P.W. C. No. 1439

R. D. R. 4320

No. 775-C

Government of Madras.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

To The Govt: Solicitor

Madras

Reading ord.

11th Feby 1890.

Sir,

With reference to paragraph 3 of your letter No: 49 dated 28th Jany: 1890, I have the honor to forward a letter, dated 8th February 1890, and its enclosures, from Messrs. Cordell & Winterton, Solicitors of the Nilgiri Railway Company, for such action as you think necessary.

19

8 11/2

C.J.S.
11. 2. 90

634 · cay 5-2-90

576 · cay 3-2-90

№ 775 · Cay 11-2-90

Judicial Revenue
& Mint Dept. Esqrs
Must be returned
to P. L. Judicial
O.L.J.
11.2.90

Sir

Please say if you refer
to the Revenue or reply marked with
slips of paper herewith.—
~~also Memorial of Govt. Solicitor~~ Rd.
~~dated 29.1.90 is the~~ 12/3
~~only one~~ ~~enclosed~~ ~~29.1.90~~ is the
~~one~~ for return.

44 Ss.

No. 809-C

Government of Madras.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

To

The Secy: Nilgiri Rly Coy Ld.

Wodcote. Coonoor

heading only

12 Feby 1890.

Sir,

In compliance with the request contained in your letter dated 1st February 1890, I have the honour to return the original deed of mortgage and Trust ~~relating~~ ~~belonging~~ to the Nilgiri Railway Company.

Desl
12/2/90

C.L.J.
12.2.90

(20)

4552

No. 87.

Madras 15th February 1890

From,

Ernest Barclay,

Government Solicitor,

Madras

To,

The Joint Secretary to Government

Public Works Department

Railway Branch

17.2.90

Sir,

1. I am in receipt of your letter of this date No.848 C - with its enclosures

2. What I particularly required were the papers recently laid before me with reference to the question whether the Nilgiri Railway Company Limited has complied with the terms of the agreement as to the subscription of capital by 1st ultimo, and the copy resolution of the Company amending the Articles of Association, and I shall be obliged if you will send me these at your early convenience.

I have the honor to be

Sir,

Your Obedient Servant

Ernest Barclay

Government Solicitor.

(21)

No 809. C 17-2-90

P.W.D. Cir. No. 1643

Rec'd 17-2-90.

No. 893 C.

Government of Madras.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

To The Government Solicitor

Madras.

Reading

17th February 1890.

SIR,

With reference to your letter No. 87 dated 15th February 1890, I have the honour to forward the documents noted in the margin in connection with the amendment of the articles of association of the Nilgiri Railway.

2. The papers referring to the terms of the agreement between with your letter No: 16 dated 10th January 1890 were again forwarded with

Letter from the Secy. Nilgiri Ry: Coy: dy 14th January 1890 with copy of the Special Resolutions passed amending the articles of association.

(22)

with my letter No. 182 C.
dated 11th January 1890.

C.S.
17. 2. 90

848. cal/15-2-90

Info despatch to Govt. Solicitor
with 2 enclos.
17/2/90.

No. 893 C of 17. Feby/90.

47 Sp

No. 911 C

Government of Madras.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

To

The Government Solicitor

Madras

heading rd.

18th February 1890

SIR,

In continuation of my letter No. 893 C of 17th instant, I have the honour to forward a copy of the Register of Shareholders of the Nilgiri Railway Company Limited.

C.S.
18. 2. 90

D 18/2

(2.3)

No. 911 C dy 18-2-90

20/2

4852.

No. 985 C

Government of Madras.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

To — The Government Solicitor

at Madras

Reading ack.

24th Feby. 1890.

SIR,

With reference to the concluding clause of paragraph 3 of your letter No: 49 dated 28th January 1890, I have the honour to forward a fair printed copy of the debenture Deed relating to the Tuticorin Railway.—

(24)

C.H.S.
22.2.90

Draft

924. cay 20-2-90
775. cay 11-2-90
634. cay 5-2-90
576. cay 3-2-90

R^c 985 Cay 24-2-90

4938

Letter from H. Woodley, Esq. of Woodcote

Coonoor 26th February 1890

Dear Col. Smith

After a good deal of consideration I have come to the conclusion that I ought to send you this letter, and therefore I do so.

A difficulty arose at the India Office in June 1888 in this way. Early in the month I, as attorney for the Nilgiri Railway Company, arranged to form a Company in England to purchase the shares of that Company in India. But, before proceeding further, I called on Sir Inland Danvers to tell him what I proposed to do. He disapproved of it, but suggested that I should write to him on the subject, and I did so on the 16th idem as per enclosure No. 1.

I received a reply dated the 4th of July, as per enclosure No. 2.

I wrote at once to Sir Inland as follows:-

"I have received a reply from the India Office to "my letter to you of the 16th ulto: but I do not understand it, and "I shall be glad if you would see me tomorrow about 12. or, at "any time on Monday which would suit you."

I believe I called on Monday, and explained that I did not desire the assent of the Secretary of State to any

"that there are no *legal* impediments to such a procedure being adopted," &c., &c.

8. On June 24th, 1887, in reply to mine of the 22nd idem, you wrote in No. 1194 P.W. as follows:—"A communication respecting this line has recently been addressed "by the Secretary of State for India to the Government of India, in which the Secretary "of State has intimated his willingness to allow the Company *in compliance with their "request to raise its Capital in London*, provided that the Government are satisfied there "is no *legal* objection to such a course," &c. &c.

9. The Legal Adviser of the Government of India (the Honorable G. C. Paul) wrote on June 11, 1887, thus—"I see no legal objection to the Nilgiri-Rigi Railway Company "(Limited), raising any portion of its capital in England, if the Government think fit to "dispense with the condition contained in clause 54 of the Schedule to the Agreement of "the 30th of September, 1885."

924
77
634
57

proposals, and was advised to decline to furnish the information asked for.

Eventually I agreed to reply to the letter of the 4th July, and I did so as per enclosure N°3.

About three weeks afterwards I was invited to call again at the India Office, where I met a gentleman who, I understood, was the Legal Adviser of the Secretary of State. As nearly as I can remember he addressed me in these words- "We have no more right, Mr. Woolley, to prevent you from forming a Company in London than we have to prevent you from forming one "at Timbuctoo, if you please."

About ten days afterwards I received a letter from the Under Secretary of State for India, dated the 25th July (enclosure N°4) in which I was informed "that, so long as the Nilgiri "Railway Company, Limited, retains its domicile in British India "with its sole register in that country, so that any allotment or "transfer of its shares is made by entries in such register, there "would appear to be no reason why any person or Company (provided "the constitution of such company permits) should not become "a shareholder in the Nilgiri Railway Company."

"This however, is a question on which the Secretary of

2

... being satisfied ... procedure being adopted," &c., &c.

3

8. On June 24th, 1887, in reply to mine of the 22nd idem, you wrote in No. 1194 P.W. as follows:—"A communication respecting this line has recently been addressed "by the Secretary of State for India to the Government of India, in which the Secretary "of State has intimated his willingness to allow the Company *in compliance with their "request to raise its Capital in London*, provided that the Government are satisfied there "is no *legal* objection to such a course," &c. &c.

9. The Legal Adviser of the Government of India (the Honorable G. C. Paul) wrote on June 11, 1887, thus—"I see no legal objection to the Nilgiri-Rigi Railway Company "(Limited), raising any portion of its capital in England, if the Government think fit to "dispense with the condition contained in clause 54 of the Schedule to the Agreement of "the 30th of September, 1885."

242

Encl.

57

State in Council cannot offer advice, but must leave you to act in such manner that the terms of the contract made with the Government of India are strictly complied with".

And there the matter ended; but with what a result? Two of the best months in the year for financial operations were lost, and the Company was unable to obtain its Capital in 1888.

A similar loss of time, based, I fear, upon a similar mis-apprehension of the position of the Government, appears to me to lie now occurring in Madras.

With all respect,

I remain,

Yours very truly

R. Wodley

3

" by the Secretary of State for India to the Government of [illegible]
" of State has intimated his willingness to allow the Company *in compliance with their*
" *request to raise its Capital in London*, provided that the Government are satisfied there
" is no *legal* objection to such a course," &c. &c.

9. The Legal Adviser of the Government of India (the Honorable G. C. Paul) wrote on June 11, 1887, thus—"I see no legal objection to the Nilgiri-Rigi Railway Company " (Limited), raising any portion of its capital in England, if the Government think fit to " dispense with the condition contained in clause 54 of the Schedule to the Agreement of

To C.A.W.

Herewith draft for your return.

D.R. is submitted for his orders.

G.O. No. 360 R of 13-3-90 (copy herewith) was not communicated to the Govt: Solicitor as we are awaiting India's reply on receipt of which we shall then probably send the copy together with reply from India.

10 W

Ref Govt: Solicitor's Remarks
Samuel Are papers in
Ref & advice on the
Add 16/5 above matter. There seems no
Minute 16/5 objection to the proposal
Ltr Pt - at once.

16.5.90

S.A.R.

Was Q.O. 360 R of 13.3.90
sent to Govt. Solicitor?

He mentioned to me the
other day that if the correspon-
dence was printed it would
save him a lot of time &
trouble if he could have a
copy, but I did not tell
him then that it had been
printed.

Please ask W. if it is
permissible for him to
have a copy. LL
14/5/90
O.R.

Enclosure N° 1

78, Gower Street, S.W.,

16th June, 1888.

To Sir JULAND DANVERS, K.C.S.I.

Secretary Department of Public Works, India Office.

Dear Sir,

Referring to our interview on the 10th inst., I feel that my statement to you regarding the course which it was proposed to adopt for the purpose of obtaining the necessary Capital for the construction of the Nilgiri Railway was not as explicit as it might have been. I gladly, therefore, avail myself of your suggestion that I should write to you on the subject.

2. In the amended conditions submitted by the Nilgiri Rigi Railway Company to the Madras Government, with a covering letter, dated February 25th, 1884, it was provided that the Capital of the Company should be raised in India or England, as might be deemed most expedient. I cannot quote the exact words as I have not a copy of the conditions with me; but the covering letter is set out at length in a G.O., dated 7th April, 1884, No. 409 P.W. (perhaps you have a copy) in which the Madras Government dealt with these amended proposals.

3. The last sentence in paragraph 4 is as follows:—

> "We have therefore prepared a modification of the terms heretofore granted "us by incorporating with these some of those granted by the Bengal Govern- "ment to the Darjeeling Steam Tramway Company, more especially those which "will remedy the insufficiency of our present terms, *and afford a basis which we "now know to be quite essential to obtain the necessary Capital in London.*"

4. The "basis" here referred to was publicity, as no other mode of raising the Capital had then been suggested. It is equally clear by (4) of paragraph 5 that the Nilgiri Company then intended to constitute an assisting Company in London, for (4) provides for "liberty to "the Secretary of State to appoint a Director to the Board of *the Company to be constituted "in London.*"

5. No objection to this was made either by the Madras Government or by the Government of India; but, as you know, the Secretary of State required, as the condition of his assent to the amended conditions, that "arrangements for raising the money should be made in India."

6. On this basis an agreement was entered into between the Madras Government (acting on behalf of the Secretary of State) and the Nilgiri Rigi Railway Company, dated the 30th day of September, 1885; and that Company tried, but unsuccessfully, to obtain its capital in India. As section 54 of this agreement was the chief obstacle, my Company, in 1886, moved the Madras Government to request the Secretary of State to rescind or modify this section, and paragraphs 15 and 19 of Messrs. Arbuthnot & Co.'s letter of May 28, 1886, to the Officiating Consulting Engineer for Railways, Madras, indicate clearly that the Company's request was for permission to offer its Shares *publicly* in London.

7. The despatch of the Secretary of State dated 7th April, 1887, No. 42 R., states (1) in paragraph 3, "They" (the Company) "ask to be allowed to offer their Shares to the "public in this country through agents in London." (2) In paragraph 4—"The Company "presumably anticipate being able to raise the required Capital, if the prohibition to raise "funds in this country were removed," and (3) in paragraph 5—"My predecessor's refusal "to permit this course, conveyed by the Railway Despatch, No. 140, of the 13th November, "1884, was based on the view that it was not desirable that the Company should be allowed "to raise its Capital in London. As, however, *this objection is now removed* by the forma- "tion of the Company in India, there appears to be no reason for any interference with *the "course proposed by the Company*," &c., &c., "subject to your Government being satisfied "that there are no *legal* impediments to such a procedure being adopted," &c., &c.

8. On June 24th, 1887, in reply to mine of the 22nd idem, you wrote in No. 1194 P.W. as follows:—"A communication respecting this line has recently been addressed "by the Secretary of State for India to the Government of India, in which the Secretary "of State has intimated his willingness to allow the Company *in compliance with their "request to raise its Capital in London*, provided that the Government are satisfied there "is no *legal* objection to such a course," &c. &c.

9. The Legal Adviser of the Government of India (the Honorable G. C. Paul) wrote on June 11, 1887, thus—"I see no legal objection to the Nilgiri-Rigi Railway Company "(Limited), raising any portion of its capital in England, if the Government think fit to "dispense with the condition contained in clause 54 of the Schedule to the Agreement of "the 30th of September, 1885."

10. This opinion agrees with that which I obtained from Messrs. H. H. Shepherd and W. Grant, and forwarded to you with my letter of the 6th July, 1887, and which was as follows :—

> "Apart from the restrictions contained in clause 54 of the Indenture, we "do not think that there is any legal objection to the raising of capital by the "Company in England. If it may be rightly assumed from the terms of the "letter of 24th of June, that the Secretary of State is willing to withdraw the "prohibition contained in clause 54, all that remains to be done is to have his "consent to such withdrawal formerly recorded by endorsement on the original "indenture."

11. Subsequently I was informed by a letter from the India Office, 1st September, 1887, No. 1541 P.W., that "from a communication recently received from the Government "of India, it appears that *no objection is entertained by that Government to the Company "raising Capital out of India*, subject to the following requirements"—

> "Clause 54 of the Company's Agreement with Government, will, moreover, "have to be rescinded or modified by mutual consent, a course to which the "Secretary of State understands the Government of India do not object."
>
> "The necessary formal arrangements to give effect to the above conditions "must be concluded in India directly, between the Company and the Government "of India."

12. Of course my Company could not approach the Government of India direct. It waited until the Madras Government, on March 20th last, forwarded "a copy of the draft "agreement, as drawn by the Government Solicitor, amending Section 54 of the Scheduled "Contract."

13. This draft Agreement, after referring to the agreement of the 30th September, 1885, and to section 54 of the Scheduled Contract of the 26th of February, 1886, proceeds : "And whereas the Secretary of State has . . . agreed with the Nilgiri Railway Company "Limited, to allow them to raise any part of the Capital of such . . Company elsewhere "than in the East Indies," and continues, "it shall be lawful for the said Nilgiri Company, "Limited, by public solicitations by advertisements or otherwise howsoever, to solicit and "obtain subscriptions to the Capital of the Company either in the said United Kingdom or "elsewhere," on certain conditions which the Company intend strictly to observe.

14. A copy of the Supplementary Agreement mentioned in paragraphs 12 and 13 was, I believe, sent to the Government of India in the early part of March last for approval—but it appears to have been returned to Madras with, probably, a conditional approval; for, a second Supplementary Agreement was sent to the Company at Coonoor early last month, differing only from the former to the extent of a few words, covering an additional provision, which the Company has agreed to.

15. It is impossible to deny that the preceding observations and extracts show that the principle of publicity has been conceded to the Company. This being so, it seems difficult to understand what objection there can be to the suggested formation in London of a Limited Company, for the purpose of taking up such of the Indian Company's shares as may not be subscribed for in India. Probably less publicity will arise from this course than by offering the shares of the Indian Company directly to the public, while the advantages are greatly in favour of the former of these courses. The London Company's Shares would be negotiable on the Stock Exchange, and it is believed, that its Capital would be readily subscribed, having in view the Company's prospects. In either case the Revenues of India would not suffer, because the Share Warrants of the Indian Company, whether issued to the public generally, or issued directly to the London Company, will be impressed with Indian stamps.

16. Is not the paper of a rupee loan issued in India, largely bought by English Capitalists through the instrumentality of Brokers, Merchants, Corporations, Syndicates, or individuals? And is not the course which it is proposed to adopt in our case, therefore, well known to the English public? Even within the last few days I have seen an advertisement, from the India Office, which differs but slightly from that which we should have to publish if we were to offer our Shares directly to the public.

17. With this explanation before you, I should, as time is pressing, be pleased to hear from you on an early day: my desire being, as it always has been, to act in perfect harmony with you.

I have the honour to be,

SIR,

Your obedient Servant,

P.S.—The *Italics* are mine.

India Office

53 SP

India Office
Whitehall S.W.
4th July 1888

Enclosure N° 2.

P.W. 1286.

Sir

I am directed by the Secretary of State for India to acknowledge receipt of your letter of the 16th ults: explaining the present position of the Nilgiri Railway scheme and that it is now proposed to form in London a Limited Company for the purpose of taking up such of the Indian Company's shares as may not be subscribed for in India.

In reply I am directed to request that you will submit in a more precise shape the proposals to which you desire the assent of the Secretary of State in Council, explaining the intended position of the New Company and the financial obligations they will undertake, and at the same time will furnish evidence of the ability of your clients to raise the sum of money which is required within a limited period.

I am, Sir,
Your obedient Servant
(sd) John E. Gorst.

R. Woolley Esqr.
78 Gower Street.

Sir
Your obedient Servant
(sd) R. Woolley
Attorney for the N. Rly. Co. Coonoor.

Your obedient Servant,

P.S.—The *Italics* are mine.

55 S.P. India Office
Whitehall. S.W.,
1.1 1888

52 S.P. 78 Gower Street W.C.
8. 7. 88

Enclosure N°: 3.

To
The Under Secretary of State for India

Sir

I have the honor to acknowledge the receipt of your letter N°: 1286 of the 4th Instant and to reply as follows-

The object of the Company referred to in my letter to Sir Inland Revenue of the 16th ulto: would be, in the first instance to provide the Nilgiri Railway Company with the necessary Capital for the construction of its Railway in exchange for its shares, which, it is presumed, would be taken up in the names of Trustees.

No name for the proposed Company, has, at present, even been discussed; but it certainly will not be the Nilgiri Railway Company for, its operations will, in all probability, be of a general character.

As time is of great importance to me, at this period of the year, I shall feel obliged by an early reply.

I have the honor to be
Sir
Your obedient Servant
(Sd) R. Woolley
Attorney for the N. Ry. Co. Coonoor.

Your obedient Servant,

P.S.—The *Italics* are mine.

No. 1092

Government of Madras.

PUBLIC WORKS DEPARTMENT.

55 S.P.

India Office
Whitehall, S.W.,
25th July 1888

Enclosure No. 4

S.W. 1429

Sir,

I have received and laid before the Secretary of State for India in Council your letter of the 8th instant, explaining, in reply to this Office letter of the 4th instant, the objects of forming the Company, referred to in your letter of the 16th ulto, and in reply I am directed to inform you that, so long as the Nilgiri Railway Company, Limited, retains its domicile in British India with its sole register in that country, so that any issue, allotment or transfer of its shares is made by entries in such register, there would appear to be no reason why any person or Company (provided the constitution of such Company permits) should not become a shareholder in the Nilgiri Railway Company. This, however, is a question on which the Secretary of State in Council cannot offer advice, but must leave you to act in such manner that the terms of the contract made with the Government of India are strictly complied with.

I am, Sir,
Your obedient Servant
(Sd) John E. Gorst

R. Woolley Esqr.

Public

Reading

Government of Madras.

PUBLIC WORKS DEPARTMENT.

To The Government Solicitor
Madras

28 February 1890.

Sir,

I have the honour to forward for your information a letter dated 26th instant from Mr. R. Woolley with four enclosures and to request that the latter being originals may be returned to me as soon as done with—

C.L.I
28.2.90

(25)

P.S.—The *Italics* are mine.

Read—the following letter from E. BARCLAY, Esq., Government Solicitor, Madras, to the Joint Secretary to Government, Public Works Department, Railway Branch, dated Madras, 4th March 1890, No. 113 :—

With reference to Messrs. Cowdell and Winterton's letter of 8th ultimo, and its closures, forwarded with your letter, dated 11th February 1890, No. 775 C., I have sidered it advisable to consult the Advocate-General on the question as to whether, nder the arrangements that appear to have been made by the Nilgiri Railway Company for raising capital, the terms of the Agreement of 30th September 1885 with the Schedule Contract, and of the Agreement of 29th June 1888, have been complied with. The Advocate-General suggests that, before finally deciding this point, Government should inform the Company of the view taken by Government of the arrangement come to and should ask the Company whether it has any explanation to offer thereon.

2. With a view to Government acting on the suggestion made by the Advocate-General, I will, as shortly as possible, explain what the arrangement made by the Company is, as shown by the documents.

3. By the Agreement of 30th September 1885, between Government and the Nilgiri Rigi Railway Company, Limited, Government undertook with that Company that, if prior to 1st March 1886, a Joint Stock Company should be duly registered under the Indian Companies' Act, 1882, with an Indian domicile, a nominal capital of Rs. 25,00,000, and powers sufficient for the purposes of the Scheduled Contract; and if the Company should, prior to 1st March 1886, duly execute, in duplicate, an Indenture identical with the Scheduled Contract and deliver same to Government, Government would, at any time thereafter, at the request of the Nilgiri Rigi Railway Company, execute and deliver the same Indenture which should thereupon become binding on the parties thereto.

4. By clause 54 of the Scheduled Contract, it was expressly agreed and declared that the contract was entered into by Government subject to the following conditions :—

(*a*) that no public solicitations by advertisements or public solicitations in any other manner had been or should be made for subscriptions to the capital of the Company in the United Kingdom;

(*b*) that no steps had been, or should be, taken by the Company for obtaining quotations of any of the shares thereof on any Stock Exchange in the United Kingdom;

(*c*) that no register kept in accordance with the Indian Companies' Act, 1882, of any of the Shareholders of the Company had been, or should be, without the consent of Government, kept or opened in the United Kingdom;

and that if there had been, or should be, any breach on the part of the Company of any one of such conditions, it should be lawful for Government, on ascertaining such breach, to forthwith determine the scheduled contract.

5. On the 26th February 1886, the Nilgiri Railway Company, Limited, was incorporated, only seven shares being, at that time, taken up. By the Memorandum of Association, the Registered Office of the Company was to be at Madras, so that the Indian domicile was secured, and the objects of the Company were (amongst others) stated in the Memorandum to be—

(*a*) to adopt and carry into effect (either with or without modification) the Agreement of 30th September 1885;

(*b*) to enter into and carry into effect (either with or without modification) the Scheduled Contract;

(*d*) to make, construct, and maintain a railway from Mettupálaiyam to Coonoor and Ootacamund and any extension thereof;

(*n*) to promote any other Company for the purpose of acquiring all or any portion of the property and liabilities of the Nilgiri Railway Company or for any other purpose which might seem directly or indirectly calculated to benefit that Company;

26

(*o*) to borrow and raise money in such manner as the Company should think fit and in particular on mortgage or by the issue of debentures or debenture-stock, perpetual or otherwise charged upon all or any of the Company's property both present and future, including its uncalled capital;

and it was provided that the capital of the Company was Rs. 25,00,000, divided into 25,000 shares of Rs. 100 each.

6. On the 26th February 1886, the Scheduled Contract as between the Secretary of State and the Nílgiri Railway Company, Limited, was executed.

7. By the Agreement of 29th June 1888, and made between Government, the Nílgiri Railway Company, Limited, and the Nílgiri Rigi Railway Company, Limited, it was provided that, anything in the Contract of 26th February 1886 to the contrary notwithstanding, it should be lawful for the Nílgiri Railway Company by public solicitations, by advertisements or otherwise to solicit and obtain subscriptions to the capital of that Company either in the United Kingdom or elsewhere provided (and these were made express conditions):—

(1) that the Nílgiri Railway Company had not obtained and should not obtain or seek to obtain any domicile other than a British Indian domicile, and had not, and should not have or seek to have their registered office elsewhere than in British India;

(2) that the same Company had not and should not have or keep any register of the shareholders of that Company at any place other than the registered office of the Company;

(3) that the same Company had not issued and should not issue to any person, &c., any document evidencing the right or title of the holder to any share, scrip or stock of the same Company or to become proprietor of shares, scrip or stock of such Company elsewhere than in British India, and it was expressly agreed that if there had been or should be any breach of either of such conditions or in case the capital of Rs. 25,00,000 should not be fully subscribed for by 1st January 1890, then and in either of such cases, it should be lawful for Government at any time after ascertaining such breach, or after 1st January 1890, as the case might be, to determine the contract contained in the Indenture of 26th February 1886, and the Agreement of 29th June 1888.

8. By a Special Resolution passed on the 27th November and confirmed on the 14th December 1889, the Nílgiri Railway Company altered its Articles of Association with a view apparently to enabling the Directors to carry out the arrangement mentioned further on. The principal amendments are that of article 94 (*c*) and the addition of article 96 (*a*), by the former of which the Directors are authorized, at their discretion, to pay for any property or rights acquired or *service rendered* to the Company, and to pay, satisfy or discharge any liabilities of the Company in respect of any contract entered into by the Company or by any person on behalf of the Company, either wholly or partly in cash or in shares, bonds, *debentures*, debenture-stock or other securities of the Company and by the latter of which, after empowering the Directors, upon the Works contract with Mr. Woolley being entered into, to create and issue £ 220,000 sterling debentures to be secured as a floating charge by a mortgage to Trustees of and upon the Company's interests under the Contract of 26th February 1886 and the whole of the Company's assets, inclusive of the capital subscribed and to be subscribed, such debentures when created are to be handed to Mr. Woolley in part satisfaction of the consideration to be payable or satisfied by the Company under the Agreement (the Works Contract).

9. By an Indenture, dated 16th December 1889, and made between the Nílgiri Railway Company and Sir F. R. Pollock, the Honorable Evelyn Ashley and Sir Andrew Clarke (the Trustees), after reciting the Contract of 26th February 1886, an Agreement of 20th December 1889 (the Works Contract) between the Company and Mr. Woolley (which, it may be remarked, could not at the date, 16th December 1889, of the Indenture in which it is recited, have been entered into) and reciting that the Company being duly empowered in that behalf, *by their Memorandum* and Articles of Association *had in pursuance* of the Works Contract (not then entered into) determined to create 2,200 debentures of £100 each, the Company assigned to the Trustees—

1*st*, all the land to be provided by Government and all the rails, stations, &c., and the undertaking of the Company and also all the engines, rolling-stock, &c.;

2*nd*, all the net profits of the Company; and in particular all sums payable by Government as interest;

3*rd*, all other the rights and privileges of the Company under the concession (Contract, 26th February 1886);

4*th*, all the rights and privileges of the Company under the Works contract, to hold such premises in trust to permit the Company to enjoy all the said mortgaged premises and to proceed to construct or to procure to be constructed the said railway and the works connected therewith, and, thereafter, to carry on the business of the Company until one or more of the following events of default should happen, viz.:—

(*a*) default in payment of some interest on the debentures for six months or of principal for three months, respectively, after becoming due;

(*b*) an order or effective resolution for winding up the Company;

(*c*) a distress or execution against the property of the Company, or the appointment, by a competent Court, of a Receiver or Manager, or any other legal remedy enforced against the Company;

(*d*) the failure by the Company to perform, or the breach of a covenant on their part contained in the Trust Deed, and prejudicially affecting the security; or, to put it shortly, the Company mortgaged to the Trustees the whole of the Company's property, rights and interests to secure the debentures. The Company thus created a charge upon its property, rights and interests to secure a sum of £ 220,000 and interest at 4 per cent., which by clause 15 of the Deed, the Company covenanted to pay.

10. By the Works Contract, dated 20th December 1889, and made between the Nílgiri Railway Company and Mr. Woolley, after reciting (amongst other things) the Agreement of 30th September 1885, the Contract of 26th February 1886, the Agreement of 29th June 1888 that *with the exception of the shares taken by the subscribers to the Memorandum of Association* (which it will be remembered were 7 in number including one taken by Mr. Woolley) *no shares had been taken or agreed to be taken or allotted in the capital of the Company, and the Company had been unable to raise any of its share capital*, and that the Company had applied to Mr. Woolley, first, to enter into a contract for the construction and equipment of the Railway and Works, and, secondly, to subscribe, or procure subscriptions for the whole of the share capital of Rs. 25,00,000 (except the shares taken by the subscribers to the Memorandum of Association) before 1st January 1890, which Mr. Woolley had agreed to do, it was agreed—

(1) that the Company should apply to Government for the land and use its best endeavours to obtain and give possession thereof to Mr. Woolley;

(2) that Mr. Woolley would, on receiving possession of the land, commence construction, &c., and complete the Railway, fit for public traffic, and deliver same to the Company within three years from receiving possession of the land.

(3) that as part consideration for the obligations undertaken by Mr. Woolley (not, it will be observed, for the purpose of borrowing or raising money), the Company should create and issue debentures for £ 220,000, bearing interest at 4 per cent. per annum, and to be a first charge on the undertaking and assets of the Company (including uncalled capital so far as the company could charge same), and to be secured by a mortgage to Trustees, such debentures to be a floating charge on the chattels of the company, such debentures and mortgage not, until default by Mr. Woolley enabling the Company to determine the Works' Contract, to hinder the Company calling up, during construction, its uncalled capital and to expend same in construction, &c.;

(4) that the debentures should be issued to Mr. Woolley, or as he should direct, the mortgage to be executed prior to 21st December 1889, and

the Company, when so required by Mr. Woolley and as quickly as possible and not over two months from notice by Mr. Woolley so to do, to offer *for public subscription* the whole or any part of the said debentures *or the said share capital of the Company*. If therefore the Company were to have two months, say, even from 20th December 1889, supposing Mr. Woolley gave notice on that date, to offer the share capital of the Company for public subscription, it is difficult to see how such capital was to be subscribed by 1st January 1890.

(5) As further part consideration the Company is to pay Mr. Woolley Rs. 25,00,000, or the whole of the capital of the Company.

(6) Upon the debentures being duly issued to Mr. Woolley, or as he should direct, before or on 21st December 1889, Mr. Woolley was, on or before 31st December 1889, to subscribe, or procure substantial subscriptions for the whole share capital of Rs. 25,00,000 (exclusive of the shares taken by the subscribers to the Memorandum of Association) and to pay up the same or cause the same to be paid up by such instalments and in such manner as the Directors should, in accordance with the Contract of 26th February 1886, require.

(7) Mr. Woolley during construction to provide the Company with such money as, in addition to the sums to be provided by Government for interest during construction, would be sufficient to keep down the interest on the debentures.

11. By the Directors' Proceedings of 21st December 1889, it appears that Mr. Woolley had applied for the remainder of the Company's shares, viz., 24,990, the deposit on application to be payable out of the amount then expected from England under some arrangements which had been notified to the Board, but which do not appear, and the Directors accepted the application on the terms proposed, Mr. Woolley giving a cheque for the amount of the first deposit on application, viz., Rs. 2,49,900, to be held by the Secretary until informed by Government into which Bank at Madras they wished the money paid.

12. By the Directors' Proceedings of 23rd December 1889, it appears that they directed that, on receipt of the deposit on application, the Secretary was to prepare and deliver to Mr. Woolley the usual letter of allotment, at the same time forwarding the cheque for the amount of the deposit on application to the Bank, selected by the Company, for credit of their account.

13. The copy register of shareholders of the Nílgiri Railway Company, dated 25th January last, shows that Mr. Woolley holds the following shares:—

No.	1	1
,,	8 to 3,007	3,000
,,	3011 to 25,000	21,990
		24,991
Leaving for other subscribers		9
	Total shares ...	25,000

14. From what has been stated above, it is, I think, apparent, first, that Mr. Woolley is practically, if not legally, the Company, and that, with the exception of 9 shares representing Rs. 900, he is the holder of the whole of the nominal capital of the Company, and, by the Works Contract, the whole of the capital is to be paid to him. Second, that the whole of the Company's debentures for £220,000 are to be made over to Mr. Woolley, and third, that he is to construct the Railway and everything connected with it and is to supply the rolling-stock, &c. Obviously therefore Mr. Woolley will never, in fact, pay the Company anything for the 24,991 shares for which he has subscribed. The construction of the Railway and the furnishing of the rolling-stock therefore depends, not on the solvency of the Company which it was clearly the object of Government to secure by the agreements of 30th September 1885 and 29th June 1888, but on the solvency of Mr. Woolley, and his ability to raise the money necessary for the construction of the Railway and the supply of the rolling stock.

15. Now, it is by no means clear that, the Works' Contract notwithstanding, Mr. Woolley is bound to do anything at all under that contract. Mr. Woolley has undertaken to do two main things, viz., to subscribe or procure subscriptions for the whole of the capital (except the 9 shares) before 1st January 1890, and to construct the Railway. Part of the consideration for his undertaking these obligations is the issue to him of the Company's debentures for £ 220,000, and the rest of the consideration is the making over to him of the Company's capital of Rs. 25,00,000. But that capital is, clearly, to be obtained by Mr. Woolley disposing of the debentures. If I am not mistaken the Secretary of the Company said in one of his letters to you, which I have not by me at present, that the debentures were to be disposed of to, or the money was to be obtained from, a Company in London. However this may be, it is clear from the amount of the debentures, £ 220,000, as compared with the amount of the Company's nominal capital, Rs. 25,00,000, that the latter is to be raised by the former; indeed, if this were not so, there would seem to be no object in issuing the debentures.

16. This brings us to the very important question whether these debentures are of any value at all. Clause 3 (*o*) of the Memorandum of Association states one of the objects of the Company to be to borrow and raise money in such manner as the Company shall think fit and in particular on mortgage or by the issue of debentures or debenture stock, perpetual or otherwise, charged upon all or any of the Company's property both present and future, including its uncalled capital. But the Company is not borrowing or raising any money at all by these debentures; they are to be issued to Mr. Woolley to enable him to raise money to pay for the shares for which he has subscribed. If this were not so, the Company ought to receive 5 instead of $2\frac{1}{2}$ million rupees, viz., $2\frac{1}{2}$ million or £ 220,000 from the debentures, and $2\frac{1}{2}$ million rupees from the shareholders. But the Company will not receive anything from the debentures. If, therefore, the Company does not borrow or raise money on the debentures, it would seem that they are not issued in pursuance of the Memorandum of Association, and, if they are not, their issue is *ultra vires* and they are invalid, and it is open to Mr. Woolley to repudiate his subscription for the shares for which he has put down his name. That subscription was for a consideration, viz., the issue of debentures which, I need hardly say, means valid debentures, and the payment to Mr. Woolley of the Company's capital of Rs. 25,00,000; but that capital is to be obtained from Mr. Woolley by these very debentures, which are invalid, and on which of course no one, who is well advised, would advance anything, so that apparently the whole consideration for Mr. Woolley's subscription for at any rate 24,990 shares fails and he can repudiate it at any time.

17. The objections above pointed out seem to have been anticipated by the Company and hence the amendments of the Articles of Association set out in the Special Resolution of 27th November last, by clauses 94 (*c*) and 96 (*a*) of which it is apparently sought to give to the Directors powers which the Company does not itself possess. The Articles of Association of a Company cannot extend the powers given to the Company by its Memorandum of Association. Clause 3 (*o*) of the Memorandum of Association of the Nílgiri Railway Company limits the purposes for which the Company may issue debentures to the borrowing or raising of money, and no alteration of the Articles of Association can extend those purposes. I need hardly say that the recital in the Mortgage Trust Deed of 16th December 1889 that the Company is empowered by its memorandum and articles to create debentures cannot affect the question in any way. The recital is correct in one way as the Company has power to create debentures; but, the recital is incorrect in another way, as the Company has not power to create debentures for the purpose for which these debentures have been or are to be created.

18. The above is the position as it appears to me, and, in accordance with the suggestion of the Advocate-General, this view of the position might be communicated to the Nílgiri Railway Company, Limited, for any explanation or reply the Company may think fit to give.

19. With regard to the concluding paragraph of Mr. Woolley's letter of 26th ultimo to your address, which, with its enclosures, I return herewith, I would only remark that the position now under discussion is a very different one to that referred to in the correspondence which accompanies Mr. Woolley's letter.

No /20.

Madras 10th March 1890.

From, the

Ernest Barclay,

Government Solicitor,

Madras.

To,

The Joint Secretary to Government,

Public Works Department,

Railway Branch.

Sir,

With reference to your letter of 8th instant No 129 C, received this afternoon, I return herewith the under mentioned documents

1 Letter dated 14th January 1890 from the Secretary Nilgiri Railway Company Limited with 2 enclosures viz printed copy deed of Mortgage and Trust dated 16th Decr 1889 and copy of Special Resolutions of the Company - dated 27th November 1889 (Please return former enclosure as it is my copy. I have not the copy sent with the - Secretary's letter.

2 Letter dated 8th February 1890 from Messrs Cowdell & Winterton & & 2 enclosures, viz copy resolutions of the directors of the Company dated 21st and 23rd December 1889,

3 Copy Works Contract dated 20th December 1889 - between the Company and Mr Woolley,

2 The letters of 24th 30th and 31st Decr 1889 referred to in yours under reply were returned with mine of 10th January

last No 16. I have no letter of 1st February last from the

Company.

I have the honor to be,

Sir,

Your Obedient servant,

Ernest Barclay

Government Solicitor.

Rd 11-3-90.

Barclay's letter

file in Records

No. 124.

Madras. 11th March 1890.

From, the

Ernest Barclay,

Government Solicitor

Madras.

Reading only

To,

The Joint Secretary to Government

Public Works Department

Railway Branch.

Sir,

1. With reference to your letter of 8th instant No 1292 C & my reply of yesterday I beg to return herewith the following documents connected with the case of the Nilgiri Railway Company Limited

1 Letter dated 21st (or 20th) December 1889 from the Secretary of the Company to the Consulting Engineer for Railways,

2 Letter dated 24th December 1889 from the Secretary of the Company to your address,

3 Letter dated 28th December 1889 from the Secretary of the Company to the Consulting Engineer,

4 Letter dated 30th December 1889 from Messrs Cowdell and Winterton to your address and the Release dated 20th - December 1889 from the Nilgiri Rigi Railway Company - Limited to the Nilgiri Railway Company Limited enclosed therein,

5 Letter dated 31st December 1889 from the Secretary of the Nilgiri Company Limited to your address.

2. I also return the Book of Principal Contracts and the - Proceedings of Government forwarded with your letter of 15th ultimo No 848 C

3. With reference to my letter of 28th January last No 49 I

R

28

P.W. Cus. 3088.

beg to point out that I have not yet received the sanction of
Government to pay the sum of Rs 38 mentioned in para 4 of that
letter.

Rd. 25-3-90

I have the honor to be,

Sir,

Your Obedient Servant,

James Barclay

Government Solicitor,

Ans 12.3.90

No. 360 R

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

2.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 13th March 90

READ the following

62

Letter from the Secy: Nilgiri Ry: Coy: Ld. } No. No: — dy 21st Decr. 1889
Do. Do. — dy 24th — do —
— Do. — Do. — dy 28th — do —
— Do. — Do. — dy 30th — do —

Letter from Messrs Coward & Winterlow, Solicitors to the Nilgiri Ry: Coy — } — dy 31st — do —

Letter from the Secretary Nilgiri Ry. Coy. Ld. — } — dy 31st — do —

Letter from the Govt. Solicitor Madras — } — No: 16 dy 10th January 1890

Letter to the Secy. Nilgiri Ry. Coy. Ld. — } — 187 C dy 11th — do —

Letter to the Govt. Solicitor Madras — } — 82 C dy 11th — do —

Endorsement from Jt. Secy to Govt. P.W.D. Ry. Branch — } — 200 C. dy 15th — do —

Letter from the Govt. Solicitor Madras — } — 49 dy 28th January 90

Letter from the Secy Nilgiri Ry. Coy Ld. — } — dy 1st February 90

P. W. O.

Endorsement from the Coy Engr. } Mr. do. dy 5 February 1890
to Railways ——
Letter to the Secy: Nilgiri Ry } Mr. No 634 C dy 5th February 90
Coy: Lo. ——

Letter to the Government } Mr. No. 700 C dy 7 — do —
Solicitor Madras ——

Letter to the Secy. Nilgiri } — " — " — 706 C dy 8 — do —
Ry. Coy. Lo. ——

Letter from Messrs Cordello } — " — " — dy 8 — do —
& Winterton ——

Letter from Govt. Solicitor } — " — 77 dy 10 — do —
Madras ——

Letter to — do — — " — 775 C dy 11 — do —

Letter to the Secy. Nilgiri Ry } — " — 809 C dy 12 — do —
Coy Lo. ——

Letter to the Govt. Solicitor } — " — 828 C dy 15 — do —
Madras ——

Letter from — do — — " — 87 dy 15 — do —

Letter to — do — — " — 893 C dy 17 — do —

Letter to — do — — " — 911 C dy 18 Feby 90

Letter to — do — — " — 955 C dy 24 — do —

Letter from Mr. R. Woolley } — " — dy 26 — do —
with enclosures ——

Letter to the Govt. Solicitor } — " — 1092 C dy 28 — do —
Madras ——

Letter from — do — — " — 113 dy 4 March 90

Letter from — do — — " — 120 dy 10 — do —

P. W. D

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

READ the following

Letter from the Govt. } Mr. No 124 dy 11 March 90
Solicitor Madras ——

630

Ordered that the following letter be forwarded to the Government of India.

Mr. No 361 R dy 13 March 90

Ld.
21/3/90.
for R

A 640

No. 361 R

Government of Madras.

PUBLIC WORKS DEPARTMENT.

RAILWAY BRANCH.

To

The Secretary to the Government

of India, P. W. D.

Calcutta.

13th March 1880

Sir,

I am directed to forward
instructions
for the information of the
Government of India
copies of the correspondence
that has taken place
between this Government
and the Nilgiri Railway
Company on the subject
of their concession,
and I am to state that
on the receipt of the
Company's reply to the

U.S.
11 Mar.

30

R Originals for Mr

~~last~~ com.
~~I am~~ [illegible] of the
~~in~~ ~~Gravesend~~ in the Letter, & Solicitors
Letter of 4th March, this
Govt has sent to the Company
You cito

Ja further addressed.

Ans despd
13/3/90.

A
No. 361 R 13 March/90.

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GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

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Panruti Station, South Indian Railway.—Estimate of Rs. 7,697 for extending the siding accommodation at the —, sanctioned.	18th Mar. No. 385 R.	...	.....

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Additional grants for the South Indian and Villupuram-Guntakal Railways.—Letter from the Government of India sanctioning certain —, communicated to the Consulting Engineer for Railways.	1890. 18th Mar. No. 386 R.	...	4th Mar. 1890, No. 331 R. 27th Feb. 1890, No. 301 R. 20th Feb. 1890, No. $\frac{257}{A}$ R.
Establishment Lists, South Indian Railway.—The — for the half-year ending 30th June 1890 with a note by the Consulting Engineer for Railways thereon, approved and ordered to be forwarded to the Director-General of Railways.	19th Mar. No. 387 R.	...	.....
Forwarded	19th Mar. No. 388 R.	...	.....
Estimates sanctioned on the South Indian Railway.—The schedule of — up to 31st January 1890, ordered to be forwarded to the Director-General of Railways.	21st Mar. No. 406 R.	...	.....
Forwarded	21st Mar. No. 407 R.	...	.....
Mr. H. R. P. Carter, Madras Railway.—Sanction of the Government of India to the grant of a personal allowance of Rs. 227-4-4 per mensem, being continued to — on his promotion to Chief Engineer, communicated to the Consulting Engineer for Railways.	22nd Mar. No. 408 R.	...	.....
Inspection Report of the Madras Railway.—Passing orders on report on — for the half-year ended the 31st December 1889.	22nd Mar. No. 409 R.	...	.....
Estimate for constructing a third line and lay-bye at Mullanur, Madras Railway.—The —, sanctioned.	22nd Mar. No. 410 R.	...	.....
Madras Railway Company.—Sanction of the Government of India to the issue of further credits to the — for capital outlay in excess of the subscribed capital, communicated to the Consulting Engineer for Railways.	24th Mar. No. 414 R.	...	15th Feb. 1890, Nos. 246-7 R. 25th Jan. 1889, No. 95 R. 11th Nov. 1887, No. 833 R.
Medical Establishment of District No. 21 of the Villupuram-Guntakal State Railway.—Concurring with the Surgeon-General that the Medical officer of the district should supervise the —.	27th Feb. No. 432 R.	...	20th May 1889, No. 581 R. 23rd Oct. 1885, No. 1011 R. 31st Aug. 1885, No. 878 R. 31st Aug. 1885, No. $\frac{877}{A}$ R.
Mr. F. J. E. Spring, Executive Engineer.—The services of — placed at the disposal of this Government for employment on the East Coast Railway Survey.	28th Mar. No. 435 R.	...	.....

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

TABULAR STATEMENT OF MISCELLANEOUS PROCEEDINGS AND MATTERS OF ROUTINE,

RAILWAY,

FOR THE MONTH OF MARCH 1890.

Subjects.	Number and Date of Order.	Numbers and Dates of previous Orders.
His Highness the Raja of Pudukóta.—Proceedings, Political Department, communicating programme of the return journey from Madras of —, communicated to the Consulting Engineer for Railways.	1st Mar. 1890, No. 313 R.	.....
Railway Auditor's reports.—Letter from the Government of India requesting that the half-yearly reports of the Auditor or Examiner of Accounts of Railways may be prepared in the form proposed by the Director-General of Railways, communicated to the Consulting Engineer for Railways.	1st do. do. No. 314 R.	.....
Budget estimates, South Indian Railway, for 1889-90 *and* 1890-91.—Correspondence on the subject of the —, ordered to be forwarded to the Government of India.	1st do. do. No. 316 R.	.....
The above forwarded to the Government of India.	1st do. do. No. 317 R.	.....
Mr. T. Michell, Executive Engineer.—Letter from the Government of India stating, with reference to the appeal of — regarding his supersession that, his promotion to Executive Engineer, 3rd Grade, has been antedated.	3rd do. do. No. 318 R.	15th Jan. 1890, Nos. 65-66 R. 28th Mar. 1888, No. 1005 W.
Overbridge at Guntakal on the Bellary-Kistna Railway.—Resolution of the Government of India sanctioning a revised estimate for an —, communicated to the Consulting Engineer for Railways.	3rd do. do. No. 319 R.	.....
Additional Revenue grant of Rs. 75,000, *Madras Railway.*—Telegram from the Government of India sanctioning an —, communicated to the Consulting Engineer for Railways.	3rd do. do. No. 320 R.	.....
Messrs. White and Campbell.—Telegram sent to Government of India regarding joining dates of —.	3rd Mar. 1890, No. 321 R.	.....

Subjects.	Number and Date of Order.	Numbers and Dates of previous Orders.
Mr. Handy, Sub-Engineer, Cuddapah-Nellore Railway.—Granting — 2 days' furlough in extension of the 6 months' furlough taken by him.	4th Mar. 1890. No. 322 R.	29th Jan. 1890, No. 161 W. 11th Feb. 1890, No. 748 C. 22nd Jan. 1890, No. 406 C.
Office of the Consulting Engineer for Railways.—Sanction of the Government of India to the entertainment of a draftsman and clerk in the —, communicated to the Consulting Engineer for Railways.	4th do. do. No. 323 R.	18th Jan. 1890, No. 97 R. 11th Nov 1889, No. 1244 R.
Mr. Derry's case.—Letter from the Government Solicitor stating that — might be heard before July next and that Mr. LaTouche's evidence might be examined by a Judge in Chambers, ordered to be forwarded to the Government of India and copy forwarded to the Government of Bombay.	4th do. do. No. 324 R.	28th Feb. 1890, No. 1091 C.
Forwarded	4th do. do. No. 325 R.	.....
Budget estimates, Bezváda Extension Railway.—Preliminary Issue of the Capital and Revised —, ordered to be forwarded to the Government of India.	4th do. do. No. 326 R.	.....
The above forwarded to the Government of India.	4th do. do. No. 327 R.	.....
Demarcation of land taken up for the Bezváda Extension State Railway.—Estimate for the —, ordered to be forwarded to the Government of India.	4th do. do. No. 328 R.	2nd Oct. 1889, No. 1062 R.
Forwarded	4th do. do. No. 329 R.	.....
Revised estimates of the Tirupati-Dharmavaram and Dharmavaram-Guntakal extensions of the Villupuram-Guntakal Railway.—Letter from the Government of India requesting to expedite the submission of the —, communicated to the Consulting Engineer for Railways.	4th do. do. No. 330 R.	17th June 1889, No. 681 R. 21st June 1889, No. 697 R. 10th Oct. 1889, No. 1083 R.
Additional grants, South Indian Railway and Villupuram-Guntakal State Railway.—Telegram from the Government of India sanctioning —, communicated to the Consulting Engineer for Railways.	4th do. do. No. 331 R.	.....
Major R. O. Lloyd, R.E.—According sanction to — proceeding fully equipped from Madras to Gooty.	4th do. do. No. 332 R.	.....
Improved slide valve spindle for Locomotive Engines.—Circular from the Government of India forwarding a drawing of an —, together with copy of correspondence on the subject and requesting to make it known to all Railway administrations, communicated to the Consulting Engineer for Railways.	8th Mar. 1890, No. 334 R.	.....

Subjects.	Number and Date of Order.	Numbers and Dates of previous Orders.
Excesses over estimate.—Letter from the Government of India requesting to direct the Consulting Engineer for Railways and the Examiner, Railway Accounts, to suggest modifications in the system of scrutiny of expenditure to enable responsible Executive officer to take earlier action when — appear inevitable as in the case of the Calicut extension and to report the progress made in the matter to the Accountant-General, communicated to the Consulting Engineer for Railways.	8th Mar. 1890. No. 335 R.	21st Dec. 1889, No. 1432 R.
Mr. T. W. Bartlett, Executive Engineer.—The Government of India informed that — is available for transfer.	8th do. do. No. 335 A R.	11th Jan. 1890, No. 50 R.
Deputy Examiner for the East Coast Railway.—Application from the Engineer-in-Chief for a — to be stationed at Waltair, ordered to be forwarded to the Government of India.	10th do. do. No. 336 R.	.....
Forwarded	10th do. do. No. 337 R.	.....
Indent for Stationery.—Supplementary — forwarded by the Examiner, Guaranteed Railway Accounts, sanctioned and forwarded to the Superintendent of Stationery.	10th do. do. No. 338 R.	.....
Memorials to the Secretary of State from certain officers of the Villupuram-Guntakal Railway and East Coast Railway Survey.—Letter from the Government of India stating that the — have been forwarded, communicated to the Consulting Engineer for Railways.	10th do. do. No. 339 R.	.....
Sergeant White and Overseer D.P. Mookerjee.—Posting of — to the East Coast Railway Survey, communicated to the Engineer-in-Chief.	10th do. do. No. 340 R.	15th Jan. 1890, No. 70 R.
Colonel Sedgwick, R.E.—Letter from the Government of India stating that under the circumstances explained by — he would be considered as having reported himself at Calcutta on return from furlough, communicated to the Consulting Engineer for Railways.	10th do. do. No. 341 R.	21st Jan. 1890, Nos. 113-114 R.
Confidential	11th do. do. No. 342 R.	.....
His Highness the Nizam's Guaranteed State Railway and the Bezvada Extension Railway (British section).—Notes of inspection of the — by the Consulting Engineer for Railways for the half-year ended 31st December 1889, recorded.	12th do. do. No. 343 R.	.....
Indents for Iron and Steel.—Circular from the Government of India communicating despatch from the Secretary of State containing instructions for the preparation of —, communicated to the Consulting Engineer for Railways.	12th Mar. 1890, No. 344 R.	.....

Subjects.	Number and Date of Order.	Numbers and Dates of previous Orders.
Villupuram-Guntakal State Railway.—Application to adopt on the sections of the — not open for public traffic the general rules for working railways under construction, ordered to be forwarded to the Government of India.	12th Mar. 1890. No. 345 R.	.....
Forwarded	12th do. do. No. 346 R.	.....
Minutes of meeting, South Indian Railway —Nine copies of the — held on the 16th December 1889, to be forwarded to the Director-General of Railways.	12th do. do. No. 347 R.	.....
Forwarded	12th do. do. No. 348 R.	.....
Statistics to the return of accidents, Madras Railway. —Ordered that the — for fourth quarter of 1889, be forwarded to the Director-General of Railways.	12th do. do. No. 349 R.	27th Jan. 1890, Nos. 145-146 R.
Forwarded	12th do. do. No. 350 R.	.....
Overseer D. P. Mookerjee.—Advance of a month's pay to — and passages applied for by him to proceed to Cocanada to join the East Coast Railway Survey, sanctioned.	12th do. do. No. 351 R.	.....
Waterways on the Villupuram-Guntakal State Railway.—Letter from Agent, South Indian Railway, regarding discharges of —, ordered to be forwarded to the Government of India.	12th do. do. No. 353 R.	.....
The above forwarded to the Government of India.	12th do. do. No. 354 R.	.....
Executive Engineer's office, Putalput, Villupuram-Dharmavaram Railway.—Report of the destruction by fire of the —, recorded.	13th do. do. No. 357 R.	20th Nov. 1889, No. 1239 R.
Mr. Elston, Executive Engineer.—Last pay certificate of —, forwarded to the India office.	13th do. do. No. 358 R.	.....
Pennér bridge works, Villupuram-Guntakal extension. —Telegram to and from the Government of India regarding the commencement of the —, communicated to the Consulting Engineer for Railways.	13th do. do. No. 359 R.	.....
Mr. H. B. Addis, Executive Engineer.—The advance of a month's salary to —, sanctioned.	14th do. do. No. 362 R.	.....
Promotion recommendation roll of the Engineer establishment of the office of the Consulting Engineer for Railways.—Ordered that the —, be forwarded to the Government of India.	14th do. do. No. 363 R.	.....
Forwarded	14th do. do. No. 364 R.	.....

Subjects.	Number and Date of Order.	Numbers and Dates of previous Orders.
Promotion recommendation roll of officers employed on the South Indian Railway.—The Government of India informed that the — for the half-year ending 31st August 1889 was forwarded with No. 4 R., dated 2nd January 1890.	15th Mar. 1890, No. 365 R.	12th Feb. 1890, No. 804 C. 7th Feb. 1890, No. 691 C. 2nd Jan. 1890, Nos. 3-4 R. 2nd Dec. 1889, No. 5632 C. 25th Oct. 1889, No. 4864 C. 29th Oct. 1889, No. 1179 R. 26th Mar. 1889, Nos. 347-348 R. 22nd Oct. 1888, No. 3358 W.
Mr. T. W. Bartlett, Executive Engineer.—Letter from the Government of India stating in reply to memorial from — praying for pension in sterling that it is unable to modify the rules relating to payment of pension, forwarded to the Consulting Engineer for Railways for communication to Mr. Bartlett.	15th do. do. No. 366 R.	.....
Prosecution.—Report of the result of the — of persons suspected of having set fire to the bungalow at the Poiney bridge, recorded.	15th do. do. No. 367 R.	15th Feb. 1890, No. 248 R.
Putalput station of the Villupuram-Guntakal Railway.—The proposed alternative site for the —, approved.	15th do. do. No. 368 R.	.....
Agreement for working the Bezváda Extension Railway.—Letter from the Agent and Manager, His Highness the Nizam's Guaranteed State Railway Company, on the subject of the — and agreeing to certain modifications of the — proposed by the Government of India, ordered to be forwarded to that Government.	15th do. do. No. 369 R.	26th Feb. 1890, No. 1022 C. 13th Feb. 1890, No. 818 C. 27th Jan. 1890, No. 153 R. 24th Dec. 1889, Nos. 1434-1435 R. 5th Dec. 1889, No. 5703 C. 16th April 1889, No. 424 R. 18th Oct. 1889, No. 1117 R. 14th Aug. 1889, No. 883 R. 22nd Mar. 1889, Nos. 318-319 R. 15th Jan. 1889, No. 41 R. 11th Jan. 1889, No. 20 R. 28th Dec. 1888, No. $\frac{520}{A.}$ C. 21st Dec. 1888, No. $\frac{1103}{A.}$ R. 7th Dec. 1888, No. 1058 R.

Subjects.	Number and Date of Order.	Numbers and Dates of previous Orders.
		(*Continued*). 12th Nov. 1888, Nos. 958-959 R. 29th Oct. 1888, Nos. 883-884 R.
Forwarded	15th Mar. 1890, No. 370 R.	.....
Registration of shareholders of the Nilgiri Railway Company.—Sanctioning Rs. 35 the cost incurred in obtaining a copy of the —.	17th do. do. No. 377 R.	.....
Supervisor Lalla Koondun Lall.—Letter from the Government of India stating that the transfer of — cannot be arranged and that he must rejoin his appointment on the Villupuram-Guntakal State Railway, communicated to the Consulting Engineer for Railways.	17th do. do. No. 378 R.	11th Feb. 1890, No. 219 R. 11th Jan. 1890, Nos. 42-43 R. 15th Aug. 1889, Nos. 894-895 R. 9th July 1889, No. 761 R. 18th May 1889, No. 572 R.
Mr. G. Berkley, Temporary Assistant Engineer, considered to have joined his appointment on the East Coast Railway Survey at Gopálpur.	17th do. do. No. 379 R.	.....
Mr. Walker, Engineer-in-Chief, East Coast Railway Survey.—Letter from the Government of India regretting inability of — to spend anything for the quarrying of stone for the Kistna bridge works or for constructing houses for the survey staff and forwarding instructions for the carrying out of certain works by Mr. Walker, communicated to him.	17th do. do. No. 380 R.	.....
Sub-Engineer Marten.—The Government of India informed that — is not wanted on the Guntakal section and requesting to transfer him elsewhere.	17th do do. No. 380/A R.	.....
Mr. Rees, Honorary Assistant Engineer, Villupuram-Guntakal State Railway.—Ordered that the Government of India be addressed regarding retirement of —.	17th do. do. No. 383 R.	.....
Mr. B. Rees, Assistant Engineer, Villupuram-Guntakal State Railway.—The Government of India requested to state whether the application dated 5th March 1890 of — (who attained the age of 55 on the 2nd August 1889) to retire and who was on furlough till 25th February 1890 should be retired from 2nd August 1889 or from 5th March 1890.	18th do. do. No. 384 R.	.....
Supervisor Feol, Villupuram-Guntakal State Railway.—The conveyance of a horse of — by rail from district No. 3 to district No. 18 on transfer, sanctioned.	19th do. do. No. 389 R.	.....
Fort St. George Gazette.—Sanctioning the supply of a copy of the — to the Chief Auditor, South Indian Railway.	19th do. do. No. 390 R.	27th Feb. 1890, No. 1077 C.

Subjects.	Number and Date of Order.	Numbers and Dates of previous Orders.
Railway Police for the Bezváda Extension Railway.—Proceedings of the Judicial Department on letter from the Agent and Manager, His Highness the Nizam's Guaranteed State Railways, on the subject of the — and Mr. Crawford's jurisdiction, communicated to the Consulting Engineer for Railways.	19th Mar. 1890, No. 391 R.	20th Jan. 1890, No. 351 C.
Latrine accommodation in third-class carriages, Madras Railway.—Letter from the Agent and Manager suggesting to make a representation to Government for the omission in the new Indian Railway Bill any compulsory clause as to —, ordered to be forwarded to the Government of India.	19th do. do. No. 392 R.	.....
Forwarded	19th do. do. No. 393 R.	.....
East Coast Railway Survey.—Progress report of the — for February 1890, ordered to be forwarded to the Government of India.	19th do. do. No. 394 R.	26th Feb. 1890, Nos. 297-298 R. 28th Jan. 1890, No. 157 R.
Forwarded	19th do. do. No. 395 R.	.....
Travelling allowance bill of the Engineer-in-Chief, East Coast Railway Survey, for December 1889.—Orders on the —.	19th do. do. No. 396 R.	.....
Supervisor Babu Raj Coomar Mookerjee, Villupuram-Guntakal State Railway.—Letter from the Government of India stating that the supersession of — is due to the half-yearly reports received on him not being sufficiently favorable, communicated to the Consulting Engineer for Railways.	19th do. do. No. 397 R.	17th Feb. 1890, Nos. 254-255 R.
Munshi Safaraz Alli, Sub-Overseer, Bellary-Kistna State Railway.—Ordered that the Government of Bombay be informed that the services of — are not required on the Villupuram-Guntakal State Railway.	20th do. do. No. 398 R.	14th Feb. 1890, No. 832 C.
Forwarded	20th do. do. No. 399 R.	.....
Printing work, South Indian Railway.—Orders on letter from Mr. Truter of Negapatam suggesting to advertise for tenders for the —.	21st do. do. No. 400 R.	21st Feb. 1890, No. 955 C. 8th Jan. 1890, No. 14 R. 3rd June 1889, No. 627 R.
Revenue account of the Nellore branch of the Villupuram-Dharmavaram Railway for the second half of 1888.—Ordered that the explanation of the arrears pointed out by the Government of India in the —, be forwarded to that Government.	21st do. do. No. 401 R.	31st May 1889, Nos. 619-620 R. 12th Dec. 1889, No. 1380 R.
Forwarded	21st do. do. No. 402 R.	.....

Subjects.	Number and Date of Order.	Numbers and Dates of previous Orders.
Bridge No. 316 *on the North-West Line, Madras Railway.*—Ordered that the estimate for reconstructing the — provisionally sanctioned, be forwarded to the Government of India for confirmation.	21st Mar. 1890, No. 403 R.	.....
Forwarded	21st do do. No. 404 R.	.....
Return of accidents on Indian Railways for the second quarter of 1889.—Resolution of the Government of India on the —, communicated to the Consulting Engineer for Railways.	21st do. do. No. 405 R.	6th Aug. 1889, No. 831 R. 3rd Sept. 1889, Nos. 971-972 R.
Review of receipts and charges of Guaranteed Railways for 1888-89.—The — forwarded by the Government of India, communicated to the Consulting Engineer for Railways and to the Examiner, Guaranteed Railway Accounts.	24th do. do. No. 411 R.	22nd Jan. 1889, No. 70 R.
Cost of repairs to line-mens' huts and gate-keepers' lodges.— Ruling of the Government of India that the — should be debited to sub-head A IV (I) of the Revenue Accounts, communicated to the Consulting Engineer for Railways.	24th do. do. No. 412 R.	.....
Registration of road traffic.— Proceedings, Revenue Department, approving the list of roads proposed to be taken up for — during 1890-91, communicated to the Consulting Engineer for Railways.	24th do. do. No. 413 R.	25th Mar. 1889, No. 333 R.
Mr. T. W. Bartlett, Executive Engineer.— Telegram from the Government of India requesting to instruct — to report himself to the Bengal Government, communicated to the Consulting Engineer for Railways.	24th do. do. No. 415 R.	8th Mar. 1890, No. $\frac{335}{A.}$ R. 11th Jan. 1890, No. 50 R. 7th Dec. 1889, No. 5739 C.
Mr. B. Rees, Assistant Engineer.— Telegram from the Government of India stating that the furlough of — ceased from August 1889 and that his pension papers should be prepared accordingly and any excess furlough allowance drawn should be retrenched from first pension payment, communicated to Consulting Engineer for Railways.	24th do. do. No. 416 R.	18th Mar. 1890, No. 384 R.
Supervisor F. Hand, Villupuram-Dharmavaram Railway.— During his suspension — to be considered to have been under forfeiture of pay, but not of service.	24th do. do. No. 417 R.	15th Aug. 1889, No. 898 R.
Officers desirous of joining the department of Consulting Engineer for Railways.—Ordered that the correspondence regarding certain —, be forwarded to the Government of India.	25th do. do. No. 418 R.	.....
Forwarded	25th do. do. No. 419 R.	.....
Promotion recommendation roll.—Ordered that the — of the Engineering establishment of the Villupuram-Guntakal State Railway for the half-year ended 28th February 1890, be forwarded to the Government of India.	25th do. do. No. 420 R.	.....
Forwarded	25th do. do. No. 421 R.	.....

Subjects.	Number and Date of Order.	Numbers and Dates of previous Orders.
Mr. W. G. Gilchrist, Executive Engineer.— Reply of the Government of India to letter from — regarding his claims to promotion, communicated to the Consulting Engineer for Railways.	27th Mar. 1890, No. 422 R.	.....
Conductor Hugh Macartney of Villupuram-Dharmavaram Railway.—Ordered that the Government of India be informed that no intimation has been received in the office of the Consulting Engineer for Railways of any promotion to —.	27th do. do. No. 423 R.	2nd Sept. 1889, No. 966 R.
Government of India informed accordingly ...	27th do. do. No. 424 R.	.....
Officers of the Villupuram-Guntakal Railway, East Coast Survey, and office of the Consulting Engineer for Railways.—Ordered that the Government of India be informed of the — intending to apply for furlough during 1890.	27th do. do. No. 425 R.	.....
The Government of India informed accordingly.	27th do. do. No. 426 R.	.....
Executive Engineer Mr. Baxter's appeal.—Ordered that the appeal be forwarded to the Government of India.	27th do. do. No. 427 R.	.....
Forwarded	27th do. do. No. 428 R.	.....
Railway from Punchpara to Cuttack and Pooree.—Government of India informed of the opinion of Colonel C. J. Smith, R.E., on the alternative route proposed by the Agent, Bengal-Nagpore Railway Company, for the —.	27th do. do. No. 429 R.	3rd Feb. 1890, No. 168 R. 6th July 1889, Nos. 754-755 R. 23rd Sept. 1889, Nos. 940-941 R.
Mr. J. A. Ryan, Accountant, 1st Grade, South Indian Railway.—Letter from the Government of India deciding that no contribution on account of pension of — should be charged to the South Indian Railway Company at present, communicated to the Consulting Engineer for Railways.	27th do. do. No. 430 R.	12th Feb. 1890, Nos. 224-225 R. 24th Jan. 1890, No. 132 R.
Type drawings for the Villupuram-Guntakal State Railway.—Application of the Agent, South Indian Railway, for certain —, forwarded to the Director-General of Railways for favor of compliance.	27th do. do. No. 431 R.	.....
Nilgiri Railway.—Ordered that the correspondence on the subject of capital for the — forwarded by the Secretary of the Company, be forwarded to the Government of India.	27th do. do. No. 433 R.	.....
The Government of India addressed on the above subject.	27th do. do. No. 434 R.	.....

Subjects.	Number and Date of Order.	Numbers and Dates of previous Orders.
Minutes of official meeting, Madras Railway.—The — held on the 23rd January 1890, approved and ordered to be forwarded to the Director-General of Railways.	28th Mar. 1890, No. 436 R.	.....
Forwarded	28th do. do. No. 437 R.	.....
Returns required in the Government of India, Public Works Department, Railway (Stores) Branch.—List of —, communicated to the Consulting Engineer for Railways.	31st do. do. No. 438 R.	.....
Steel bull-headed rails on the South Indian Railway.—Ordered that the tracing showing full size, with dimensions, the section of the 50 lb. — which failed, be forwarded to the Director-General of Railways.	31st do. do. No. 439 R.	27th Jan. 1890, Nos. 148-149 R.
Forwarded	31st do. do. No. 440 R.	.....
Preliminary Issue of the Capital budget estimate, Bezváda Extension Railway, for 1890-91.—Ordered that the —, be forwarded to the Government of India.	31st do. do. No. 441 R.	4th Mar. 1890, Nos. 326-327 R. 8th Feb. 1890, No. 211 R. 4th Feb. 1890, Nos. 179-180 R.
Forwarded	31st do. do. No. 442 R.	.....
General rules for working Railways under construction.—Application of the Agent and Manager, Madras Railway, for introducing the — on his line, ordered to be forwarded to the Government of India.	31st do. do. No. 443 R.	.....
Forwarded	31st do. do. No. 444 R.	.....
Mr. Baxter, Executive Engineer, East Coast Railway Survey.—The Examiner authorized to disburse to — the full pay of his grade from 23rd October 1889.	31st do. do. No. 445 R.	5th Mar. 1890, No. 1185 C. 21st Oct. 1889, No. 4798 C. 19th Oct. 1889, No. 4777 C. 20th June 1889, No. 691 R.
Revised and Budget estimate of the Nellore-Guntúr Railway Survey for 1889-90 *and* 1890-91.—Resolution of the Government of India on the —, communicated to the Consulting Engineer for Railways.	31st do. do. No. 446 R.	.....
Stations on the Villupuram-Guntakal State Railway.—Remarks of the Board of Revenue regarding the transliteration of the names of certain —, ordered to be forwarded to the Government of India.	31st do. do. No. 447 R.	.....
Forwarded	31st do. do. No. 448 R.	.....

Subjects.	Number and Date of Order.	Numbers and Dates of previous Orders.
Rules for the audit and record of outlay in the Public Works Department.—Resolution of the Government of India regarding the application of the — to open lines of State Railways, communicated to the Consulting Engineer for Railways.	31st Mar. 1890, No. 449 R.	.....
Carriage of non-military prisoners by Railway.—Letter from the Government of India requesting the introduction of warrant credit notes for the —, communicated to the Consulting Engineer for Railways.	31st do. do. No. 450 R.	.....