease right of uses of Tramways.

38. The Promoters may, subject to the provisions of this order by lease or leases, demise to any person or persons, corporation or company the right of user by such person or persons, corporation or company of the Tramways or any part thereof and of demanding and taking in respect of the same the tolls and charges authorised by this order. Provided always that in the

first instance such lease or leases shall not be made for any term exceeding 21 years from the passing of this order and after the expiration of such lease or leases any further lease or leases shall be so made as to expire on or before the time or times at which the local authority may exercise the powers of purchase conferred by section 22 of the Indian Tramways Act, 1886.

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

39. The Promoters for the time being may, if they think fit, at any time sell, assign or transfer the rights, powers, authorities, obligations and liabilities of this order and upon notice in writing of such sale, assignment or transfer being given to the Local Government and to the Municipal Commission, respectively, all such rights, powers, authorities, obligations and liabilities shall be deemed to be transferred to, and vested in, and may be exercised by, and shall attach to, the purchaser or purchasers or assignee or assignees or transferee or transferees as the case may be of the Promoters for the time being in like manner as if the same had not been sold, assigned or transferred. PROVIDED ALWAYS that in the event of the Promoters selling, assigning or transferring such rights, powers, authorities, obligations and liabilities to a company or Limited Liability Company to be formed in England or elsewhere before commencing or during the construction of the Tramways, the powers of sale, assignment or transfer hereby granted may only be exercised subject to the same conditions as are by this order imposed upon the Promoters named in this order with regard to capital, the amount of capital to be subscribed before commencing, the construction of the Tramways and the payments out of capital for promotion and construction and equipment of the Tramways.

Certain expenses of Municipal Commission to be paid by Promoters.

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

Promoters to have option of constructing and using further Tramways.

41. So long as the Promoters continue to own or work the Tramways or any part thereof, the local authority of any district in which the Tramways so owned or worked are laid, shall not consent to any application for power to construct further or other Tramways or Railways in the district of such local authority until the Promoters shall have refused the right which is hereby conferred upon them of obtaining power to construct, maintain and work such further or other Tramways upon the same or more favorable terms than those contained in this order for the construction, maintenance and working of the Tramways by this order authorised.

Saving for General Acts.

42. Notwithstanding anything in this order contained, the Promoters and any person using the Tramways shall be subject and liable to the provisions of any General Act now in force, or which may hereafter be passed relating to Tramways, or by which any tax or duty may be granted or imposed for or in respect of Tramways or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of the Government of India, of the maximum rates of tolls and charges authorised by this order, and to any condition, regulation, or restriction which may be imposed upon the use of Tramways, or upon the use on Tramways, of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

SCHEDULE A.

I. Every Engine used on the Tramways shall comply with the following requirements, that is to say :—

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

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

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

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

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

II. Every Carriage used on the Tramways shall be so constructed as to provide for the safety of passengers, and for their safe entrance to, exit from, and accommodation in such Carriages, and for their protection from the machinery of any Engine used for drawing or propelling such Carriages.

III. The speed at which such Engines and Carriages shall be driven or propelled along the Tramways shall not exceed the rate of eight miles an hour, and the speed at which such Engines and Carriages shall pass through facing points, whether fixed or movable, shall not exceed the rate of four miles an hour.

IV. The Engines and Carriages shall be connected by proper couplings.

V. Every Engine running on the Tramways shall carry a lamp or lamps placed in a conspicuous position in the front of the Engine, and such lamp or lamps shall be kept lighted from sunset to sunrise,and when there is a fog, and shall show when lighted a bright colored light.

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &C.

		Per mile. RS. A.
	Animals.	
For every horse, mule, or other beast of draught or burden	per head	0 6
For every ox, cow, bull, or head of cattle	„	0 6
For every calf, pig, sheep, or other small animal	„	0 3
	Goods and Minerals.	
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways per ton		0 3
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specially classed herein, and for heavy iron castings, including railway chairs per ton		0 4
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings per ton		0 6
For cotton and other wools, drugs and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things per ton		0 6
For every carriage of whatever description each		1 0
	Small parcels.	
For every parcel not exceeding seven pounds in weight each		0 3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight each		0 5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight each		0 7
For any parcel exceeding twenty-eight pounds, but not exceeding fifty-six pounds in weight each		0 9
For any parcel exceeding fifty-six pounds in weight, such sums as the Promoters may think fit		
PROVIDED ALWAYS that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.		
	For the carriage of single articles of great weight.	
For the carriage of any iron boiler, cylinder, or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons, but does not exceed eight tons, such sum as the Promoters may think fit, not exceeding per ton		1 6
For the carriage of any single piece of timber, stone, machinery, or other single article the weight of which with the carriage exceeds eight tons, such sum as the Promoters may think fit		

REGULATIONS OF TOLLS.

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

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

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

Rules and Regulations referred to in the enclosed Tender with respect to the use of Steam Power on the Tramways.

I. The Engine or Engines to be used on the Tramways shall comply with the following requirements, that is to say :—

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

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

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

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

(*e*) Arrangement shall be made enabling the driver to command a full view of the road before him.

II. Every carriage used on the Tramways shall be so constructed as to provide for the safety of passengers, and for their safe entrance to, exist from, and accommodation in such carriages, and for their protection from the machinery of any engine used for drawing or propelling such carriages.

III. The speed at which such engines and carriages shall be driven or propelled along the Tramway shall not exceed the rate of (eight) miles an hour, and the speed at which such engines and carriages shall pass through facing-points, whether fixed or moveable, shall not exceed the rate of four miles an hour.

IV. The engines and carriages shall be connected by double couplings.

V. Every engine running on the Tramways shall carry a lamp or lamps placed in a conspicuous position in the front of the engine, and such lamp or lamps shall be kept lighted from sunset to sunrise, and when there is a fog, and shall show when lighted a bright coloured light.

2. The President, Municipal Commission, Madras, the Public Works Department (Railway Branch), and the Government Solicitor are specially requested to report on the terms of the draft order before the 31st December next.

3. The draft order will also be forwarded to the Tamil, Telugu and Hindustani Translators to Government for early translation into the Vernaculars, and such translations will be published in the Gazette as soon as received.

(True Extract.)

J. F. PRICE,
Ag. Chief Secretary.

To Messrs. Wilson and King, Solicitors, Madras.
„ the Presidents, Municipal Commission, Madras.
„ the Public Works Department (Railway Branch).
„ the Government Solicitor.
„ the Tamil, Telugu and Hindustani Translators to Government.
„ the Superintendent, Government Press.

Exd. W. H. French.

No 967 R dy 14.11.88.

Communicated to the Consulting Engineer for Railways for early report

1 Dy C.S.

Govt. of {1888} Madras.

LOCAL AND MUNICIPAL.

Issued

Recd. *Encl.*

G.O., 20th October 1888, No. 1165 M.

967 R 14-11-88.

OCTOBER.

Corrg. Engr for Rys

Tramways.

Ordering the issue of a notification authorizing the construction of — in the City of Madras, and requesting the President, Municipal Commission, Madras, the Public Works Department, Railway Branch, and the Government Solicitor to report on the terms of the draft order before the 31st of December next.

With order

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following paper :—

G.O., dated 20th February 1889, Mis. No. 205 M., Local and Municipal.

Read—again the following paper :—

G.O., dated 20th October 1888, No. 1165 M., Local and Municipal.

ABSTRACT.—Ordering the issue of a notification authorizing the construction of Tramways in the City of Madras, and requesting the President, Municipal Commission, Madras, the Public Works Department, Railway Branch, and the Government Solicitor to report on the terms of the draft order before the 31st of December next.

Read—also the following papers :—

From Lieutenant-Colonel G. M. J. MOORE, President, Municipal Commission, to the Chief Secretary to Government, dated Madras, 22nd November 1888, No. 769.

With reference to G.O., dated 20th October 1888, No. 1165 M., Local and Municipal, I have the honor to report that the terms of the draft order of the Indian Tramways Construction Company (Limited) are substantially those approved of by the Commissioners.

2. There may be technicalities in the wording of the order which will doubtless be remarked upon by the Government Solicitor and the Public Works Department (Railway Branch).

Petition from V. P. PARTHASARATHY Pillai and others, residents of Sawmy Naick Street, Chintadripettah, Madras, dated 24th November 1888.

ABSTRACT.—Praying that, for reasons stated, Government may cancel the proposed arrangement to run a Steam Tramway through their street.

From E. BARCLAY, Esq., Government Solicitor, Madras, to the Chief Secretary to Government, dated Madras, 30th November 1888, No. 500.

With reference to the Order of Government, dated 20th October last, No. 1165 M., Local and Municipal, I have now to advise on the draft order relating to the construction of Tramways in Madras.

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

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

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

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

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

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

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

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

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

6. In the same section 7, at the end, it is provided that "in case they (*i.e.*, the promoters) shall do so (*i.e.*, adopt and apply improvements) or shall incur any other capital expenditure, may raise further capital either by the creation and issue of further shares or stock or the exercise of borrowing powers to such amount as shall be found expedient for the raising of such further capital." I do not see the object of this provision. If the memorandum or articles of Association provide for the promoters increasing their capital, they can do so without the sanction of this provision, and I do not think the Local Government have power to deal with this matter though the order would, by section 4, preclude a reduction of the promoters' capital. If, on the other hand, the promoters' memorandum or articles of Association do not enable them to increase their capital, this provision will not enable them to do so. I think therefore the provision should be omitted.

7. Section 9 of the order provides that "if the local authority do not within six months from the expiry of 21 years from the date of this order exercise the powers of purchase contained in the Indian Tramways Act 1886, then *notwithstanding anything to the contrary in that Act* such powers," &c. My remarks in paragraph 2 of this letter apply also to these words underlined. So far as I can see there is nothing in section 9 of the order contrary to the provisions of the Act as regards purchase of the tramways; but, if there is, then I am of opinion that the provisions of the Act must be followed in preference to the provisions of the order.

8. *Section* 12 *of the order.*—In the third line the words "a statement" should apparently be inserted between the words "and" and "of." The plan referred to in the first line could not include the materials, and in the 5th and 6th lines, reference is made to such plan and statement. The words "and statement" should also be inserted in the 7th line between the words "plan" and "before." The section apparently contemplates that the plan and statement should be laid before the Local Government and the road authority; but, in the 7th line, reference is made to the "Local authority" instead of the "Local Government." According to the definitions in section 3 of the Act, a local authority means a Municipal Committee legally entitled to the control or management of a municipal fund, and a "Road authority" in relation to a road means, if a local authority maintains and repairs the road, then

that authority. In this case therefore the Local authority and the Road authority are one and the same; viz., the Municipal Commission. It is therefore, I think, clear that the words "Local authority" in the 7th line of this section 12 should be Local Government. If I am correct in this, the 8th line of the section will require alteration by insertion of the words "the Local Government and" between the words "be" and "such" and of the word "their" in place of "its" at the end of the line, and the 9th line of the section will require alteration by insertion of the words "the Local Government and" between the words "by" and "such" and the omission of the words "or authorities." In the 9th line the word "plan" should be substituted for "plans," the word "plan" being used throughout elsewhere in the section.

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

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

11. In the 8th line of the 15th section of the order the word "paying" is a misprint for "paving." This section provides that "the promoters shall, if so required, *deliver* the surplus paving, metalling or material not used or required to be retained *to such road authority or to such person or persons as such road authority may appoint to receive the same and at such place or places* within the jurisdiction of the Municipal Commission not exceeding one mile from the place or places where such surplus paving, metalling or material is excavated or deposited *as the road authority or such person or persons may direct.*" The section then goes on to provide "that if within seven days after notice in writing to the road authority (here insert the word 'that') the surplus of such paving, metalling or material is ready for removal *such surplus is not removed by some person or persons named by the road authority* for that purpose such surplus" is to belong to the promoters. These provisions appear to me to be inconsistent, the first is that the surplus is to be delivered by the promoters to certain persons at certain places to be named by the road authority, and the second that the surplus is to be removed by the persons so named, within a certain time. I would therefore suggest that instead of the words "such surplus is not removed by some person or persons named by the road authority for that purpose" there be inserted in the section the words "the road authority or some person or persons to be named by the road authority for that purpose shall not give notice in writing to the promoters or to their agent for the time being in Madras to whom and in what place or places as aforesaid such surplus is to be delivered."

12. In the first line of section 16, sub-section (4) of the order the words "legal authority" are apparently a misprint for "local authority." The "legal authority" is not elsewhere mentioned in the order, nor is it mentioned in the Act, and the words have no apparent meaning here.

13. In section 17, sub-section (1) of the order, the word "tubes" has been omitted from the third line. The word should come between the words "pipes" and "wires" as it does in the first line of the sub-section.

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

15. *Section 20 of the order.*—My remarks in paragraph 6 of this letter apply to the words in the seventh line commencing "and in case" down to the end of this section. This section does not provide for the inspection and examination by officers of the Local Government, or the local authority, of the carriages, &c., of the promoters as authorised by section 7 (2) (*n*) of the Act. The omission may have been intentional, but, in case it was not, I think it as well to call attention to it.

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

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

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

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

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

21. *Section 25 of the order, line 4.*—The word "are" is a misprint for "or" and the word "charge" in the next line should be "charges." I would suggest also that the words "of carriages" be inserted between the words "classes" at the end of the 9th line and the word "as" at the commencement of the 10th line. In the penultimate line of this section the word "annas" is a misprint for "anna."

22. *Section 27 of the order.*—My remarks in paragraph 16 as to the words "minerals or parcels" apply also to these words in this section.

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

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

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

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

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

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

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

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

"As each of the tramways is constructed the same, and all plant, rolling-stock, yards, workshops, engines-sheds and depôts used thereon, or in relation thereto, or in connection therewith, shall, for a period of seven years from the date of the completion of such construction (or to commence from the date of this order as may be preferred), be exempt from all Municipal taxation except such lighting rates and water-tax as may, from time to time, be payable in respect of such yards, workshops, engine-sheds and depôts."

30. Section 35 of the order provides that the promoters shall, after the expiration of two years from the date of the order, pay to the Municipal Commission rent at the rate of Rs. 200 per annum. I call attention to this section merely because the amount of the annual rent seems very small. It might be as well to mention in the section for what the rent is to be paid, so I would insert between the words "rent" and "at" the words "for the ground occupied by the tramways and by the yards, depôts and buildings used in connection therewith."

31. The effect of section 36, sub-section (3), appears to be to leave the maximum amount to be paid for construction and equipment, for providing expenses and interest during construction and sufficient working capital, absolutely unlimited. According to this sub-section such maximum is not to exceed the nominal capital and such further sum, to be raised by debentures or other obligations, as the promoters may consider to be necessary. If it be intended to limit this maximum amount, this section certainly does not do it; and, in order that the section may have that effect, it will be necessary to strike out the last part of the section from and including the words "and such further," or, to insert after the words "if any" the words not exceeding in the whole the sum of £ — (such sum as Government may determine). I think that after the words "nominal capital" should be inserted the words "of the promoters" as that capital is mentioned in section 4 of the order.

32. In section 37 of the order, line 1, the words "or in the Indian Tramways Act 1886" appear to me to be out of place and useless. Except in section 7 (2) (*q*) of the Act, which authorises the order to provide the conditions subject to which the promoter may transfer the undertaking or any part thereof by mortgage, &c., there is nothing in the Act to effect the right of the promoters to mortgage the undertaking, and if there were, and such provisions were contrary to the terms of the order in this respect, the provisions of the Act must, in my opinion, over-ride the terms of the order.

33. In lines 1 and 8 of section 39 of the order, the words "for the time being" are superfluous, as by section 4 of the order, the Indian Tramways Company (Limited) *their successors and assigns* are declared to be the promoters for the purpose of the order. If these words were necessary in this section they would also be necessary in very many other sections of the order.

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

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

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

Note by the Consulting Engineer on the Draft Order, Madras Tramways, called for in G.O., No. 967-R., dated 14th November 1888.

The draft order seems to provide for all that is required by Act XI of 1886, Indian Tramways Act.

The following remarks and suggestions are offered:—

Page 3, *Section* 7.—The provision that the rails of the Tramway shall be of such form and construction as to admit of the passage of carriage used on the South Indian Railway passing on and over the same would add very materially to the cost of the rails and the method of laying them, and is unnecessary unless the metre gauge is adopted.

Page 4, *Section* 11—(1).—The word "convenient" might be altered to "reasonable."

Page 5, *Section* 15, *line* 8.—"Paying" is a misprint for "paving."

Page 7.—Last word "are" is a misprint for "or."

Page 10, *Schedule A*, *I* (*e*).—A separate paragraph with letter (*f*) should be made of the words after "before him."

Page 11—IV.—It is noted that in the rules overpage the word "double" is used where "proper" occurs here—"proper" seems correct.

V. If the proper lighting of Tramway carriages drawn by animal power is not compelled by existing Police or Municipal regulations, it should be provided for in this schedule.

(Signed) K. A. JOPP, Colonel, R.E.,
for *Consulting Engineer for Railways.*

No. 14.

Endorsement on the above.

Submitted to Government with reference to G.O., No. 967-R., dated 14th November 1888.

MADRAS,
10*th January* 1889.

(Signed) S. SMITH, Major, R.E.,
for *Consulting Engineer for Railways.*

No. 158 C.

Transferred to the Local and Municipal Department with reference to paragraph 2 of Government Order in that department, No. 1165 M., dated 20th October 1888.

14*th January* 1889.

(Signed) K. A. JOPP, Colonel, R.E.,
Under Secy. to Govt., P.W.D. (Ry. Branch).

Order—dated 20th February 1889, Mis. No. 205 M., Local and Municipal.

The papers read above will be referred to the President, Municipal Commission, Madras, for early remarks, with the intimation that the Government, as at present advised, are prepared to modify the draft order in accordance with the suggestions made by the Government Solicitor and the Consulting Engineer for Railways except in regard to the following points :—

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

(2) It is not thought necessary to supply the omission in the draft order to provide for the traffic which the promoter or lessee shall be bound to carry, pointed out in paragraph 18 of the Government Solicitor's letter, since the success of the scheme depends on the amount of traffic which the line will carry.

(3) The Government Solicitor considers that the rent provided in section 35 is small ; but as the rent is clearly only a nominal one, apparently levied to prevent the company from acquiring any property in the roads, the Government do not think it necessary to increase it.

(4) The Consulting Engineer criticises the provision in section 7, which requires the rails of the Tramway to be of such form and construction as to admit of carriages used on the South Indian Railway passing on and over them on the ground that it would add considerably to their cost. But this is a point to be settled between the Promoters and the Commissioners.

2. With reference to the Government Solicitor's remarks in paragraph 15 of his letter regarding the omission in section 20 to provide for the inspection and examination of Tramway carriages by officers of the local authority or the Government, the words " inspection and " will be inserted before " reasonable approval," in line 4 of that section.

3. With reference to section 36 (3) of the draft order and paragraph 31 of the Government Solicitor's letter, the Commissioners will be invited to fix the maximum amount of the further capital which may be raised by the promoters if they think a limitation necessary.

(True Extract.)

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

To the President, Municipal Commission, Madras.

READ—also the following papers :—

From Lieutenant-Colonel G. M. J. MOORE, President, Municipal Commission, Madras, to the Chief Secretary to Government, dated Madras, 30th April 1889, No. 86 G.

With reference to G.O., dated 20th February 1889, Mis. No. 205 M., Local and Municipal, I have the honor to forward an extract from the Proceedings of a general meeting of the Municipal Commissioners for the City of Madras held on 26th April 1889.

2. The enclosures, current Nos. 2615 and 2654 M. of 1888 and 67 M. of 1889, in original, are herewith returned.

ENCLOSURE.

Extract referred to.

Read G.O., Mis. No. 205 M., dated 20th February 1889, Local and Municipal, referring to the President, Municipal Commission, Madras, certain papers, *re* Tramway concession, for early remarks, and intimating that Government are prepared to modify the draft order, as suggested by the Government Solicitor and the Consulting Engineer for Railways, except as regard to certain points.

Proposed by Rai Bahadur P. Runganadam Mudaliar and seconded by Mr. W. S. Venkataramanjulu Nayudu.

" That the Commissioners adhere to their former resolution and do not consider it desirable to fix the maximum limit of capital to be raised."—Carried.

Proposed by the President and seconded by Dewan Bahadur R. Ragoonath Row.

" That the Commissioners approve of the suggestions made by the Government Solicitor and Consulting Engineer for Railways as accepted by Government."—Carried.

From Messrs. WILSON and KING, Solicitors of Madras, to the Chief Secretary to Government, dated Madras, 3rd May 1889.

We have the honor to address you with reference to the draft Madras Tramways order which we forwarded to you on the 2nd October 1888, and which, we understand, has been referred back to the Commissioners on the question of the limitation of further capital.

2. We have seen the draft order as modified by Government, and with reference thereto, we beg to call attention to a proposal by Government to insert the word " animal " between the words " use " and " steam " in the 10th line of section 24 of the order and to the effects of this proposition—effects which we venture to think have not been appreciated by Government.

3. In the draft order agreed upon between the Municipal Commissioners and our clients, mention of animal power in the clause referred to was purposely omitted because—

(1) our clients are bound to find motive power for the Municipality, and if the Tramway is worked by steam or electricity (as proposed), our clients would have no animal power at their disposal ;

(2) if the Municipality are allowed to use animal power on the Tramways at their own expense, the maintenance of the roadway would be an onerous burden on our clients ;

(3) the haulage rate of 8 pies per ton per mile agreed upon between the Municipality and our clients, and referred to in the same section, was calculated on the basis that the motive power to be used would be steam. Animal haulage could, of course, not be done at that rate.

4. Under these circumstances we have to request on behalf of our clients that the word " animal " be not inserted between the words " use " and " steam " in the 10th line of section 24 of the order, and that in this respect the original agreement between the Commissioners and our clients be adhered to.

ORDER—dated 15th June 1889, No. 733 M., Local and Municipal.

With his letter read above, the President, Municipal Commission, Madras, submits the Commissioner's final resolution in connection with the draft order authorising the construction of Tramways in the City of Madras. The Commissioners approve of the suggestions made by the Government Solicitor and the Consulting Engineer for Railways, as accepted by Government (*vide* G.O., dated 20th February 1889, No. 205 M.), but with reference to paragraph 3 of that order, do not consider it desirable to fix the maximum limit of capital to be raised. The words " not exceeding in the whole the sum of £—," inserted by the Government Solicitor in paragraph 36 of the draft order, will accordingly be struck out.

2. In accordance with the suggestion of the Consulting Engineer for Railways in the concluding paragraph of his note read in G.O., dated 20th February 1889, No. 205 M., and approved by Government, the words " Every carriage running on the Tramways shall carry a sufficient number of lights, which shall be kept lighted from sunset to sunrise," will be added at the end of section V of Schedule A and section V of the rules.

3. With reference to the letter from Messrs. Wilson and King read above, the words " it shall not be open to the Municipal Commission to use any other motive power than that used by the Promoters and that " will be inserted after " Provided always that " in line 11 of section 24.

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

NOTIFICATION.

Under the provisions of section 6 (4) of the Indian Tramways Act XI of 1886, the following order authorising the construction by the Indian Tramways Company (Limited) of Tramways in the City of Madras is published for general information :—

Order authorising the construction and maintenance and to regulate the working of Tramways in the City of Madras.

Preamble.

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

And WHEREAS the Government of the Presidency of Madras, being for the purposes of 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 hereafter contained, that is to say—

Short Title and commencement.

1. (i) This order may be called and cited as The Madras Tramways Order, 1889.

(ii) It shall come in force at once.

Incorporation of Act.

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

Interpretation.

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

Provided that in this order—

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

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

The term " Carriage " shall include " Truck."

The Promoters.

4. The Indian Tramways Construction Company, Limited (being a Joint Stock Company, duly incorporated and registered in England, with a nominal capital of £120,000 divided into 24,000 shares of £5 each), its successor and assigns shall be the Promoters for the purpose of this order, and are in this order referred to as the " Promoters."

Lands by Agreement.

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

CONSTRUCTION OF TRAMWAYS.

Construction of Tramways and provisions with regard thereto.

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

The Tramways authorised by this order are—

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

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

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

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

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

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

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

The Tramways shall be constructed in such position in the several roads, and the passing places shall be of such length (not being less than 66 yards each) and shall be constructed and maintained at such places or between such points in the road as the Promoters may, subject to the reasonable approval of the road authority, consider necessary or convenient for the efficient working of the Tramways, and the Promoters may, after the construction of the Tramways or any part thereof, construct and maintain, subject to such reasonable approval, all such additional crossings, passing places, sidings, junctions, or extensions thereof and other works as they may from time to time consider necessary or convenient for the efficient working of the Tramways or any of them,

or for providing access to any stables, carriage-houses, enginehouses, sheds, depositories or works of the Promoters, and if the Promoters consider it desirable or necessary for the efficient working of any of the Tramways to alter any of the levels or gradients of any of the roads upon which the same are constructed, or for the same purpose to alter, repair or strengthen any of the bridges over which the same pass, the Promoters may execute the same at their own cost, and where the road is already paved or metalled, the Promoters shall, at their own cost, when constructing the Tramways or any part thereof in such road, relay such paving or metalling, and the Promoters shall at their own cost provide sufficient new paving or metalling of a similar character for properly making good such road in the event of any of the original paving or metalling having become unsuitable for relaying.

Gauge of Tramways and level thereof and mode of formation.

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

Time for commencement and completion of Tramways.

8. The Promoters shall substantially commence the construction of the Tramways and undertaking within a period of 12 months after the date of this order, and shall substantially complete and open for traffic the Tramways Nos. 1 and 2, before the expiration of two years from such date, and the remainder of the Tramways before the expiration of five years from such date.

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

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

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

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

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

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

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

Completion of work and re-instatement of road.

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

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

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

Further provisions as to construction of Tramways.

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

Portion of road maintainable and repairable by Promoters.

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

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

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

Application of road materials excavated in construction of works.

15. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority, may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of such road, and the maintenance of any of the Tramways within the district of such road authority and of so much of the roadway of such road as the Promoters are by this order required to maintain: and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to such road authority, or to such person or persons as such road authority may appoint to receive the same, and at such place or places within the jurisdiction of the Municipal Commission not exceeding *one mile* from the place or places where such surplus paving, metalling, or material is

excavated and deposited as the road authority or such person or persons may direct. PROVIDED ALSO that, if within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, the road authority or some person or persons to be named by the road authority for that purpose shall not give notice in writing to the Promoters or to their agent for the time being in Madras to whom and in what place or places as aforesaid such surplus is to be delivered, such surplus paving, metalling, or material, shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit: any difference between the Promoters and any road authority or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Indian Tramways Act, 1886, with respect to all differences between the Promoters and any road authority.

Rights of authorities and Companies, &c., to open roads.

16 Nothing in this order shall take away or abridge any power to open or break up any road along or across which any Tramway is laid, or any other power vested in any local or road authority for any of the purposes for which such authority is respectively constituted, or in any company, body, or person, for the purposes of laying down, repairing, altering or removing any pipe for the supply of gas or water, or any 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 and Lessees as circumstances admit.

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

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

(4) Whenever for the purpose of enabling them to execute such work the local authority or the road authority shall so require, the Promoters or Lessees shall either stop traffic on the Tramway to which the notice shall refer, where it would otherwise interfere with such work, or store up and secure the same at their own risk and cost during the execution of the work there. PROVIDED that such work shall always be completed by the local authority or the road authority, as the case may be, with all possible expedition, and any difference as to the necessity of such work shall be settled in manner provided by the Indian Tramways Act, 1886, for the settlement of differences between the Promoters and other companies or persons.

(5) Any company, body, or person shall not 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 they shall execute such work at their own expense and to the reasonable satisfaction of the Promoters.

Provision as to Gas and Water Companies.

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

(1) Before laying down any Tramway in a road in which any mains or pipes, tubes, wires or apparatus may be laid, the Promoters shall, if they contemplate altering the position of any such mains or pipes, tubes, wires, or apparatus, give seven days' notice to the company, person or persons to whom such mains or pipes, tubes, wires, or apparatus may belong or by whom they are controlled, of their intention to lay down or alter the Tramway, and shall, at the same time, deliver a description of the proposed work. If it should appear to any such company or person that the construction of the Tramway, as proposed, would endanger any such main or pipe, tube, wire, or apparatus, or interfere with or impede the supply of water or gas or the telegraphic or other communication, such company or person (as the case may be) may give notice to the Promoters to lower, or otherwise alter the position of the said mains, or pipes, tubes, wires or apparatus in such manner as may be considered necessary, and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by the Indian Tramways Act, 1886, for the settlement of difference between the Promoters and other companies or persons, and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company or person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom the same are controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of such company or person or of their Surveyor or Engineer if they or he think fit to attend after receiving not less than forty-eight hours' notice for that purpose, which notice the Promoters are hereby required to give.

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

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

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

Temporary Tramways may be made when necessary.

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

MOTIVE POWER.

Carriages on Tramways may be moved by Animal, Steam, or Mechanical power.

19. The carriages used on the Tramways may, subject to the provisions of this order, be moved by Animal power, Steam power, or any Mechanical power. PROVIDED that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the schedule A to this order annexed, and any other regulations which may be necessary for securing to the public all reasonable protection against danger in the exercise of the powers by this order conferred with respect to the use of steam or any mechanical power on the Tramways.

As to Engines, &c., Carriages.

20. The Engines and Carriages to be used on the Tramways shall be of the best construction, and the dimensions, fittings, appliances, and apparatus of such Engines and Carriages shall be subject to the inspection and reasonable approval of the Local Government and the local authority, and the Promoters shall from time to time adopt and apply such improvements in the Engines and Carriages and in the fittings, appliances and apparatus thereof as the Local Government may consider necessary or desirable for the safety or convenience of the public, and in case they shall do so, or shall incur any other capital expenditure, may raise further capital either by the creation and issue of further shares or stock or the exercise of borrowing powers to such amount as shall be found expedient for the raising of such further capital.

TRAFFIC UPON TRAMWAYS.

Traffic upon Tramways.

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

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

Promoters may fix stopping places.

23. The Promoters shall not be bound unless they think fit (and then only subject and in accordance with the provisions of this order) to carry any animals or goods, other than passenger's luggage not exceeding 20 pounds in weight.

Promoters not bound to carry Animals, Goods, &c.

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

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

Tolls.

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

Tolls for Passengers.

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

Passenger's Luggage.

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

Tolls for Animals, Goods, &c.

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

Payment of Tolls, &c.

29. If at any time after three years from the opening for public traffic of the Tramways or any portion of the Tramways, or after three years from the date of any order made in pursuance of this section in respect of the Tramways or any portion of the Tramways, it is represented in writing to the Local Government by the local authority, or by the Promoters, that, under the circumstances then existing, all or any of the tolls and charges demanded and taken in respect of the traffic on the Tramways or on such portion of the Tramways should be revised, the Local Government may (if they think fit) direct an inquiry by a referee to be appointed by the Local Government; and if such referee report that it has been proved to his satisfaction that all or any of such tolls or charges should be revised, the Local Government may make an order in writing altering, modifying, reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the Tramways or on such portion of the Tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Local Government made in pursuance of this section. Provided that no such revision of tolls or charges shall be made without the consent of the Promoters unless and until the Promoters shall have distributed by way of dividend to their shareholders an amount equal to interest at the rate of 10 per cent. per annum upon the total capital of the Company whether represented by shares or debentures.

Periodical revision of Tolls.

General.

30. If at the expiration of one year from the date of this order, the Municipal Commission shall not have defined the number and direction of the extensions referred to in clause 6 of this order, the Promoters may, by notice in writing, left at the office of the Municipal Commission, require the Municipal Commission to take the place of the Promoters in all things appertaining to the location, construction, maintenance and working of the said rubbish lines, and from and after the delivery of such notice at the office of the Municipal Commission, no duty shall be imposed on the Promoters to locate, construct, maintain or work the said rubbish lines under this order.

31. The Promoters and any road authority may, subject to the provisions of this order, from time to time enter into any agreements with respect to the construction, maintaining, removing, renewing, repairing and using of the Tramways situated within the district of such road authority and the rails, plates, sleepers and works connected therewith and the facilitating the passage of the traffic over the same.

Agreements between Promoters and road authorities.

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

Powers to hold patents.

33. The Promoters shall, if required by the Municipal Commission, before commencing the construction of the Tramways or any part thereof, deposit with The New Oriental Bank Corporation, Limited, in Madras, in the name of the Municipal Commission, the sum of Rs. 10,000, or, at the option of the Promoters, Promissory Notes of the Government of India or Municipal Bonds of the nominal value of Rs. 10,000, as security for the due compliance by the Promoters with the provisions of this order, and the same shall remain so deposited until the construction and opening for public traffic of the Tramways Nos. 1 to 6 inclusive. Provided always that all interest accruing on the said sum or the said notes or bonds, as the case may be, shall, subject as hereinafter provided, be paid to the Promoters as the same shall accrue. Provided nevertheless that the Municipal Commission shall be entitled to deduct out of the sum so deposited and the interest accruing on the said sum or notes or bonds as the case may be, or of the proceeds of the sale of the said notes or bonds as the case may be, any moneys to which they may be entitled under any of the provisions of this order. For the purpose of realizing any of such moneys the Municipal Commission shall be at liberty from time to time to sell by public auction or private contract all or any of such notes or bonds as the case may be.

Security for completion of Tramways.

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

Exemption from certain Municipal Taxation.

35. The Promoters shall, after the expiration of two years from the date of this order, pay to the Municipal Commission rent for the ground occupied by the Tramways, and by the yards, depôts and buildings used in connection therewith at the rate of Rs. 200 per annum, which

Rent to be paid by Promoters.

shall become due and payable on the 31st day of December in each year, and if the said rent or any part thereof shall be in arrear for the space of 21 days next after the same shall have become due, the Promoters shall be liable to pay interest on the amount so in arrear at the rate of 8 per cent. per annum.

Article.

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

(1) The construction of the Tramways shall not be commenced until £75,000 of the share capital of the Promoters has been subscribed.
(2) The maximum amount to be paid for promotion shall be the sum of £10,000.
(3) The maximum amount to be paid to any contractor or contractors for the construction and equipment of the Tramways for providing expenses and interest during construction and sufficient working capital shall not exceed the total nominal capital of the Promoters and such further sum (if any) to be raised by Debentures or other obligations as the Promoters may consider to be necessary.

Saving as to Powers of borrowing on Mortgage.

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

Power to lease right of uses of Tramways.

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

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

39. The Promoters may, if they think fit, at any time sell, assign or transfer the rights, powers, authorities, obligations and liabilities of this order, and upon notice in writing of such sale, assignment or transfer being given to the Local Government and to the Municipal Commission, respectively, all such rights, powers, authorities, obligations and liabilities shall be deemed to be transferred to, and vested in, and may be exercised by, and shall attach to, the purchaser or purchasers, or assignee or assignees, or transferee or transferees, as the case may be, of the Promoters in like manner as if this order had been made in favour of such purchaser or purchasers, assignee or assignees, or transferee or transferees, as the case may be, instead of in favour of the Promoters named herein. PROVIDED ALWAYS that in the event of the Promoters selling, assigning or transferring such rights, powers, authorities, obligations and liabilities to a Company or Limited Liability Company to be formed in England or elsewhere before commencing or during the construction of the Tramways, the powers of sale, assignment or transfer hereby granted may only be exercised subject to the same conditions as are by this order imposed upon the Promoters named in this order with regard to capital, the amount of capital to be subscribed before commencing, the construction of the Tramways and the payments out of capital for promotion and construction and equipment of the Tramways.

Certain expenses of Municipal Commission to be paid by Promoters.

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

Promoters to have option of constructing and using further Tramways.

41. So long as the Promoters continue to own or work the Tramways or any part thereof, the local authority of any district in which the Tramways so owned or worked are laid, shall not consent to any application for power to construct further or other Tramways or Railways in the district of such local authority until the Promoters shall have refused the right which is hereby conferred upon them of obtaining power to construct, maintain and work such further or other Tramways upon the same or more favorable terms than those contained in this order for the construction, maintenance and working of the Tramways by this order authorised.

Saving for General Acts.

42. Notwithstanding anything in this order contained, the Promoters and any person using the Tramways shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed relating to Tramways, or by which any tax or duty may be granted or imposed for or in respect of Tramways or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of the Government of India, of the maximum rates of tolls and charges authorised by this order, and to any condition, regulation, or restriction which may be imposed upon the use of Tramways, or upon the use on Tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

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

SCHEDULE A.

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

(*a*) Each couple wheel shall be fitted with a brake block, which can be applied by a screw or treadle or by other means, and also by steam.
(*b*) A governor (which cannot be tampered with by the driver) shall be attached to each engine, and shall be so arranged that at any time when the engine exceeds a speed of ten miles an hour, it shall cause the steam to be shut off and the brake applied.
(*c*) Each engine shall be numbered, and the number shall be shown in a conspicuous part thereof.
(*d*) Each engine shall be fitted with a suitable fender to push aside obstructions, and with a special bell or whistle, or other apparatus to be sounded as a warning when necessary.
(*e*) Arrangement shall be made, enabling the driver to command a full view of the road before him.
(*f*) Every such engine shall be free from noise produced by steam or machinery so as to constitute a reasonable ground of complaint to the public, and the machinery shall be concealed from view on all sides to within six inches from the level of the rails.

II. Every carriage used on the Tramways shall be so constructed as to provide for the safety of passengers, and for their safe entrance to, exit from, and accommodation in such carriages, and for their protection from the machinery of any engine used for drawing or propelling such carriages.

III. The speed at which such engines and carriages shall be driven or propelled along the Tramways shall not exceed the rate of eight miles an hour, and the speed at which such engines and carriages shall pass through facing points, whether fixed or movable, shall not exceed the rate of four miles an hour.

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

V. Every engine running on the Tramways shall carry a lamp or lamps placed in a conspicuous position in the front of the engine. Such lamp or lamps shall be kept lighted from sunset to sunrise, and when there is a fog, and shall show when lighted a bright colored light. Every carriage running on the Tramways shall carry a sufficient number of lights, which shall be kept lighted from sunset to sunrise.

SCHEDULE B.

TOLLS AND CHARGES FOR ANIMALS, GOODS, &C.

Animals.		Per mile.
		RS. A.
For every horse, mule, or other beast of draught or burden	per head	0 6
For every ox, cow, bull, or head of cattle	,,	0 6
For every calf, pig, sheep, or other small animal	,,	0 3

Goods and Minerals.

	Per mile. Rs. A.
For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton	0 3
For all iron, iron ore, pig iron, bar iron, road iron, sheet iron, hoop iron, plates of iron, slabs, billets and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specially classed herein, and for heavy iron castings, including railway chairs, per ton	0 4
For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton	0 6
For cotton and other wools, drugs and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton	0 6
For every carriage of whatever description, each	1 0

Small parcels.

For every parcel not exceeding seven pounds in weight, each	0 3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, each	0 5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, each	0 7
For any parcel exceeding twenty-eight pounds, but not exceeding fifty-six pounds in weight, each	0 9
For any parcel exceeding fifty-six pounds in weight, such sums as the Promoters may think fit.	

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

For the carriage of single articles of great weight.

For the carriage of any iron boiler, cylinder, or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons, but does not exceed eight tons, such sum as the Promoters may think fit, not exceeding per ton	1 6
For the carriage of any single piece of timber, stone, machinery, or other single article the weight of which with the carriage exceeds eight tons, such sum as the Promoters may think fit.	

REGULATIONS OF TOLLS.

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

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

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

Rules and Regulations referred to in the enclosed Tender with respect to the use of Steam Power on the Tramways.

I. The Engine or Engines to be used on the Tramways shall comply with the following requirements, that is to say—

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

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

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

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

(*e*) Arrangement shall be made enabling the driver to command a full view of the road before him.

II. Every carriage used on the Tramways shall be so constructed as to provide for the safety of passengers, and for their safe entrance to, exit from, and accommodation in such carriages, and for their protection from the machinery of any engine used for drawing or propelling such carriages.

III. The speed at which such engines and carriages shall be driven or propelled along the Tramway shall not exceed the rate of (eight) miles an hour, and the speed at which such engines and carriages shall pass through facing-points, whether fixed or movable, shall not exceed the rate of four miles an hour.

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

V. Every engine running on the Tramways shall carry a lamp or lamps placed in a conspicuous position in the front of the engine. Such lamp or lamps shall be kept lighted from sunset to sunrise, and when there is a fog, and shall show when lighted a bright colored light. Every carriage running on the Tramways shall carry a sufficient number of lights, which shall be kept lighted from sunset to sunrise.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the President, Municipal Commissior., Madras.
" Messrs. Wilson and King, Solicitors, Madras.
" the Public Works Department.

Exd. W. H. French.

Govt. of {1889} Madras.

LOCAL AND MUNICIPAL.

B

No 750 R 4th July 1889.

Comd to the Conservator for Railways in continuation of Proc: No 964 R dated 14th November 1888.

J Sof C J S.

Issued

Recd. *Encl.*

G.O., 15th June 1889, No. 733 M.

JUNE.

Tramways.

Ordering the publication of the draft order framed under the Indian Tramways Act XI of 1886 authorizing the construction of — in the City of Madras.

Conservator for Rys.

Enclosure.

Letter from Messrs. Wilson and King, Solicitors, Madras dated 12th March 1890 requesting on behalf of the Indian Tramways Construction Company (limited) that the time within which the Tramway is to be commenced may be prolonged from the 15th day of June to the 15th December 1890.

Proposed by Mr. Rowlandson

"That the extension be not recommended"

The proposition not being seconded falls through.

Proposed by Rai Bahadur Anunda Charlu and seconded by Mr. Vijiarunga Mudaliar.

"That the extension be recommended with a hope that a similar application will not be repeated

Carried.

/ True Copy /

M C Gaddesden Capt. R. E.

Under Secretary P. W. D.

for Chief Secretary.

Enclosure.

80 Lombard Street E.C.

March 21st. 1890

Messrs. Wilson and King.

Madras.

Dear Sirs.

We cabled you:-

"Apply six months' delay

"Commencement of Works"

on the 10th instant which we beg to confirm.

Our negotiations for underwriting the necessary capital ~~were~~ were then well advanced but difficulties have again arisen and it is extremely doubtful, if we shall get matters arranged at all without sending out an independent Engineer to report on the scheme for the financiers.

We are hardly inclined to risk more on this business and are awaiting your advices as to cost and method of obtaining extension of time before taking a final decision.

If we have failed, it is because it is an impossibility to find money for Madras in the London market except on ruinous terms.

If

If the authorities can and will grant us without conditions six months delay for the commencement of the works, we think it will be for their interest as well as ours for no one can do more than we have done and can do.

The Calcutta Tramways Co. last week declared a divident of only 2 1/2 op for 1889 and this has for the moment at all events stopped our chance of floating any scheme for Madras.

Sir George Bruces Consulting Engineer to the S. Indian Railway has been employed by the financiers to report and though his report is generally favourable to Tramways in Madras yet he has demurred to some details of our scheme and this will cause much delay.

We have risked nearly £ 3000 and an immense quantity of valuable time and work on the scheme and we hope the authorities will consider that this is sufficient proof of our "bona fides" in the matter, especially as our failure is principally owing to the wording of the conditions inserted by the Municipality in the order.

Yours truly

p. The Indian Tramways Construction Co. Ltd.

(Sgd) William Bailey

Secretary

/True copy/

Capt. R. E.

Under Secretary P. W. D.

for Chief Secretary.

CHIEF SECRETARIAT. MADRAS.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper :—

From Messrs Wilson and King Solicitors Madras dated 12th March 1890.

We have the honor to address you on behalf of the Indian Tramway Construction Company Limited with reference to the order of Government authorizing the construction and maintenance and to regulate the working of Tramways in the city of Madras dated 15th June 1889, which appeared in the Fort Saint George Gazette of the 25th June 1889 page 973 and to request that His Excellency the Governor in Council will be pleased under Act XI of 1886 section 10 (i) to prolong the time within which the Tramway is to be commenced from the 15th day of June 1890 to the 15th December 1890

From Messrs Wilson and King Solicitors Madras dated 10th April 1890.

With reference to our letter of the 12th ultimo, we have the honor to enclose copy of a letter received from Mr William Bailey the Secretary of the Indian Tramways Construction Company

Company Limited.

From the President Municipal Commission Madras —
dated 24th April 1890 G. No. 45.

With reference to your endorsement No. 186 of the 2nd instant on application from Messrs Wilson and King dated 12th March 1890 (herewith returned) I have the honor to forward an Extract from the Proceedings of a General Meeting of the Commissioners held on Wednesday the 23rd instant.

Order thereon dated 12th May 1890 No. 721 M. Mis

His Excellency the Governor in Council is pleased under Section 10 (1)(i) of Act XI of 1886 to prolong the time within which the Tramways within the city of Madras specified in the order issued under section 6 of the said act dated 15th June 1889 shall be commenced from the 15th of June 1890 to the 15th December 1890.

(True Extract)

[signature] Capt R.E.
Under Secretary P.W.D.
for Chief Secretary.

To Messrs Wilson and Co.
The President Municipal Commission Madras.
" Public Works Department.

Govt. of {188} Madras.

To

Proceedings, dated 188 ,
No.

Subject.

P.W.C. No. 4595

Jo. Bus. 750 R dy 4.7.89.
" 967 R dy 4.11.89.

B. No. 729 R dy 26th May 90.

Govt. of 1889 Madras.

Local and Municipal Department.

To

The P.W. Deptt

B. No. 729 R dy 26th May 90.

Rec 21 May

Communicated to the Consulting Engineer for Railways in continuation of Proc: No. 750 R. dated 4th July 1889.

21.5.90 for Secy.

P 16.5.90

Proceedings, dated 12th May 1890

No. 729/misc

Subject.

Sanctioning prolongation of time for the construction of Tramways in Madras

To The Consulting Engr for Rlys

Dft 1/4

Dft 2/11.

1915