Public Works (1897) Department.

G.O., No. 742 R

DATE 28 Sept 1897

[Despatch Abstract.]

Tramways in the town of Galiemt, Ordered that revised Notification embodying the draft of a proposed order authorizing the construction by promoter, of — be published in the Colombo and Galle District Gazettes.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	549	R (S)	12-8-97				

FURTHER PAPERS.

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

RAILWAY.

Government {1897} of Madras.

PUBLIC WORKS.

Recd. } 1897 *Enclosures*

Regd. } *Spare copies*

G.O., No. 742 R., 28th September 1897.

SEPTEMBER.

Tramways in the Town of Calicut

Ordered that a revised [illegible] embodying the draft of a proposed order authorizing the construction [illegible] the Commissioner, of — be published in the Fort St. George and Malabar District Gazettes.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read again the following papers:—

G.O., No. 741 R., dated 7th November 1895.

ABSTRACT.—Directing the publication in the Fort St. George and the Malabar District Gazettes of a notification embodying the draft of a proposed order authorizing the construction, by the promoters, of tramways in the town of Calicut, and ordering that the sanction of Government to the grant of the concession to raise capital and start work within one year from date of sanction, be communicated to the promoters.

G.O., No. 412 R., dated 2nd May 1896.

ABSTRACT.—Directing that the application of the promoters, for powers to construct, maintain and use a system of tramways in Calicut, be granted upon certain terms and subject to certain conditions.

Read also the following papers:—

From the Acting Collector of Malabar, to the Chief Secretary to Government, Local and Municipal Department, dated Calicut, 29th May 1896, Dis. No. 100 $\frac{M.}{Dis.}$

I have the honour to forward letter No. 535, dated the 17th May 1896, from the Chairman of the Calicut Municipal Council, enclosing a letter from Mr. Brown relating to the proposed Calicut tramway.

2. Mr. Brown proposes to substitute Ewing's single rail tramway for the double line of rails sanctioned by Government. I understand that one wheel of the car will run on the single rail and that the other wheel will run on the ordinary road. No doubt this will mean great economy to the promoters, but it will entail great expenditure to keep the road in good order where the wheel runs and if the road is not kept in perfect order, the passengers will have an uneasy time inside the car.

3. Mr. Brown does not name the towns in Burma in which the system is said to have been introduced, but no doubt the Chief Commissioner, if addressed, would give all the information available on the subject.

4. The Municipal resolution sent up is quite colourless, though the Chairman speaks of the resolution as approving the alteration. I venture to think that the change should not be allowed unless considerably more information is furnished to Government than has been given so far.

ENCLOSURES.

From the Chairman Delegate, Municipal Council, Calicut, to the Chief Secretary to Government (through the Revenue Divisional Officer), dated 7th May 1896, No. 535.

In forwarding herewith copy of letter No. C./1380, dated 24th April 1896, from Mr. A. Brown, one of the promoters of tramways in the Calicut Municipality, suggesting the desirability of substituting Ewing's single rail tramway instead of the double line of rail as sanctioned by Government in G.O., No. 741, dated 7th November 1895. I have the honour to request you will be good enough to accord the necessary sanction for the proposal.

It will be observed that the request of the promoters can be sanctioned under clause 7 of order No. 2 of G.O., No. 741, dated 7th November 1895.

A copy of the resolution of the council approving the proposal, together with a plan of the tramway carriage is herewith submitted.

Forwarded.

CALICUT, 19th May 1896. (Signed) S. SWAMINATHA IYER, Deputy Collector.

From A. BROWN, Esq., Calicut, to the Chairman, Municipal Council, Calicut, dated 24th April 1896, No. C./1380.

I have the honour to submit herewith, for the consideration and approval of the Council, an amended proposal for constructing the above, and to beg that you will kindly send it up to the Local Government for sanction, with as little delay as possible.

Instead of the double line of rail, as sanctioned by Government, in G.O., No. 741 of the 7th November last, I propose to substitute Ewing's single rail tramway, which although unknown, I believe, in any part of India, has been used with great success in one or two towns in Burma. The advantages of such a tramway over any other are at once apparent.

(1) Owing to the little room it will occupy on the public road, as the one rail can be laid on one side, while one-half of the car overhangs the berm or drain.

(2) The ease and speed with which the line can be laid.

(3) The all important question of cost, which will be considerably less than any other system.

To enable you to better understand the alteration in construction, for which sanction is now asked, I have the honour to send you herewith a plan showing a passenger car in detail, and form of rail, the latter need only be one inch above the ground, and as it will be laid at the side of the road, it will in no way interfere with the ordinary traffic.

At all level crossings, as well as any crowded portion of the bazaar, the rail would be kept flush with the road.

Suitable waggons and trucks for the conveyance of all kinds of goods, as well as Municipal refuse and night-soil will be provided.

I would point out also that by adopting a cheap, easy and rapid one rail system; it would tend to popularise street tramways in the mofussil, and Calicut will set them a good example to follow.

EXTRACT from the Proceedings of the Municipal Council, Calicut, at a meeting held on the 6th May 1896.

* * * * *

5. Read letter from Mr. A. Brown, dated 24th April 1896, No. C./1380, submitting, for the consideration and approval of the Council, a proposal to substitute Ewing's single rail tramway instead of the double line of rail as sanctioned by Government in the Calicut town and requesting to obtain the sanction of Government for the same.

Resolution.—Will be forwarded to Government.

CALICUT, 13th May 1896. (Signed) S. SWAMINATHA IYER, Rev. Divl. Officer in charge of Chairman's Office.

No. 647, Local and Municipal.

Transferred to the Public Works (Railway) Department.

FORT ST. GEORGE, 10th June 1896. (Signed) W. W. PHILLIPS, Ag. Asst. Secretary.

From the Consulting Engineer for Railways, Madras, to the Chief Commissioner of Burma, dated 20th June 1896, No. 512 D.

I have the honour to forward copy of a letter from the promoters of the Calicut Tramway, together with a tracing of the proposed car.

2. Mr. Brown for the promoters states that the single rail system has been used with success in one or two towns in Burma. I should feel much obliged if you would inform me if this is the case, and supply me with any information on the subject that you are able to give and if possible with plans and estimates of the rolling-stock and permanent-way used.

ENCLOSURES.

From the Chairman, Municipal Council, Calicut, to the Chief Secretary to Government, Local and Municipal Department (through the Collector of Malabar), dated 18th June 1896, No. 683/1896.

With reference to G.O., No. 741 R., dated 7th November 1895, Public Works, I have the honour to forward, for your information, copy of a resolution passed by the municipal council at its meeting held on the 15th instant accepting the proposal of Mr. A. Brown to be the sole concessionaire in the proposed Tramway Company at Calicut. Mr. A. Brown is a successful timber merchant at Calicut carrying on large business.

The three* other promoters have made over their title and interest in the Company to Mr. A. Brown.

* Messrs. M. A. Subramania Iyer, Pazhayathoppil Mammadaji and Zamroi Govindrei.

No. 216/M.

Forwarded.

21st June 1896. (Signed) J. HEWETSON, Ag. Collector.

EXTRACT from the Proceedings of the Municipal Council, Calicut, at a meeting held on the 15th June 1896.

* * * * *

5. Read letter, dated 26th May 1896, C. No. 1774, from Mr. A. Brown, Calicut, forwarding, for information, a letter from each of the other promoters of the proposed Tramway Company at Calicut making over all their right title and interest in the Company to him.

Resolution.—The Council accepts Mr. Brown's proposal to be the sole concessionaire. The matter will be reported to Government.

(Signed) S. SWAMINATHA IYER, Chairman, Municipal Council, Calicut.

No. 778, Local and Municipal.

Transferred to the Public Works (Railway) Department.

FORT ST. GEORGE, 6th July 1896. (Signed) W. W. PHILLIPS, Ag. Asst. Secretary.

No. 1013 D.

Forwarded to the Government Solicitor for favour of remarks with reference to the revised draft notification which it is proposed to publish in the *Fort St. George Gazette*.

7th August 1896. (Signed) C. H. B. BURLTON, Under Secretary.

From the Government Solicitor, Madras, to the Joint Secretary to Government, Public Works Department, Railway Branch, dated 21st August 1896, No. 400.

With reference to your memo. No. 1013 D., dated 7th instant, I shall be obliged by your informing me whether any Joint Stock Company is to be formed by Mr. Brown for the carrying out of the order of Government in respect of the Calicut tramways.

2. Apparently, from the correspondence forwarded to me with your memorandum, a company was formed or to be formed for the purpose of constructing and carrying on the tramways but that the interests of all parties in such company were in some way, which is not explained, made over to Mr. Brown. Nevertheless in paragraph 4 of the amended draft order it is said that Mr. A. Brown, by whom a Joint Stock Company is about to be incorporated and registered with a nominal capital of Rupees 1,50,000 divided into 15,000 shares of Rs. 10 each, shall be the promoter for the purposes of the order. It is therefore important for me to know whether, in fact, such a company is about to be incorporated, as, if so, the company should be included in the expression "the promoters." If, on the other hand, there is to be no such company, then several of the provisions of the order, such as paragraph 35 (1) that the construction of the tramways shall not be commenced until half of the share capital of such proposed company has been subscribed and (3) will be inapplicable. Before, therefore, I can finally settle the draft order it is necessary for me to know the actual position of affairs.

From the Under Secretary to Government, Public Works Department, Upper Burma, to the Secretary to the Government of Madras, Public Works Department, Railway Branch, dated Rangoon, 4th September 1896, No. 8831/42 C.R.

In reply to your letter, No. 512 D., dated the 20th June 1896, asking for information in regard to the use in Burma of the single rail system of tramways, I am directed to forward, herewith, a copy of a report (to be kindly returned when done with) of Addis' single rail system, and to state that a short length on this system, the estimated cost of which was Rs. 11,292 for 6,424 running feet (as per details given in the accompanying copy of estimate), was laid down in Prome during the year 1879–80 for the carriage of refuse.

2. I am to say that, besides the above, there is no other information on record in this office on the subject of the single rail system of tramways.

ENCLOSURE.

ESTIMATE for constructing a single line tramway including rolling-stock, &c., from the slaughter-house to the market, being a distance of one mile and a half.

Number.	Description of charges.	Measurements.			Quantity.	Rates.	Per	Amount.
		Length.	Breadth.	Depth.				
		FT.	FT.	FT. IN.	C. FT.	RS. A. P.	C. FT.	RS. A. P.
1	Earthwork	6,424	15	3 6	337,260	1 8 0	100	5,058 14 4
2	Ballast	6,424	6	0 6	19,272	2 12 0	100	530 0 0
					NO.			
3	Bridge 64 feet span	64	10	7 6	1	799 0 0	Bridge.	799 0 0
4	,, 24 ,, ...	24	10	7 0	1	377 0 0	Do.	377 0 0
5	Teakwood sleepers	..	..	..	2,541	0 5 7	Sleeper.	886 11 0
6	Coach screws	..	..	..	..	..	..	160 0 0
7	Nails	..	..	..	..	..	..	50 0 0
8	Cost of permanent-way construction, carpenter hire, &c. ..	..	..	..	..	..	..	
	Conservancy wagons	..	..	..	..	..	..	150 0 0
9	Meat van	..	..	..	4	350 0 0	..	1,400 0 0
10		..	..	..	4	350 0 0	..	1,400 0 0
11	Bullocks	..	..	..	PAIRS. 6	80 0 0	..	480 0 0
	Total ..	..	..	..	..	..	..	11,291 9 4

PROME, 3rd May 1879. (Signed) W. J. ADDIS, C.E., Secretary and Engineer.

objection to the expurgation from the concession for the construction of the Calicut tramway of that part of clause (29) limiting the dividend earning powers of the company to 10 per cent.

I ask, as I am very much afraid that, in view of the fact of the company having neither subsidy nor guarantee, and it consequently being on exactly the same footing as other industrial enterprises, such as banking, tea and coffee cultivation, and jute manufactures, all of which industries are in many cases returning to investors as much as from 15 to 25 per cent., it may be difficult to raise the small capital required for this undertaking.

It is a well-known fact that it is a much more difficult matter to form a company and raise the capital required for such a small project as this, than in one like that of the Madras Tramway Company, it being large enough in the latter case to make it worth the while of well-known financial agents to undertake the business of floating the Company, whereas in the case of this Company, the capital will have to be raised by my own personal influence assisted, perhaps, by that of my bankers.

The absolute certainty of being unable to receive more than 10 per cent., while it is of course possible they may receive *less*, will, I am afraid, strongly militate against small capitalists investing their money in such an undertaking.

I would venture to point out that for the sake of earning as large a return as possible, the interests of the shareholders would lie in keeping the rates for carriage sufficiently low to secure as great a portion as possible of the traffic, and this I think would be the greatest safeguard the public could possibly have against the Company's charging any more than fair rates.

This matter was referred to, and, I believe, more fully explained to, His Excellency the Governor, by Mr. Ewing at the interview kindly accorded to him yesterday.

No. 2852 M/Dis.

Submitted to Government for favourable consideration.

(Signed) G. W. DANCE,
Collector.

CALICUT,
14th October 1896.

No. 1257, Local and Municipal.

Transferred to the Public Works Department.

(Signed) G. S. FORBES,
Secretary to Government.

3rd November 1896.

From the Officiating Joint Secretary to Government, Public Works Department, Railway Branch, to the Government Solicitor, Madras, dated 14th November 1896, No. 4109 C.

With reference to your letter, No. 400, dated 21st August 1896, I am directed to forward the case of the Calicut Tramway together with the draft notification which has been approved by the Calicut Municipality and a letter from the promoter (Mr. A. Brown) giving the information you require. A further letter from the promoter (Mr. Brown), dated 1st October 1896, is also enclosed.

2. From the above the clauses which require attention would seem to be—

(4) The incorporation of a Joint Stock Company with a capital of Rs. 1,75,000 instead of Rs. 1,50,000.

(29) Mr. Brown reads this paragraph to mean that interest is never to be allowed to rise above 10 per cent. I am however of opinion that it only gives the power to the Local Government to decrease tolls should the promoters be making a profit which the Local Government considers excessive.

I am to request the favour of your opinion on these points and the return of papers with draft notification corrected where necessary.

From the Government Solicitor, Madras, to the Joint Secretary to Government, Public Works Department, Railway Branch, dated Madras, 19th November 1896, No. 596.

I beg to acknowledge receipt of your letter of the 14th instant, No. 4109 C., with file of papers relating to the proposed Calicut tramways.

2. I do not see that any question arises with regard to the incorporation of a Joint Stock Company with a capital of Rs. 1,75,000 instead of Rs. 1,50,000. As I understand, the final order, as amended, has not yet been published, so that, all that is necessary is that clause (4) of the amended order should be further amended by altering the figures "1,50,000" to "1,75,000" and the figures "15,000" to "17,500." It is a distinct advantage I think that the capital should be larger than originally intended, as the larger capital is a greater guarantee that the construction of the tramways will be carried out. In this connection I may mention that, as clauce 35 of the amended order provides that the promoter shall observe the condition (1) that the construction of the tramways shall not be commenced until *half* of the share capital of the proposed company has been subscribed, instead of, as in the order of the Madras Tramways, "until the sum of £75,000 of the share capital". No amendment will be necessary in this respect.

3. With regard to clause (29) of the amended order I am of opinion that Mr. Brown is mistaken in his reading of same. The clause enables Government, from time to time, on the representation of the local authority or of the promoter, that, under the circumstances then existing, all or any of the tolls or charges demanded and taken in respect of the traffic should be revised, to direct an enquiry by a referee, 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, Government may make an order in writing altering, modifying, reducing or increasing all or any of the tolls or charges in such manner as Government may think fit (the word "they" here refers to Government not to the promoters) but no such revision of rates (should be "tolls") or charges is to be made, without the consent of the promoter, *unless and until* the promoter shall distribute by way of dividend to their (should be "the") shareholders an amount equal to interest at 10 per cent. per annum upon the total capital of the company, whether represented by shares or debentures and after making due provision for reserve and sinking funds. This clearly means that, until a dividend of 10 per cent. per annum has been paid on the capital, Government cannot exercise its right of revising the tolls or charges.

4. I return the file of papers which accompanied your letter, &c.

From the Acting Collector of Malabar, to the Joint Secretary, to Government, Public Works Department, dated Calicut, 14th December 1896, Dis. No. 195 M.

I have the honour to forward a copy of a resolution of the Calicut Municipal Council.

2. The matter is purely a professional one. I need therefore only say that the introduction of the proposed tramway will be of great benefit to the public if it can be worked satisfactorily.

ENCLOSURE.

EXTRACT from the Proceedings of the Municipal Council, Calicut, at a meeting held on the 2nd December 1896.

* * * * *

(2) Read again resolution No. 16 of the Municipal Council, dated the 25th November 1896.

Read also letter, dated 24th November 1896, No. C.4763, from Mr. A. Brown, Calicut, requesting for reasons given to reconsider the resolution of the council relating to his keeping up a portion of the road over which the tram cars would pass for a distance of nearly 8¼ miles.

"The council has no objection to the conditions 4 and 5 laid down in the letter from the Government of Madras, Public Works Department, Railway Branch, to the Collector of Malabar, No. 1165, dated 1st October 1896, Mr. A. Brown, the sole Concession..ire, ap..ared ... council and explained matters to it. He stated that the portion of the ... ween ...

rail and the place over which the balance wheel would pass was about 5 feet 6 inches, that if he was made to maintain this portion, *plus* a foot or two beyond the balance wheel, he would have to maintain 7 feet or 7 feet 6 inches of the portion of the road which would be a very great hardship to him. He further explained that the balance wheel would not cut the road or injure it as the wheels of the heavily loaded country carts, but would consolidate the road as a roller. The scheme being a new one, the council is not in a position to judge of the matter, though it is inclined to agree with Mr. Brown. The council is quite willing to give all facilities to Mr. Brown in the matter of his scheme and will accept any term which the Government may lay down.

From the Secretary to the Government of Madras, Public Works Department, Railway Branch, to the Government Solicitor, Madras, dated 7th January 1897, No. 65 C.

With reference to correspondence ending with your letter, No. 596, dated 19th November 1896, I am directed to retransmit the file of papers relating to the proposed Calicut tramways, together with letter, Dis. No. 195 M., dated 14th December 1896, from the Collector of Malabar and with regard to the resolution of the municipal council forwarded with the Collector's letter to propose the undermentioned additions after clause 7, with the request that you will kindly see that they are couched in proper form :—

Clause 8.—Notwithstanding the obligation imposed in clause 7, it shall be lawful for the promoter to use the system known as Ewing's single rail tramway and to use one rail only, the surface of which may be raised not more than one inch above the surface of the road provided—

(1) that such rail is placed at a distance not more than 5 feet from the edge of the road ;

(2) that the promoter shall fix and maintain in a suitable manner and subject to the approval of the road authority guard rails flush with the surface of the rail and of the road wherever any road or street crosses that used by the tramway ;

(3) that switches or other device of a suitable pattern approved by the road authority and the Local Government shall be placed at the entrances of the crossing stations for the purpose of diverting the cars from one rail to another as may be required.

From the Government Solicitor, Madras, to the Joint Secretary to Government, Public Works Department, Railway Branch, dated Madras, 21st January 1897, No. 37.

I beg to acknowledge receipt of your letter of the 7th instant, No. 65 C., with file of papers relating to the proposed Calicut tramways.

2. I think that, instead of making the provisions regarding the use by the promoter of "Ewing's single rail tramway" a separate clause in the concession, it would be better to make it a proviso to clause 7. This will have the advantage of it not being necessary to renumber the subsequent clauses of the Concession and it will also make the use of Ewing's system subject to such of the provisions of clause 7 as may be applicable thereto. I have specially provided for this and indeed for all the provisions of the order which may be applicable applying to Ewing's system.

3. I have some doubt with regard to the provisions of the second condition attached to the use of Ewing's system, but I express the doubt with some hesitation as it is on a matter which seems to come more within your province than mine and there may be nothing in it. At the commencement of the provision for the use of Ewing's system, it is said that the promoter may lay one rail only, the surface of which may be raised not more than one inch above the surface of the road but, in the second condition attached, it is provided that the promoter shall fix and maintain guard rails flush with the surface of the rail and of the road wherever, &c. But, if the guard rails the single rail is raised, as it may be, one inch above the surface of the road the surface of apparent to me, at any rate, how the guard rails can be flushed with the surface of both the rail and the road.

4. I enclose a copy of the provisions set out in the margin with such alterations in such copy as I have thought advisable. I have altered the word of your letter with "cars" to "carriages" with reference to the definition of "carriage" given in clause 3 of the Concession.

5. I observe that in the penultimate line of clause 8 of the Concession, the word "council" is used. Here and throughout the Concession where the word "council" is used, it should be preceded by the word "municipal", see clause 3 of the Concession.

6. I return the file of papers which accompanied your letter, &c.

ENCLOSURE.

Provisions.

Provided always that anything hereinbefore in this clause contained to the contrary notwithstanding it shall be lawful for the promoter in constructing the tramways to use the system known as "Ewing's single rail tramway" and to lay one rail only, the surface of which may be raised not more than one inch above the surface of the road except where any road or street crosses that used by the tramway, but subject nevertheless to the following conditions, namely—

(1) that such rail is placed at a distance of not more than 5 feet from the edge of the road ;

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

(3) that switches or some other device of a suitable pattern and approved by the road authority and the Local Government be placed at the entrance of all crossing stations on the tramway for the purpose of diverting the carriages from one rail to another as may be required ;

(4) that such of the provisions in this order contained as shall be applicable thereto shall apply to such system known as "Ewing's single rail tramway."

From the Joint Secretary to Government, Public Works Department, Railway Branch, to the Collector of Malabar, dated 5th February 1897, No. 722 C.

With reference to correspondence ending with your letter, Dis. No. 195 M., dated 14th December 1896, I am directed to forward herewith, for the final approval of the Municipal Council at Calicut, the revised draft notification regarding the Calicut tramways, together with copies of letters as per margin from the Government Solicitor, Madras, on the subject.

No. 596, dated 19th November 1896.
No. 37, dated 21st January 1897, with enclosure.

From the Chairman, Municipal Council, Calicut, to the Collector of Malabar, dated Calicut, 28th March 1897.

With reference to your endorsement, dated 13th ultimo, Ref. on C. No. 54/M., forwarding for council's remarks the revised draft notification regarding the Calicut tramways, I have the honour to inform you that the notification was placed before the municipal council at its meeting held on the 24th instant and the following resolution was passed :—

"Re-submitted to the Collector with the remark that the council recommends that section 29 which is objected to by the promoter be expunged for reasons stated in Mr. Brown's letter to the Collector, dated * 1st October 1896.

* Submitted to Government with the Collector's endorsement, Dis. No. 153/M., dated 14th October 1896.

2. The enclosures received with your endorsement are herewith returned.

3. As Mr. Ewing is telegraphing to Mr. Brown that the draft notification is urgently wanted by the Government, I request that its despatch from your office to Madras may be expedited.

Dis. No. 78/M.

Submitted to the Secretary to Government, Public Works Department, Railway Branch, for favourable consideration with reference to his letter, No. 722 C., dated 5th February 1897.

(Signed) V. RAJAGOPALA CHARRY,
Dy. Collector *for* Collector.

30th March 1897.

From the Joint Secretary to the Government of Madras, Public Works Department, Railway Branch, to the Collector of Malabar, dated 23rd April 1897, No. 14 D.

In reply to your endorsement, Dis. No. 78/M., dated the 30th March 1897, I am desired to acquaint you that His Excellency the Governor in Council is of opinion that in the interests of the public of the future it is desirable that Government should reserve some control over the rates and fairs.

Government, however, have no objection to the limit of dividends at which such control shall come into action being raised from the 10 per cent. which was proposed in the draft agreement to 15 per cent.

I am to enquire whether this alteration commends itself to the municipality and to the promoters, for, if so, there need be no further delay in settling the agreement.

I am also to suggest, for the consideration of the municipality and the promoter that, after the draft clauses 7 (ii) (1), it would be better to insert a clause 1 (*a*) "that such rail is placed at a distance of not less than seven feet from existing structure." The object of the suggested clause is that men and cattle may not be crushed between buildings and the cars.

From the Chairman, Municipal Council, Calicut, to the Collector of Malabar, dated Calicut, 14th May 1897, No. 1031/O.R.

In reply to your Ref. on C. No. 163/M., dated 29th April 1897, I have the honour to state that the communication from Government was under circulation at the time of the last council meeting on the 12th instant and so was not placed before it for approval.

2. The promoter is willing to accept the revised limit of 15 per cent. suggested by Government if Government is not willing to do away with the clause altogether and fully approves of the suggested clause 1 (*a*).

3. The councillors to whom the letter of Government was circulated had no remarks to offer and in view of the known acquiescence of the council in the promoter's views as to clause 29 and of the obvious expediency of clause 1 (*a*). I think it better to write in the council's behalf and accept the alterations proposed by Government than to delay the matter any longer. The revised contract can be formally approved by the council at its next meeting.

Dis. No. 114 M.

Forwarded to the Joint Secretary, Public Works Department, with reference to his letter, dated 23rd April 1897, No. 14 D.

(Signed) R. F. AUSTIN,
for Collector.

CALICUT,
20th May 1897.

From the President, District Board, Malabar, to the Secretary to Government, Local and Municipal Department, dated Calicut, 29th April 1897, Ref. on C. No. 907/L.F.

I have the honour to forward herewith, for the approval of Government, copy of a resolution of the district board passed at its meeting held on the 14th instant regarding the extension of the proposed tramway, in the Calicut Municipality, to the landing place to Elathur wherefrom the water communication is continued up to Badagara. The reasons assigned by Mr. Brown for this extension are set forth in his letter, dated 1st October 1896, a copy of which is herewith submitted for the information of Government. Now that Government has sanctioned the construction of the tramway on Ewing's system within the municipal limits as per G.O., No. 722 C., dated 5th February 1897, the extension of the tramway on the same system to Elathur would be of great advantage to both goods and passenger traffic.

ENCLOSURES.

Extract from the Proceedings of the District Board, Malabar, at its meeting held at Calicut on Wednesday, the 14th April 1897.

* * * * *

* * * * *

4. Read letter from Mr. A. Brown of Calicut, dated 2nd March 1897, No. D/5200, requesting that permission may be given him to extend the proposed construction of the tramway in the Calicut Municipality to Elathur, and the connected papers on the subject.

Resolution.—The Board will be willing to allow the proposed tramway to be extended up to Elathur on the same conditions regarding the maintenance of the road as have been agreed on by Mr. Brown with the Calicut Municipality.

2. The Tramway Company should also agree to carry local fund stores and material at the rate of one anna a ton per mile.

3. The promoters or representatives of the company will be required to enter into a formal agreement with the President of the District Board before they commence the construction of the tramway.

* * * * *

(Signed) G. W. DANCE,
President.

From A. BROWN, Esq., to the Collector of Malabar, dated Calicut, 1st October 1896.

I have the honour to submit an application for permission to extend the tramway from where it leaves the Cannanore road to go to Varakkal, to the Elathur landing place on the backwater of the river Korapoya, as the additional traffic, both goods and passengers, that would thus be secured, while apparently sufficient of itself to yield a good return on the cost of such extension would largely increase the traffic on Tramways Nos. 6 and 3, *and ensure their being remunerative when goods are being landed at, and shipped from, the South Beach, instead of at Varakkal.* The approximate length of this line would be 5,500 yards as shown in the accompanying plan.

As a further reason for the grant of the concession for which I have the honour to apply, I would beg to point out that in the event of the construction of the proposed extension of the Madras Railway from Calicut to Cannanore, the carts that would be employed, in the absence of this extension of the Calicut Tramway, to carry out permanent-way materials for the construction of the line, as well as food-supplies for the coolies engaged on the works, would soon render the road almost, if not quite, impassable, the construction of this extension would be the means of not only preserving the road in its ordinary state, but, by so doing, effect a very considerable saving to the local funds board.

No. 602, Local and Municipal.

Transferred to the Public Works Department.

FORT ST. GEORGE,
24th May 1897.

(Signed) G. S. FORBES,
Secretary to Government.

From the Chairman, Municipal Council, Calicut, to the Collector of Malabar, dated 13th June 1897, No. 1194.

In continuation of this office letter, No. 1031, dated 14th May 1897, I have the honour to forward herewith copy of a resolution of the municipal council passed at its meeting held on the 11th instant, from which it will be observed that the council has approved of the proposals of Government in regard to the proposed tramway.

ENCLOSURE.

EXTRACT from the Proceedings of the Municipal Council, Calicut, at a meeting held on the 11th June 1897.

* * * * *

5. Read endorsement, dated 29th April 1897, Reference on C. No. 163/M., from the Collector of Malabar, forwarding copy of letter from the Joint Secretary, Public Works Department, Railway Branch, regarding the insertion of certain clause in the draft agreement in connection with the proposed tramway, and requesting to be informed if the suggestions made by Government commend themselves to the council and the promoter.

Read also remarks from Mr. Brown and Chairman's letter to the Collector of Malabar on the subject.

Resolution.—The council approves of the proposals of Government.

Dis. No. 145 M.

Forwarded to the Joint Secretary, Public Works Department, in continuation of this office No. 114 M./Dis., dated 20th May 1897.

CALICUT,
17th June 1897.

(Signed) G. W. DANCE,
Acting Collector.

Telegram from C. EWING, Esq., Calicut, to the Under Secretary to Government, Public Works Department, Railway Branch, dated 20th July 1897.

Clause 35. Have you increased amount twelve thousand preliminary expenses promotion money correspondingly with increased capital from one and half to one and three-quarter lakhs due Elattur extension; if not will you kindly do so?

From the Officiating Consulting Engineer for Railways, Madras, to the Collector of Malabar, dated Madras, 23rd July, 1897, No. 2429.

With reference to the accompanying copy of a telegram from Mr. Charles Ewing of Calicut, I shall be glad to have it made quite clear whether there is any objection, on the part of others concerned, to the proposed enhancement of the figure quoted in clause 35 of the draft contract from Rs. 12,000 to Rs. 14,000.

Will you also be good enough to inform me whether the proposed extension to the Elattur landing place, or, indeed, any part of the tramway, lies outside municipal limits, and if so, that I may be furnished with a plan or a statement showing how much of it lies outside.

This is necessary because in such a case, under clause 4 of the Tramways Act, the consent of the Governor-General in Council is necessary before the tramway can be constructed.

From the Acting Collector of Malabar, to the Officiating Consulting Engineer for Railways, Madras, dated 1st August 1897, Ref. on C. No. 2240/L.F.

With reference to your letter, No. 2429, dated 23rd July 1897, I have the h
to inform you that the question of enhancement of the figures therein ref
be placed before the district board at its meeting to be held on
1897 for consideration. The extent beyond the municipal limit
gate to Elattur is 3 miles and 22 yards, as will be seen fro
you with this office letter, C. No. 2016/L.F., dated 29th Ju

From the Joint Secretary to the Government of Madras, Public Works Department, Railway Branch, to the Secretary to the Government of India, Public Works Department, Simla, dated Ootacamund, the 12th August 1897, No. 549 R.

Negotiations have been going on for some years between the Calicut Municipality and certain tramway promoters and this Government, which have culminated in the preparation of the accompanying proof copy of a draft order which it is proposed to publish in the Gazette in compliance with the provisions of section 6 of Act XI of 1886.

2. It has, however, come to notice that a small section, viz., a length of 3 miles and 22 yards of the proposed tramway lies outside municipal limits, and, under the provisions of clause 4 of the Act, it is therefore necessary to refer the whole project to the Government of India for orders.

3. I am instructed to explain that the tramway, though called by that name, partakes in no respect of the characteristics of a steam-worked railway against the unauthorized construction of which, under the guise of a "tramway" the words in clause 4 of the Act were intended, presumably, to operate.

4. The proposed tramway is a single rail one of the Ewing type, intended for bullock transport, and chiefly for the conveyance of town refuse. It is presumed therefore, and hoped, that the Government of India will see no reason to interfere in its inception.

5. I am therefore directed to express a hope that, in reply to this letter, telegraphic orders may be communicated to the effect that no objection will be raised by the Government of India to the proposed single rail tramway being carried for a distance not to exceed for the present $3\frac{1}{4}$ miles outside the municipal limits of the town of Calicut.

6. The urgency with which an early and favourable reply is asked for is due to financial and other consideration affecting the promoters and the municipality.

Telegram from the Secretary to the Government of India, Public Works Department, Simla, to the Joint Secretary to the Government of Madras, Public Works Department, Railway Branch, dated 24th August 1897, No. 1392 R.C.

Your letter, numbered and dated as follows, 549 R., 12th instant. Government of India have no objection to the proposal single line tramway being carried for a distance not exceeding $3\frac{1}{4}$ miles outside municipal limits of Calicut, subject to condition that alignment does not interfere with alignment chosen for Calicut-Cannanore Railway; would recommend the cancellation of clause 9 purchase clause, and in substitution a single reference to the carefully considered conditions of clause 22 of the Indian Tramways Act.

From the Officiating Consulting Engineer for Railways, Madras, to the Collector of Malabar, dated Madras, 31st August 1897, No. 2815.

With reference to your letter, No. 2240/L.F., of the 1st August 1897, I shall be obliged if you will inform me whether the enhancement of the figures referred to in my No. 2429, dated the 23rd July 1897, has or has not been yet agreed to by the district board.

From the Officiating Consulting Engineer for Railways, Madras, to the Government Solicitor, Madras, dated 31st August 1897, No. 2816.

The Government of India, to whom a reference about the Calicut Tramway was
le in accordance with the proviso at the end of clause 4 of the Indian Tramways
XI of 1896, have recommended that clause 9, the purchase clause, of the draft
honour
its meeti
has appro
ation, of which a copy is sent herewith, be cancelled, and that in substitution a
be inserted "to the carefully considered conditions of clause 22 of the
nways Act."

I have, therefore, the honour to request that you will carefully draft a revised clause 9, which, while containing the essence of the matters already provisionally agreed to with the promoter, may comply with the Government of India's suggestion.

From the President, District Board, Malabar, to the Consulting Engineer for Railways, dated Wandur, 29th August 1897, Dis. No. 1062 L.F.

In continuation of my letter, Reference on C. No. 2240/L.F. of 1897, dated 1st instant, I have the honour to forward, herewith, for your information, a copy of the district board's resolution, No. 2, supplemental, passed on the 14th instant, approving of the enhancement of the figures from Rs. 12,000 to Rs. 14,000 on account of the extension of the tramway to Elattur.

ENCLOSURE.

EXTRACT from the Proceedings of the District Board, Malabar, at its meeting held at Calicut on the 14th August 1897.

* * * * *

Supplemental.

* * * * *

2. Read letter from the Consulting Engineer for Railways, Madras, dated 23rd July 1897, No. 2429, requesting to be informed whether there is any objection to the enhancement of Rs. 12,000 to Rs. 14,000 towards the preliminary expenses in connection with the extension of the tramway to Elattur.

(2) Letter from the President, District Board, dated 1st August 1897, Reference on C. No. 2240/L.F., to the Consulting Engineer replying to the above letter.

Resolution.—Sanctioned.

* * * * *

Letter from the Government of India, Public Works Department, dated 31st August 1897, No. 1422 R.C.

Letter to the Government Solicitor, Madras, dated 11th September 1897, No. 115/O.

From the Acting Government Solicitor, Madras, to the Consulting Engineer for Railways, dated 17th September 1897, No. 542.

I beg to acknowledge receipt of your letter, No. 2816 of the 31st August 1897, with enclosure, and also your letter, No. 115/O., of the 11th instant.

2. In accordance with the instructions contained therein, I have re-drawn clause 9 of the proposed notification and now send your fair draft thereof for approval.

3. The clause is drafted *strictly* on the lines of section 22 of the Indian Tramways Act, 1886, but if it has been agreed that the purchasing clause shall come into operation every *21* years, you will have to alter the clause accordingly.

ORDER—No. 742 R., dated 28th September 1897.

The following revised draft notification will be published in the Fort St. George and Malabar District Gazettes in English and Malayalam.

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 promoter, of tramways in the town of Calicut 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 1st November next.

Draft order authorizing the construction and maintenance, and to regulate the working, of Tramways in the town of Calicut.

Whereas the promoter hereinafter named has, in pursuance of the provisions of the Indian Tramways Act, 1886, applied, with consent of the Municipal Council of the town of Calicut, for powers to construct, maintain and use a system of tramways in Calicut.

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 is to say,—

1. *Title.*—(i) This order may be called and cited as the Calicut Tramways' Order, 1897, No. 3.

(ii) It shall come in force at once.

2. *Indian Tramways Act to apply.*—The provisions of "The Indian Tramways Act No. XI, 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.

3. *Definitions.*—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 Council" shall mean the Municipal Council of the town of Calicut. 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 authorized. The term "carriage" shall include a "truck."

4. *The Promoter.*—Mr. A. Brown, in the town of Calicut, by whom a joint stock company is about to be incorporated and registered in Calicut with a nominal capital of Rs. 1,75,000, divided into 17,500 shares of Rs. 10 each, shall be the promoter for the purposes of this order, and is, in this order referred to as "the promoter."

5. *Land.*—The promoter may, by agreement from time to time, purchase or take on lease or otherwise acquire such lands as he may require for the 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.

6. *Construction of Tramways.*—The promoter 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 promoter with the Local Government and the Municipal Council, respectively, with all proper rails, chairs, plates, sleepers, turnouts, crossings, sidings, junctions, passing places, turn-tables, weighbridges, weighing machines, hydrants, offices, workshops, sheds, tables, 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 authorized by this order are—

Tramway No. 1.—Commencing opposite to the Kallai Municipal landing-place, passing thence along the Beypore road to the Big Bazaar road where it joins Tramway No. 2.

Tramway No. 2.—Commencing from Pudyara landing-place, passing thence along the Pudyara road and running in a westerly direction along the Big Bazaar road, passing the railway station and terminating near the old Customs House or the South Beach.

Tramway No. 3.—Commencing from a junction with Tramway No. 2, opposite to the Calicut railway station, passing thence along the Robinson road and the Mananchira tank and terminating in the old Huzur Cutcherry compound.

Tramway No. 4.—Commencing from a junction with Tramway No. 2 at the junction of Big Bazaar street and the Aluvanni street, passing thence along the Aluvanni street and terminating near the Kuttichera tank.

Tramway No. 5.—Commencing from a junction with Tramway No. 2 at the old Customs House, South Beach, passing thence along the Beach road and terminating at the pier.

Tramway No. 6.—Commencing from the old Huzur Cutcherry compound, passing thence along the Cannanore road past the St. Mary's Church and the barracks and terminating at the landing-place on the beach at Varakkal.

Tramway No. 7.—Commencing from junction with route No. 6 opposite to the tank on the Cannanore road near the barracks and terminating on the old Elephant Lines, Paramba.

Tramway No. 8.—Commencing from a junction with Tramway No. 6 near the race-course, and passing thence along the Cannanore road to the Ellatur landing-place.

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.

15. *Surplus road material.*—Any paving, metalling or material excavated by the promoter in the construction of his works from any road under the jurisdiction or control of any road authority may be applied by the promoter 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 promoter is by this order required to maintain, and the promoter 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 Council, 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 promoter and may be dealt with, removed and disposed of by him in such manner as he may think fit; any difference between the promoter 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 promoter and any road authority.

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

(1) They shall cause as little detriment or inconvenience to the promoter 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 promoter 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 promoter 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 promoter or lessees shall either stop traffic on the tramway to which the notice shall refer where it would otherwise interfere 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 differences 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 promoter and other companies or persons.

(5) No company, body or person shall execute such work, so far as it immediately affects the tramways, except under the superintendence of the promoter, unless he refuses or neglects 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 promoter.

17. *Altering pipes, &c.*—For the purpose of making, forming, laying down, maintaining, repairing or renewing any of the tramways, the promoter 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 pipe for the supply of gas or water or any tubes or 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 promoter shall, if he contemplates 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 his 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 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 promoter 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 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 promoter and other companies or persons, and all alterations to be made under the 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 48 hours' notice for that purpose, which notice the promoter is hereby required to give.

(2) The promoter 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 anything 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 promoter, 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 promoter, as an engineer appointed by the Local Government shall direct.

(3) The promoter 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 promoter shall make good all damage done by him 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 private service pipes of any person supplied by any such company or person with water or gas.

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 promoter 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.

19. *Motive Power.*—The carriages used on the tramways may, subject to the provisions of this order, be moved by animal power, steam power, electricity conveyed either through over-head or under-ground wires, or any mechanical power, provided that the exercise of the powers hereby conferred with respect to the use of steam, electricity, or any mechanical power, shall be subject to the 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, electricity or any mechanical power on the tramways. Provided also that if electrical power be used, communication by the existing Government telephone and telegraph lines shall be safeguarded as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act, XIII of 1887.

20. *Engines, &c.*—The engines (if any) and carriages to be used on the tramways shall be of the best construction, and the dimensions, fittings, appliances, and apparatus of such engines (if any) and carriages shall be subject to the reasonable approval of the Local Government and the local authority, and the promoter shall, from time to time, adopt and apply such improvements in the engines (if any) and carriages, and in the fittings, appliances and apparatus thereof, as the Local Government may consider necessary or advisable for the safety or convenience of the public, and in case he 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.

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

22. *Stopping places.*—The promoter 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 promoter shall not be bound, unless he thinks fit, to stop for such purpose at any other points or places.

23. *Goods to be carried.*—The promoter shall not be bound, unless he thinks fit (and then only subject and in accordance with the provisions of this order), to carry any animals, goods, minerals or parcels other than passengers' luggage not exceeding 20 pounds in weight.

In addition to the tramways hereinbefore described, this order also authorizes the construction of three miles of extensions (hereinafter called rubbish lines) to any or each of the tramway lines hereinbefore described and numbered, respectively, 1, 2, 3, 4, 5, 6, and 7, which rubbish lines shall be for municipal purposes only and not for passengers' 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 promoter may, subject to the reasonable approval of the road authority, consider necessary or convenient for the efficient working of the tramways, and the promoter 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, engine-houses, sheds, depositories or works of the promoter, and if the promoter considers 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 promoter may execute the same at his own cost and where the road is already paved or metalled the promoter may, if he thinks fit at his own cost when constructing the tramways or any part thereof in such road, relay such paving or metalling, and the promoter shall, at his own cost, provide sufficient new paving or metalling of a similar character for properly making good such road in the event of any of the original paving or metalling having become unsuitable for relaying.

7. *Specification.*—(i) The tramway shall be constructed on such gauge as may be mutually agreed upon between the promoter and the Municipal Council 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 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 promoter 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 he 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.

(ii) Provided always that anything hereinbefore in this clause contained to the contrary notwithstanding it shall be lawful for the promoter in constructing the tramways to use the system known as "Ewing's single rail tramway" and to lay one rail only, the surface of which may be raised not more than one inch above the surface of the road except where any road or street crosses that used by the tramway but subject nevertheless to the following conditions, namely :—

(1) That such rail is placed at a distance of not more than 5 feet from the edge of the road.

(1*a*) That such rail is placed at a distance of not less than 7 feet from existing structures.

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

(3) That switches or some other device of a suitable pattern and approved by the road authority and the Local Government be placed at the entrance of all crossing stations on the tramway for the purpose of diverting the carriages from one rail to another as may be required.

(4) That such of the provisions in this order contained as shall be applicable thereto shall apply to such system known as "Ewing's single rail tramway."

8. *Period for completion.*—The promoter shall substantially commence the construction of the tramways and undertaking within a period of twelve months after the date of this order, and shall substantially complete and open for traffic the tramways Nos. 1 to 7 before the expiration of two years from such date and such extensions as may be desired by the Municipal Council under provision 6 of this order before the expiration of five years from such date.

9. *Purchase.*—The local authority may, with the previous sanction of the Local Government, within six months after the expiration of a period of twenty-one years from the date of this order and within six months after the expiration of every subsequent period of seven years, or within two months after the publication of a notification under section 19 of the Indian Tramways Act, 1886, or within six months after the publication of a notification under section 21 of the same Act, by notice in writing require the promoter to sell to the local authority his undertaking and thereupon the promoter shall sell the same upon the terms of paying the then value of the undertaking exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever and the purchase money shall be paid to the promoter in silver in Calicut, and in case of difference between the promoter 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 Indian Tramways Act, 1886, for the settlement of the differences in that section mentioned.

10. *Interference with roads.*—The promoter 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) He shall give to the local authority reasonable notice of his intention, such notice to state the portion of road proposed to be opened or broken up.

(2) He shall not open or break up any road except under the superintendence and to the reasonable satisfaction of the road authority, unless the 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 promoter may be empowered to construct and which affects or in anywise 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 promoter 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 promoter may be empowered to construct and which affects or in anywise 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 promoter before the commencement of such works such superintendence is refused or withheld.

11. *Making good the damage to roads.*—When the promoter has opened or broken up any portion of any road, he shall be under the following further obligations, viz. :—

(1) He shall, with all convenient speed, complete the work on account of which he 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) He shall, in the meantime, cause the place where the road is opened or broken up to be guarded and watched and properly lighted at night.

12. *Approval of plan.*—The promoter 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 promoter 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 plans 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.

13. *Maintenance.*—The promoter shall, subject to any other provisions of this order at his 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 4 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 promoter fails 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 promoter, 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 above mentioned, and the reasonable expense incurred by the road authority in so doing shall be repaid to them by the promoter.

14. *Level of rails.*—If any road authority hereafter alter the level of any road along or across which any of the tramways is laid, or authorized to be laid, the promoter may, and shall from time to time, alter or (as the case may be) lay his rails so that the uppermost surface thereof

24. *Use of tramway for scavenging.*—The Municipal Council may, during such hours not exceeding 6 in every 24 hours as may be prescribed by the promoter in such manner as the Municipal Council may think fit, but subject to the rules 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, electricity or any mechanical power on the tramways, provided always that it shall not be open to the Municipal Council to use any other motive power than that used by the promoter and that the promoter shall, if required by the Municipal Council 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 100 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 promoter and the Municipal Council.

25. *Tolls.*—The promoter may demand and take for every passenger travelling upon the tramways, including tolls and charges for the use of the tramway and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charge not exceeding one half anna per mile, or the promoter 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 promoter 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 anna per stage as the case may be.

26. *Personal luggage.*—Every passenger travelling upon any of the tramways may take with him his personal luggage not exceeding 20 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.

27. *Tolls for animals, &c.*—The promoter may demand and take in respect of any animals, goods, minerals, or parcels conveyed by him in the tramways except as is by this order specially provided, including the tolls and charges for the use of the tramways and for waggons 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.

28. *Tickets, &c.*—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 promoter 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 he 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 promoter may think fit to allow in consideration of the use, delivery, or return of any such stamp, ticket or token.

29. *Revision of tolls.*—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 orders made in pursuance of this section in respect of the tramways of any portion of the tramways it is represented in writing to the Local Government by the local authority or by the promoter, 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 promoter unless and until the promoter should distribute by way of dividend to the shareholders an amount equal to interest at the rate of 15 per cent. per annum upon the total capital of the company whether represented by shares or 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.

30. *Scavenger lines, location of*—. If, at the expiration of two years from the date of this order, the Municipal Council shall not have defined the number and direction of the extensions referred to in clause 6 of this order, the promoter may, by notice in writing left at the office of the Municipal Council, require the Municipal Council to take the place of the promoter 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 Council, no duty shall be imposed on the promoter to locate, construct, maintain or work the said rubbish lines under this order.

31. *Future agreements.*—The promoter 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.

32. *Patents and licenses.*—The promoter 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.

33. *Security deposit.*—The promoter shall, if required by the Municipal Council before commencing the construction of the tramways or any part thereof, deposit with the Bank of Madras, or such other bank as the Commissioners may agree to, in the name of the Municipal Council, the sum of Rs. 750 or at his option promissory notes of the Government of India or Municipal bonds of the nominal value of Rs. 750, and the same shall remain so deposited until the expiration of the concession, 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 promoter and subject as hereinafter provided be paid to him as the same shall accrue, provided nevertheless that the Municipal Council 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. Provided also that upon the failure of the promoter to carry out the said concession, the said sum of Rs. 750 so to be deposited as aforesaid shall be forfeited to the Municipal Council.

34. *Municipal taxation.*—The tramways, plant, engines, carriages, and other vehicles, offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, yards and depôts of the promoter 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, workshop, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, yards and depôts.

34-A. *Rent of lands.*—The promoter shall, after the expiration of two years from the date of this order, pay to the Municipal Council rent for the lands occupied by the undertaking at the rate of Rs. 12 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 promoter shall be liable to pay interest on the amount so in arrear at the rate of 8 per cent. per annum from the date when such rent in arrear become due.

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

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

(2) The maximum amount to be paid for preliminary expenses and promotion shall be the sum of Rs. 14,000.

(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 promoter may consider necessary.

36. *Mortgages.*—Nothing in this order or in the Indian Tramways Act, 1886, contained shall prevent the promoter 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 promoter 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 promoter 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 promoter shall be endorsed with notice to that effect.

37. *Promoter's right to lease the line.*—The promoter 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 authorized 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.

38. *Promoter's right to sell.*—The promoter for the time being may, if he thinks 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 Council, 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 promoter 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 promoter 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 promoter 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.

39. *Preliminary expenses.*—The promoter shall, on demand, repay to the Municipal Council all preliminary, legal and engineering expenses incurred by them in relation to this order not exceeding in the whole the sum of Rs. 500.

40. *Promoter to have first refusal of new lines.*—So long as the promoter continue to own or work the tramways or any part thereof, the local authority of any district, in which the tramways 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 promoter shall have refused the right which is hereby conferred upon him of obtaining power to construct, maintain and work such further or other tramways upon the same or more or less favourable terms than those contained in this order for the construction, maintenance and working of the tramways by this order authorized.

41. *Liability for submission to future Acts.*—Notwithstanding anything in this order contained, the promoter, and any person using the tramways, shall be subject and liable to the provision 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 authorized 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.

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

SCHEDULE A.

1. 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, or by steam.

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

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

(*d*) 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 6 inches from the level of the rails.

2. 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.

3. The speed at which such engines and carriages shall be driven or propelled along the tramways shall not exceed the rate of 8 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 4 miles an hour.

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

5. 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.

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

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

Goods and Minerals.

For all coals, coke, culm, charcoal, cannel, limestone, chalklime, salt, sand, pipe-clay, Cinder's dung composed and all sorts of manure and all undressed materials for the repair of public roads or highways, per ton ..	3	0
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron bricks, slags 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	4	0
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	6	0
For cotton and other wools, drugs, and manufactured goods and all other wares, merchandise, fish, articles, matters or things, per ton	6	0
For every carriage of whatever description, each, such sum as the promoter may think fit.		

Small Parcels.

For every parcel not exceeding 7 pounds in weight, each	3	0
For any parcel exceeding 7 pounds and not exceeding 14 pounds, each ..	4	0
For any parcel exceeding 14 pounds and not exceeding 28 pounds in weight.	5	0
For any parcel exceeding 28 pounds, but not exceeding 56 pounds in weight.	6	0
For any parcel exceeding 56 pounds in weight, such sum as the promoter 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.

	RS.	A.	P.
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 4 tons but does not exceed 8 tons, such sum as the promoter may think fit not exceeding, per ton	1	6	0
For the carriage of any single piece of timber, stone, machinery or other single article, the weight of which with the carriage exceeds 8 tons, such sum as the promoter 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 promoter may demand and take tolls and charges according to the number of the quarters of ton in such fraction, and if there be a fraction of a quarter 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, 14 cubic feet of stone, 40 cubic feet of oak, mahogany, teak, beech or ash, and 50 cubic feet of any other timber, shall be deemed one ton weight, and so on in proportion for any smaller quantity.

(True Extract.)

(Signed) F. J. E. SPRING,
Offg. Joint Secy. to Govt.,
Railway Branch.

To the Collector of Malabar.
" Local and Municipal Department.
" Malayalam Translator to Government.
" Superintendent, Government Press.
" Consulting Engineer for Railways.

Exd. W. D'Mose.

P.W.Cs: 5687
872 wk 21-5-96
949 wk 22-4-96

SERIAL No. 11

1896
Local & Municipal Dept.
CURRENT No. 1570/M

To the Collector of Malabar

No. 647

Transferred to the Public Works (Railway) Department.

Dated 29.5.96
Despd — " —
Recd 1 JUN. 96

Rec'd 2/6/96. W.D'Silva
Ag. Assistant Secretary

No. 100 M
dis

1/37
5/6/96
for 1st Secy
10th June 1896

Encl. 3 & plan by parcel post.

Subject

Forwarding Calicut municipal Chairman's letter dy 17th inst No. 535 suggesting the desirability of introducing single rail tramway for the double line of rails sanctioned by Govt.

To
The Public Works (Railway) Deptt.
(with plan)

(With Encl.)

5/6.

A G Brown
Calicut & Colarroad
Telegrams "Brown Calicut."

Malabar Coast
Calicut
April 24th, 1896.

No C/1380.

To,

T. Varada Rao Esqr.
Chairman, Municipal Council
Calicut.

Sir,

Calicut Tramway.

I have the honor to submit herewith for the Consideration, and Approval of the Council an amended proposal for constructing the above, and to beg that you will kindly send it up to the Local Government for Sanction, with as little delay as possible.

Instead of the double line of Rail, as sanctioned by Govt. in G O no. 741 of the 4 "November last, I propose to substitute Ewings Single Rail Tramway which although unknown I believe in any part of India, has been used with great success in one or two Towns in Burmah. The Advantages of such a Tramway over any other, are at once apparent.

1. Owing to the little room

it

it will occupy on the public road, as the one rail can be laid on one side, while one half of the Car over hangs the berm or drain.

2. The ease and speed with which the line can be laid.

3. The all important question of Cost, which will be considerably less than any other system.

To enable you to better understand the alteration in Construction, for which sanction is now asked, I have the honor to send you herewith, a plan shewing a Passenger Car in detail, and form of Rail, the latter need only be one inch above the ground, and As it will be laid at the side of the road it will in no way interfere with the ordinary traffic.

At all level Crossings as well as any Crowded portion of the bar aar, the rail would be kept flush with the road.

Suitable wagons, and Trucks, for the Conveyance of all Kinds of goods, as well as Municipal refuse, & night soil will be provided.

I would point out also, that by adopting a cheap, easy, & rapid one rail system; it would tend to popularise street tramways in the Mofussil, and Calicut will set them a good example to follow.

I have &c.

Sdy. C A Brown.

True Copy

Municipal office
14th May 1896

Chairman

1/1570 1896

8 S.P

Extract from the Proceedings of the Municipal Council, Calicut at a Meeting held on the 6th May 1896.

Present :

1. M R R S. Swaminatha Iyer Avergal Rao Bahadur Chairman.
2. Captain N. A. W. Hamilton.
3. William Maylor Esquire.
4. H. W. Brown Esquire.
5. J. M. Gomes Esquire.
6. M R R Cooverjee Ardeshir Avergal.
7. " S. M. Appu Nedungadi "
8. " K. Krishnan Nair "
9. " M. A. Subramania Iyer "

x x x x

(5) Read letter from Mr. A Brown dated 26th April 1896 No C/1380 submitting for the Consideration and approval of the Council a proposal to substitute Ewings single rail Tramway instead of the double line of rail as sanctioned by Government in the Calicut Town and requesting to obtain the sanction of Government for the same.

" Will be forwarded to Government."

Sdj. S Swaminatha Iyer.
For Revenue Divisional Officer
in Charge of Chairman's Office.

True extract.

Municipal Council
Calicut 13th May 1896

Chairman's delegate.

Municipal Office

Ce 78 96

Received 24 APR 1896.
Municipal Dept.
CURRENT No.

N° 585/1896

From,

Captain N. A. W. Hamilton.
Chairman Delegate
Municipal Council
Calicut

To,
The Honorable J. I. Price I. C. S.
Secretary to Government
Madras.

Thro' The Revenue Divisional officer.

Sir,

In forwarding herewith Copy of Letter no. C/1380 dated 24th April 1896, from Mr. A. Brown one of the Promoters of Tramways in the Calicut municipality suggesting the desirability of substituting Cowings Single Rail Tramway instead of the double line of rail as sanctioned by Government in G. O. no. 741 dated 7th November 1895. I have the honor to request you will be good enough to accord the necessary sanction for the proposal.

1949 dn 22-11-95

It will be observed that the request of the promoters can be sanctioned under clause 7 of order no 2 of G. O no. 741 dated 7th November 1895.

A Copy of the Resolution of the Council approving the proposal together with a plan of the tramway Carriage is herewith submitted. by parcel post.

I have the honor to be
Sir
Your most obedient servant
Capt. A. W. Hamilton
Chairman Delegate

134

From.

The Chairman
municipal Council
Calicut

To. The Chief Secretary
to Government
Local & Mul Department
Madras

Sirs The Rev. K. Nair

Dated 7th May 1896
Recd. 18th "
Read.

No. 3

Forwarded
Pudiinmakaay
Dy Collector
19-5-96
Calicut

Returned to the Chairman Municipal Council, Calicut with the request that he will be good enough to send the plan of the Carriage

Calicut
21.5.96

For Collector

Single rail
Tramway

Requesting to
accord sanction
for substituting Single
Rail Tramway
instead of the double
line of Rail.

3 letters

Collector of Malabar
Calicut

W.P. 100 M
Dis

Malabar Collector's Office
Calicut 29th May 1896.

Local & Municipal Dept.
CURRENT No. 571 M

From,

J. Hewetson Esq ICS
etg Collector of Malabar

To,

The Chief Secretary to Government
Local and municipal Dept
Madras

Sir,

I have the honor to forward letter No. 535 dated the 17th May 1896 from the Chairman of the Calicut municipal Council, enclosing a letter from Mr. Brown relating to the proposed Calicut tram-way.

2. Mr. Brown proposes to substitute Mr. Ewing's single rail tramway for the double line of rails sanctioned by Government. I understand that one wheel of the Car will run on the single rail and that the other wheel will run on the ordinary road. No doubt this will mean great economy to the promoters, but it will entail great expenditure to keep the road in good orders where the wheel runs, and if the road is not kept in perfect order, the passengers will have an uneasy time inside the Car.

3 Mr. Brown does not name the towns in Burma

in which the system is said to have been introduced, but no doubt the Chief Commissioner if addressed, would give all the information available on the subject.

4. The municipal resolution sent up is quite colourless, though the Chairman speaks of the resolution as approving the alteration. I venture to think that the change should not be allowed unless considerably more information is furnished to Government than has been given so far.

I have the honor to be,
Sir,
your most obdt servant
J Stevenson
Ag Collector.

H Blw
29.6.96

OB.
29.6.96

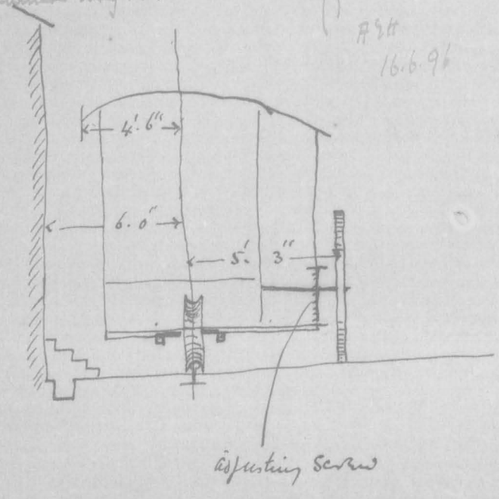
A

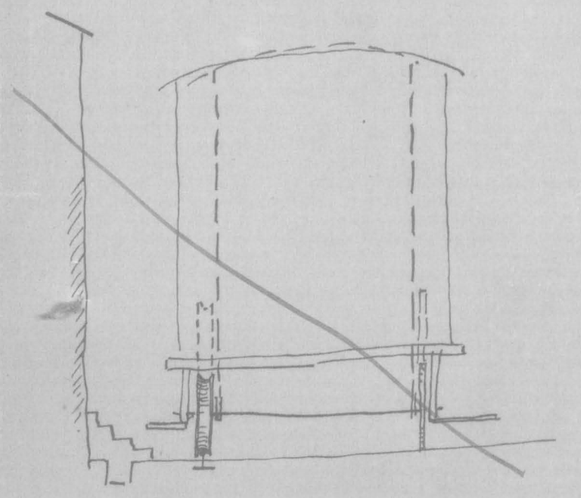
A

H.E. the Governor

I agree with what the Collector says in his letter at the passage marked A. The Commissioner of Police may be consulted as suggested.

A.G.H.
16.6.96





Calicut Tramway: proposed alteration of para 7 of G.O. 741R

Mr. A. Brown, on behalf of the promoters, proposes to use one rail instead of two: the car being carried on a double flanged wheel running on the rail under the centre of the car, and by an ordinary carriage wheel running on the road on one side of the car. The top of rail is to be one inch above the level of the road. Para 7 of the order directs that it shall be flush with it unless otherwise permitted by the Local Govt. The arrangement proposed is roughly sketched in the margin. The design is a very clumsy one and I should imagine would not run very well. If horses are used it would be difficult to keep them clear of the rail & they would be constantly liable to trip over it & it is also difficult to see how they could be disposed so as to exert an even pull on the car. A better arrangement would be as in margin though the wheels would be small & perhaps as in dotted line with a wider flange and bigger wheels. It would have the additional advantage of keeping the rail close to the drain instead of 6 or 7 ft. from it.

Para 19 of the order allows the promoters to use steam, electric

P.T.O.

annual or any mechanical
hours - Para 20 hours di-
rects that the designs of
the engines & carriages shall
be approved by the local Govt.
As suggested by the Collector
I think we should address
the Chief Commissioner of
Burmah and inform the
promoters of the action taken

J.S.F.
12/6

12 S.P

Extract from the Proceedings of the Municipal Council, Calicut at a Meeting held on the 15th June 1896.

Present

Rao Saheb S. Swaminatha Iyer and B.A. Chairman
MRR. P. A. Krishna menon Avargal
" K. Krishnan Nair "
" O. Krishna menon "
" M. A. Subramania Iyer "
G. Zachariah Esquire
J. W. Gomes Esq
MRR. C. Perumoafan Avargal
" D. Ganpat Rao "
" Cooverjee Ardeshir "
" O. O. Karunadara menon "
" C. Sambasiva Iyer "
J. Mathai Esq.

" " " "

5) Read letter dated 26th may 1896 CNo. 1774 from Mr. A. Brown Calicut forwarding for information a letter from each of the other promoters of the proposed Tramway Company at Calicut making over all their right title and interest in the Company to him -

The Council accepts Mr. Brown's proposal to be the sole Concessionaire - The matter will be reported to Government.

(Sd) S. Swaminatha
Chairman
P.T.C

514 P

annual or any mechanical

(Same Extract)

Chairman

Dc 01
6111/96

No 883
1896

Municipal Office
Calicut 18th June 1896

SERIAL
No. 14

PTO

From,

Rao Saheb S. Soominatha Iyer avl BA
Chairman, municipal Council
Calicut

To,

The Honorable J. F. Price. C. S. I. C. S
Chief Secretary to Government
Local and municipal Department
Madras

thro' The Collector of Malabar

Sir,

With reference to G. O. No. 741 L
dated 7th November 1896 Public works,
I have the honor to forward for your
information copy of a resolution passed
by the municipal Council at its meeting
held on the 16th instant accepting the
proposal of Mr. A. Brown to be the sole
Concessionaire in the proposed tramway
Company at Calicut. Mr. A. Brown is
a successful timber merchant at
Calicut carrying on large business -

The other promoters have made over their tid and interest in the Company to Mr. A. Brown

I have the honor to be,
Sir
Your most obedient Servant

Chairman

* Messrs
M. A. Subramania Iyer.
Pazhayathoppil Mammadaji
Jamrai Govindrao.

Local Dept.
CURRENT 1896

P.W. CURRENT No. 6111

From.

The Chairman,
municipal Council
Coliant

No. 778

Transferred to the Public Works (Railway) Department

Encl 1
13 Recd: 7.7.96

Creek Road

Wm. Hilliss
Asst. Secretary

Encl 11/7/96
Fort St. George
6th July 1896

To.

The Chief Secretary
to Government
Local & Mil. Dept.
Madras

Sir The Honour of reporting

Dated 18th June 1896
Despd 19th June 1896
Recd
25 JUN. 96

Encl a/a 216/96.

Forwarded
m. l
J Thurston
Ag. Collr

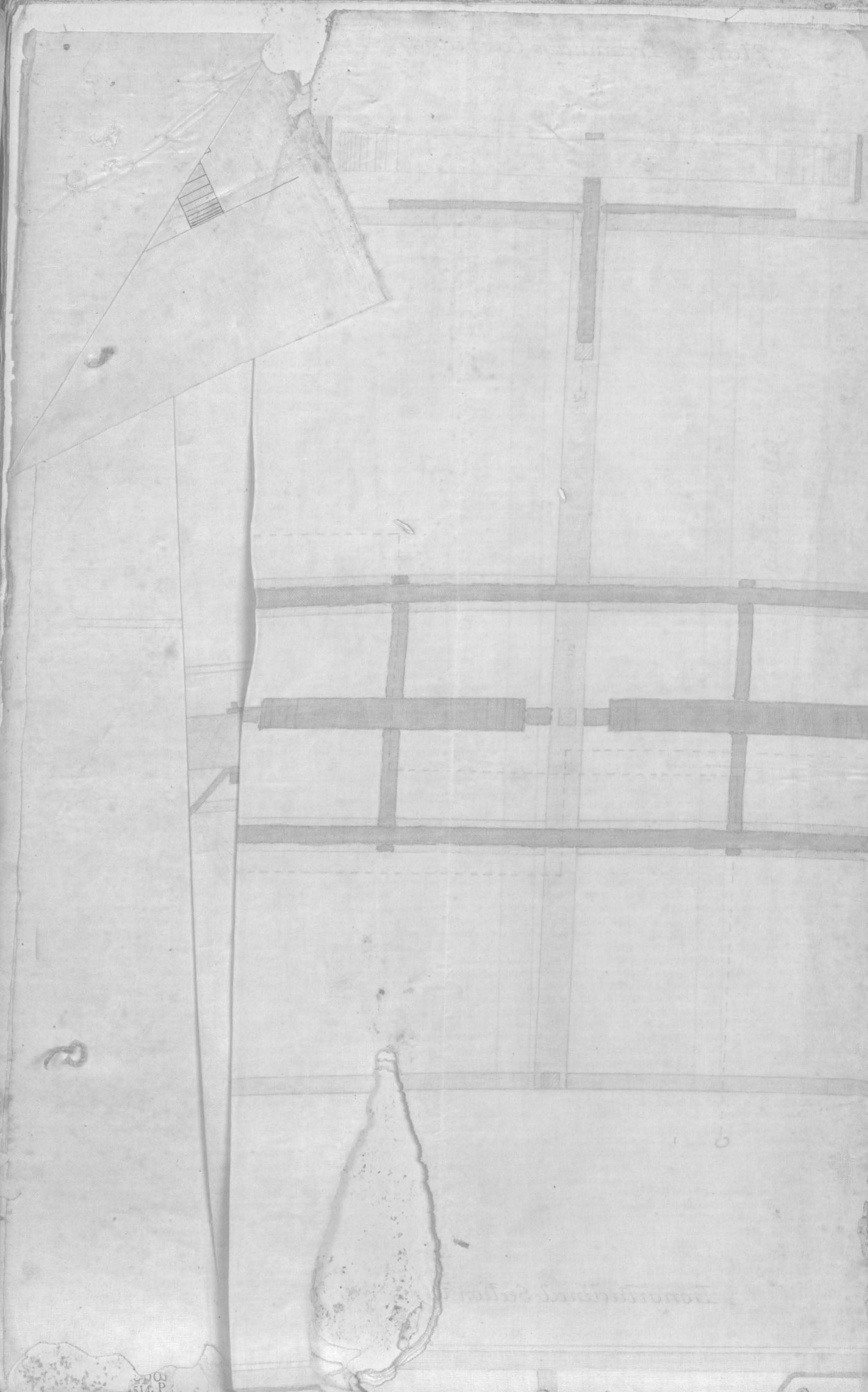
21-6-96.

Subject.

1119
157

Requesting for information
Copy of a resolution
of the municipal Council
dated 15th June 1896
accepting the proposal
of Mr. A. Brown to lay the
cole Canvas inside in
the pond and [illegible]

The Works (Railway)
Dept.



5370

7007

6

5

4

3

2

A

SERIAL
No. 13

ENT,

5

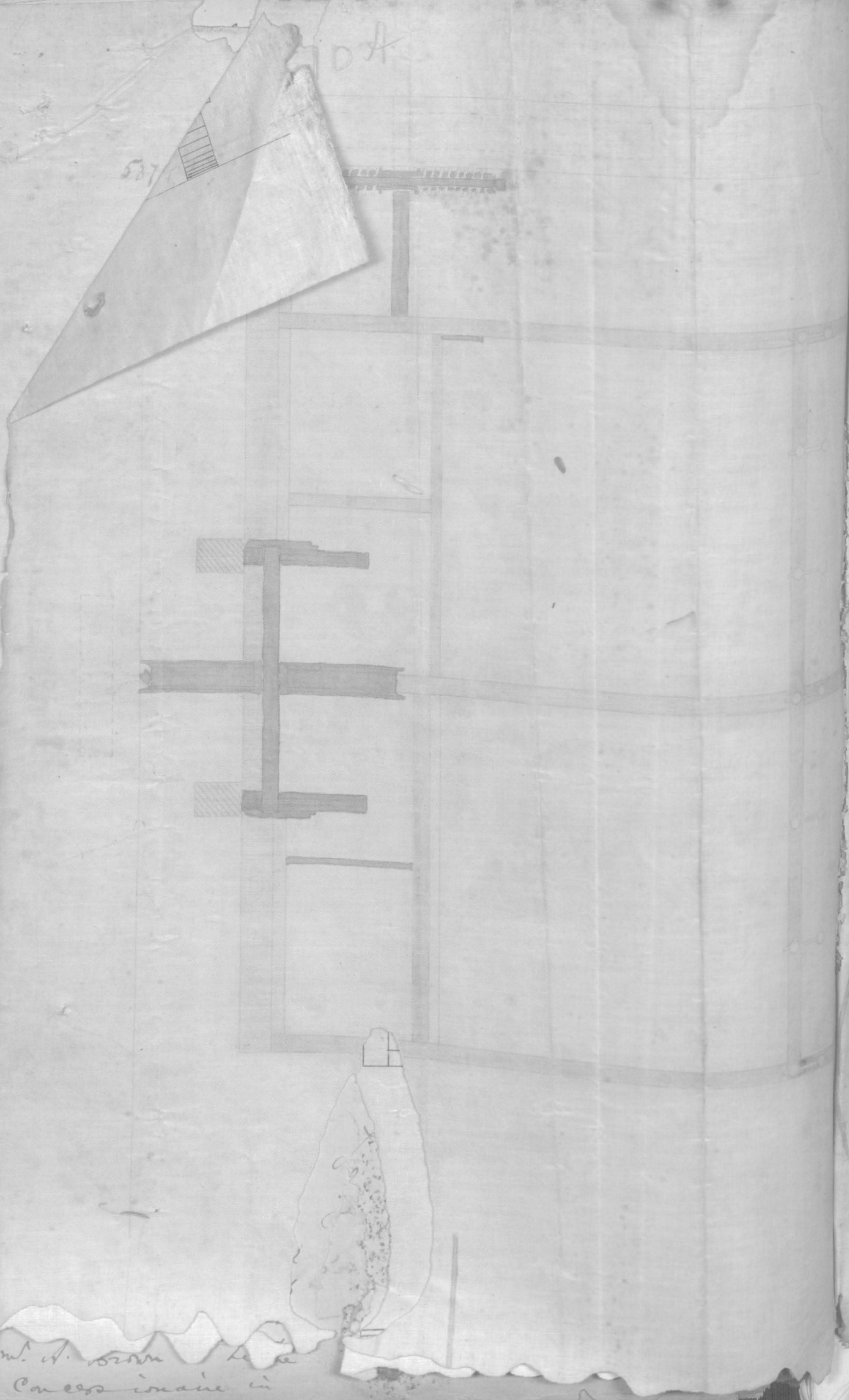
10

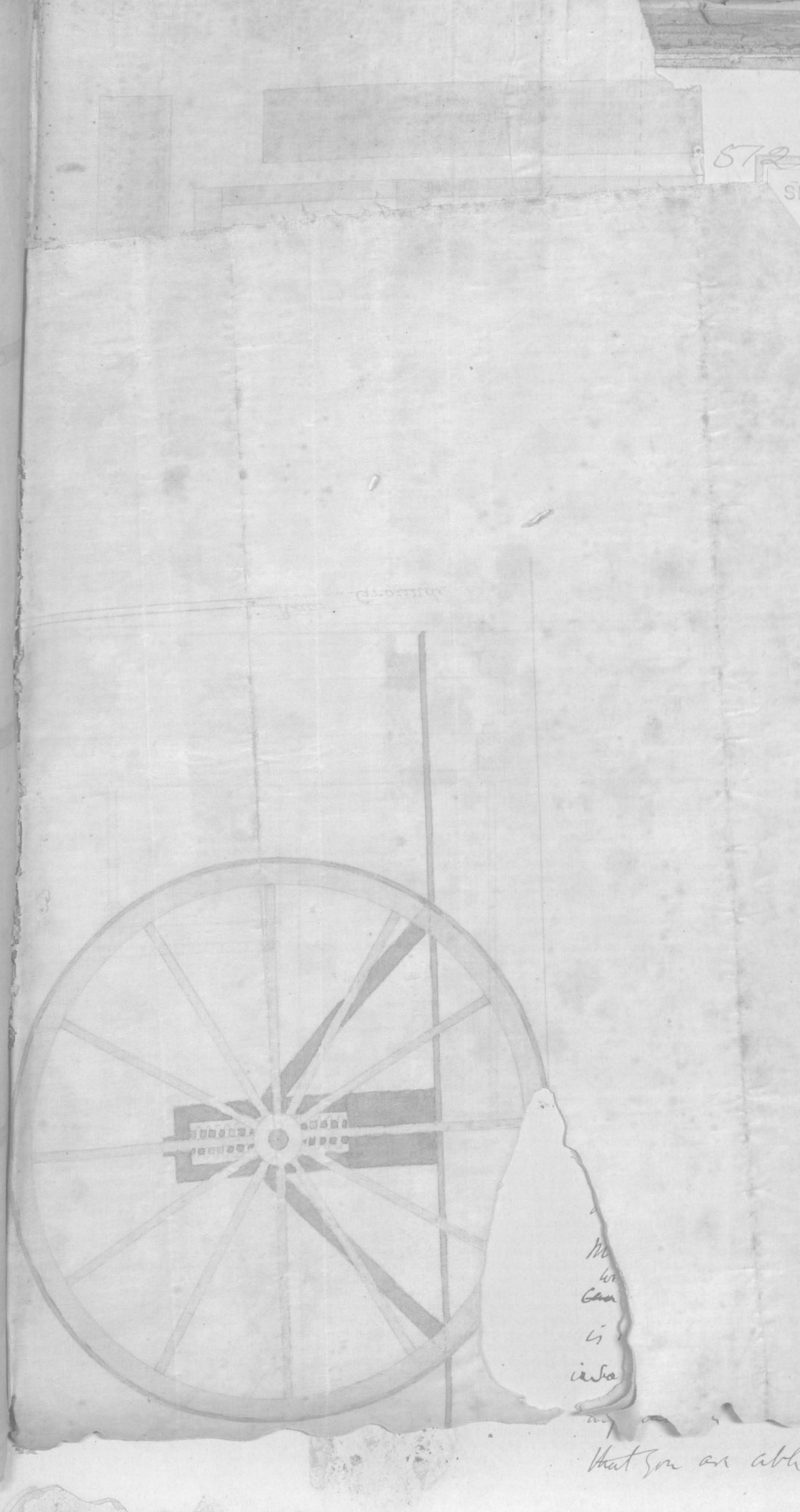
15

12

14

M





No.

nt of

KS DE

AY BR

Rail Ground.

15

7

No.

ment of

RKS D

VAY B

The Iron work may be ascertained by the

No. 5720

SERIAL No. 13

ent of Madras.

KS DEPARTMENT,

AY BRANCH.

f Comm^r.

Burma

June 1896.

Mr L. W Forward

a letter from

from Mr Schalk

Secretary of the

and car

Bourke Station that

ch rail system has

used with success

n other towns in

at. I should feel

obliged if you

form me if this

tem, and if you

pply me with any

ation on the subject

u are able to give

R. Form No. 14.

No. 5728

SERIAL No. 13

Government of Madras,

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

To

THE Chief Comm.r

Burma

14P

20 June 1896.

SIR,

I have the honor to forward copy of a letter from Mr A Brown on behalf of the promoters of the Calicut Tramway together with a tracing of the proposed car.

2. Mr Brown, for the promoters, states that the high rail system has been used with success in one or two towns in Burmah. I should feel much obliged if you would inform me if this is the case, and if so if you could supply me with any information on the subject that you are able to give

DW 514, P

and if possible with the plans & estimates of the rolling stock and permanent way used

17/6

for ER

drafting to make basing
~~and issue for tender~~

D 20/6

No. 5120820-6-96

ER

Sheet no C3
Cancel
24/6

ER Hamilton
24/6

Sheet no
Cancel
24/6

Calcutt Tramway
Case

No. 1013 08 7 Cargo A&G

Forwarded to the Government Solicitor for favor of remarks with reference to the revised draft notification which it is proposed to publish in the Fort Saint-George Gazette.-

CSW
7/6/96

SERIAL No. 16

Public Works (189) Department.

CURRENT No. 7728

SERIAL No. 18

No 3239 C d/ 2nd September 1896

Order
To the Govt Solicitor Madras

Sir
With reference to your letter No 400 dt the 21.8.96, I am directed to request you will kindly return the files of papers which accompanied my No 1013 Dd 7.8.96.

From
The Govt Solicitor Madras

No. 400

Dated 21. 8. 96
Received 26. 8. 96
Enclosures
Spare copies

SUBJECT.

Calicut Tramways

Inquiring whether any Joint Stock Company is to be formed by Mr Brown for the purpose of constructing & carrying on the ——

INDEX

3/5

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 400

Madras 21st August 1896.

SERIAL No. 17

From,

Ernest Barclay
Government Solicitor
M a d r a s.

To,

The Joint Secretary to Government
Public Works Department
Railway Branch.

Sir,

1. With reference to your Memorandum dated 7th instant No.1013 D I shall be obliged by your informing me whether any Joint Stock Com-pany is to be formed by Mr. Brown for the carrying out of the Order of Government in respect of the Calicut Tramways.

2. Apparently, from the correspondence forwarded to me with your Memorandum, a Company was formed or to be formed for the purpose of constructing and carrying on the Tramways but that the interests of all parties in such Company were in some way, which is not explained, made over to Mr. Brown. Nevertheless in para 4 of the amended draft order it is said that Mr A. Brown, by whom a Joint Stock Company is about to be incorporated and registered with a nominal capital of Rs 150,000/ divided into 15,000 shares of Rs 10/ each, shall be the promoter for the purposes of the order. It is therefore important for me to know whether, in fact, such a Company is about to be incorporated, as, if so, the Company should be included in the expression "the promoters" If, on the other hand, there is to be no such Company, then several of the provisions of the order such as para 35 (1) that the construction of the tramways shall not be commenced until half of the share capital of such proposed company has been subscribed & (3) will be inapplicable. Before therefore I can finally settle the draft order it is necessary for me to know the actual position of affairs.

I have the honor to be
Sir
Your Obedient Servant
Ernest Barclay
Government Solicitor.

Estemate for consbructing a Pengle lene tramway including Rolling Stock &c from the Slaughter House to the Market, being a distance of one mile & a half. —

No.	Description of charges	Measurements L.	B.	D.	Quantity	Rates	Per	Amount.			Remarks
1	Earth work	6424'	15' 0"	3' 6"	337260	1	8 "	100 C feet	3058	14	4
2	Ballast	6424'	6'-0"	0'-6"	19272	2	12 "	100 C feet	530	"	"
3	Bridge 64 feet span	64'	10'-0"	3'-6"	1 No.	799	" "	Bridges	799	"	"
4	@ 24 @	24'	10'-0"	3'-0"	1 No.	377	" "	@	377	"	"
5	Teakwood sleepers				2541 No.	"	5 7	Sleeper	886	11	"
6	Coach Screws								160	"	"
7	Nails								50	"	"
8	Cost of Permanent way Consbuction Carpenter hire &c.								150	"	"
9	Conveyance Waggons				4 No.	350	" "		1400	"	"
10	Meat Van				4 No.	350	" "		1400	"	"
11	Bullocks				6 Pairs	80	" "		480	"	"
						Total Rs			11291	9	4

Sgd: W.g. Addes C.E.
Secretary & Engineer

Prome
The 3rd May 1879.

Jan/4956.

It is requested that in all correspondence on this subject the department, No., and date may be quoted and the subject briefly stated.

74/1411 / 18

SERIAL No. 20

Burma.

PUBLIC WORKS DEPARTMENT.

No. 8831 / 42.C.R.

To

The Secretary to the Government of Madras,

P.W.D. Railway Branch,

Ootacamund.

Dated Rangoon, the 4th/7 September *189* 6.

SIR,

In reply to your letter No.512.D., dated the 20th: June 1896, asking for information in regard to the use in Burma of the Single Rail System of Tramways, I am directed to forward herewith a copy of a report (to be kindly returned when done with) of Addis' Single Rail System, and to state that a short length on this System, the estimated cost of which was Rs.11,292/- for 6424 running feet (as per details given in the accompanying copy of estimate), was laid down in Prome during the year 1879-80 for the carriage of refuse.

2. I am to say that, besides the above, there is no other information on record in this office on the subject of the Single Rail System of Tramways.

I have the honor to be
Sir,
Your most obedient servant.

C.R. Houssdee
4/9/96
Under Secretary,
Upper Burma.

Documents Accompanying:-
Report & Copy of Estimate

514, P. W. S., 20-4-96—1,000.

Calicut Tramways.

R. Form No. 14.

No. 12842

SERIAL No. 21

Government of Madras.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

To

THE Collector of

Malabar

14 Septr. 1896

SIR,

With reference to your endorsement on Current No. 216/M of 21st June 1896, forwarding letter No. 683/1896 of 18th June 1896 from the Chairman Municipal Council Calicut to the address of the Hon: the Chief Secy to Government, Local & Municipal Department, which has been transferred to me for disposal, I am directed to forward herewith a proposed draft

Government

Heard in another letter when there No. transferred as G.O.

Dr

8/6/97

Government order approving of the recommendations of the Municipal Council & directing the publication of a revised notification in the Fort St George & Madras District Gazettes and copy of letter No 4008 of 24th August 1896, from the Govt to Council, & to request that the papers may be placed before the Municipal Council Calicut for their scrutiny & favour of reply.-

2. The very early return of the papers is requested.

Calicut Tramways.

No. 25

To
H.E. the Governor

The Chairman Municipal Council Calicut in his letter No 535 d. 7/5/96 asked permission to substitute "Ewings Single Tramway" instead of the double rail sanctioned in G.O. 741 of 1895 - Mr. Brown on behalf of the promoters (and who has since become "the promoter" vide G.O. 778 of 6/8/96 letter 683 18.6.96) stated that this system had been in use in several towns in Burmah with success. The C.C. of Burmah was referred to and his reply has now been received.

The system is doubtless a good one for the purpose for which it was used in Prome, but is hardly suited for the conveyance of passengers.

In the application first submitted it is stated that the wear & tear on the roads is so heavy that it is with the greatest difficulty that they are kept in ordinary repair. The principal object of the tramway however is said to be the conveyance of night-soil: the insanitary condition & high death-rate of the town have been commented on & the Sanitary Commr who has urged the construction of the tramway as the cheapest means of disposing it.

It is to be noted that the system

Prome

is use in Burma is known as "Addis" and is simply a central rail raised above the ground: the cart are ordinary bullock carts with central ground wheels fitted to run on the rail - The sketch forwarded by Mr Brown is Evans' patent in which ~~the wheel is grooved~~ ~~to run on the rail which~~ ~~the other~~ ~~there are flat~~ ~~wheels~~ there are three wheels, the two grooved for running on the rail and the other the ordinary one to run on the road -

Bearing in mind the remarks about the heavy traffic the difficulty in keeping up the road I don't think either system would be adapted for the conveyance of heavy loads of the two Addis' looks the most workable but neither is likely to succeed unless the road is very well metalled. and this seems doubtful if the municipality can do this.

There is the further objection of the obstruction caused by the rail being above road level to the crossing: but this is a choice between this and having it - might be better to sanction the alteration of para 7 of the order The collector might be asked

I understood there were only two wheels, one running in the ground, the other on the rail.
D.S.H

D.S.H
25.9.96

whether Mr Brown is unlikely to drop the scheme if this concession is denied: in that case it might be granted and a clause might be added to effect that the promoter is to keep the road in order for a distance of one foot beyond the "road" width of the bridge

J.F.
21/9

20

SERIAL
No. 25

with traffic (3) the rail being above the road is more easily kept clean
(4) the earnings being about the same as the capital smaller there is better chance of its proving a financial success.

3 The objection as to a point outside difficulty of keeping the road in sufficient good order

4 It would be necessary to insert a clause in the application vesting it in the Tramway Co. that portion of the road from the rail to a point a foot or two beyond the road wheel-

5 Another clause would have to be added ordering that guard rails must be provided where roads or streets cross the line of tramway line-

6. I understand that Mr Ewing intends if possible to see you in Calicut and I shall be glad to know your further views about the matter.

6. It is understood that the main object of the Municipality is to secure cheap means of conveying persons outside the town & that the ~~passengers to~~ conveyance of passengers is a secondary consideration

7. I understand that Mr Ewing intends to visit you in Calicut and I shall be glad to know your further views about the matter

When once the tramcars begin to run the ordinary traffic will probably decrease very considerably and it will cost the municipality a good deal less to keep this portion of the road in order

Public Works (1896) Department.

CURRENT No. 9897

SERIAL No. 29

Order

Forwarded to the Government Solicitor Madras, with reference to his letter No 400, dated 21st August 1896.

Offg: Joint Secretary Railway Branch

From The Collector of Malabar

No. 166 M
Dis

Dated 30. 10. 96.

Received 3. 11. 96

Enclosures

Spare copies

SUBJECT.

Calicut Tramway

Forwarding copy of a resolution of the Municipal Council approving of the draft order re: ———

with traffic (3) the rail being above the road is more easily kept clean (4) the earnings being about the same as the capital smaller than is the latter chance of it proving a financial success.

3 The objections are, as a point chief
Out side difficulty of keeping the road in sufficiently good order

4 It would be necessary to insert a clause in the Act or Notification locating it
~~also~~ handing over to the Tramway Co. that portion of the road from the rail to a point a foot or two beyond the road wheel - When

5 Another clause would have to be added ordering that guard rails must be provided where roads or streets cross the line of tramway line -

6. I understand that Mr. Ewing intends if possible to see you in Calicut and I shall be glad to know your views about the matter.

6. It is understood that the main object of the Municipality is to secure cheap means of conveying ~~persons~~ persons outside the town & that the carriage of passengers is a secondary consideration

7. I understand that Mr. Ewing intends to visit you in Calicut and I shall be glad to know your further views about the matter.

the tramcars begin to run the ordinary traffic will probably decrease very considerably and it will cost the municipality a good deal less to keep this portion of the road in order

Public Works (1896) Department.

CURRENT No. 9897

SERIAL No. 29

Order

From The Collector of Malabar

No. 166 M Dis

Dated 30. 10. 96.

Received 3. 11. 96

Enclosures

Spare copies

Forwarded to the Government Solicitor Madras, with reference to his letter No. 400, dated 21st August 1896.

Offg: Joint Secretary Railway Branch

SUBJECT.

Calicut Tramway

Forwarding copy of a resolution of the Municipal Council approving of the draft order re: ——

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. C. 4261

Calicut 23 16th October 1896

From

A. Brown
Calicut

To

The Chairman,
Municipal Council, Calicut

Sir,

I have the honor to acknowledge the receipt of a copy of a letter from the Government Solicitor to the Joint Secretary to Government, P.W.D. Railway branch No. 400 dated 21st August 1896, with your endorsement thereon, dated 14th October 1896.

In reply, I have the honor to inform you that the Concession for Constructing a tramway in the town of Calicut was, in the first instance, granted to myself, and 3 others; but the latter not caring to continue in Concession have made over their entire interests in the matter to me.

As the sole Concessionaire I am now about to form a Joint Stock Company for carrying out the orders of Government in respect of the Calicut tramways,

I have

with a capital of Rs 175000/ in 17500/
shares of Rs 10/ each, to be incorporated
under the act.

The names of my Co Conveyancers
and the respective date of their
making over their interest in the
matter to me are as follows: —

Mr. M. A. Subramonia Iyer, on the 7th March 1896
Mr. Jamsee Govindrai, on the 7th April 1896
Mr. Pyathoppil Mamad Haji, on the 7th April 1896

I shall be glad to furnish
any further information that
may be required.

I have &c.

(Sd) A. Rean.

(True copy)

Rukmini Menon
Chairman

PWD
9897/96

Secl

Jan
26/1958

Extract from the Proceedings of the Municipal Council, Calicut at a Meeting held on the 23rd October 1896.

Present

Rao Sahib S. Swaminatha Iyer and B.A. Chairman
Captain N. A. G. Hamilton
Rao Sahib C. Sambasiva Iyer and
" P. A. Krishna Menon "
" P. P. Karunakara Menon "
" M. A. Subramania Iyer "
" P. Krishna Menon "
" M. Chuppu Menon "
" M. Kunhamed "
" Cooverjee Ardeshir "
" C. Pera Moopan "
Mr. J. W. Gomes.

× × ×

3) Read again resolution No. 5 B of the municipal council dated 13th October 1896.

Read also endorsement dated 21st September 1896 C No. 279 M 296 from the Collector of Malabar on letter No. 1287 B dated 14th September 1896 from the Joint Secretary P. W. D. Railway branch forwarding a proposed draft Govt order approving of the recommendation of the municipal Council regarding the construction

of

of tramways in the town of calicut
and copy of letter No. 400 dated
21st August 1896 from the Government
Solicitor madras and requesting
that the papers may be placed before
the municipal council for their
scrutiny and favour of reply.

The Council approves of
the draft Government order and a
copy of Mr. Brown's letter will be
submitted to Government thro'
the Collector.

(Sd) S. Sivaminatha Iyer
Chairman

(True Extract)

Sivaminathaiyer
Chairman

Municipal Office.

Calicut 25th October 1896.

From

Rao Saheb S. Sivaminatha Iyer and BA

CHAIRMAN, MUNICIPAL COUNCIL,

CALICUT.

To

G. W. Jones Esq. I.C.S
Collector of Malabar

SIR.

Letter returned

With reference to your endorsement dated 21st September 1896 C No. 277/296 on letter No. 1257 D dated 14th September 1896 from the Joint Secretary P.W.D Railway branch forwarding a proposed draft Govt. order approving of the recommendation of the municipal council regarding the construction of tramways in the town of calicut and copy of letter No. 400 dated 21st August 1896 from the Government Solicitor madras and requesting that the papers may be placed before the municipal Council for their scrutiny and reply, I have the honor to forward herewith copy of a resolution of the municipal Council passed at a meeting held on the 23rd instant from which it will be observed that the Council has approved of the draft G.O.

I have the honor to be,
Sir,
Your most Obedient Servant

Sivaminathaiyer
Chairman 26/10

MUNICIPAL DEPARTMENT.

From

THE CHAIRMAN,

MUNICIPAL COUNCIL.

CALICUT.

To

The Collector of Malabar
Calicut

Dated 25-10-96
Despatched 27-10-1896.
Received 30/10/96

No. 1261

Enclosure 03

Subject.

Returning the Endorsement on C no 299/C16 of 96 forwarding a copy of the resolution of the M.C and also a Copy of Mr Brown's letter

24P

1661/96

Forwarded to the Joint Secretary to Govt. Public works Department, with reference to this letter no 1287D dated 14th ultimo.

V Ramunni Menon
Calicut
30.X.96
for Collector

Public Works (1896) Department.

CURRENT No. 9975

Order

From The Md Dept.

No. 1257

Dated 3-11-96
Received 5.11.96
Enclosures 1
Spare copies -

SUBJECT.

Transferring to the P.W. Dept letter from the Coll. of Malabar forwarding letter from Mr Brown regarding the Calicut tramway

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Local & Munl. (1896) Department.

CURRENT No. 2852 M

CHIEF SECRETARY'S GOVERNMENT OF MADRAS 22 OCT. 1896

From The Collector of Malabar.

29

~~Order.~~
No. 1257

Transferred to the Public Works Department.

No. 153 M/Bis

Dated 14th October 1896.
Received 22 " "
Registered " "
Enclosures nil.
Spare copies

Secretary to Govt

V.P. 2/11/96
Fort St. George
3rd Nov. 1896

SUBJECT.

Forwarding copy of a letter from Mr. A. Brown requesting that the dividend earning power of the Calicut Tramway Company may not be limited to 10%.

To
The Public Works Department.

2/11 2/11

BACK PAPERS.

G.O.	No.	Department.	Date.
Go	872	Revn	21-5-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Malabar Coast.

No 1537 M
Dis.

Calicut
October 12th, 1896.

To.

G. W. Dance Esq.
Collector of Malabar.
Calicut.

Sir,

In anticipation of the Government of Madras according their Sanction to my being the sole concessionaire of the Calicut Tramway Project, I have the honor to request the favour of your kindly ascertaining whether Government would have any objection to the expurgation from the Concession for the Construction of the Calicut Tramway, of that part of Clause 29 limiting the dividend earning powers of the Company to 10 per Cent.

I ask, as I am very much afraid that, in view of the fact of the Company having neither subsidy nor Guarantee, and its consequently being on exactly the same footing as other industrial enterprises, such as Banking, Tea and Coffee Cultivation, and jute manufactures, all of which industries are in many cases

returning to investor as much as from 15 to 25 per cent, it may be difficult to raise the small Capital required for this undertaking.

It is a well known fact that it is a much more difficult matter to form a Company and raise the Capital required for such a small project as this, than in one like that of the Madras Tramway Company, it being large enough in the latter case to make it worth the while of well known financial agents to undertake the business of floating the Company, where as in the Case of this Company, the Capital will have to be raised by my own personal influence assisted perhaps by that of my Bankers.

The absolute certainty of being unable to receive more than 10 per cent, while it is of Course possible

? mistaken matter

they may receive less, while I am afraid strongly militate against small Capitalists investing their money in such an undertaking.

I would venture to point out that for the sake of earning as large a return as possible, the interests of the shareholders would lie in keeping the rates for Carriage sufficiently low to secure as great a portion as possible of the traffic, and this I think would be the greatest safeguard the public could possibly have against the Company's Charging any more than fair rates.

This matter was referred to, and I believe more fully explained to His Excellency the Governor, by Mr Ewing at the interview kindly accorded to him yesterday.

I have &c.

L. M. R. Brown.

(True Copy)

Submitted to Government for favourable Consideration.

V Rangachariar

Collector.

mal: Collector's Office
Calicut 14th October 86

R. Form No. 14.

No. 409

SERIAL No. 32

Government of Madras.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

To

THE Government Solicitor

Madras

14th November 1896.

SIR,

With reference to your letter No: 400 of 7th August 1896, I am directed to forward the case of the Calicut Tramway together with the draft notification which has been approved by the Calicut Municipality, a letter from the Promoter (Mr A. Brown) giving the information for the

required

Received with file

17/11

C/970795

require. A further
letter from the Promoters
(Mr Brown) of 1st Oct 1896
is also enclosed.

2. From the above
the questions which re-
quire attention would
seem to be

4. The incorporation of a Joint Stock Co with a capital of Rs 1,75,000 instead of Rs 1,50,000

29. Mr Brown reads this para to mean that interest is never to be allowed to rise above 10%. I am however of opinion that it only gives the power to the Local Govt to declare Tolls &c when the promoters be making a profit which the Local Govt considers excessive.

I am to request the favour of your opinion on these points & the return of papers with draft notification

H.H. 11/11

Public Works (1896) Department.

SERIAL No. 33

CURRENT No. 10548

Order

From
The Govt Solicitor
Madras

No. 596

AR
We must wait for reply from Calicut with reference to your letter No 1465 of 4/11/96 received
H.H. 21/11

Returned with No 1465 Dy 21.11.96 4.5. from Legal

Dated 19. 11. 96
Received 20-11-96
Enclosures
Spare copies

SUBJECT.

Calicut Tramways

Furnishing his opinion on certain points connected with the draft notification for the proposed

AR

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Dat

No 596.

Madras 19th November 1896

From,

Ernest Barclay

Government Solicitor

Madras

To,

The Joint Secretary to Government P.W.D. Railway Branch

Madras

Sir,

1. I beg to acknowledge receipt of your letter of the 14th instant No 4109 C, with file of papers relating to the proposed Calicut Tramways

2. I do not see that any question arises with regard to the incorpo--ration of a Joint Stock Company with a Capital of Rs 175000 instead of Rs 150000. As I understand, the final order, as amended, has not yet been published, so that, all that is necessary is that Clause 4 of the amended order should be further amended by altering the figures - "150000" to "175000" and the figures "15000" to "17500" It is a dis--tinct advantage I think that the capital should be larger than origi--nally intended, as the larger capital is a greater guarantee that the construction of the tramways will be carried out. In this connection I may mention that, as Cl 35 of the amended order provides that the promo--ter shall observe the condition (1) that the construction of the tram--ways shall not be commenced until half of the share capital of the - proposed Company has been subscribed, instead of, as in the order of the Madras Tramways, "until the sum of £ 75000 of the share capital" no amendment will be necessary in this respect.

3. With regard to Clause 29 of the amended order I am of opinion - that Mr Brown is mistaken in his reading of same. The Clause enables - Government, from time to time, on the representation of the Local - Authority or of the promoter, that, under the circumstances then

existing, all or any of the tolls or charges demanded and taken in respect of the traffic should be revised, to direct an enquiry by a referree, and, if such referree report that it has been proved to his satisfaction that all or any of such tolls or charges should be revised, Government may make an order in writing altering, modifying reducing or increasing all or any of the tolls or charges in such manner as Government may think fit (the word "they" here refers to Government not to the promoters) but no such revision of rates (should be "tolls") or charges is to be made, without the consent of the promoter, unless & until the promoter shall distribute by way of dividend to their (should be "the") shareholders an amount equal to interest at 10 % per annum upon the total capital of the Company, whether represented by shares or debentures and after making due provision for reserve and sinking funds. This clearly means that, until a dividend of 10 % per annum has been paid on the capital, Government cannot exercise its right of revising the tolls or charges.

4. I return the file of papers which accompanied your letter &

I have the honor to be
Sir
Your Obedient Servant
Ernest Bankes
Government Solicitor

SERIAL No. 34

Public Works

Local & Muni. (1896) Department.

CURRENT No. 11451

From The Collector Malabar

Order.

No. 1958 Pio

Dated 14.12.96

Received 17.12.96

Registered — " —

Enclosures one

Spare copies

SUBJECT.

Forwarding a resolution of the Calicut Municipal Council dated 2nd December 1896 regarding the proposal to construct Mr. Ewing's Single-rail Tramway in Calicut and the additions and alterations to be made in the Notification for the same.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Extract from the Proceedings of the Municipal Council, Calicut at a Meeting held on the 2nd December 1896.

Present :-

Rao Sahib S. Swaminatha Iyer Avergal B.A. Chairman

M.R.R. K. Krishnan Nair Avergal B.A. B.L.E.

" I. M. Appu Nedungadiyagal B.A. B.L.

" P. A. Krishna Menon Avergal

" P. Krishna Menon Avergal

" Cooverje Ardeshier Avergal.

" C.K. Chuppu Menon Avergal.

" Maliakel Kunhammed Avergal

" M. A. Subramania Iyer Avergal

" K. Krishnaunni Nair Avergal

Dr. J. W. Gomes.

x x x x

(2). Read again resolution No. 16 of the Municipal Council dated the 25th November 96.

Read also letter dated 24th November 96 No. C/4763 from Mr. A Brown Collector requesting for reasons given to reconsider the resolution of the Council relating to his keeping up a portion of the road over which the tram Cars would pass for a distance of nearly 8½ miles.

" The Council has no objection to the Conditions 4 & 5 laid down in the letter from the Government of Madras P. W. D Railway branch to the Collector of Malabar

Malabar No. 1165 dated 1st October 96

Mr. A Brown the sole Concessionaire appeared before the Council and explained matters to it. He stated that the portion of the Road between the single rail and the place over which the balance wheel would pass was about 5 ft 6 inches that if he was made to maintain this portion plus a foot or two beyond the balance wheel he would have to maintain 7 ft or 7 ft 6 inches of the portion of the road which would be a very great hardship to him. He further explained that the balance wheel would not cut the road or injure it as the wheels of the heavily loaded Country Carts, but would Consolidate the road as a roller. The scheme being a new one the Council is not in appition to judge of the matter, though it is inclined to agree with Mr. Brown. The Council is quite willing to give all facilities to Mr. Brown in the matter of his Scheme and will accept any terms which the Government may lay down.

(Sd) S. Swaminatha Iyer
Chairman.

(True Copy)

municipal office
Calicut 5-12-96

S. Swaminatha Iyer
Chairman.

Malabar Collector's office
Calicut 14th December 1896.

No. 1951 dis

3rd P

From,

G. W. Dance Esq ICS.
Acting Collector of Malabar
Calicut

To,

The Joint Secretary
Public Works Department
Madras.

Sir,

I have the honor to forward a copy of a resolution of the Calicut municipal Council.

2. The matter is purely a professional one. I need therefore only say that the introduction of the proposed tramway will be a great benefit to the public if it can be worked satisfactorily.

I have the honor to be,
Sir,
your most obdt servant

S. Swaminatha Iyer
for Collector

Calicut Tramways

SERIAL No. 35

The papers were last submitted on 8th Septr (vide Flag E)
Mr A Brown has now become the sole promoter. The draft notification was therefore sent to the Govt Solicitor in order that the necessary corrections might be made.
On receipt of his reply No 400 (Flag F) the papers were again sent to the Munic Council Calicut for their scrutiny.
The Munic Council approved of the draft notification and submitted a letter from Mr A Brown stating that he is the sole concessionaire and is about to form a joint-stock company. They also forwarded a further letter from Mr Brown taking exception to clause 29. Flag H
The papers were then sent to Govt Solicitor again: his reply No 556 (Flag I.) states that all that is necessary is to alter the figures in para 4 from 150000 and 15000 to 175000 and 17500
I stated in my letter to Collector (Flag P) that additional clauses would be necessary if Ewing system is adopted. (vide paras 4.5)
Mr Ewing in conversation (vide do. letter to Private Secy.) quite agreed to both of these but Mr

Flag S

Flag G

Flag J.

H.E. the Governor

You by the letter of the 2nd Dec. from the Municipal Council that that body is inclined to agree with Mr. Brown in his objection to maintaining the road, and is ready to give him every facility. Under these circumstances, I do not think it worth while to press the matter. Sub. clause 2 of para Clause 8, may be omitted. In other respects the draft proposed in this Note is adopted.

A.H.

28.12.96

Forwarded to Govt. Solicitor omitting clause 8(2) HH 28/12

HE 19.12

P 28/12

Brown now considers the hardship to have to maintain the road for the distance between the rail and the road which. This I think unreasonable as this part of the road is left to the care of the Municipality who are very poor, they will not keep it in good repair, the running will be rough, and he will have no control over it, and will not be able to keep it in repair (and it seems to me essential that that portion over which the road which runs should be in first class order) Besides if this expectation of running the ordinary traffic of the road is realised it should cost but little to maintain it. I propose therefore to add the marginal clauses after 7. I would I think be fair of the Municipality to pay over to Mr Brown a portion of the money they devote to road repairs proportional to the width area of road which they propose to hand over to the promoter but this is difficult to ascertain and perhaps undesirable, to incorporate such a clause in the notification.

With the approval of His Excellency I propose to forward the marginal additions to the Govt. Solicitor in order that we may be sure that they are couched in proper form and then to send the papers again for final approval to the Municipal Council with a copy of Govt. Solicitors letter

H.S. 19/12

clause 8.

Notwithstanding the obligation imposed in clause seven it shall be lawful for the promoters to use the system known as being simple rail tramway and to use one rail only, the footway of which may be raised not more than one inch above the surface of the road provided

(1) that such rail is placed at a distance not more than 5 ft from the side of the road

(2) that the promoter shall maintain in good order and to the satisfaction of the road authority that portion of the road traversed by the tramway which lies between the rail and a line running parallel with it at a distance Equal to one foot in excess of the distance from the inner side of the rail to the outer side of the balance wheel except at crossing stations where he will shall maintain in good order the whole distance between the two rails.

(3) that the promoter shall fix and maintain in a suitable manner and subject to the approval of the road authority guard rails flush with the surface of the rail and of the road wherever any road or street crosses that used of the tramway

A (4) that suitable ~~foot~~ suitable platforms or other device of suitable pattern approved of the road authority and the Local Govt. shall be placed at the entrance of the crossing stations for the purpose of diverting the cars from one rail to another as may be required

R. Form No. 14.

32 P

No. 65 C.

SERIAL No. 37

Government of Madras.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

To THE Government Solicitor

Madras

7th January December 1896.

SIR,

With reference to correspondence ending with your letter No: 576 of 19th November 1896, I am directed to return the file of papers relating to the proposed Coimbatore Tramways together with letter No: 195 M Dis of 14th Decr. 1896 from the Collector of Malabar & with regard to the Resolution of the Municipal Council forwarded with the above letter

11/1

Clause 6.

Notwithstanding the obligation imposed in Clause 7 it shall be lawful for the promoter to use the system known as Ewing's single rail tramway and to use one rail only, the surface of which may be raised not more than one inch above the surface of the road provided,

(1) that such rail is placed at a distance not more than 5 feet from the edge of the road.-

(2) that the promoter shall fix and maintain in a suitable manner and subject to the approval of the road authority guard rails flush with the surface of the rail and of the road wherever any road or street crosses that used by the tramway.-

(3) that Switches or other device of a suitable pattern approved by the road authority and the Local Government shall be placed at the entrance of the crossing Stations for the purpose of diverting the cars from one rail to another as may be required.-

letter to propose the marginal additions to Clause 7 with the request that you will kindly see that they are couched in proper forms.-

1/1/97

documents accompanying:-
File of papers.

Despatched on 7/1/97

34 S.P

SERIAL No. 39

Public Works (1897) Department.

CURRENT No. 785

Order

From
The Govt Solicitor
Madras

No. 37

Dated 21st January 1897

Received 22.1.97

Enclosures 1

Spare copies

SUBJECT.

Calicut Tramways.

Returning the file of
— with remarks

Brown how considers the hard clause 8.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

34 S.P

~~Notwithstanding the obligatoire~~ ~~in~~ Provided always that anything hereinbefore in this Clause ~~y it~~ contained to the contrary notwithstanding it shall be lawful for the promoters in constructing the Tramways to use the system known as "Ewing's single rail tramway" ~~to use~~ & to lay one rail only the surface of which may be raised not more than one inch above the surface of the road except where any road or street crosses the ~~road~~ used by the tramway but subject nevertheless to the following conditions, namely

(1) That such rail is placed at a distance of not more than 5 feet from the edge of the

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

(3) that switches or some other device of a suitable pattern and approved by the road authority and the Local Government shall be placed at the entrance of the all crossing stations on the Tramway for the purpose of diverting the cars carriages from one

one rail to another as may be required

(4) that such of the provisions in this order contained as shall be applicable thereto shall apply to such System known as "Ewings Single rail Tramway"

No 37.

MADRAS 21ST JANUARY 1897

33 P

FROM,

ERNEST BARCLAY

GOVERNMENT SOLICITOR

M A D R A S

TO,

THE JOINT SECRETARY TO GOVERNMENT

PUBLIC WORKS DEPARTMENT

RAILWAY BRANCH

SIR,

1. I BEG TO ACKNOWLEDGE RECEIPT OF YOUR LETTER OF THE 7TH INSTANT No 65C WITH FILE OF PAPERS RELATING TO THE PROPOSED CALICUT TRAM--WAYS .

2. I THINK THAT, INSTEAD OF MAKING THE PROVISIONS REGARDING THE USE BY THE PROMOTER OF "EWING'S SINGLE RAIL TRAMWAY" A SEPARATE - CLAUSE IN THE CONCESSION, IT WOULD BE BETTER TO MAKE IT A PROVISO TO CLAUSE 7. THIS WILL HAVE THE ADVANTAGE OF IT NOT BEING NECESSARY TO RENUMBER THE SUBSEQUENT CLAUSES OF THE CONCESSION AND IT WILL ALSO MAKE THE USE OF EWING'S SYSTEM SUBJECT TO SUCH OF THE PROVI--SIONS OF CLAUSE 7 AS MAY BE APPLICABLE THERETO. I HAVE SPECIALLY PROVIDED FOR THIS AND INDEED FOR ALL THE PROVISIONS OF THE ORDER WHICH MAY BE APPLICABLE APPLYING TO EWING'S SYSTEM.

3. I HAVE SOME DOUBT WITH REGARD TO THE PROVISIONS OF THE SECOND CONDITION ATTACHED TO THE USE OF EWING'S SYSTEM, BUT I EXPRESS THE DOUBT WITH SOME HESITATION AS IT IS ON A MATTER WHICH SEEMS TO COME MORE WITHIN YOUR PROVINCE THAN MINE AND THERE MAY BE NOTHING IN IT. AT THE COMMENCEMENT OF THE PROVISION FOR THE USE OF EWING'S SYSTEM IT IS SAID THAT THE PROMOTER MAY LAY ONE RAIL ONLY, THE SURFACE OF WHICH MAY BE RAISED NOT MORE THAN ONE INCH ABOVE THE SURFACE OF - THE ROAD BUT, IN THE SECOND CONDITION ATTACHED, IT IS PROVIDED THAT THE PROMOTER SHALL FIX AND MAINTAIN GUARD RAILS FLUSH WITH THE - SURFACE OF THE RAIL AND OF THE ROAD WHEREVER &C. BUT, IF THE SURFACE OF THE SINGLE RAIL IS RAISED, AS IT MAY BE, ONE INCH ABOVE THE - SURFACE OF THE ROAD IT IS NOT APPARENT TO ME, AT ANY RATE, HOW THE

O.W.S.1
785/97

MADRAS 21ST JANUARY 1897

33 P

FROM,

ERNEST BARCLAY

GOVERNMENT SOLICITOR

M A D R A S

TO,

THE JOINT SECRETARY TO GOVERNMENT

PUBLIC WORKS DEPARTMENT

RAILWAY BRANCH

SIR,

1. I BEG TO ACKNOWLEDGE RECEIPT OF YOUR LETTER OF THE 7TH INSTAN No 650 WITH FILE OF PAPERS RELATING TO THE PROPOSED CALICUT TRAM--WAYS .

2. I THINK THAT, INSTEAD OF MAKING THE PROVISIONS REGARDING THE USE BY THE PROMOTER OF "EWING'S SINGLE RAIL TRAMWAY" A SEPARATE - CLAUSE IN THE CONCESSION, IT WOULD BE BETTER TO MAKE IT A PROVISO T CLAUSE 7. THIS WILL HAVE THE ADVANTAGE OF IT NOT BEING NECESSARY TO RENUMBER THE SUBSEQUENT CLAUSES OF THE CONCESSION AND IT WILL ALSO MAKE THE USE OF EWING'S SYSTEM SUBJECT TO SUCH OF THE PROVI--SIONS OF CLAUSE 7 AS MAY BE APPLICABLE THERETO. I HAVE SPECIALLY PROVIDED FOR THIS AND INDEED FOR ALL THE PROVISIONS OF THE ORDER WHICH MAY BE APPLICABLE APPLYING TO EWING'S SYSTEM.

3. I HAVE SOME DOUBT WITH REGARD TO THE PROVISIONS OF THE SECOND CONDITION ATTACHED TO THE USE OF EWING'S SYSTEM, BUT I EXPRESS THE DOUBT WITH SOME HESITATION AS IT IS ON A MATTER WHICH SEEMS TO COM MORE WITHIN YOUR PROVINCE THAN MINE AND THERE MAY BE NOTHING IN IT AT THE COMMENCEMENT OF THE PROVISION FOR THE USE OF EWING'S SYSTEM IT IS SAID THAT THE PROMOTER MAY LAY ONE RAIL ONLY, THE SURFACE OF - WHICH MAY BE RAISED NOT MORE THAN ONE INCH ABOVE THE SURFACE OF - THE ROAD BUT, IN THE SECOND CONDITION ATTACHED, IT IS PROVIDED THAT THE PROMOTER SHALL FIX AND MAINTAIN GUARD RAILS FLUSH WITH THE - SURFACE OF THE RAIL AND OF THE ROAD WHEREVER &C. BUT, IF THE SURFAC OF THE SINGLE RAIL IS RAISED, AS IT MAY BE, ONE INCH ABOVE THE - SURFACE OF THE ROAD IT IS NOT APPARENT TO ME, AT ANY RATE, HOW THE

GUARD RAILS CAN BE FLUSH WITH THE SURFACE OF BOTH THE RAIL AND THE ROAD.

4. I ENCLOSE A COPY OF THE PROVISIONS SET OUT IN THE MARGIN OF YOUR LETTER WITH SUCH ALTERATIONS IN SUCH COPY AS I HAVE THOUGHT ADVISABLE. I HAVE ALTERED THE WORD "CARS" TO "CARRIAGES" WITH REFERENCE TO THE DEFINITION OF "CARRIAGE" GIVEN IN CLAUSE 3 OF THE CONCESSION.

5. I OBSERVE THAT IN THE PENULTIMATE LINE OF CLAUSE 8 OF THE CONCESSION THE WORD "COUNCIL" IS USED. HERE AND THROUGHOUT THE CONCESSION WHERE THE WORD "COUNCIL" IS USED, IT SHOULD BE PRECEDED BY THE WORD "MUNICIPAL". SEE CLAUSE 3 OF THE CONCESSION.

6. I RETURN THE FILE OF PAPERS WHICH ACCOMPANIED YOUR LETTER.

I HAVE THE HONOR TO BE

SIR

YOUR OBEDIENT SERVANT

Ernest Barclay

GOVERNMENT SOLICITOR

P.W. Current No. 785

SERIAL No. 40

Cabcar Tramways

(1) H.E. the Governor
(2) Hon: Mr Bliss, C.E.
(3) Hon: Mr Grose, C.E.

The Government Solicitors reply to this office letter No: 65 C dated 7th. January 1897 proposing certain additions to the draft notice with regard to Mr Ewing's scheme and explains its position. The objection raised by the Government Solicitor in para 3 might be met by the insertion of the words "Except where any road or street crosses that road by the Tramway" as entered in pencil in the draft provisions submitted by him.

This alteration should be made.
A.H
27.1.97

28/1/97

30/1/97

Would be a great advantage if the R[illegible] branch of the P.W.D. would learn to put up papers in the same way as other branches of the Secretariat instead of tying up with the current & old disposed of papers.

Circulation Clerk
Please Register & note
28/1/97

2. A draft letter to the Collector of Malabar forwarding the notification (as amended by the Government Solicitor) for the approval of the Municipal Council is attached.

25/1/97

CMM 26/1

PSR

37 P St. 722. C dated 5.2.97

SERIAL No. 42.

To

The Collector of Malabar.

Sir,

With reference to correspondence ending with your letter No: 155 Dis dt 14 December 1896, I am directed to forward herewith for the final approval of the Municipal Council at Calicut the revised draft notification regarding the Calicut Tramways together with copies of letters as per margin from the Govt. Solicitor bearing on the subject.

A.SH 27.1.97

No: 596 dt 19 Nov: 1896
& - 37 dt 21 Jany: 1897
with encls.

Documents accompanying:-
Revised draft notified
& papers noted in the margin

Returned on 5.2.97

CMM 1/2

25/1/97

6/2/97

Public Works Depot, Railway Branch.

Local & Munl. (1897) Department.

CURRENT No. 324/96

SERIAL No. 45

From The Collector of Malabar

Order

No. 28 M / 0697.

Dated 30.3.97

Received 5.4.97

Registered —

Enclosures 3. 4

Spare copies

SUBJECT.

Submitting copy of the resolution of Calicut Town Council on the revised draft notification regarding Tramways in the Calicut Municipality.

+ Submitted by Collr. & St. M.

B/-

No. 722. C dated 5.2.97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

T. W. Calicut No 3488

Municipal Office,
Calicut 28th March 1897.

387

From,

H. F. Austin Esq ICS.
Chairman, municipal Council,
Calicut.

To,

G. W. Dance Esq ICS.
Collector of Malabar
Calicut

Sir,

With reference to your Endorsement dated 13th ultimo No. Ch. 54/96 & 97 forwarding for Council's remarks the revised draft notification regarding the Calicut tramways, I have the honor to inform you that the notification was placed before the municipal Council at its meeting held on the 24th instant and the following resolution was passed:-

"Resubmitted to the Collector with the remark that the Council recommends that section 29 which is objected to by the promoters be expunged for reasons stated in the Chairman's letter to the Collector dated 1st October 1896."

† Submitted to Govt with the Collr's Endt No. 1532 dt 14.10.97 Dis

2. The enclosures received with your Endorsement are herewith returned.

3

3. As Mr Ewing is telegraphing to Mr Brown that the draft notification is urgently wanted by the Government, I request that its despatch from your office to Madras may be expedited.

I have the honor to be,
Sir,
Your most obdt Servant

Sd/ R J. Austin
Chairman

/ True Copy /

Submitted to the Secretary to Govern-
-ment Public Works Department, Railway
Branch, for favorable Consideration with
reference to this letter No. 722 C. dated 5th February 1897.

Camp Salasaramba
30th March 1897

V Ranganathachetty
for Collector
for Collector

No. 78 Rc
dis 97.

39

Submitted

Sd

P. G. Current No. 3466

Calicut Municipal Tramways

No. 47

H. E. The Governor
The Hon. Mr. Bliss C.I.S.
The Hon. Mr. Grose C.I.S.

I see from the Note that H. E. & Hon Members are familiar with the details of this case, so I need not repeat them.

The promoters of the Company tell us that we shall get them into difficulties, making it less easy for them to raise the 1¾ lakhs required for the tramway, if we insist on Government reserving power to revise rates and fares after the Company has paid 10 per cent.

The Municipality have agreed that the reservation is not necessary.

I think that as the Municipality themselves, as representatives of their (I presume) elected Municipality, do not ask that we shall reserve a power to cheapen rates and fares, we need not make the reservation.

The rates and fares seem reasonable enough, whether divided the proposed Company succeed in paying; and such being the case I think that in a purely private enterprise of this kind which has asked for no guarantee

The 10 p.c. might be raised to 15 p.c. or even 20 p.c. It seems advisable, however, that Govt. should retain some control, — in the interests of the public or the future.

A-H
12.4.97

I don't think that objection can reasonably be taken to the reservation of the power, if the dividend allowed to the concern before interference is 15%.

BH
14/4/97

JK
14/4/97

Sir
14/4/97

or assistance, it will be matter for congratulation if the Company succeed in earning a 5 pct dividend. I scarcely believe in the 5 per cent dividends for Indian Municipal tramways, especially when the system, like the Calcutta, is an entirely new one. But I think we ought to give this local and Municipal enterprise as free a hand as is consistent with a proper regard for the public interest, and that these latter are sufficiently safeguarded in the Schedule of rates and fares.

F.R.S.
6/4/97

Secn PWD
PWI. 7457. 94

Jt Sec P. W. D.

SERIAL No. 48

To The Collector of Malabar
Calicut

No. 1408 & 23 dt April 1897
21-4-97

Sir

In reply to your endorsement No. 78 Rs / Dis 97, dated the 30th March 97 I am directed to acquaint you that His Excellency the Governor in Council is of opinion that in the interests of the public of the future it is desirable that Government should possess some control over the rates and fares.

Government however have no objection to the limit of dividend at which such control shall come into action being raised from the 10 % which is proposed in the draft agreement to 5 per cent.

I am to enquire whether this

alternation commended itself to the Municipality as to the Board, for, if so, there need be no further delay in settling the agreement.

I have

F.W.S

21/4/97

F.W.S. 20/4/97

I am also to suggest for the consideration of the Municipality & the Board that after in following the draft clause 7. ii. (1), it would be better to insert a clause (1a) "that such canal is placed at a distance of not less than three feet from existing structures". The object of the suggested clause is that no new cattle may not be erected between buildings & the canal.

D/Jo 23/4/97

Vol. Municipal offices

Public Works (189) Department.

CURRENT No. 5359

Order

Case with D.I.

From The Collector
Malabar

The necessary alterations may now be made in the Draft Notification

F.W.S

Jor. It is all apparently settled now for the publication of the Notification. Do not the rs?

27/5/97

F.W.S 28/5/97

No. 114-M / Dis 97

Dated 20th May 1897

Received 27th — do —

Enclosures One.

Spare copies

SUBJECT.

Forwarding copy of letter from Chairman Municipal Council, Calicut accepting the revised terms proposed for the tramway at Calicut.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 1031/PR

Municipal office
Calicut 14th May 1897.

SERIAL
No. 50

From,

R. F. Austin Esq.
Chairman, Municipal Council
Calicut.

To.

The Collector of Malabar.

Sir,

In reply to your Rep: on Cir: No. 163/Mis: 837 dated 29th april 1897, I have the honor to state that the Communication from Government was under circulation at the time of the last Council Meeting on the 12th instant and so was not placed before it for approval.

2. The promoter is willing to accept the revised limit of 15% suggested by Government if Government is not willing to do away with the Clause altogether and fully approves of the suggested clause (1(a))

3. The Councillors to whom the letter of Government was circulated had no remarks to offer and in view of the known acquiescence of the Council in the Promoters views as to clause 29 and of the obvious expediency of clause (1.a). I think it better to write in the Council's behalf and accept the alterations proposed by Government than to delay the matter any longer. The revised Contract can be formally approved by the Council at its next meeting.

I have to.
Sd. R. F. Austin
Chairman.

O. J. O.

No. 11470
Dis 97

(True Copy)

Forwarded to the Joint Secretary —
Public Works Department with reference
to his letter dated 23rd April 1897 no 1482

Calcutta
20-5-97

Dy Collector

To

The Joint Secretary
Public Works Dept
Railway Branch

H. 20 — 5 — 97
Desp 25 — 5 — 97
Rec'd

Enl

Subject

Forwarding for information
with ref to her letter no 148
23-4-97
Copy of Calicut Chairman's
letter accepting the revised
terms proposed for the
tramway at Calicut

Local & Munl. (1897) Department.

P.W. CURRENT No. 5214 H92.L

SERIAL No. 49

From The President
District Board
Malabar.

~~Order~~ No. 602 dt 24th May 1897.
Transferred to the Public Works
department.

Secretary to Government

P.W.
15/5/97
Forwarded for
22 May 1897

Report No. 907/957

Dated 24th April 1897.
Received 3 MAY 1897
Registered 3.5.97.
Enclosures Two.
Spare copies

SUBJECT.

Forwarding for the approval of
Govt, a resolution of the Dt
Bd, allowing the extension of
the Calicut Tramway to
Elathur.

EM

There seems no reason to object to
the extension proposed. The Railway
think would be treated it in para
6 of the Draft Stipulation as "Tramway
No. 8". We are now waiting a reply
from the Collector to our letter No. 48
this ref. may wait till a reply is
rec'd to that letter

27/5/97

BACK PAPERS.

G.O.	No.	Department	Date

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Malabar Court Calicut
October 1st 1896.

45 S.P

To.

R. W. Dawes Esq.
Collector of Malabar.
Calicut.

Sir.

I have the honor to submit an application for permission to extend the tramway from where it leaves the Cannanore road to go to Varakkal, to the Elathur landing place on the back water of the river Korapoza, as the additional traffic, both goods and passenger, that would thus be secured, while apparently sufficient of itself to yield a good return on the cost of such extension, would largely increase the Traffic on Tramways Nos 6 & 3, and ensure their being remunerative when goods are being landed at, and shipped from, the South Beach, instead of at Varakkal. The approximate length of this line would be 5500 yards as shewn in the accompanying plan.

As a further reason for the grant of the concession for which I have the honor to apply, I would beg to point out that in the event of the construction of the proposed extension of the Madras Railway from Calicut to Cannanore, the carts that would be employed, in the absence of this or extension of the Calicut Tramway, to carry out permanent way materials for the

2/1192. D. of 1897.

for the construction of the line, as well as food supplies for the coolies engaged on the works, would soon render the road almost, if not quite, impassable, the construction of this extension would be the means of not only preserving the road in its ordinary state, but, by so doing, effect a very considerable saving to the Local funds Board.

I have &c

S/d. A. Brown.

"True Copy"

President

DH

Q8.
HLW
1/

Extract from the Proceedings of the D.t Board. Malabar at its meeting held at Calicut on Wednesday the 14th April 1897.

Present.

G. A. Dance Esq. President.

1 Lionel Vilent Esq. A/Asst Collector
2 D.r Christian Esq. Asst Collector in Ch: Calicut Div.n & Vice President
3 Surgeon. Lt Col. J. J. Hackett officiating. D.t Medical and Sanitary Officer.
4 Mr. R. A. Lakshmana Rao avl Asst Inspector of Schools West Coast Div.n
5 " A. Chandoo nambiar avl. Tahsildar Wynad.
6. " P. Rama Iyer avl. Tahsildar Ernad.
7 " K. Raman Unni nair avl
8 " P Achuta menon avl.
9 Kaya Kunhi Kaya Mangal Saheb Bahadur.
10 Mr. K. Sekharan nair avl.
11 " P. Sreedharan namboodri avl.
12 " Margeri Manavikrama Elaya Nirumul Raja avl
13 " P. Narayana menon avl.
14 Karakatt Pookaya Mangal Saheb Bahadur
15 Mr. P. Unni Kutti Kitavo avl.

× × ×

Supplemental

× × ×

4. Read letter from Mr A. Brown Collector dated 2nd March 97, no D/5200 requesting

1/1182 L. of 1897

that permission may be given him to extend the proposed Construction of the Tramway in the Calicut Municipality of Elatur, and the Connected papers on the Subject:-

The Board were willing to allow the proposed tramway to be extended up to Elatur on the same Conditions regarding the maintenance of the road as have been agreed on by Mr Brown with the Calicut Municipality:

2. The tramway Company should also agree to Carry Local Fund stores and material at the rate of one anna a ton per mile.

3. The promoters or representatives of the tramway Company will be required to enter into a formal agreement with the President of the Dist: Board, before they Commence the Construction of the tramway.

× × ×

Sd/ G W Dawes
President.

(True Extract)

W H Holland
Dy President.

Malabar District Board Office
Calicut 25th April 1857.

From.

H. C. D. Harding Esq. I. C. S.
President, District Board
Malabar

To.

The Secretary to Government
Local and Municipal Department,
Madras.

Sir.

I have the honor to forward herewith for the approval of Government, copy of a resolution of the District Board passed at its meeting held on the 14th Instant, regarding the extention of the proposed tramway in the Calicut Municipality to the landing place to Elathur where from the water communication is continued up to Badagara. The reasons assigned by Mr. Brown for this extention are set forth in his letter dated 1st October 1856, a copy of which is herewith submitted for the information of Government. Now that Government have sanctioned the construction of the Tramway on Ewings System within the municipal limits as per G.O No 722 C dated 5th February 1857, the extention of the Tramway on the same system to Elathur would be of great advantage to both goods and passenger traffic.

I have the honor to be
Sir

~~that~~ hereunder may be given Leave to

Sir,

Your most obedient Servant

President

FH

Ld Govt Co.

P.W. Current Nos: 5214 + 5350

Calicut Tramway.

H.E. The Governor

The Hon Mr. Bliss C.I.S.

The Hon Mr. Gross C.I.S.

It would greatly ~~dis~~ facilitate the disposal of business if the Rly Dept would put up papers in the same way as other Departments in the Secretariat - a "file" should contain only the "currents", that is, the papers not disposed of, while the references, ~~that is~~ disposed of papers & thereon, should be placed separately below & not be tied to the currents. I began to ~~have~~ put up these papers & that ~~them~~ in the proper way.

Let found ~~the~~ right
in greater confusion
than I could spare time
to unravel. These "serial
numbers" which are marked
on some of the papers seem to
be a new invention & are most
objectionable - "Current" numbers
are those by which papers are
distinguished in all Depts - they
exist in the Rly Branch, I admit
know - the ~~last~~ pages of a
file should be numbered - There
are clear rules for all these things
which should be followed. Let the
papers be put into proper order
& returned to me.

FH
2/6/97

Currents referred to put up
separately. and references in file
flagged as desired by the Hon Member.
A Note is also put up, explaining the
use of the index.

FHS
3/6/97

Agreed.
A.S.H
1.6.97

FH 8/6/97

FHS 10/6/97

Approved.
A.S.H.
1.6.97

Calicut Tramway.

Orders are now due on the letters
just below. (~~Flagged A & B~~
~~Sent up 250 &~~
~~the file~~) In ~~the~~ letter flagged B
~~Enclosure~~, the President of the
Municipal Council, Calicut
Municipality Dist. Board recommends that Government
accord sanction to the proposed Calicut tramway be
extended a further distance of 5500 yards from
"where it leaves the Cannanore road to go to Vaniekkal"
to "the Elathur landing place". I see no reason
why Government should not agree to this. The
reasons for it are given in the enclosure to the
President's Dist. Board. letter.

In ~~the~~ letter flagged A the Collector of Malabar forwards
a letter from the Chairman ~~Dist Board Calicut~~ Municipal Council, Calicut
accepting the conditions offered for the Council's acceptance
in our letter (~~Flag C~~
~~Sent up~~) No. 19-D. of 23rd April 97.,
that Government control over rates charged on the tramway
should begin to be exercised after the tramway
pays 15% to its shareholders.

If Government approve of the above arrangement there
need be no more delay to the publication of the
draft Notification, which should, when ready, be
submitted for final approval of H.E. & Hon Members.

FHS
2/6/97

D.

Please modify the draft Notification and resubmit.

7/6/97

17/6/97

Also draft G.O. informing the President District Board Mukteshwar that Government approve of the proposed extension for a distance of 5500 yards from the point where the tramway leaves the Canonsville road to get Heralekhet, to the Khattima landing place.

7/6/97

18/6/97

that permission may be given him to

Pub: Works (Railway Branch).

SERIAL No. 51

Local & Muni. (1897) Department.

CURRENT No. 6369

From the Collector of Malabar.

Order

No. 145 to 8/97

Dated 17th June 1897.

Received 21/6/97

Registered

Enclosures one.

Spare copies

SUBJECT.

Calicut Tramway

Forwarding a resolution of the Calicut municipality dated 11th June 1897 approving of the proposal of Government re: the ———.

BACK PAPERS.

G.O.	No.	Department.	Date

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Municipal Office

COLLECTOR
16. JUN.-1897
MALABAR

485 P

Extract from the Proceedings of the Municipal Council, Calicut at a Meeting held on the 11th June 1897.

Present

Rao Saheb S. Soominatha Iyer and B. A. Rao Saheb
Captain N. A. G. Hamilton
M. T. Mathai
Mahomed T. M. Appu Nedungadi and B A B L
" P. Krishna menon "
" M. A. Subramania Iyer "
" C. Perumoopan "
" T. Chekkutti Vaya "
M. J. W. Gomes

× × × ×

5) Read endorsement dated 29th April 1897 No on C.P. 163/337 from the Collector of Malabar forwarding copy of letter from the Joint Secretary P. W. Department Railway branch regarding the insertion of certain clauses in the draft agreement in connection with the proposed tramway and requesting to be informed of the observations made by Government Commend themselves to the council and the Promoters.

Read also remarks from M. Brown and Chairman's letter to the Collector of Malabar on the Subject.

The Council approves of the proposals of Government.

(Sd) S. Soominatha Iyer
Chairman

(True Extract)

Municipal Office
Calicut 13th June 1897.

No. 1194/97

To,

G. W. Dance Esq
Collector of Malabar

Sir,

In continuation of this Office letter No. 1031 dated 14th May 1897, I have the honor to forward herewith Copy of a resolution of the municipal Council passed at its meeting held on the 11th instant from which it will be observed that the Council has approved of the proposals of Government in regard to the proposed tramways

I have &c
Sd/ S. Swaminatha Iyer
Chairman.

1457/M
Dis 97.

[Fair Copy]

× with copy of resolution

Forwarded to the Joint Secretary, Public work Department, in Continuation of this Office No. 114 M/Dis dated 20th May 1897.

× Sent by post

Calicut
17-6-97

Collr.

Dy. Collector.

SERIAL
No. 55

Public Works (1897) Department.

Recd from Acty 22/7/97

CURRENT No. 7209

Order

From
Charles Ewing
Calicut.

~~***No.***~~ Telegram

Dated 20.7.97
Received 22.7.97
Enclosures
Spare copies

C.R. for Note. The matter is urgent.
FWS
22/7/97

Issue letter drafted. to Collector Malabar.
Please get me a proof of the proposed Gazette notification. But take care that it is not published unless, on the receipt of a satisfactory reply from the Collector I order its publication.
FWS
22/7/97

Sent to Press for proof 23/7/97
Proof received 24/7/97 and put up

SUBJECT.
Calicut Tramways

Requesting to increase the amount of the preliminary expenses on a/c of Ellattur extension.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

INDIAN TELEGRAPHS

Monthly Number. 1425

Code Class. DL

To Calicamund

From (Office) Calicut Mbr

Words.	Day.	Hour.	Minute.	Official Instructions.
58/2	20	11	40	dfd.

To (Person) J. D. Fowler Esq Under Secy. P. W. Dept Railway Branch.

From (Person) Charles Prong 5

Clause 35 have you increased amount twelve thousand preliminary expenses promotion money correspondingly with increased capital from one and half to one and three quarter lakhs due elatur extension if not will you kindly do so.

32 Word Form.

Recd. from LN.

At Hrs. Mts. by

Sent to LN.

At Hrs. Mts. by

Telegraph Master.

C & P—No 490 T—18 2 6—1500000

OOTACAMUND 20 7-97

in clause 35 of the draft contract from Rs 12,000 to Rs 14,000.

Will you also be good enough to inform us whether the proposed extension to the Elathur landing place, or indeed any part of the tramway, lies outside Municipal limits, and if so that I may be furnished with a plan or a statement showing how much of it lies outside.

This is necessary because in such a case, under clause 4 of the Tramways Act, the consent of the Governor General in Council

Despatched on 23/7/97

is necessary before the tramway can be constructed.

I have &c

T.R.S.

22/7/97

Malabar Collector's office

Rfsn C.No. 2240/27 dated 18th August 1897.

SERIAL No. 57

From,

G. W. Dance Esq ICS.
Actg Collector of Malabar

To,

The Offg: Constructing Engineer ?
for Railways, Madras.

Sir,

With reference to your letter C.No. 2429 dated 23d July 1897, I have the honor to inform you that the question of enhancement of the figures therein referred to, will be placed before the District Board at its meeting to be held on the 14th August 1897 for consideration. The extent beyond the municipal limit from Varakal Toll gate to Elattur is 3 miles and 22 yards, as will be seen from the plan forwarded to you with this office letter C.No. 2016/27 dated 29th June 1897.

I have the honor to be,
Sir,
your most obdt servant

Clean proof of notification also put up.

for Actg Collector

C. No. 3407
Recd. 6/8/97

R. Form No. 14. Urgent

No. 549 A

Government of Madras.

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

No. 58

To

THE Secretary to the Govt of
India. P.W.D.
Simla

Octacamund the 12th Aug 1897.

SIR,

Negotiations have been going on for some
years between the Calicut Municipality and certain
Tramway promoters and this Government, which have
culminated in the preparation of the accompanying
proof copy of a draft order which it is proposed
to publish in the Gazette in conformity with the provisions
of Sect 6 of Act XI of 1886.

2.— It has however come to notice that a small
section, viz a length of 3 miles 22 yards, of the
proposed tramway lies outside Municipal limits, and under
the provisions of clause 4 of the Act it is therefore
necessary to refer the whole project to the Govt of India
for order.

3.— I am instructed to explain that the tramway
though called by that name partakes in no respect of
the characteristics of a steam worked railway, against

Draft for H.E.'s approval
7/8/97
9/8/97

Rhbd.
9.8.97
11.8.97

Fly B

Fly A

Telegram sent to Mr. ... for another Copy or Proof of Despatch of the Calicut Tramway

12/8/97

the unauthorised construction of which, under the guise of a "tramway" the words in Clause 4 of the Act were intended, presumably, to operate.

4.– The proposed tramway is a single rail one of the Ewing type, intended for bullock transport, and chiefly for the conveyance of town refuse. It is presumed therefore, and hoped, that the Govt. of India will see no reason to interfere in its inception.

5.– I am therefore directed to request a reply to this letter telegraphic orders may be communicated to the effect that no objection will be raised by the Govt. of India to the proposed single rail tramway being carried for a distance not to exceed for the present 3¼ miles outside the Municipal limits of the town of Calicut.

6.– The urgency with which an early and favourable reply is asked for is due to financial and other considerations affecting the promoters and the Municipality.

I have &c

FM

9/8/97

Documents accompanying

Proof copy of order as referred to

Department 14/8/97

SERIAL No. 59

Public Works (1897) Department.

CURRENT No. 8469

Telegram

PP 0057

From Govt. of India

Order

Telegram No. 1392 R. C

Dated 24th August 1897.

Received } 25-8-97

Registered }

Enclosures

Spare copies

STH

Lees outbay book

NSF 25/8/97

64 Word Form.

SUBJECT.

Single line tramway.

Stating that the Govt. of India have no objection to the proposal of a ——— being carried for a distance not exceeding 3¼ miles outside municipal limits of Calicut subject to the condition that alignment does not interfere with alignment chosen for Calicut Cannanore Railway and recommending cancellation of Clause 4 and in substitution a simple reference to Clause 22 of the Indian Tramways Act.

BACK PAPERS.

No.	Date.

FURTHER PAPE

No.	Date.

SERIAL
No. 60

ENGINEER FOR RAILWAYS,
August 1897.

INDIAN TELEGRAPHS. Monthly Number. 13435

From Simla (Office) dfs

From Work (Person)

JOINT SECRETARY TO GOVT. OF MADRAS RYS. RECEIVED 25 AUG. 1897

Date 24 | 1897 | Minute 11 | Official Instructions.

Madras Railways

No. 2240 E.F

Dated

Reference to previous correspondence

Subject Calicut Cannanore Railway

Sanction to the proposal for a single line Tramway being carried for a distance not exceeding 3 and a quarter miles out of the municipal limits of Calicut

Condition that alignment does not interfere with the Cantonment

Chosen for the Cantonment of Clause 9 purchase and in substitution of Clause 8 recommended by Government

Despatched on 31/8/97

Received from [illegible] Sent to MADRAS 25 8 97 Telegraph Master

Hrs. LN. Hrs. LN.

Wts by [illegible] Wts by

O.G.P.—No. 827 T.—20-12-96.—200,000.

SERIAL
No. 60

FORM No. 10.

OFFICE OF THE CONSULTING ENGINEER FOR RAILWAYS,

Madras, 31st August 1897.

To

Railway Department.

The Collector of Madura.

No. 2815 Reply No. , dated

SIR,

With reference to your letter No. 2240/L.F of the 1st Aug 97. I shall be obliged if you will inform me whether the enhancement of the pgmes referred to in my No. 2429 dated the 23rd July 97. has or has not been got ^ agreed to by the District Board &c

I have &

7/8/97

Reminders.

Despatched on 31/8/97

SERIAL
No. 61

Form No. 10.

Railway Department.

Office of the Consulting Engineer for Railways,

Madras, 31st August 1897.

To

The Government Solicitor
Madras

No. 2816. Reply No. , dated

Sir,

The Government of India, to whom a reference about the Cuddapah Tramways was made in accordance ~~with Clause~~ with the proviso at the end of Clause 4 of the Indian Tramways Act, XI of 1896, have recommended that Clause 9, the Purchase clause, of the draft notification, of which a copy is sent herewith, be cancelled, and that in substitution a reference be inserted "to the carefully considered Condition of clause 22 of the Indian Tramways Act".

I have therefore the honour to request that you will carefully draft a revised Clause 9, which while containing the essence of the matters already provisionally agreed to with the Promoters may comply with the Govt of India's suggestion. I have &

27/8/97 JHS

Reminders.

Pandian office to get a spare proof from press. I want this on 9 June in the case JHS

Done

Despatched on 31/8/97.

SERIAL
No. 63

Public Works (1897) Department.

CURRENT No. 8972

2 currents

From
The Govt. of India

Order

To Gn. Sup.

No. 1422 Re

7/11
10/9/97

Dated 31st August 1897
Received
Registered } 7-9-97
Enclosures
Spare copies

SUBJECT.

Proposed Single line Tramway in the town of Calicut

Informing in continuation of its telegram dt 24.8.97 with reference to Section 9 of the Draft order authorizing the construction of the —, that the Govt of Madras would do well to adhere to clause 22 of the Indian Tramways Act 1886.

R. 584

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

SERIAL No. 63

No. 1422 R.C.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY CONSTRUCTION.

All communications should be addressed to the Secretary.

JOINT SECRETARY TO GOVT. OF MADRAS RYC. REC'D 7 SEP. 1897

To

The Joint Secretary to the Government of Madras,
Public Works Department, Railway Branch.

Simla, the 31st August 1897.

Sir,

In continuation of Public Works Department telegram No.1392 R.C., dated 24th August 1897, informing you that the Government of India have no objection to the proposed single line tramway in the town of Calicut being carried for a distance not exceeding 3¼ miles outside the Municipal limits of the town subject to the condition that the alignment of the proposed tramway does not interfere with that chosen for the Calicut Cannanore Railway, and recommending the cancellation of the purchase clause in favour of a simple reference to the carefully considered conditions of clause 22 of the Indian Tramways Act, 1886 I am directed to point out that section 9 of the draft order - which is the purchase clause - leaves it open to the Promoters to water the Capital to any extent and then enable them to call upon Government in the event of purchase to pay up the watered Capital and not the real capital value.

2. I am to say that in all such cases the Government of Madras would do well to adhere to clause 22 of the Indian Tramways Act, unless there is some very s

reason to the contrary, as that clause appears to be very carefully drawn up and should be unobjectionable to any one intending honest business.

I have the honour to be,

Sir,

Your most obedient servant,

P A Anderson

Under Secretary.

Documents accompanying:-

Nil.

M.L.M.

56

RECEIVED 6 SEP 1897 INDIA OFFICE

Extract from the Proceedings of the Distt Board. Malabar dated 14th August 97 ~~at its meeting~~ held at Calicut on the 14th August 97.

× × ×

Supplemental.

× × ×

2. Read letter from the Consulting Engineer, for Railways, Madras, dated 23rd July 97, no 2429 requesting to be informed whether there is any objection to the enhancement of Rs 12,000 to 14,000 towards the preliminary expenses in connection with the extension of the tramway to Elathur.

SN 56

Read (2) Letter from the President. Dt. Board, dated 12 August 97, Reference ~~2240~~ 2240/17 897, to the Consulting Engineer replying to the above letter.

Sanctioned

× × ×

sd- G W Dance

True Extract) President

G W Dance

President

SN 57

29.8.97.

ENG. I F. C. No. 3869 OF 189...
L.C. No. 106247 99 S.R.C.
FROM President Dist Board Malabar

No 106247/1897

Malabar Dt Board's Office
Calicut, 2nd August 97.

SERIAL No. 62

From,
G. W. Dance Esq.
President Dist Board.

To
The Consulting Engineer
for Railways
Madras.

Sir.

In continuation of my letter dated 12th Inst, Reference No 3240/97, I have the honor to forward herewith for your information, a Copy of the Dist: Board's resolution no 2 Supplemental passed on the 14th Inst, approving of the enhancement of the figures from Rs 12,000 to 14,000 on account of the extension of the Tramway to Elathur.

I have the honor to be,
Sir,
Your most obedt servant

N Kumaran
for President

8 No 57

The alteration in clause 35 (2) will be carried out when the revised clause of the Lease receives from the Govt. Solicitor

HLS
12/8/97

G. No. 3862
Recd 6/9/97

Sq.

The Consulting Engineer
for Railways
Madras.

Dy. 29-8-97

Despd.

Rd

Enl

Enlgd

Forwarding Copy of Dft
Bd Resol no. 2 to pp C
14.8.97
approving of the enhance
ment of the figures from
Rs 12000, to 14000
on account of the Extension
Tramway to Elathur

CONSULTING ENGINEER FOR RAILWAYS
RECEIVED
18 SEP 1897
MADRAS.

SER 1897
MADRAS.

No. 542 61

Madras 17th September 1897.

SERIAL
No. 67

From,

William Morgan

Ag:- Government Solicitor

Madras.

To,

The Consulting Engineer for Railways.

Madras.

Sir

I beg to acknowledge receipt of your letter No 2816 of 31st August 1897 with enclosure and also your letter No 115-0 of the 11th instant.

2. In accordance with the instructions contained therein I have re-drawn clause 9 of the proposed notification, and now send your fair draft thereof for approval.

3. The clause is drafted strictly on the lines of Sec 22 of the Indian Tramways Act 1886, but if it has been agreed that the purchasing clause shall come into operation every 21 years, you will have to alter the clause accordingly.

I have the honor to be

Sir

Your Obedient Servant

William Morgan

Acting Government Solicitor

A.R. Prepare an index of the Draft and send with draft, as now altered & me in proof. and with the new clause 9. for very early proof from Jones. When clean proof comes submit again for orders.

7/9
20/9/97

C. No. 4069
Recd. 18/1/97

PUBLIC WORKS SECRETARIAT,
RAILWAY BRANCH.

Station _____ date _____ 188 .

NOTE.

—

The draft order for the Cabinet
Tramway C. having now been settled,
should be published in the Fr. St.
Gazette without further
delay.

A R. will draft Notice
routine matter is necessary.

F/S
27/1/97

R.

Draft G.O. submitted for approval. Please say if all papers may be granted except Irvine's letter 1422 RC. of 31 Dec-97 and letter to Govt. Solicitor No 5 of 11.9.97 which are

draft
F/S

G. No. 4069
Sec. 18/8/97

Shall quote. Please see
blue pencil crores given
Also 2 letters in the addi-
tional Sheet (page 3) to the
enclosed. - I shall give all
other details if required -

I presume the Despatch
Go, need not be circulated to
H.E. & Hon'ble -

No need.
7/9
28/8/97

URGENT.

(R.) Form No. 3.

1 No. 742 R dated 28/9/97

P. W. Department.

Ry Branch

Urgent

Penal adoption
except the amounts
Gen Sec.
28/8/97

PROCEEDINGS OF THE MADRAS GOVERNMENT.

again
READ the following

Progs: of the Madras Govt: P. W. Depts: ___ } M.G. No: 412 R dy 2nd May 1896

Read also

Endorsement from the Local & Municipal Depts: ___ } H.E. No: 647 dated 10th June 1896

Letter to the Chiefcomr. P. W. D. Burma ___ } H.E. No: 572 D dy 20th June 1896.

Endorsement from the Local & Municipal Depts. ___ } H.E. No: 778 dy 6th July 1896.

I. W. D. Endorsement to Govt. Solicitor, Madras ___ } H.E. No. 1013 D dy 7th Augt 1896

Letter from the Govt. Solicitor Madras ___ } H.E. No. 400 dy 21st Augt 1896.

Letter from the Chief Commissioner P. W. D. Burma } H.E. No. 8831/42 C.R. dy 4th Septr 1896

Letter to the Collector of Kistabar ___ } H.E. No. 1287 D dy 14th Septr 1896

Letter to the Collector of Malabar	Ms. No. 1465 D	dy 1st Octr 1896.
Endorsement from — do —	Ms. No. 166 M Dis	dy 30th Octr 1896.
Endorsement from the Local & Municipal Deptt.	Ms. No. 1259	dy 3rd Novr 96
Letter to the Govt. Solicitor	Ms. No. 4109 C	dy 14th Novr 96
Letter from — do —	Ms. No. 596	dy 19th Novr 96
Letter from the Collector of Malabar	Ms. No. 195 M Dis	dy 14th Decr. 96
Letter to the Govt. Solicitor	Ms. No. 65 C	dy 7th Jany. 97
Letter from — do —	Ms. No. 37	dy 21st Jany 97
Letter to the Collector of Malabar	Ms. No. 722 C	dy 5th Feby 1897
Endorsement from — do —	Ms. No. 78 M Dis 97	dy 30th March 97
Letter to — do —	Ms. No. 14 D	dy 23rd April 1897
Endorsement from — do —	Ms. No. 114 M Dis 97	dy 20th May 97
Endorsement from the Local & Municipal Deptt.	Ms. No. 602	dy 24th May 1897
Endorsement from the Collector of Malabar	Ms. No. 146 M Dis 97	dy 17th June 97

(R.) Form No. 3.

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Telegram from Govt. Chester to Govt.	Ms. two	dy 20th July 1897
Letter to the Collector of Malabar	" "	2429 dy 23rd July 1897
Letter from do	" "	2240/27 dy 1st Augt 97
Letter to the Govt. of India P. W. Deptt.	" "	549 R dy 12th do
Telegram from do	" "	1392 Rc dy 24th do
Letter to the Collector of Malabar	" "	2875 dy 31st Augt 97
Letter to the Govt. Solicitor	" "	2876 dy 31st do
Letter from the Presidt. Drift Board Malabar	" "	1062 L7/Dis 97 dy 29th do
Letter from the Govt. of India P. W. Deptt.	" "	1422 Rc. dy 31st do
Letter to the Govt. Solicitor	" "	115/6 dy 11th Septr 97
Letter from the do	" "	542 dy 17th Septr

628

The following revised draft notification will be published in the Fort Saint George and Malabar District Gazettes in English and Malayalam.

(Here enter notification attached)

D. R.

To
Secretary to Govt
L & M Depts
for favour of comm[unicate]
initials

Note for the Secretary

No objection in this department.

W.
19/7/97

To
The Collector of Malabar
—c— Local & Munl: Depts.
—c— Malayalam Translator to Govt
—c— Superintendent Govt. Press

B/

No. 742. dated 28/9/97

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 promoter, of tramways in the town of Calicut 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 1st November next.

Draft order authorizing the construction and maintenance, and to regulate the working, of Tramways in the town of Calicut.

Whereas the promoter hereinafter named has, in pursuance of the provisions of the Indian Tramways Act, 1886, applied, with consent of the Municipal Council of the town of Calicut, for powers to construct, maintain and use a system of tramways in Calicut.

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 is to say,—

1. *Title.*—(i) This order may be called and cited as the Calicut Tramways' Order, 1897, No. 3.

(ii) It shall come in force at once.

2. *Indian Tramcays Act to apply.*—The provisions of "The Indian Tramways Act No. XI, 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.

3. *Definitions.*—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 Council" shall mean the Municipal Council of the town of Calicut. 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 authorized. The term "carriage" shall include a "truck."

4. *The Promoter.*—Mr. A. Brown, in the town of Calicut, by whom a joint stock company is about to be incorporated and registered in Calicut with a nominal capital of Rs. 1,75,000, divided into 17,500 shares of Rs. 10 each, shall be the promoter for the purposes of this order, and is in this order referred to as "the promoter."

5. *Land.*—The promoter may, by agreement from time to time, purchase or take on lease or otherwise acquire such lands as he may require for the 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.

6. *Construction of Tramways.*—The promoter 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 promoter with the Local Government and the Municipal Council, respectively, with all proper rails, chairs, plates, sleepers, turnouts, crossings, sidings, junctions, passing places, turn-tables, weighbridges, weighing machines, hydrants, offices, workshops, sheds, tables, 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 authorized by this order are—

Tramway No. 1.—Commencing opposite to the Kallai Municipal landing-place, passing thence along the Beypore road to the Big Bazaar road where it joins Tramway No. 2.

Tramway No. 2.—Commencing from Pudyara landing-place, passing thence along the Pudyara road and running in a westerly direction along the Big Bazaar road, passing the railway station and terminating near the old Customs House or the South Beach.

Tramway No. 3.—Commencing from a junction with Tramway No. 2, opposite to the Calicut railway station, passing thence along the Robinson road and the Mananchira tank and terminating in the old Huzur Cutcherry compound.

Tramway No. 4.—Commencing from a junction with Tramway No. 2 at the junction of Big Bazaar street and the Aluvanni street, passing thence along the Aluvanni street and terminating near the Kuttichera tank.

Tramway No. 5.—Commencing from a junction with Tramway No. 2 at the old Customs House, South Beach, passing thence along the Beach road and terminating at the pier.

Tramway No. 6.—Commencing from the old Huzur Cutcherry compound, passing thence along the Cannanore road past the St. Mary's Church and the barracks and terminating at the landing-place on the beach at Varakkal.

Tramway No. 7.—Commencing from junction with route No. 6 opposite to the tank on the Cannanore road near the barracks and terminating on the old Elephant Lines, Paramba.

Tramway No. 8.—Commencing from a junction with Tramway No. 6 near the race-course, and passing thence along the Cannanore road to the Ellatur landing-place.

In addition to the tramways hereinbefore described, this order also authorizes the construction of three miles of extensions (hereinafter called rubbish lines) to any or each of the tramway lines hereinbefore described and numbered, respectively, 1, 2, 3, 4, 5, 6, and 7, which rubbish lines shall be for municipal purposes only and not for passengers' 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 promoter may, subject to the reasonable approval of the road authority, consider necessary or convenient for the efficient working of the tramways, and the promoter 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, engine-houses, sheds, depositories or works of the promoter, and if the promoter considers 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 promoter may execute the same at his own cost and where the road is already paved or metalled the promoter may, if he thinks fit at his own cost when constructing the tramways or any part thereof in such road, relay such paving or metalling, and the promoter shall, at his own cost, provide sufficient new paving or metalling of a similar character for properly making good such road in the event of any of the original paving or metalling having become unsuitable for relaying.

7. *Specification.*—(i) The tramway shall be constructed on such gauge as may be mutually agreed upon between the promoter and the Municipal Council 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 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 promoter 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 he 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.

(ii) Provided always that anything hereinbefore in this clause contained to the contrary notwithstanding it shall be lawful for the promoter in constructing the tramways to use the system known as "Ewing's single rail tramway" and to lay one rail only, the surface of which may be raised not more than one inch above the surface of the road except where any road or street crosses that used by the tramway but subject nevertheless to the following conditions, namely:—

(1) That such rail is placed at a distance of not more than 5 feet from the edge of the road.

(1*a*) That such rail is placed at a distance of not less than 7 feet from existing structures.

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

(3) That switches or some other dev[illegible]f a suitable pattern and approved by the road authority and the Local [illegible]ernment be placed at the entrance of all crossing stations on the tramw[illegible] for the purpose of diverting the carriages from one rail to another as ma[illegible]be required.

(4) That such of the provisions in thi[illegible]rder contained as shall be applicable thereto shall apply to such system known as "Ewing's single rail tramway."

8. *Period for completion.*—The promoter shall substantially commence the construction of the tramways and undertaking within a period of twelve months after the date of this order, and shall substantially complete and open for traffic the tramways Nos. 1 to 7 before the expiration

of two years from such date and such extensions as may be desired by the Municipal Council under provision 6 of this order before the expiration of five years from such date.

9. *Purchase.*—The local authority may, with the previous sanction of the Local Government, within six months after the expiration of a period of twenty-one years from the date of this order and within six months after the expiration of every subsequent period of seven years, or within two months after the publication of a notification under section 19 of the Indian Tramways Act, 1886, or within six months after the publication of a notification under section 21 of the same Act, by notice in writing require the promoter to sell to the local authority his undertaking and thereupon the promoter shall sell the same upon the terms of paying the then value of the undertaking exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever and the purchase money shall be paid to the promoter in silver in Calicut and in case of difference between the promoter 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 Indian Tramways Act, 1886, for the settlement of the differences in that section mentioned.

10. *Interference with roads.*—The promoter 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) He shall give to the local authority reasonable notice of his intention, such notice to state the portion of road proposed to be opened or broken up.

(2) He shall not open or break up any road except under the superintendence and to the reasonable satisfaction of the road authority, unless the 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 promoter may be empowered to construct and which affects or in anywise 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 promoter 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 promoter may be empowered to construct and which affects or in anywise 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 promoter before the commencement of such works such superintendence is refused or withheld.

11. *Making good the damage to roads.*—When the promoter has opened or broken up any portion of any road, he shall be under the following further obligations, viz. :—

(1) He shall, with all convenient speed, complete the work on account of which he 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) He shall, in the meantime, cause the place where the road is opened or broken up to be guarded and watched and properly lighted at night.

12. *Approval of plan.*—The promoter 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 promoter 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 plans 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.

13. *Maintenance.*—The promoter shall, subject to any other provisions of this order at his 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 4 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 promoter fails 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 promoter, 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 above mentioned, and the reasonable expense incurred by the road authority in so doing shall be repaid to them by the promoter.

14. *Level of rails.*—If any road authority hereafter alter the level of any road along or across which any of the tramways is laid, or authorized to be laid, the promoter may, and shall from time to time, alter or (as the case may be) lay his 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.

15. *Surplus road material.*—Any paving, metalling or material excavated by the promoter in the construction of his works from any road under the jurisdiction or control of any road authority may be applied by the promoter 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 promoter is by this order required to maintain, and the promoter 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 Council, 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 promoter and may be dealt with, removed and disposed of by him in such manner as he may think fit; any difference between the promoter 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 promoter and any road authority.

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

(1) They shall cause as little detriment or inconvenience to the promoter 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 promoter 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 promoter 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 promoter or lessees shall either stop traffic on the tramway to which the notice shall refer where it would otherwise interfere 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 differences 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 promoter and other companies or persons.

(5) No company, body or person shall execute such work, so far as it immediately affects the tramways, except under the superintendence of the promoter, unless he refuses or neglects 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 promoter.

17. *Altering pipes, &c.*—For the purpose of making, forming, laying down, maintaining, repairing or renewing any of the tramways, the promoter 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 pipe for the supply of gas or water or any tubes or 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 promoter shall, if he contemplates 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 his 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 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 promoter 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 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 promoter and other companies or persons, and all alterations to be made under the 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 48 hours' notice for that purpose, which notice the promoter is hereby required to give.

(2) The promoter 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 anything 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 promoter, 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 promoter, as an engineer appointed by the Local Government shall direct.

(3) The promoter 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 promoter shall make good all damage done by him 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 private service pipes of any person supplied by any such company or person with water or gas.

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 promoter 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.

19. *Motive Power.*—The carriages used on the tramways may, subject to the provisions of this order, be moved by animal power, steam power, electricity conveyed either through over-head or under-ground wires, or any mechanical power, provided that the exercise of the powers hereby conferred with respect to the use of steam, electricity, or any mechanical power, shall be subject to the 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, electricity or any mechanical power on the tramways. Provided also that if electrical power be used, communication by the existing Government telephone and telegraph lines shall be safeguarded as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act, XIII of 1887.

20. *Engines, &c.*—The engines (if any) and carriages to be used on the tramways shall be of the best construction, and the dimensions, fittings, appliances, and apparatus of such engines (if any) and carriages shall be subject to the reasonable approval of the Local Government and the local authority, and the promoter shall, from time to time, adopt and apply such improvements in the engines (if any) and carriages, and in the fittings, appliances and apparatus thereof, as the Local Government may consider necessary or advisable for the safety or convenience of the public, and in case he 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.

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

22. *Stopping places.*—The promoter 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 promoter shall not be bound, unless he thinks fit, to stop for such purpose at any other points or places.

23. *Goods to be carried.*—The promoter shall not be bound, unless he thinks fit (and then only subject and in accordance with the provisions of this order), to carry any animals, goods, minerals or parcels other than passengers' luggage not exceeding 20 pounds in weight.

24. *Use of tramway for scavenging.*—The Municipal Council may, during such hours not exceeding 6 in every 24 hours as may be prescribed by the promoter in such manner as the Municipal Council may think fit, but subject to the rules 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, electricity or any mechanical power on the tramways, provided always that it shall not be open to the Municipal Council to use any other motive power than that used by the promoter and that the promoter shall, if required by the Municipal Council 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 100 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 promoter and the Municipal Council.

25. *Tolls.*—The promoter may demand and take for every passenger travelling upon the tramways, including tolls and charges for the use of the tramway and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charge not exceeding one half anna per mile, or the promoter 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 promoter 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 anna per stage as the case may be.

26. *Personal luggage.*—Every passenger travelling upon any of the tramways may take with him his personal luggage not exceeding 20 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.

27. *Tolls for animals, &c.*—The promoter may demand and take in respect of any animals, goods, minerals, or parcels conveyed by him in the tramways except as is by this order specially provided, including the tolls and charges for the use of the tramways and for waggons 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.

28. *Tickets, &c.*—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 promoter 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 he 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 promoter may think fit to allow in consideration of the use, delivery, or return of any such stamp, ticket or token.

29. *Revision of tolls.*—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 orders made in pursuance of this section in respect of the tramways of any portion of the tramways it is represented in writing to the Local Government by the local authority or by the promoter, 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 promoter unless and until the promoter should distribute by way of dividend to the shareholders an amount equal to interest at the rate of 15 per cent. per annum upon the total capital of the company whether represented by shares or 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.

30. *Scavenger lines, location of.*—If, at the expiration of two years from the date of this order, the Municipal Council shall not have defined the number and direction of the extensions referred to in clause 6 of this order, the promoter may, by notice in writing left at the office of the Municipal Council, require the Municipal Council to take the place of the promoter 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 Council, no duty shall be imposed on the promoter to locate, construct, maintain or work the said rubbish lines under this order.

31. *Future agreements.*—The promoter 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.

32. *Patents and licenses.*—The promoter 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.

33. *Security deposit.*—The promoter shall, if required by the Municipal Council before commencing the construction of the tramways or any part thereof, deposit with the Bank of Madras, or such other bank as the Commissioners may agree to, in the name of the Municipal Council, the sum of Rs. 750 or at his option promissory notes of the Government of India or Municipal bonds of the nominal value of Rs. 750, and the same shall remain so deposited until the expiration of the concession, 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 promoter and subject as hereinafter provided be paid to him as the same shall accrue, provided nevertheless that the Municipal Council 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. Provided also that upon the failure of the promoter to carry out the said concession, the said sum of Rs. 750 so to be deposited as aforesaid shall be forfeited to the Municipal Council.

34. *Municipal taxation.*—The tramways, plant, engines, carriages, and other vehicles, offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, yards and depôts of the promoter 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 o such offices, workshop, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, yards and depôts.

34-A. *Rent of lands.*—The promoter shall, after the expiration of two years from the date of this order, pay to the Municipal Council rent for the lands occupied by the undertaking at the rate of Rs. 12 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 promoter shall be liable to pay interest on the amount so in arrear at the rate of 8 per cent. per annum from the date when such rent in arrear become due.

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

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

(2) The maximum amount to be paid for preliminary expenses and promotion shall be the sum of Rs. 14,000.

(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 promoter may consider necessary.

36. *Mortgages.*—Nothing in this order or in the Indian Tramways Act, 1886, contained shall prevent the promoter borrowing money on the security of mortgages of the undertaking or 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 promoter 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 promoter 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 promoter shall be endorsed with notice to that effect.

37. *Promoter's right to leave the line.*—The promoter 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 authorized 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.

38. *Promoter's right to sell.*—The promoter for the time being may, if he thinks 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 Council, 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 promoter 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 promoter 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 promoter 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.

39. *Preliminary expenses.*—The promoter shall, on demand, repay to the Municipal Council all preliminary, legal and engineering expenses incurred by them in relation to this order not exceeding in the whole the sum of Rs. 500.

40. *Promoter to have first refusal of new lines.*—So long as the promoter 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 promoter shall have refused the right which is hereby conferred upon him of obtaining power to construct, maintain and work such further or other tramways upon the same or more or less favourable terms than those contained in this order for the construction, maintenance and working of the tramways by this order authorized.

41. *Liability for submission to future Acts.*—Notwithstanding anything in this order contained, the promoter, and any person using the tramways, shall be subject and liable to the provision 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 authorized 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.

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

SCHEDULE A.

1. 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, or by steam.

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

(*c*) 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.

(*d*) 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 6 inches from the level of the rails.

2. 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.

3. The speed at which such engines and carriages shall be driven or propelled along the [illegible] shall not exceed the rate of 8 miles an hour, and the speed at which such engines and [illegible]d or moveable, shall not exceed the rate of

[illegible]y proper couplings.

[illegible]arry a lamp or lamps placed in a conspi-[illegible]mp or lamps shall be kept lighted from [illegible]w when lighted a bright coloured light.

[illegible]ls, Goods, &c.

	Per mile. AS.	P.
[illegible]or burden, per head ..	6	0
[illegible]	6	0
.. ..	3	0
[illegible]ne, chalklime, salt, sand, [illegible]ts of manure and all un-[illegible]or highways, per ton ..	3	0
[illegible]on, sheet iron, hoop iron, [illegible]ks, slags and stone, stones [illegible]nd clay (except fire-clay) [illegible]ssed herein, and for heavy	4	0
[illegible]rthenware, timber, staves, [illegible] and chains, and for light	6	0
[illegible]ured goods and all other [illegible]gs, per ton	6	0
[illegible]uch sum as the promoter		
[illegible] each	3	0
[illegible]g 14 pounds, each ..	4	0
[illegible]g 28 pounds in weight.	5	0
[illegible]ng 56 pounds in weight.	6	0
[illegible]h sum as the promoter		

[illegible]antities although made up in separate [illegible]hall not be deemed small parcels, but [illegible]ages.

	RS.	A.	P.
[illegible]le piece of machinery, [illegible]le, the weight of which [illegible]xceed 8 tons, such sum [illegible]on	1	6	0

[illegible] machinery or other single article, the [illegible]ch sum as the promoter may think fit.

[illegible]iles shall be deemed a mile. For a [illegible]nd charges according to the number [illegible]tion of a quarter ton, such fraction

[illegible] weight shall be determined accord-

[illegible]e, 40 cubic feet of oak, mahogany, [illegible]all be deemed one ton weight, and

CHARLES EWING'S PATENT ROLLING-STOCK FOR SINGLE-RAIL TRAMWAYS.

SHEET N° 1

OPEN GOODS TRUCK TO CARRY 3½ TONS

CHARLES EWING'S PATENT ROLLING-STOCK FOR SINGLE-RAIL TRAMWAYS.

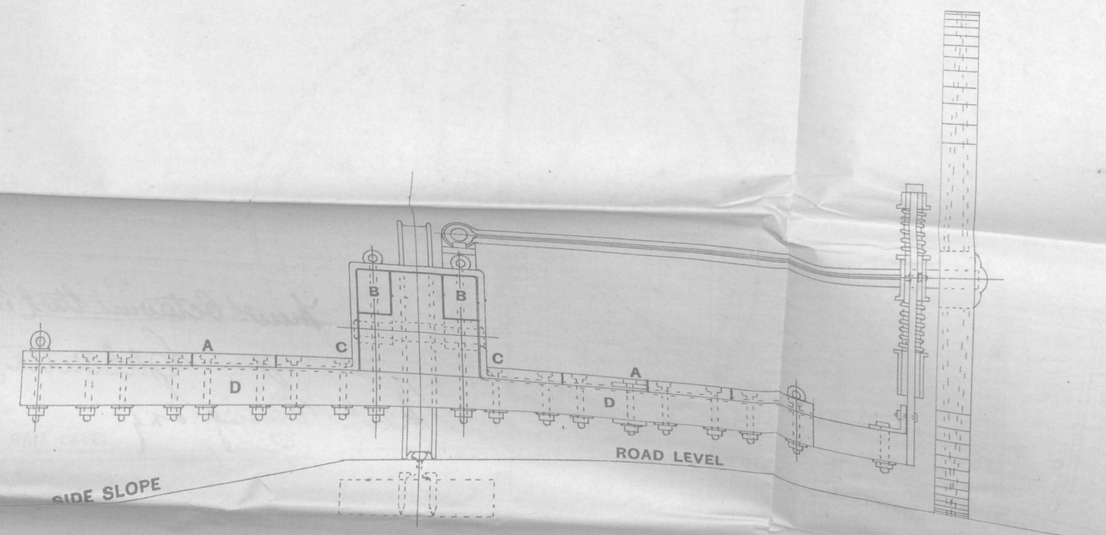
OPEN GOODS TRUCK TO CARRY 3½ TONS

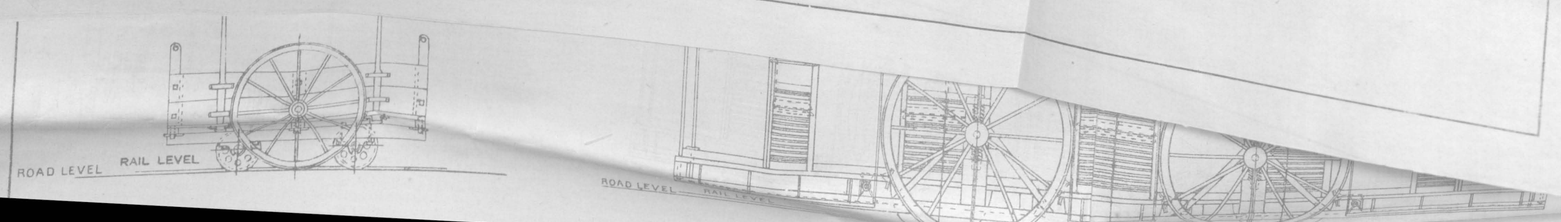
PLATFORM AREA 10 FT.×(3·4 + 3·4) 6·8 = 66·6 SQUARE FEET

SCALE 1 INCH = 1 FOOT

DRAWING N° 1

END ELEVATION



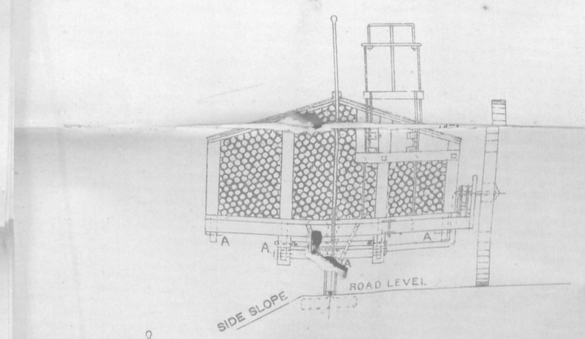


TRUCK FOR CARRYING TEA LEAF, TO HOLD 20 MAUNDS. FOR 1 PONY, OR BULLOCK.

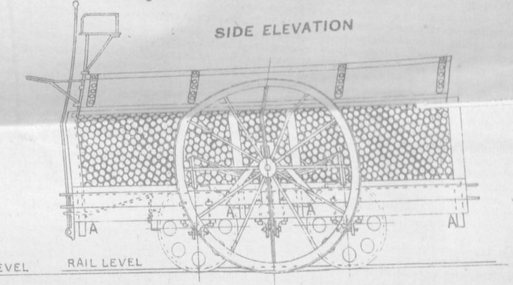
THE WHOLE SUPERSTRUCTURE IS IMMEDIATELY REMOVEABLE AND THE TRUCK CONVERTED INTO A PLAIN PLATFORM ONE FOR CARRIAGE OF TEA CHESTS IN TIERS OF 15 CHESTS EACH BY KNOCKING OUT THE KEYS MARKED A A A.

BY SUBSTITUTING A POLE FOR THE PONY SHAFTS. A PAIR OF BULLOCKS CAN BE USED INSTEAD OF A PONY.

END ELEVATION



SIDE ELEVATION

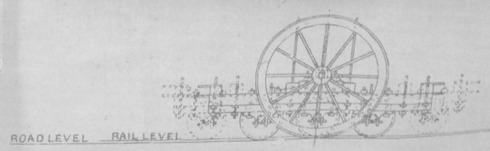


TIMBER TRUCK TO CARRY 3 TONS.

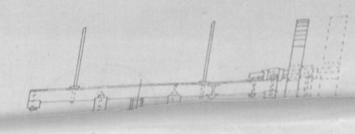
HE LINES AND FIGURES IN BLACK SHEW A TRUCK FOR TIMBER TRAFFIC TO ARRY A WEIGHT OF 1 TON ON EACH WHEEL OR 3 TONS IN ALL UPON A RAMWAY WITH AN 18 LBS. RAIL AND WITH 2,000 SLEEPERS TO THE MILE EACH "×8"×3". WITH A 30 LBS. RAIL THE CARRYING CAPACITY WOULD BE DOUBLED Z.:—2 TONS PER WHEEL OR 6 TONS IN ALL.

ITH THE ADDITIONS AND ALTERATION IN WIDTH SHEWN IN DOTTED LINES E CARRYING CAPACITY WOULD BE INCREASED TO 5 TONS ON AN 18 LBS. AND TONS ON 30 LBS. RAIL, RESPECTIVELY.

SIDE ELEVATION



END ELEVATION



CHARLES EWING'S PATENT ROLLING-STOCK FOR SINGLE-RAIL TRAMWAYS.

SHEET Nº 1

OPEN GOODS TRUCK TO CARRY 3½ TONS

END ELEVATION

CHARLES EWING'S PATENT ROLLING-STOCK FOR SINGLE-RAIL TRAMWAYS.

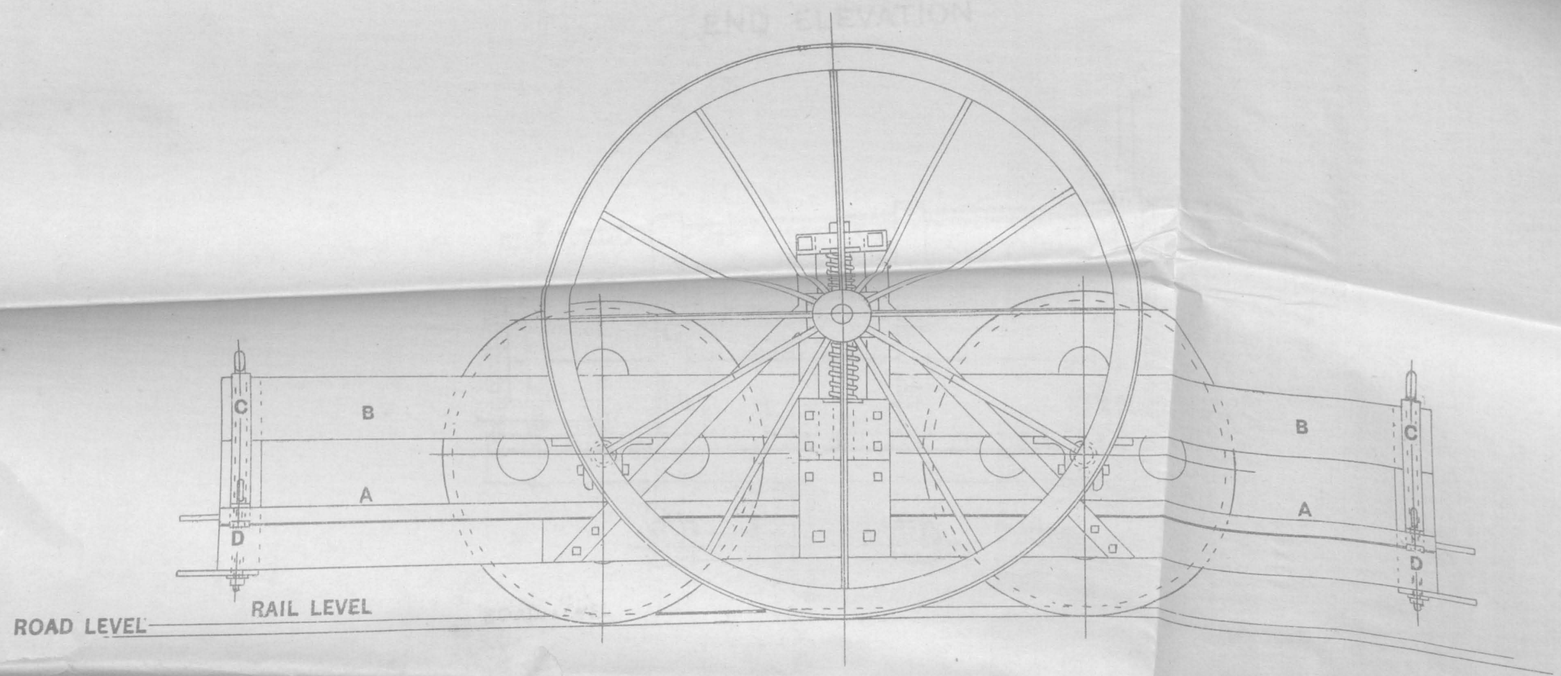
OPEN GOODS TRUCK TO CARRY 3½ TONS

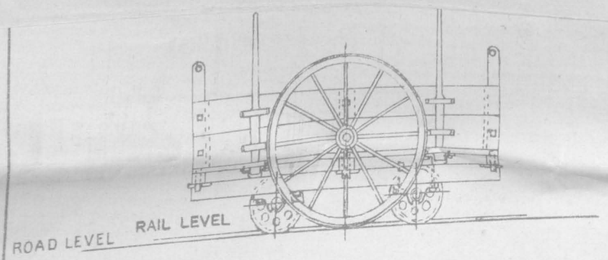
PLATFORM AREA 10 FT.×(3·4" + 3·4") 6·8" = 66·6 SQUARE FEET

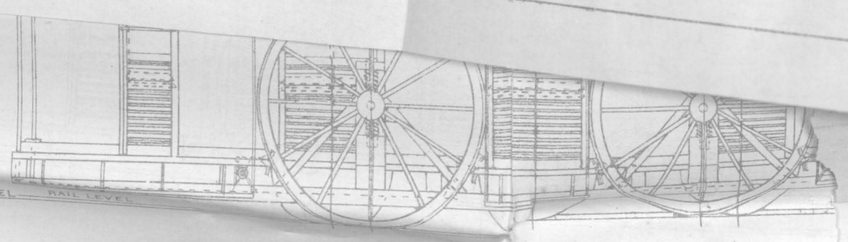
SCALE 1 INCH = 1 FOOT

DRAWING Nº 2

SIDE ELEVATION





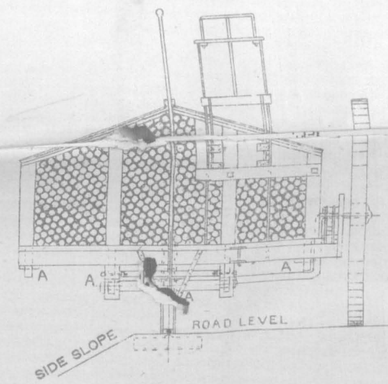


TRUCK FOR CARRYING TEA LEAF, TO HOLD 20 MAUNDS. FOR 1 PONY, OR BULLOCK.

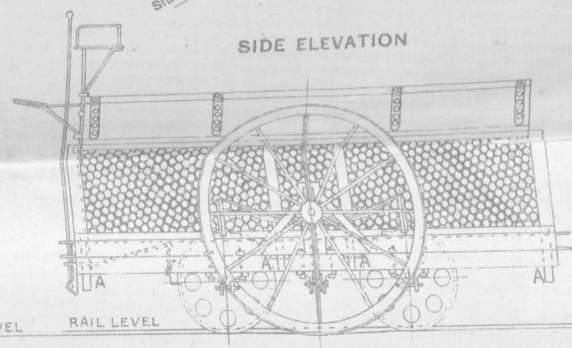
THE WHOLE SUPERSTRUCTURE IS IMMEDIATELY REMOVEABLE AND THE TRUCK CONVERTED INTO A PLAIN PLATFORM ONE FOR CARRIAGE OF TEA CHESTS IN TIERS OF 15 CHESTS EACH BY KNOCKING OUT THE KEYS MARKED A A A.

BY SUBSTITUTING A POLE FOR THE PONY SHAFTS. A PAIR OF BULLOCKS CAN BE USED INSTEAD OF A PONY.

END ELEVATION



SIDE ELEVATION

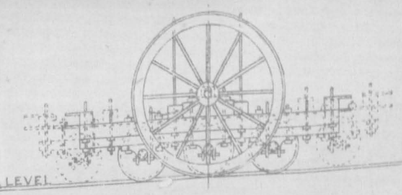


TIMBER TRUCK TO CARRY 3 TONS.

THE LINES AND FIGURES IN BLACK SHEW A TRUCK FOR TIMBER TRAFFIC TO CARRY A WEIGHT OF 1 TON ON EACH WHEEL OR 3 TONS IN ALL UPON A TRAMWAY WITH AN 18 LBS. RAIL AND WITH 2,000 SLEEPERS TO THE MILE EACH 8"×8"×3". WITH A 30 LBS. RAIL THE CARRYING CAPACITY WOULD BE DOUBLED VIZ.:—2 TONS PER WHEEL OR 6 TONS IN ALL.

WITH THE ADDITIONS AND ALTERATION IN WIDTH SHEWN IN DOTTED LINES THE CARRYING CAPACITY WOULD BE INCREASED TO 5 TONS ON AN 18 LBS. AND 0 TONS ON A 30 LBS. RAIL, RESPECTIVELY.

SIDE ELEVATION



END ELEVATION

CHARLES EWING'S PATENT ROLLING-STOCK FOR SINGLE-RAIL TRAMWAYS.

SHEET Nº 1

OPEN GOODS TRUCK TO CARRY 3½ TONS

END ELEVATION

CHARLES EWING'S PATENT ROLLING-STOCK FOR SINGLE-RAIL TRAMWAYS.

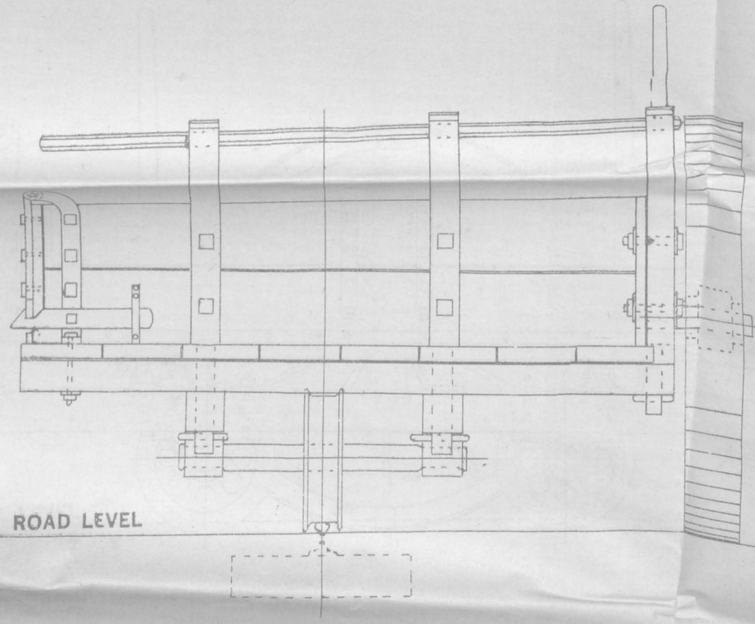
"TIP" TRUCK FOR CARRIAGE OF EARTH, COAL, &c. CAPACITY 6′×5′×1′,3″=37½ CUB. FT., FOR HAND POWER

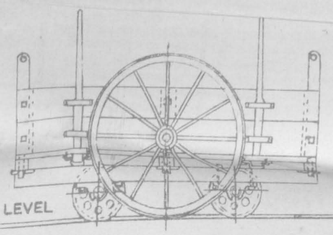
THIS TRUCK IS CONVERTIBLE INTO A PLATFORM TRUCK SUITABLE FOR CARRIAGE OF TIMBER, RAILS, SLEEPERS, IRON PIPES, &c., &c.
BY REMOVING THE DISCHARGING SIDE AND TWO ENDS.

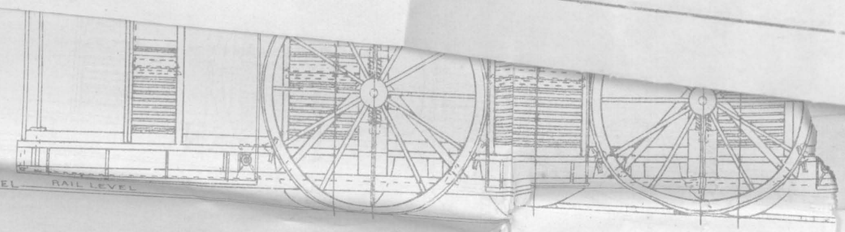
SCALE 1 INCH = 1 FOOT

DRAWING Nº 3

END ELEVATION





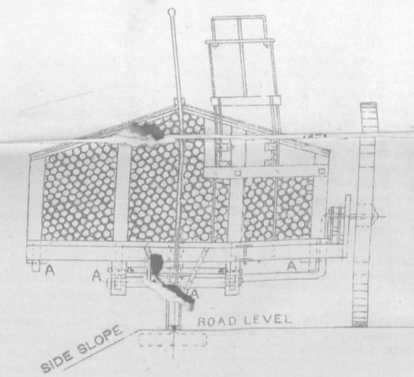


TRUCK FOR CARRYING TEA LEAF, TO HOLD 20 MAUNDS. FOR 1 PONY, OR BULLOCK.

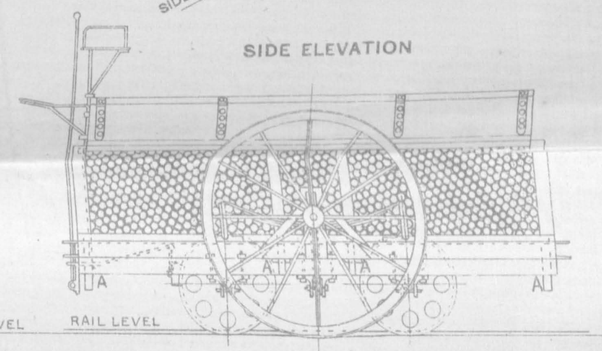
THE WHOLE SUPERSTRUCTURE IS IMMEDIATELY REMOVEABLE AND THE TRUCK CONVERTED INTO A PLAIN PLATFORM ONE FOR CARRIAGE OF TEA CHESTS IN TIERS OF 15 CHESTS EACH BY KNOCKING OUT THE KEYS MARKED A A A.

BY SUBSTITUTING A POLE FOR THE PONY SHAFTS. A PAIR OF BULLOCKS CAN BE USED INSTEAD OF A PONY.

END ELEVATION



SIDE ELEVATION

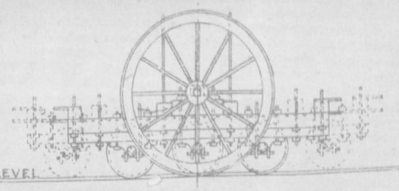


TIMBER TRUCK TO CARRY 3 TONS.

THE LINES AND FIGURES IN BLACK SHEW A TRUCK FOR TIMBER TRAFFIC TO CARRY A WEIGHT OF 1 TON ON EACH WHEEL OR 3 TONS IN ALL UPON A TRAMWAY WITH AN 18 LBS. RAIL AND WITH 2,000 SLEEPERS TO THE MILE EACH 18″×8″×3″. WITH A 30 LBS. RAIL THE CARRYING CAPACITY WOULD BE DOUBLED VIZ.:—2 TONS PER WHEEL OR 6 TONS IN ALL.

WITH THE ADDITIONS AND ALTERATION IN WIDTH SHEWN IN DOTTED LINES THE CARRYING CAPACITY WOULD BE INCREASED TO 5 TONS ON AN 18 LBS. AND 0 TONS ON A 30 LBS. RAIL, RESPECTIVELY.

SIDE ELEVATION



END ELEVATION

CHARLES EWING'S PATENT ROLLING-STOCK FOR SINGLE-RAIL TRAMWAYS.

SHEET N° 1

OPEN GOODS TRUCK TO CARRY 3½ TONS

END ELEVATION

CHARLES EWING'S PATENT ROLLING-STOCK FOR SINGLE-RAIL TRAMWAYS.

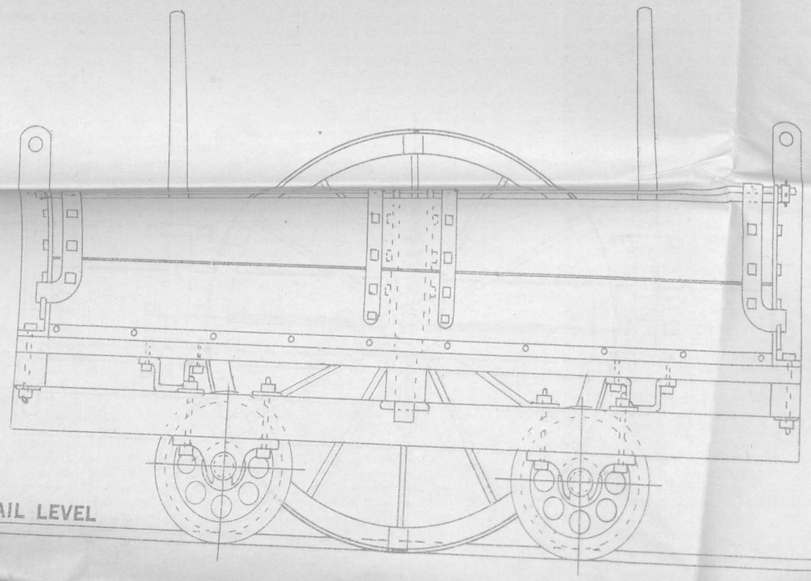
"TIP" TRUCK FOR CARRIAGE OF EARTH, COAL, &c. CAPACITY 6×5×1.3 = 37½ CUB. FT., FOR HAND POWER

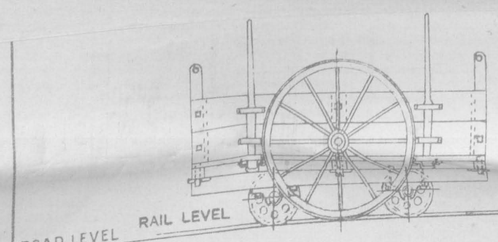
THIS TRUCK IS CONVERTIBLE INTO A PLATFORM TRUCK SUITABLE FOR CARRIAGE OF TIMBER, RAILS, SLEEPERS, IRON PIPES, &c., &c.
BY REMOVING THE DISCHARGING SIDE AND TWO ENDS.

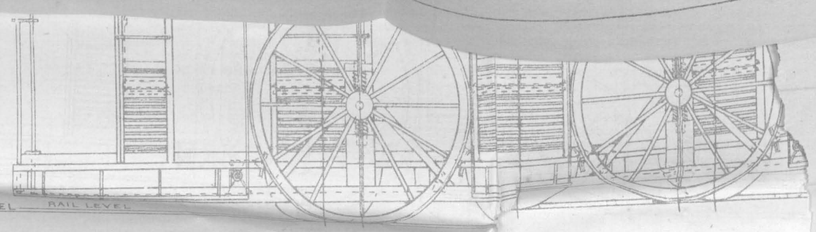
SCALE 1 INCH = 1 FOOT

DRAWING N°4

DISCHARGING SIDE ELEVATION





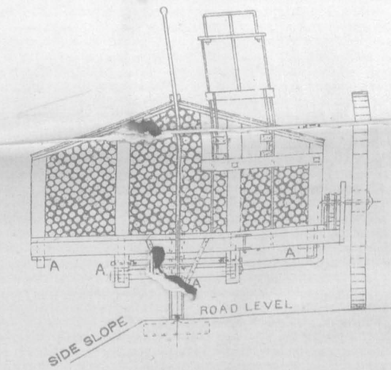


TRUCK FOR CARRYING TEA LEAF, TO HOLD 20 MAUNDS. FOR 1 PONY, OR BULLOCK.

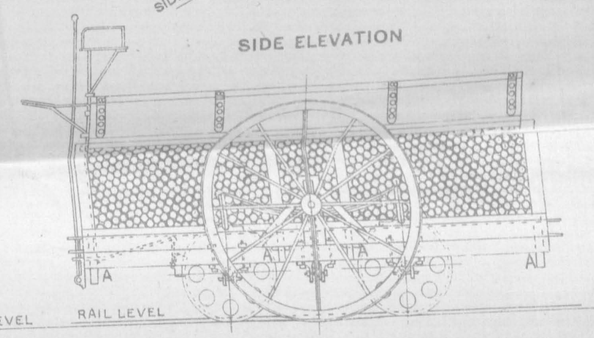
THE WHOLE SUPERSTRUCTURE IS IMMEDIATELY REMOVEABLE AND THE TRUCK CONVERTED INTO A PLAIN PLATFORM ONE FOR CARRIAGE OF TEA CHESTS IN TIERS OF 15 CHESTS EACH BY KNOCKING OUT THE KEYS MARKED A A A.

BY SUBSTITUTING A POLE FOR THE PONY SHAFTS. A PAIR OF BULLOCKS CAN BE USED INSTEAD OF A PONY.

END ELEVATION



SIDE ELEVATION

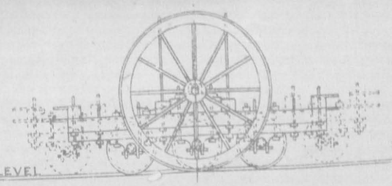


TIMBER TRUCK TO CARRY 3 TONS.

E LINES AND FIGURES IN BLACK SHEW A TRUCK FOR TIMBER TRAFFIC TO RRY A WEIGHT OF 1 TON ON EACH WHEEL OR 3 TONS IN ALL UPON A AMWAY WITH AN 18 LBS. RAIL AND WITH 2,000 SLEEPERS TO THE MILE EACH ×8"×3". WITH A 30 LBS. RAIL THE CARRYING CAPACITY WOULD BE DOUBLED ..—2 TONS PER WHEEL OR 6 TONS IN ALL.

TH THE ADDITIONS AND ALTERATION IN WIDTH SHEWN IN DOTTED LINES E CARRYING CAPACITY WOULD BE INCREASED TO 5 TONS ON AN 18 LBS. AND TONS ON 30 LBS. RAIL, RESPECTIVELY.

SIDE ELEVATION



END ELEVATION

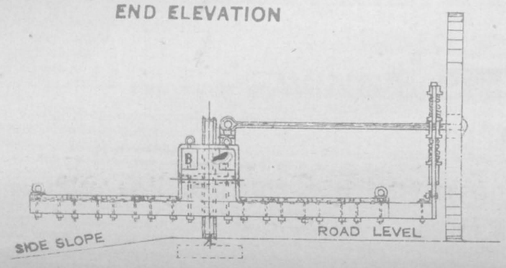
CHARLES EWING'S PATENT ROLLING-STOCK FOR SINGLE-RAIL TRAMWAYS.

SHEET Nº I

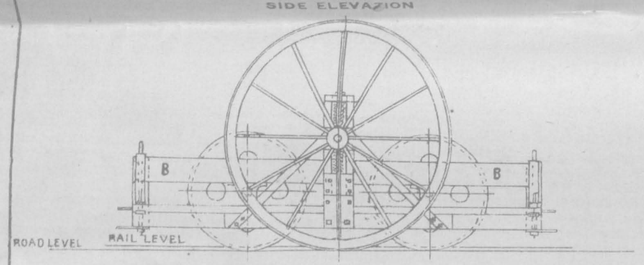
SCALE $\frac{3}{8}$" INCH = 1 FOOT

OPEN GOODS TRUCK TO CARRY 3½ TONS

END ELEVATION



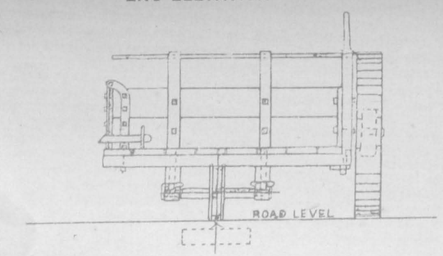
SIDE ELEVATION



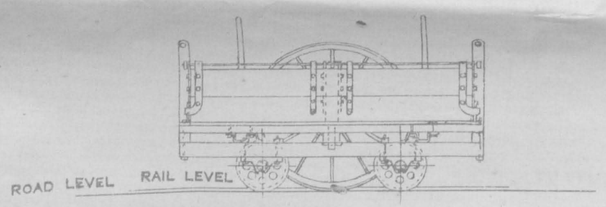
TIP TRUCK FOR CARRIAGE OF EARTH, COAL, &c.
CAPACITY 6×5×1.3″=37½ CUB. FT. FOR HAND POWER.

THIS TRUCK IS CONVERTIBLE INTO A PLATFORM TRUCK SUITABLE FOR CARRIAGE OF TIMBER, RAILS, SLEEPERS, IRON PIPES, &c., &c., BY REMOVING THE DISCHARGING SIDE AND TWO ENDS.

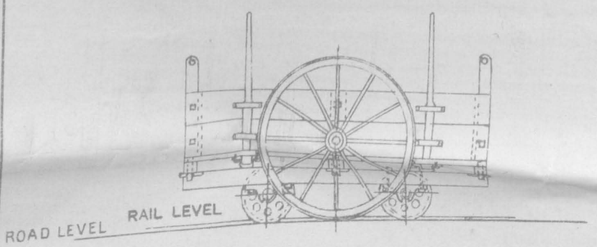
END ELEVATION



DISCHARGING SIDE ELEVATION

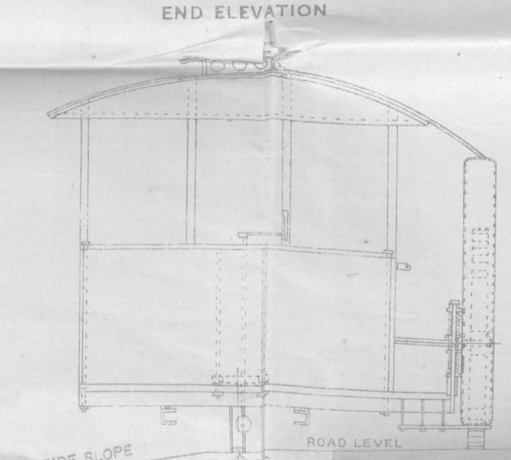


ROAD-WHEEL SIDE ELEVATION

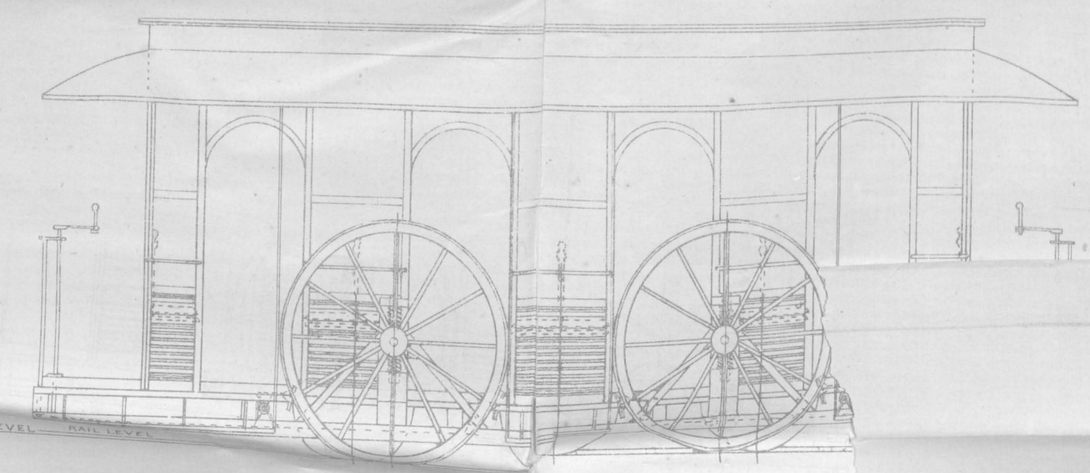


PASSENGER CAR TO CARRY 40 PASSENGERS.
TO BE DRAWN BY A PAIR OF HORSES.

END ELEVATION



SIDE ELEVATION

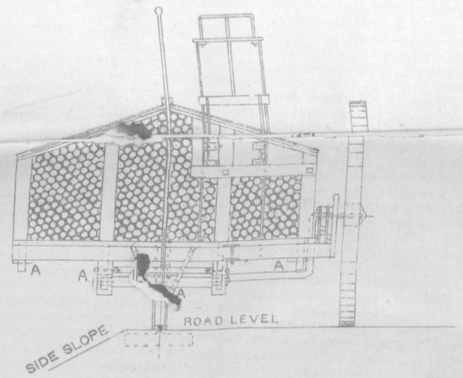


TRUCK FOR CARRYING TEA LEAF, TO HOLD 20 MAUNDS. FOR 1 PONY, OR BULLOCK.

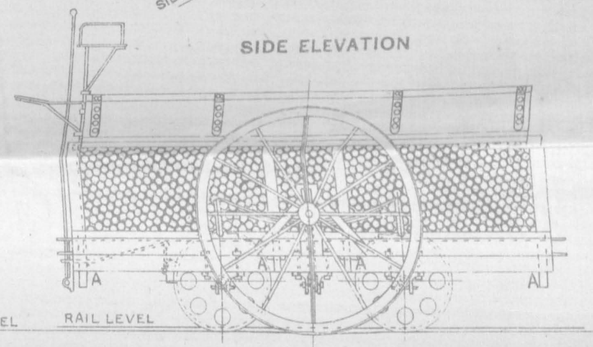
THE WHOLE SUPERSTRUCTURE IS IMMEDIATELY REMOVEABLE AND THE TRUCK CONVERTED INTO A PLAIN PLATFORM ONE FOR CARRIAGE OF TEA CHESTS IN TIERS OF 15 CHESTS EACH BY KNOCKING OUT THE KEYS MARKED A A A.

BY SUBSTITUTING A POLE FOR THE PONY SHAFTS. A PAIR OF BULLOCKS CAN BE USED INSTEAD OF A PONY.

END ELEVATION



SIDE ELEVATION

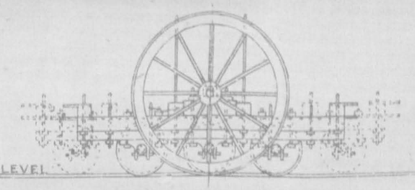


TIMBER TRUCK TO CARRY 3 TONS.

THE LINES AND FIGURES IN BLACK SHEW A TRUCK FOR TIMBER TRAFFIC TO CARRY A WEIGHT OF 1 TON ON EACH WHEEL OR 3 TONS IN ALL UPON A TRAMWAY WITH AN 18 LBS. RAIL AND WITH 2,000 SLEEPERS TO THE MILE EACH 18″×8″×3″. WITH A 30 LBS. RAIL THE CARRYING CAPACITY WOULD BE DOUBLED VIZ.:—2 TONS PER WHEEL OR 6 TONS IN ALL.

WITH THE ADDITIONS AND ALTERATION IN WIDTH SHEWN IN DOTTED LINES THE CARRYING CAPACITY WOULD BE INCREASED TO 5 TONS ON AN 18 LBS. AND 10 TONS ON A 30 LBS. RAIL, RESPECTIVELY.

SIDE ELEVATION



END ELEVATION

CHARLES EWING'S PATENT ROLLING-STOCK FOR SINGLE-RAIL TRAMWAYS.

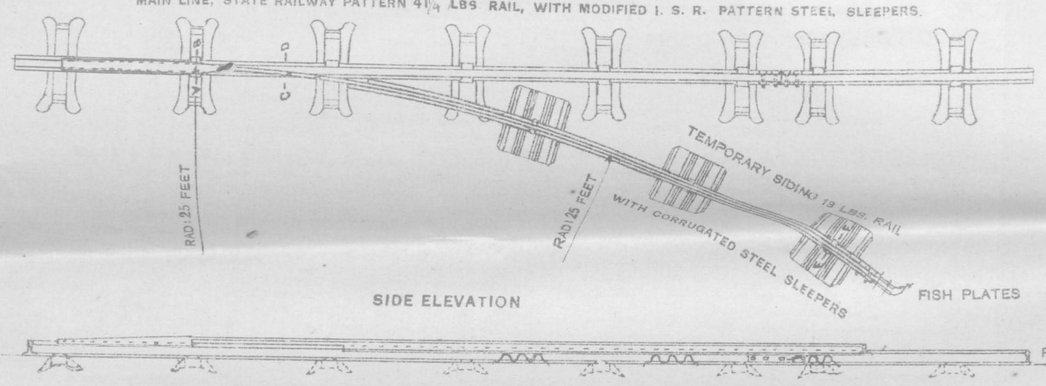
SHEET Nº 2

PORTABLE RAMP AND TEMPORARY SIDING FOR MILITARY PURPOSES.

SCALE 3/8 INCH = 1 FOOT

PLAN

MAIN LINE, STATE RAILWAY PATTERN 41¼ LBS. RAIL, WITH MODIFIED I. S. R. PATTERN STEEL SLEEPERS.



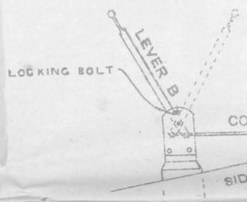
SIDE ELEVATION

SIMPLE SWITCHING ARRANGEMENT FOR TEA ESTATES, AND ELSEWHERE.

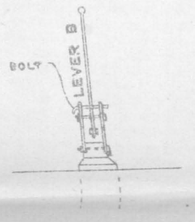
NOTE — THE BRANCH AND MAIN LINE RAILS C. D. ARE FIXED. WHILE THE RAIL A IS REMOVED FROM OPPOSITE THE MAIN LINE TO OPPOSITE THE "BRANCH" LINE RAIL BY MEANS OF THE LEVER B.

SCALE 3/8 INCH = 1 FOOT

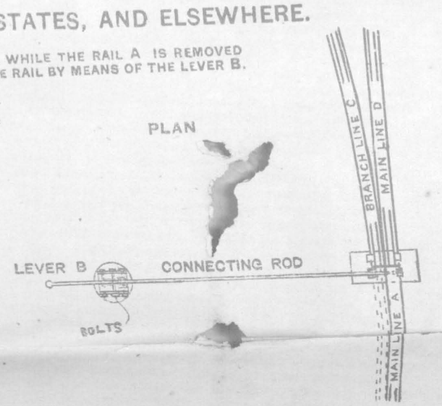
SIDE ELEVATION



END ELEVATION

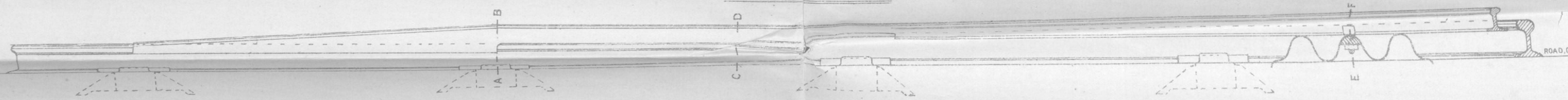


PLAN

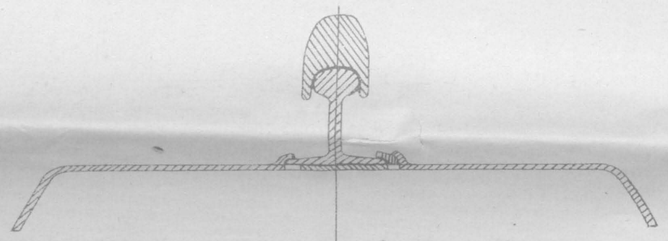


DETAILS OF PORTABLE RAMP AND TEMPORARY SIDING.

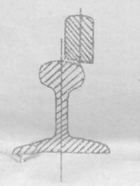
SCALE 1½ INCH = 1 FOOT



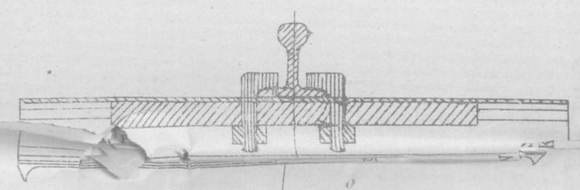
SECTION ON A B



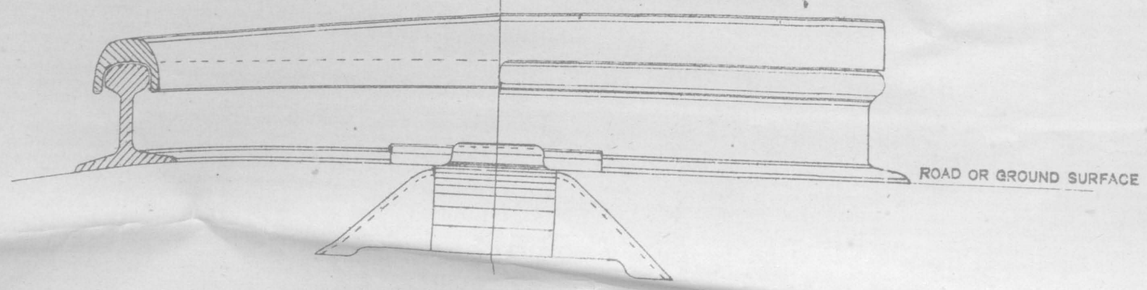
SECTION ON C D



SECTION ON E F

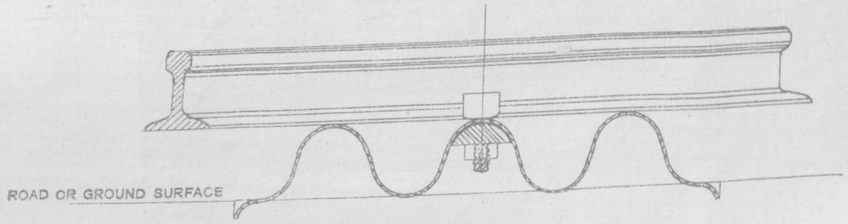


SIDE ELEVATION



SCALE 3 INCH = 1 FOOT

SIDE ELEVATION



CHARLES EWING'S PATENT *ROLLING*-STOCK FOR SINGLE-RAIL TRAMWAYS.

SPECIALLY SUITABLE FOR WORKING FORESTS.

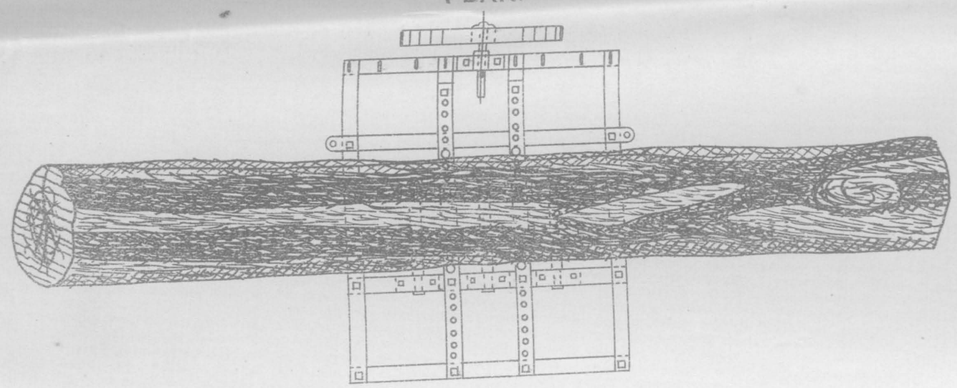
SHEET No. 3.

NOTE No. 1. THE FIXED WHEEL BASE BEING ONLY 3 FT. THESE TRUCKS CAN SAFELY TRAVERSE CURVES OF 20 FT. RADIUS.
„ No. 2. A SINGLE-RAIL TRAMWAY WITH A RAIL WEIGHING 18 LBS. PER YARD, AND 2,000 WOODEN SLEEPERS. EACH 18″×8″×3′—WILL CARRY A LOAD OF 1 TON UPON EACH WHEEL OF THE ROLLING-STOCK.
„ No. 3. A DITTO DITTO WEIGHING 30 LBS. PER YARD, WITH SAME NUMBER AND DIMENSIONS OF SLEEPERS, WILL CARRY A LOAD OF 2 TONS UPON EACH WHEEL OF THE ROLLING-STOCK.
„ No. 4. BY ADDING A FLANGELESS WHEEL AT EACH END, AS SHEWN IN DOTTED LINES IN SHEET No. 1. THE CARRYING CAPACITY OF THE TRUCKS CAN BE INCREASED BY TWO-FIFTHS WITHOUT AFFECTING THEIR ABILITY TO TRAVERSE CURVES OF 20 FT. RADIUS.

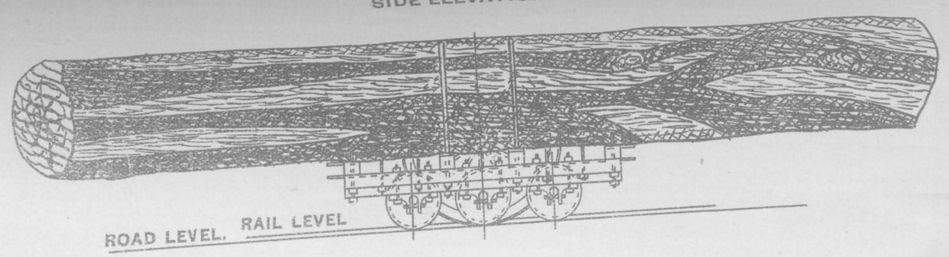
SKELETON TRUCK FOR CARRIAGE OF LOGS OF ALL SIZES.

SCALE ⅜ INCH=1 FOOT.

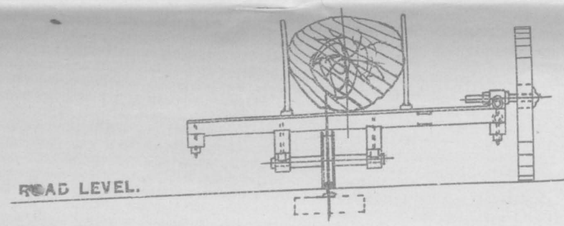
PLAN.



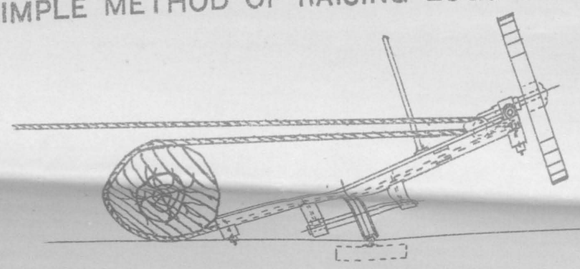
SIDE ELEVATION.

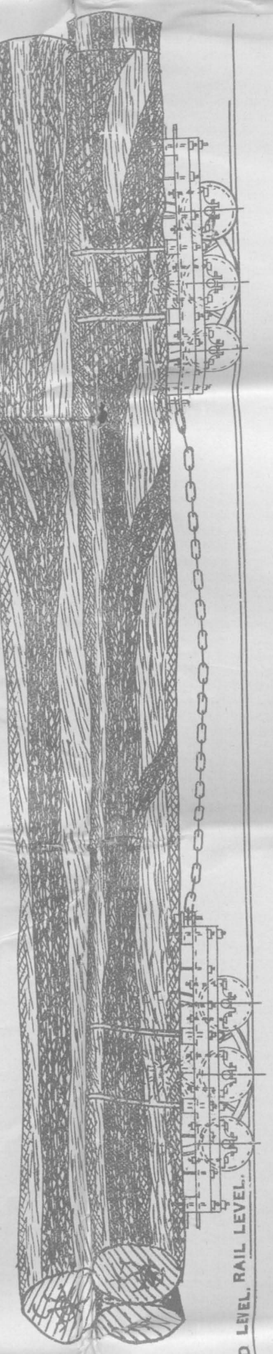


END ELEVATION.



SIMPLE METHOD OF RAISING LOGS ON TO TRUCKS.

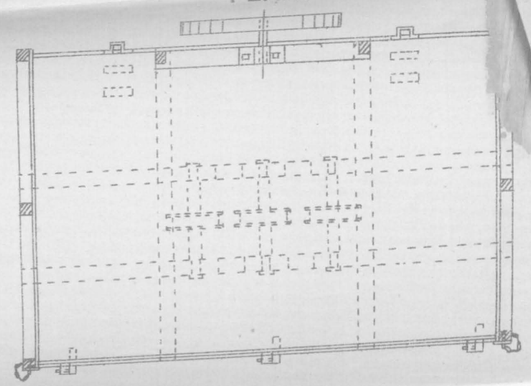




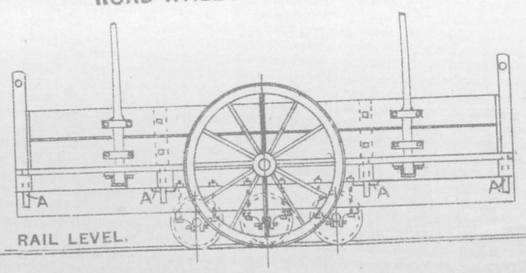
TIP TRUCK FOR CARRIAGE OF FIREWOOD, SLEEPERS & OTHER CUT TIMBER.

PLATFORM AREA 10′-0″×6′-6″.

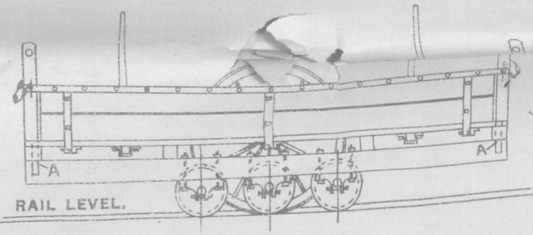
PLAN.



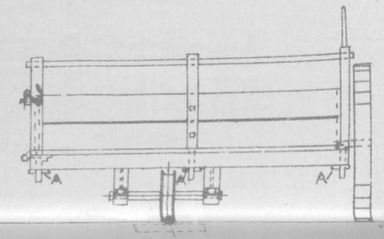
ROAD-WHEEL SIDE ELEVATION.



DISCHARGING-SIDE ELEVATION.



END ELEVATION.



THIS TRUCK IS CONVERTIBLE FOR CARRIAGE OF LONG TIMBERS BY REMOVING THE TO A PLATFORM TRUCK SUITABLE FOR CARRIAGE OF LONG TIMBERS BY REMOVING THE S. A. A. A. WHEN THE DISCHARGING SIDE AND TWO ENDS CAN BE AT ONCE KEN OFF,

CHARLES EWING'S PATENT ROLLING-STOCK FOR SINGLE-RAIL TRAMWAYS.

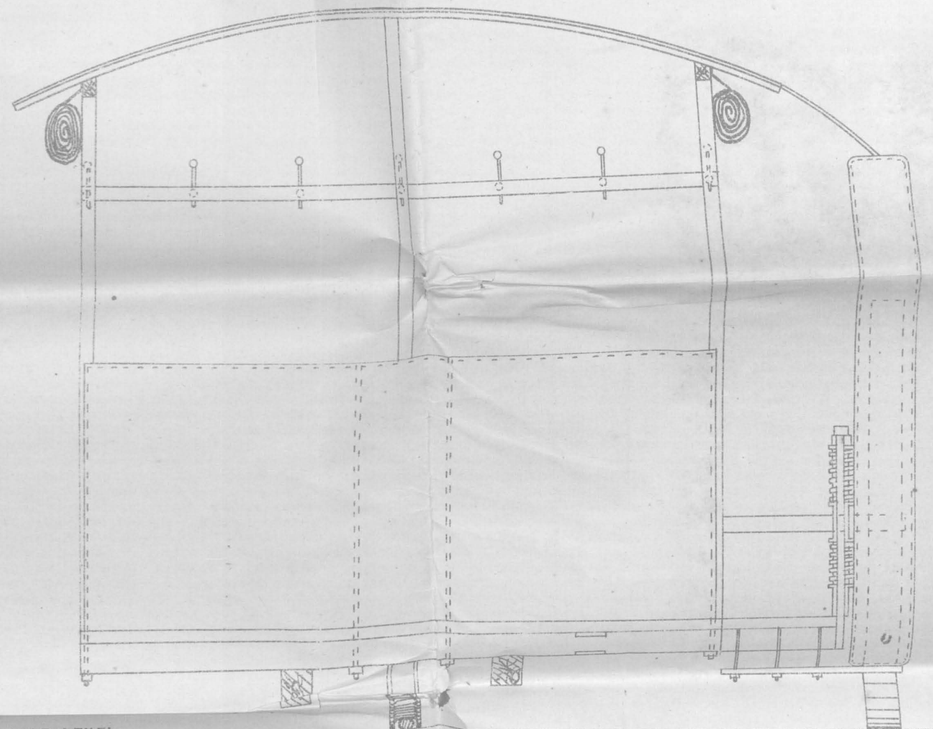
SHEET No. 4.

LIGHT PASSENGER CAR FOR AMBULANCE PURPOSES.

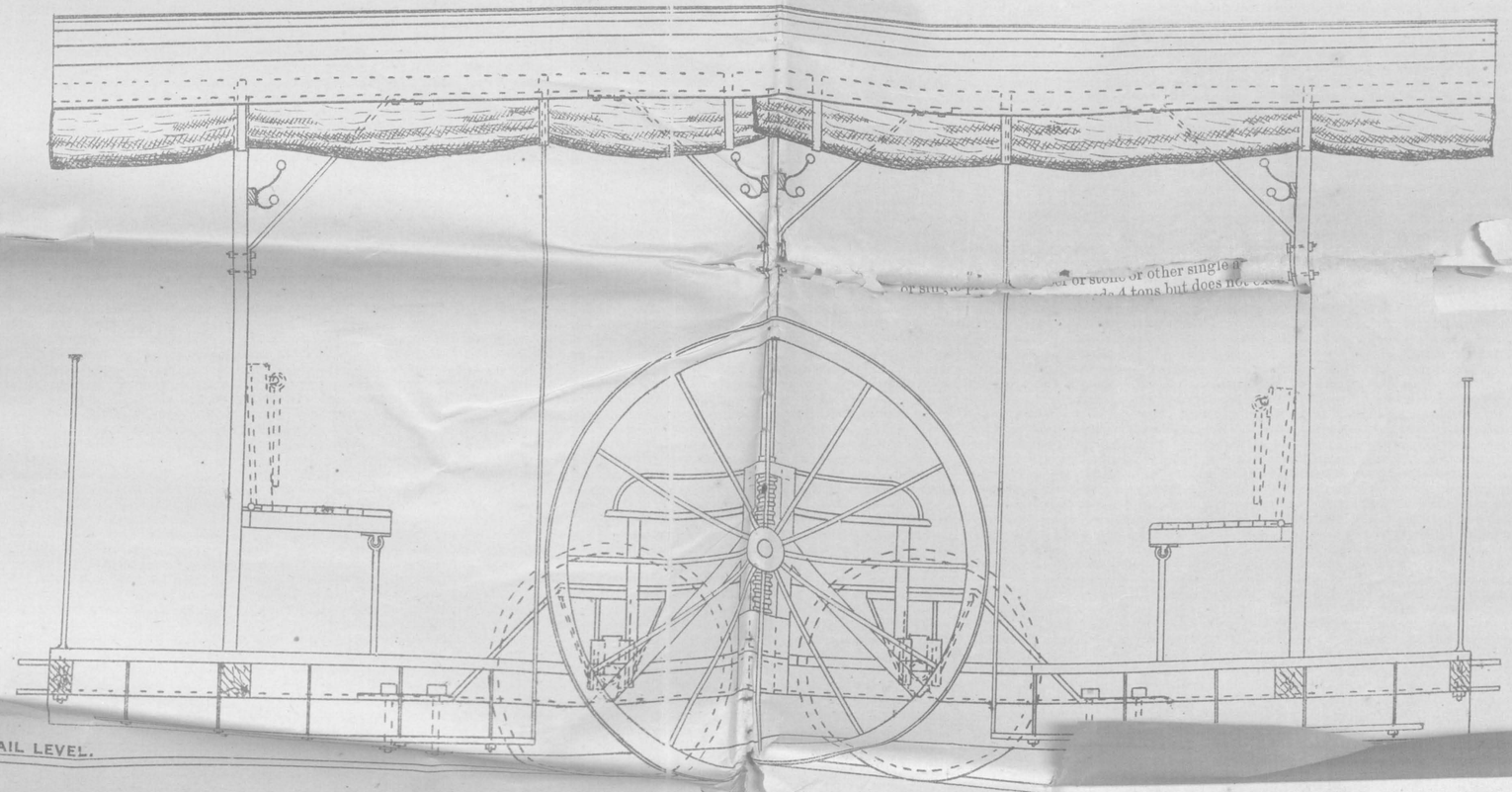
TO SEAT 20 OR GIVE SLEEPING ACCOMMODATION FOR 4 SOLDIERS.

TO GIVE MORE SPACE FOR HANDLING WOUNDED MEN ON THE CENTRE SEATS THE 2 END SEATS FOLD UP AS SHEWN IN THE DRAWING.

END ELEVATION. SCALE 3/4 INCH = 1 FOOT.



SIDE ELEVATION.



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.

38. *Promoter's right to sell.*—The promoter for the time being may, if he thinks 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 Council, 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 promoter 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 promoter 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 promoter 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.

39. *Preliminary expenses.*—The promoter shall, on demand, repay to the Municipal Council all preliminary, legal and engineering expenses incurred by them in relation to this order not exceeding in the whole the sum of Rs. 590.

40. *Promoter to have first refusal of new lines.*—So long as the promoter 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 promoter shall have refused the right which is hereby conferred upon him of obtaining power to construct, maintain and work such further or other tramways upon the same or more or less favourable terms than those contained in this order for the construction, maintenance and working of the tramways by this order authorized.

41. *Liability for submission to future Acts.*—Notwithstanding anything in this order contained, the promoter, and any person using the tramways, shall be subject and liable to the provision 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 authorized 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.

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

Schedule A.

1. 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, or by steam.

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

(*c*) 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.

(*d*) 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 6 inches from the level of the rails.

2. 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.

3. The speed at which such engines and carriages shall be driven or propelled along the tramways shall not exceed the rate of 8 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 4 miles an hour.

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

5. 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.

Schedule B.

Tolls and Charges for Animals, Goods, &c.

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

Goods and Minerals.

For all coals, coke, culm, charcoal, cannel, limestone, chalklime, salt, sand, pipe-clay, Cinder's dung composed and all sorts of manure and all undressed materials for the repair of public roads or highways, per ton ..	3	0
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron bricks, slags 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	4	0
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	6	0
For cotton and other wools, drugs, and manufactured goods and all other wares, merchandise, fish, articles, matters or things, per ton	6	0
For every carriage of whatever description, each, such sum as the promoter may think fit.		

Small Parcels.

For every parcel not exceeding 7 pounds in weight, each	3	0	
For any parcel exceeding 7 pounds and not exceeding 14 pounds, each ..	4	0	
For any parcel exceeding 14 pounds and not exceeding 28 pounds in weight.	5	0	
For any parcel exceeding 28 pounds, but not exceeding 56 pounds in weight.	6	0	
For any parcel exceeding 56 pounds in weight, such sum as the promoter 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.

	Rs.	A.	P.
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 4 tons but does not exceed 8 tons, such sum as the promoter may think fit not exceeding, per ton	1	6	0
For the carriage of any single piece of timber, stone, machinery or other single article, the weight of which with the carriage exceeds 8 tons, such sum as the promoter 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 promoter may demand and take tolls and charges according to the number of the quarters of ton in such fraction, and if there be a fraction of a quarter 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, 14 cubic feet of stone, 40 cubic feet of oak, mahogany, teak, beech or ash, and 50 cubic feet of any other timber, shall be deemed one ton weight, and so on in proportion for any smaller quantity.

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 promoter, of tramways in the town of Calicut 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 1st September next.

Draft order authorizing the construction and maintenance and to regulate the working of Tramways in the town of Calicut.

Whereas the promoter hereinafter named has, in pursuance of the provisions of the Indian Tramways Act, 1886, applied, with consent of the Municipal Council of the town of Calicut, for powers to construct, maintain and use a system of tramways in Calicut.

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 is to say,—

Title.—

1. (i) This order may be called and cited as the Calicut Tramways' order, 1897, No. 3.

(ii) It shall come in force at once.

Indian Tramways Act. to apply.—

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.

Definitions.—

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 Council" shall mean the Municipal Council of the town of Calicut.

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 authorized.

The term "carriage" shall include a "truck."

The Promoter.—

4. Mr. A. Brown, in the town of Calicut, by whom a joint stock company is about to be incorporated and registered in Calicut with a nominal capital of Rs. 1,75,000, divided into ~~175,000~~ 17,500 shares of Rs. 10 each, shall be the promoter for the purposes of this order, and is in this order referred to as "the promoter."

Land.—

5. The promoter may, by agreement from time to time, purchase or take on lease or otherwise acquire such lands as he may require for the 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.

6. *Construction of Tramways.*—The promoter 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 promoter with the Local Government and the Municipal Council, respectively, with all proper rails, chairs, plates, sleepers, turnouts, crossings, sidings, junctions, passing places, turn-tables, weighbridges, weighing machines, hydrants, offices, workshops, sheds, tables, 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 authorized by this order are—

Tramway No. 1.—Commencing opposite to the Kallai Municipal landing-place, passing thence along the Beypore road to the Big Bazaar road where it joins Tramway No. 2.

Tramway No. 2.—Commencing from Pudyara landing-place, passing thence along the Pudyara road and running in a westerly direction along the Big Bazaar road passing the railway station and terminating near the old Customs House or the South Beach.

Tramway No. 3.—Commencing from a junction with Tramway No. 2, opposite to the Calicut railway station, passing thence along the Robinson road and the Mananchira tank and terminating in the old Huzur Cutcherry compound.

Tramway No. 4.—Commencing from a junction with Tramway No. 2 at the junction of Big Bazaar street and the Aluvanni street, passing thence along the Aluvanni street and terminating near the Kuttichera tank.

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 promoter, of tramways in the town of Calicut 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 1st September next.

Draft order authorizing the construction and maintenance and to regulate the working of Tramways in the town of Calicut.

Whereas the promoter hereinafter named has, in pursuance of the provisions of the Indian Tramways Act, 1886, applied, with consent of the Municipal Council of the town of Calicut, for powers to construct, maintain and use a system of tramways in Calicut.

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 is to say,—

Title.—

1. (i) This order may be called and cited as the Calicut Tramways' order, 1897, No. 3.
(ii) It shall come in force at once.

Indian Tramways Act. to apply.—

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.

Definitions.—

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 Council" shall mean the Municipal Council of the town of Calicut.

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 authorized.

The term "carriage" shall include a "truck."

The Promoter.—

4. Mr. A. Brown, in the town of Calicut, by whom a joint stock company is about to be incorporated and registered in Calicut with a nominal capital of Rs. 1,75,000, divided into ~~1,75,000~~ 17,500 shares of Rs. 10 each, shall be the promoter for the purposes of this order, and is in this order referred to as "the promoter."

Land.—

5. The promoter may, by agreement from time to time, purchase or take on lease or otherwise acquire such lands as he may require for the 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.

6. *Construction of Tramways.*—The promoter 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 promoter with the Local Government and the Municipal Council, respectively, with all proper rails, chairs, plates, sleepers, turnouts, crossings, sidings, junctions, passing places, turn-tables, weighbridges, weighing machines, hydrants, offices, workshops, sheds, tables, 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 authorized by this order are—

Tramway No. 1.—Commencing opposite to the Kallai Municipal landing-place, passing thence along the Beypore road to the Big Bazaar road where it joins Tramway No. 2.

Tramway No. 2.—Commencing from Pudyara landing-place, passing thence along the Pudyara road and running in a westerly direction along the Big Bazaar road passing the railway station and terminating near the old Customs House or the South Beach.

Tramway No. 3.—Commencing from a junction with Tramway No. 2, opposite to the Calicut railway station, passing thence along the Robinson road and the Mananchira tank and terminating in the old Huzur Cutcherry compound.

Tramway No. 4.—Commencing from a junction with Tramway No. 2 at the junction of Big Bazaar street and the Aluvanni street, passing thence along the Aluvanni street and terminating near the Kuttichera tank.

such date and such extensions as may be desired by the Municipal Council under provision 6 of this order before the expiration of five years from such date.

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 notwithstanding anything to the contrary in that Act, such powers of purchase shall, unless otherwise agreed between the promoter 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, in shares or debentures actually issued or raised on mortgage of the property and expended by the promoter 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 promoter in silver in Calicut and in case of difference between the promoter 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.

Interference with roads.—

10. The promoter 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) He shall give to the local authority reasonable notice of his intention, such notice to state the portion of road proposed to be opened or broken up.

(2) He shall not open or break up any road except under the superintendence and to the reasonable satisfaction of the road authority, unless the 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 bride 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 promoter may be empowered to construct and which affects or in anywise 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 promoter 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 promoter may be empowered to construct and which affects or in anywise 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 promoter before the commencement of such works such superintendence is refused or withheld.

Making good the damage to roads.—

11. When the promoter has opened or broken up any portion of any road, he shall be under the following further obligations, viz.:—

(1) He shall, with all convenient speed, complete the work on account of which he 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) He shall, in the meantime, cause the place where the road is opened or broken up to be guarded and watched and properly lighted at night.

Approval of plans.—

12. The promoter 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 promoter 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 plans 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.

Maintenance.—

13. The promoter shall, subject to any other provisions of this order at his 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 4 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 promoter fails 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 promoter, 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 above mentioned, and the reasonable expense incurred by the road authority in so doing shall be repaid to them by the promoter.

such date and such extensions as may be desired by the Municipal Council under provision 6 of this order before the expiration of five years from such date.

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 notwithstanding anything to the contrary in that Act, such powers of purchase shall, unless otherwise agreed between the promoter 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, in shares or debentures actually issued or raised on mortgage of the property and expended by the promoter 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 promoter in silver in Calicut and in case of difference between the promoter 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.~~

Interference with roads.—

10. The promoter 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) He shall give to the local authority reasonable notice of his intention, such notice to state the portion of road proposed to be opened or broken up.

(2) He shall not open or break up any road except under the superintendence and to the reasonable satisfaction of the road authority, unless the 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 bride 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 promoter may be empowered to construct and which affects or in anywise 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 promoter 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 promoter may be empowered to construct and which affects or in anywise 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 promoter before the commencement of such works such superintendence is refused or withheld.

Making good the damage to roads.—

11. When the promoter has opened or broken up any portion of any road, he shall be under the following further obligations, viz.:—

(1) He shall, with all convenient speed, complete the work on account of which he 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) He shall, in the meantime, cause the place where the road is opened or broken up to be guarded and watched and properly lighted at night.

Approval of plans.—

12. The promoter 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 promoter 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 plans 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.

Maintenance.—

13. The promoter shall, subject to any other provisions of this order at his 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 4 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 promoter fails 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 promoter, 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 above mentioned, and the reasonable expense incurred by the road authority in so doing shall be repaid to them by the promoter.

9- The local authority may with the previous sanction of the Local Government within six months after the expiration of a period of - twenty one yearsfrom the date of this order and within 6 months after the expiration of every subsequent period of seven years or within two months after the publication of a notification under section 19 of the Indian TramWays Act 1886 or within six months after the publication of a notification under Section 21 of the same Act by notice in writing require the promoter to sell to the local authority his undertaking and thereupon the promoter shall sell the same upon - the terms of paying the then value of the undertaking exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever and the purchase money shall be paid to the promoter in silver in Calicut and in case of difference between the promoter 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 Indian TramWays Act 1886 for the - settlement of the differences in that section mentioned.

Level of rails.— 14. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid, or authorized to be laid, the promoter may, and shall from time to time, alter or (as the case may be) lay his 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.

Surplus road material.— 15. Any paving, metalling or material excavated by the promoter in the construction of his works from any road under the jurisdiction or control of any road authority may be applied by the promoter 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 promoter is by this order required to maintain, and the promoter 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 Council, 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 promoter and may be dealt with, removed and disposed of by him in such manner as he may think fit; any difference between the promoter 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 promoter and any road authority.

Breaking up road.— 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 promoter 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 promoter 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 promoter 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 promoter or lessees shall either stop traffic on the tramway to which the notice shall refer where it would otherwise interfere 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 differences 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 promoter and other companies or persons.

(5) No company, body or person shall execute such work, so far as it immediately affects the tramways, except under the superintendence of the promoter, unless he refuses or neglects 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 promoter.

Altering pipes &c.— 17. For the purpose of making, forming, laying down, maintaining, repairing or renewing any of the tramways, the promoter 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 pipe for the supply of gas or water or any tubes or 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 promoter shall, if he contemplates 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 his 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 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 promoter 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 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 promoter and other companies or persons, and all alterations to be made under the 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 48 hours' notice for that purpose, which notice the promoter is hereby required to give.

(2) The promoter 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 anything 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 promoter, 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 promoter, as an engineer appointed by the Local Government shall direct.

(3) The promoter 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 promoter shall make good all damage done by him 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 private service pipes of any person supplied by any such company or person with water or gas.

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 promoter 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.

19. *Motive Power.*—The carriages used on the tramways may, subject to the provisions of this order, be moved by animal power, steam power, electricity conveyed either through over-head or under-ground wires, or any mechanical power, provided that the exercise of the powers hereby conferred with respect to the use of steam, electricity, or any mechanical power, shall be subject to the 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, electricity or any mechanical power on the tramways. Provided also that if electrical power be used, communication by the existing Government telephone and telegraph lines shall be safeguarded as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act, XIII of 1887.

Engines &c.—

20. The engines (if any) and carriages to be used on the tramways shall be of the best construction, and the dimensions, fittings, appliances, and apparatus of such engines (if any) and carriages shall be subject to the reasonable approval of the Local Government and the local authority, and the promoter shall, from time to time, adopt and apply such improvements in the engines (if any) and carriages, and in the fittings, appliances and apparatus thereof, as the Local Government may consider necessary or advisable for the safety or convenience of the public, and in case he 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.

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

Stopping places.—

22. The promoter 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 promoter shall not be bound, unless he thinks fit, to stop for such purpose at any other points or places.

Goods to be carried.—

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

Use of Tramway for scavenging.—

24. The Municipal Council may, during such hours not exceeding 6 in every 24 hours as may be prescribed by the promoter in such manner as the Municipal Council may think fit, but subject to the rules 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, electricity or any mechanical power on the tramways, provided always that it shall not be open to the Municipal Council to use any other motive power than that used by the promoter and that the promoter shall, if required by the Municipal Council 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 100 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 promoter and the Municipal Council.

25. *Tolls.*—The promoter may demand and take for every passenger travelling upon the tramways, including tolls and charges for the use of the tramway and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charge not exceeding one half anna per mile, or the promoter 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 promoter 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 anna per stage as the case may be.

Personal luggage.—

26. Every passenger travelling upon any of the tramways may take with him his personal luggage not exceeding 20 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 &c.—

27. The promoter may demand and take in respect of any animals, goods, minerals, or parcels conveyed by him in the tramways except as is by this order specially provided, including the tolls and charges for the use of the tramways and for waggons 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.

Tickets &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 promoter 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 he 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 promoter may think fit to allow in consideration of the use, delivery, or return of any such stamp, ticket or token.

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 orders made in pursuance of this section in respect of the tramways of any portion of the tramways it is represented in writing to the Local Government by the local authority or by the promoter, 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 enquiry 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 promoter unless and until the promoter should distribute by way of dividend to the shareholders an amount equal to interest at the rate of 15 per cent. per annum upon the total capital of the company whether represented by shares or 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.

Sewerage lines, location of.—30. ~~General~~—If, at the expiration of two years from the date of this order, the Municipal Council shall not have defined the number and direction of the extensions referred to in clause 6 of this order, the promoter may, by notice in writing left at the office of the Municipal Council, require the Municipal Council to take the place of the promoter 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 Council, no duty shall be imposed on the promoter to locate, construct, maintain or work the said rubbish lines under this order.

Future agreement.—31. The promoter 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.

Patents & licences.—32. The promoter 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 deposit.—33. The promoter shall, if required by the Municipal Council before commencing the construction of the tramways or any part thereof, deposit with the Bank of Madras, or such other bank as the Commissioners may agree to, in the name of the Municipal Council, the sum of Rs. 750 or at his option promissory notes of the Government of India or Municipal bonds of the nominal value of Rs. 750, and the same shall remain so deposited until the expiration of the concession, 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 promoter and subject as hereinafter provided be paid to him as the same shall accrue, provided nevertheless that the Municipal Council 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. Provided also that upon the failure of the promoter to carry out the said concession, the said sum of Rs. 750 so to be deposited as aforesaid shall be forfeited to the Municipal Council.

Municipal taxation.—34. The tramways, plant, engines, carriages, and other vehicles, offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, yards and depôts of the promoter 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, workshop, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, yards and depôts.

Rent of lands.—34-A. The promoter shall, after the expiration of two years from the date of this order, pay to the Municipal Council rent for the lands occupied by the undertaking at the rate of Rs. 12 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 promoter shall be liable to pay interest on the amount so in arrear at the rate of 8 per cent. per annum from the date when such rent in arrear become due.

Provision and application of capital.—35. The promoter shall observe and perform the following conditions, that is to say:—

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

(2) The maximum amount to be paid for preliminary expenses and promotion shall be the sum of Rs. ~~12,000~~ 14,000/-.

(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 promoter may consider necessary.

Mortgage.—36. Nothing in this order or in the Indian Tramways Act, 1886, contained shall prevent the promoter 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 promoter 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 promoter 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 promoter shall be endorsed with notice to that effect.

Promoter's right to lease the line.—37. The promoter 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 authorized 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.

Promotion right to sell.—38. The promoter for the time being may, if he thinks 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 Council, 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 promoter 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 promoter 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 promoter 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.

Preliminary expenses.—39. The promoter shall, on demand, repay to the Municipal Council all preliminary, legal and engineering expenses incurred by them in relation to this order not exceeding in the whole the sum of Rs. 590.

Promoter to have first refusal of new lines.—40. So long as the promoter 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 promoter shall have refused the right which is hereby conferred upon him of obtaining power to construct, maintain and work such further or other tramways upon the same or more or less favourable terms than those contained in this order for the construction, maintenance and working of the tramways by this order authorized.

Liability for subsequent future Acts.—41. Notwithstanding anything in this order contained, the promoter, and any person using the tramways, shall be subject and liable to the provision 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 authorized 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.

Serving of Notices.—42. Any notice required to be given by the Local Government or by any local authority or road authority to the promoter may be in writing and may be served on the promoter by being delivered to any agent of the promoter in Calicut for the time being or by being left at any office of the promoter in Calicut, and every notice so served shall be deemed to have been duly given to the promoter anything hereinbefore contained to the contrary notwithstanding. The promoter shall from time to time give notice in writing to the Local Government and to the local authority of some agent in Calicut to whom, and of some office in Calicut, where any such notice may be delivered or left as aforesaid, and of any change of such agent or office.

SCHEDULE A.

1. 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, or by steam.

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

(*c*) 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.

(*d*) 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 6 inches from the level of the rails.

2. 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.

3. The speed at which such engines and carriages shall be driven or propelled along the tramways shall not exceed the rate of 8 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 4 miles an hour.

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

5. 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.

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

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

Goods and Minerals.

For all coals, coke, culm, charcoal, cannel, limestone, chalklime, salt, sand, pipe-clay, Cinder's dung composed and all sorts of manure and all undressed materials for the repair of public roads or highways, per ton ..	3	0
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron bricks, slags 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	4	0
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	6	0
For cotton and other wools, drugs, and manufactured goods and all other wares, merchandise, fish, articles, matters or things, per ton	6	0
For every carriage of whatever description, each, such sum as the promoter may think fit.		

Small Parcels.

For every parcel not exceeding 7 pounds in weight, each	3	0
For any parcel exceeding 7 pounds and not exceeding 14 pounds, each ..	4	0
For any parcel exceeding 14 pounds and not exceeding 28 pounds in weight.	5	0
For any parcel exceeding 28 pounds, but not exceeding 56 pounds in weight.	6	0
For any parcel exceeding 56 pounds in weight, such sum as the promoter 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.

	RS.	A.	P.
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 4 tons but does not exceed 8 tons, such sum as the promoter may think fit not exceeding, per ton	1	6	0
For the carriage of any single piece of timber, stone, machinery or other single article, the weight of which with the carriage exceeds 8 tons, such sum as the promoter 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 promoter may demand and take tolls and charges according to the number of the quarters of ton in such fraction, and if there be a fraction of a quarter 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, 14 cubic feet of stone, 40 cubic feet of oak, mahogany, teak, beech or ash, and 50 cubic feet of any other timber, shall be deemed one ton weight, and so on in proportion for any smaller quantity.

No. 741 R., 7th November 1895.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read the following papers:—

G.O., dated 28th February 1895, Mis. No. 312, Local and Municipal.

Abstract.—Stating that Government is prepared to give every assistance that is reasonably possible towards carrying out the project of a tramway in Calicut, and calling for information as to the terms to which the Municipal Council and the applicants for the concession would be prepared to agree, the financial position of the gentlemen who have applied for the concession, and the grounds upon which the estimate of the required capital of Rs. 1,20,000 has been based.

Endorsement from the Local and Municipal Department, dated 22nd June 1895, No. 849.

Abstract.—Transferring to the Public Works Department (Railway Branch), letter from the Collector of Malabar furnishing the information called for in Local and Municipal G.O., Mis. No. 312, dated 28th December 1895.

Endorsement from the Collector of Malabar, C. No. 366/M., dated 31st October 1895.

Order—No. 741 R., dated 7th November 1895.

Ordered that the following notification be published in the Fort St. George and Malabar District Gazettes in English and Malayalam:—

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 promoters, of tramways in the town of Calicut 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 December~~ 1st September next.

Draft order authorizing the construction and maintenance and to regulate the working of Tramways in the town of Calicut.

Whereas the promoters hereinafter named ~~have~~ has in pursuance of the provisions of the Indian Tramways Act, 1886, applied, with consent of the Municipal Council of the town of Calicut for powers to construct, maintain and use a system of tramways in Calicut.

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 is to say,—

1. (i) This
(ii) It s

2. The pr
to this order, a
where the same

3. The sev
have in this o
context repugn
this order the
Calicut.

The expr
cular tramwa
and the works

The term

4. Messr
Hajee in the
registered in
Rs. 10 each,
to as "the p

5. The
otherwise acc
from time to

6. *Cons*
provisions of
the maps de
respectively,
passing plac
sheds, table
connected th

The tra

Tran
thence alon

Tran
Pudyara ro
way station

Tran
Calicut rail
terminating

Tra
Big Bazaar
nating near

Tra
House, Sou

Tra
along the C
landing pla

Tra
Cannanore

In ad
tion of thr
lines herei
lines shall
total lengt

The t
places shal
maintaine
the reason
working o
thereof, co
passing pl
time consi
or for pro
of the pro

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.

7. The tramway shall be constructed on such gauge as may be mutually agreed upon between the promoters and the Municipal Council 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 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.

8. The promoters shall substantially commence the construction of the tramways and undertaking within a period of twelve months after the date of this order, and shall substantially complete and open for traffic the tramways Nos. 1 to 7 before the expiration of two years from such date and such extensions as may be desired by the council under provision 6 of this order 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, in shares or debentures actually issued or raised on mortgage of the property and expended by the promoters or such proposed company 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 silver in Calicut 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.

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 the 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 anywise 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 anywise 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 works 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, viz. :—

(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.

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

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 plans 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.

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 4 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 above mentioned, and the reasonable expense incurred by the road authority in so doing shall be repaid to them by the promoters.

14. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid, or authorized 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.

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 re-instating 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 Council, not exceeding one mile from the place or places where such surplus paving, metalling or meterial 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.

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 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 differences 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) No company, body or person, shall execute such work, so far as it immediately affects the tramways, except under the superintendence of the promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work, and they shall execute such work at their own expense and to the reasonable satisfaction of the promoters.

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 pipe for the supply of gas or water or any tubes or 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 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 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 the 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 48 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 anything 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 private service pipes of any person supplied by any such company or person with water or gas.

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

may be, any moneys to which they may be entitled under any of the provisions of this order. Provided also that upon the failure of the promoters to carry out the said concession, the said sum of Rs. 750 so to be deposited as aforesaid shall be forfeited to the Municipal Council.

34. The tramways, plant, engines, carriages, and other vehicles, offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, 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, warehouses, yards and depôts.

34-A. The promoters shall, after the expiration of two years from the date of this order, pay to the Municipal Council rent for the lands occupied by the undertaking at the rate of Rs. 12 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 from the date when such rent in arrear become due.

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

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

(2) The maximum amount to be paid for preliminary expenses and promotion shall be the sum of Rs. 12,000.

(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 necessary.

36. 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.

37. 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 authorized 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.

38. 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 Council, 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.

39. The promoters shall, on demand, repay to the Municipal Council all preliminary, legal and engineering expenses incurred by them in relation to this order not exceeding in the whole the sum of Rs. 500.

40. 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 or less favorable terms than those contained in this order for the construction, maintenance and working of the tramways by this order authorized.

41. Notwithstanding anything in this order contained, the promoters, and any person using the tramways, shall be subject and liable to the provision 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 authorized 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.

42. 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 Calicut for the time being or by being left at any office of the promoters in Calicut, 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 Calicut to whom, and of some office in Calicut, where any such notice may be delivered or left as aforesaid, and of any change of such agent or office.

SCHEDULE A.

1. 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, or by steam.

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

(*c*) 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.

(*d*) 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 6 inches from the level of the rails.

2. 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.

3. The speed at which such engines and carriages shall be driven or propelled along the tramways shall not exceed the rate of 8 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 4 miles an hour.

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

5. 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.

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

	Per mile. AS.	P.
For every horse, mule or other beast of draught or burden per head ...	6	0
For every ox, cow, bull or head of cattle per head	6	0
For every calf, pig, sheep, or other small animal	3	0
Goods and Minerals.		
For all coals, coke, culm, charcoal, cannel, limestone, chalklime, salt, sand, pipe-clay, Cinder's dung composed and all sorts of manure and all undressed materials for the repair of public roads or highways, per ton ...	3	0
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron bricks, slags, 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 ...	4	0
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	6	0
For cotton and other wools, drugs, and manufactured goods and all other wares, merchandise, fish, articles, matters or things, per ton	6	0
For every carriage of whatever description, each, such sum as the promoters may think fit.		

Small Parcels.

	Per mile. AS. P.
For every parcel not exceeding 7 pounds in weight, each	3 0
For any parcel exceeding 7 pounds and not exceeding 14 pounds, each ...	4 0
For any parcel exceeding 14 pounds and not exceeding 28 pounds in weight ..	5 0
For any parcel exceeding 28 pounds, but not exceeding 56 pounds in weight...	6 0
For any parcel exceeding 56 pounds in weight, such sum 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.

	RS. A. P.
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 4 tons but does not exceed 8 tons, such sum as the promoters may think fit not exceeding, per ton	1 6 0
For the carriage of any single piece of timber, stone, machinery or other single article, the weight of which with the carriage exceeds 8 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 ton in such fraction, and if there be a fraction of a quarter 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, 14 cubic feet of stone, 40 cubic feet of oak, mahogany, teak, beech or ash, and 50 cubic feet of any other timber, shall be deemed one ton weight, and so on in proportion for any smaller quantity.

2. The sanction of Government will be communicated to the promoters by the Collector of Malabar, through the Calicut Municipality, to the grant of the concession to raise capital and start work within one year from the date of such sanction.

(True Extract.)

(Signed) F. R. UPCOTT,
Joint Secy. to Govt., P.W.D.,
Railway Branch.

To the Collector of Malabar.
" Local and Municipal Department.
" Malayalam Translator to Government.
" Superintendent, Government Press.

Exd. Shaik Karim.
Spare Copies

RAILWAY.

Govt. of {1895} Madras

PUBLIC WORKS.

Dated November, 7th.

Recd. *Encl.*

G.O. No. 741 R., 7th Nov. 1895.

NOVEMBER.

Tramways

Directing the publication in the Fort St. George and the Malabar District Gazettes of a notification embodying the draft of a proposed order authorizing the construction, by the promoters, of — in the town of Calicut and ordering that the sanction of Government to the grant of the concession to raise capital and start work within one year from date of sanction, be communicated to the promoters.

Ow.1
3266/95

Ow.1
9857/95

1399

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read again the following paper :—

G.O. No. 741 R., dated 7th November 1895.

ABSTRACT.—Directing the publication in the Fort St. George and the Malabar District Gazettes of a notification embodying the draft of a proposed order authorizing the construction, by the promoters, of Tramways in the town of Calicut, and ordering that the sanction of Government to the grant of the concession to raise capital and start work within one year from date of sanction, be communicated to the promoters.

ORDER—No. 412 R., dated 2nd May 1896.

No objections or suggestions having been received to the draft order authorizing the construction and maintenance and to regulate the working of tramways in the town of Calicut published in Part I of the *Fort St. George Gazette*, dated 19th November 1895, pages 1313 to 1320, His Excellency the Governor in Council is pleased, under the provisions of section 6 of the Indian Tramways Act, 1886, to direct that the application of the promoters hereinafter named for powers to construct, maintain and use a system of tramways in Calicut, be granted upon the terms and subject to the conditions and provisions hereafter contained; that is to say,—

1. (i) This order may be called, and cited as the Calicut Tramways' order, 1895, No. 2.
(ii) It shall come in force at once.

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.

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 Council" shall mean the Municipal Council of the town of Calicut.

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 authorized.

The term "carriage" shall include a "truck."

4. Messrs. A Brown, A Subramania Aiyar, Jannai Govindrai and Pyathopil Mahmud Hajee in the town of Calicut, by whom a Joint Stock Company is about to be incorporated and registered in Calicut with a nominal capital of Rs. 1,50,000 divided into 15,000 shares of Rs. 10 each, shall be the promoters for the proposes of this order, and are in this order referred to as "the promoters."

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.

6. *Construction of Tramways.*—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 Council,

RAILWAY.

[illegible] of (1895) at Madras

respectively, with all proper rails, chairs, plates, sleepers, turnouts, crossings, sidings, junctions, passing places, turn-tables, weighbridges, 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 to the Kallai Municipal landing place, passing thence along the Beypore road to the Big Bazaar road, where it joins Tramway No. 2.

Tramway No. 2.—Commencing from Pudyara landing place, passing thence along the Pudyara road and running in a westerly direction along the Big Bazaar road passing the railway station and terminating near the Old Customs House or the South Beach.

Tramway No. 3.—Commencing from a junction with Tramway No. 2, opposite to the Calicut railway station, passing thence along the Robinson road and the Mananchira tank and terminating in the Old Huzur Cutcherry compound.

Tramway No. 4.—Commencing from a junction with Tramway No. 2 at the junction of Big Bazaar street and the Aluvanni street, passing thence along the Aluvanni street and terminating near the Kuttichera tank.

Tramway No. 5.—Commencing from a junction with Tramway No. 2 at the Old Customs House, South Beach, passing thence along the Beach road and terminating at the pier.

Tramway No. 6.—Commencing from the Old Huzur Cutcherry compound, passing thence along the Cannanore road past the St. Mary's Church and the barracks and terminating at the landing place on the beach at Varakkal.

Tramway No. 7.—Commencing from junction with route No. 6 opposite to the tank on the Cannanore road near the barracks and terminating on the old Elephant lines, Paramba.

In addition to the tramways hereinbefore described, this order also authorizes the construction of three miles of extensions (hereinafter called rubbish lines) to any or each of the tramway lines hereinbefore described and numbered, respectively, 1, 2, 3, 4, 5, 6 and 7, which rubbish lines shall be for municipal purposes only and not for passengers' 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 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, engine-houses, 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.

7. The tramway shall be constructed on such gauge as may be mutually agreed upon between the promoters and the Municipal Council 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 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 and the situation of the rails and the substructure upon 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.

8. The promoters shall substantially commence the construction of the tramways and undertaking within a period of twelve months after the date of this order, and shall substantially complete and open for traffic the tramways Nos. 1 to 7 before the expiration of two years from such date and such extensions as may be desired by the Council under provision 6 of this order 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, in shares or debentures actually issued or raised on mortgage of the property and expended by the promoters or such proposed company 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 silver in Calicut 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.

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 the 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 anywise 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 works 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, viz.:—

(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.

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

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 plans 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.

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 4 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 above mentioned, and the reasonable expense incurred by the road authority in so doing shall be repaid to them by the promoters.

14. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid, or authorized 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.

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 re-instating 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 materials 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 Council, 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 materials 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.

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 purpose; 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 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 differences 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) No company, body or person, shall execute such work, so far as it immediately affects the tramways, except under the superintendence of the promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work, and they shall execute such work at their own expense and to the reasonable satisfaction of the promoters.

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 pipe for the supply of gas or water or any tubes or 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 pipe, tube, wire or apparatus or interfere with or impede the supply of water or the 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 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 the 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 48 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 anything 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 private service pipes of any person supplied by any such company or person with water or gas.

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.

19. *Motive Power.*—The carriages used on the tramways may, subject to the provisions of this order, be moved by animal power, steam power, electricity conveyed either through over-head or under-ground wires, or any mechanical power, provided that the exercise of the powers hereby conferred with respect to the use of steam, electricity, or any mechanical power, shall be subject to the 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, electricity or any mechanical power on the tramways. Provided also that if electrical power be used, communication by the existing Government Telephone and Telegraph lines shall be safe-guarded as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act XIII of 1887.

20. The engines (if any) and carriages to be used on the tramways shall be of the best construction, and the dimensions, fittings, appliances, and apparatus of such engines (if any) 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 (if any) and carriages, and in the fittings, appliances and apparatus thereof, as the Local Government may consider necessary or advisable for the safety or convenience of the public, and in case they shall do so or shall incur any other capital expenditure, 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.

14. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid, or authorized 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.

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 re-instating 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 materials 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 Council, 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 materials 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.

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 purpose; 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 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 differences 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) No company, body or person, shall execute such work, so far as it immediately affects the tramways, except under the superintendence of the promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work, and they shall execute such work at their own expense and to the reasonable satisfaction of the promoters.

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 pipe for the supply of gas or water or any tubes or 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 pipe, tube, wire or apparatus or interfere with or impede the supply of water or the 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 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 the 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 48 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 anything 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 private service pipes of any person supplied by any such company or person with water or gas.

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.

19. *Motive Power.*—The carriages used on the tramways may, subject to the provisions of this order, be moved by animal power, steam power, electricity conveyed either through over-head or under-ground wires, or any mechanical power, provided that the exercise of the powers hereby conferred with respect to the use of steam, electricity, or any mechanical power, shall be subject to the 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, electricity or any mechanical power on the tramways. Provided also that if electrical power be used, communication by the existing Government Telephone and Telegraph lines shall be safe-guarded as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act XIII of 1887.

20. The engines (if any) and carriages to be used on the tramways shall be of the best construction, and the dimensions, fittings, appliances, and apparatus of such engines (if any) 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 (if any) and carriages, and in the fittings, appliances and apparatus thereof, as the Local Government may consider necessary or advisable for the safety or convenience of the public, and in case they shall do so or shall incur any other capital expenditure, 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.

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

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.

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 passengers' luggage not exceeding twenty pounds in weight.

24. The Municipal Council may, during such hours not exceeding 6 in every 24 hours as may be prescribed by the promoters in such manner as the Municipal Council may think fit, but subject to the rules 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, electricity or any mechanical power on the tramways, provided always that it shall not be open to the Municipal Council to use any other motive power than that used by the promoters and that the promoters shall, if required by the Municipal Council 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 100 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 Council.

25. *Tolls.*—The promoters may demand and take for every passenger travelling upon the tramways, including tolls and charges for the use of the tramway and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charge not exceeding one half-anna per mile, or the promoters may, subject to the reasonable approval of the local authority, fix stages of 1 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-anna per stage as the case may be.

26. Every passenger travelling upon any of the tramways may take with him his personal luggage not exceeding 20 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.

27. The promoters may demand and take in respect of any animals, goods, minerals, or parcels conveyed by them in 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.

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.

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 orders made in pursuance of this section in respect of the tramways of 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 enquiry by a referree to be appointed by the Local Government and if such referree 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 cent. per annum upon the total capital of the company whether represented by shares or 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.

30. *General.*—If, at the expiration of two years from the date of this order, the Municipal Council 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 Council, require the Municipal Council 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 Council, 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.

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.

33. The promoters shall, if required by the Municipal Council before commencing the construction of the tramways or any part thereof, deposit with the Bank of Madras, or such other bank as the Commissioners may agree to, in the name of the Municipal Council, the sum of Rs. 750 or at their option promissory notes of the Government of India or Municipal bonds of the nominal value of Rs. 750 and the same shall remain so deposited until the expiration of the concession, 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 Council 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. Provided also that upon the failure of the promoters to carry out the said concession, the said sum of Rs. 750 so to be deposited as aforesaid shall be forfeited to the Municipal Council.

34. The tramways, plant, engines, carriages, and other vehicles, offices, workshops, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, 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, warehouses, yards and depôts.

34-A. The promoters shall, after the expiration of two years from the date of this order, pay to the Municipal Council rent for the lands occupied by the undertaking at the rate of Rs. 12 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 from the date when such rent in arrear become due.

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

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

(2) The maximum amount to be paid for preliminary expenses and promotion shall be the sum of Rs. 12,000.

(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 necessary.

36. 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.

37. 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 authorized 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.

38. 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 Council, 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.

39. The promoters shall, on demand, repay to the Municipal Council all preliminary, legal and engineering expenses incurred by them in relation to this order not exceeding in the whole the sum of Rs. 500.

40. 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 or less favourable terms than those contained in this order for the construction, maintenance and working of the tramways by this order authorized.

41. Notwithstanding anything in this order contained, the promoters, and any person using the tramways, shall be subject and liable to the provision 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 authorized 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.

42. 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 Calicut for the time being or by being left at any office of the promoters in Calicut, 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 Calicut to whom, and of some office in Calicut, where any such notice may be delivered or left as aforesaid, and of any change of such agent or office.

SCHEDULE A.

1. 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, or by steam.

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

(*c*) 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.

(*d*) 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 6 inches from the level of the rails.

2. 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.

3. The speed at which such engines and carriages shall be driven or propelled along the tramways shall not exceed the rate of 8 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 4 miles an hour.

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

5. 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.

SCHEDULE B.

Tolls and Charges for Animals, Goods, &c.

	Per mile. AS.	P.
For every horse, mule or other beast of draught or burden per head ...	6	0
For every ox, cow, bull or head of cattle per head	6	0
For every calf, pig, sheep, or other small animal	3	0
Goods and Minerals.		
For all coals, coke, culm, charcoal, cannel, limestone, chalklime, salt, sand, pipe-clay, Cinder's dung composed and all sorts of manure and all undressed materials for the repair of public roads or highways, per ton ...	3	0
For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron bricks, slags, 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 ..	4	0
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	6	0
For cotton and other wools, drugs, and manufactured goods and all other wares, merchandise, fish, articles, matters or things, per ton	6	0
For every carriage of whatever description, each, such sum as the promoters may think fit.		
Small Parcels.		
For every parcel not exceeding 7 pounds in weight, each	3	0
For any parcel exceeding 7 pounds and not exceeding 14 pounds, each ..	4	0
For any parcel exceeding 14 pounds and not exceeding 28 pounds in weight	5	0
For any parcel exceeding 28 pounds, but not exceeding 56 pounds in weight	6	0
For any parcel exceeding 56 pounds in weight, such sum 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.

	RS.	A.	P.
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 4 tons but does not exceed 8 tons, such sum as the promoters may think fit not exceeding, per ton	1	6	0

For the carriage of any single piece of timber, stone, machinery or other single article, the weight of which with the carriage exceeds 8 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 ton in such fraction, and if there be a fraction of a quarter 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, 14 cubic feet of stone, 40 cubic feet of oak, mahogany, teak, beech or ash, and 50 cubic feet of any other timber, shall be deemed one ton weight, and so on in proportion for any smaller quantity.

(True Extract.)

(Signed) C. W. HODSON,
Offg. Joint Secy. to Govt., P.W.D.,
Railway Branch.

To the Collector of Malabar.
" Local and Municipal Department.
" Malayalam Translator to Government.
" Superintendent, Government Press.

Exd. Shaik Karim.
Spare Copies

SERIAL
No. 10

RAILWAY.

Govt. of {1896} Madras.

PUBLIC WORKS.

Dated May, 2nd.

Recd.

Encl.

G.O. No. 412 R., 2nd May 1896.

MAY.

Tramways

Directing that the application of the promoters for powers to construct, maintain and use a system of — in Calicut, be granted upon certain terms and subject to certain conditions.