Public Works (1898) Department.

RAILWAY BRANCH.

G.O., No. 1218 Rly.

DATED 5th October 1898.

[Despatch Abstract.]

Calicut Tramway Orders

Concerning the publication in the Fort St George & the Malabar District Gazettes of the revised notification of the ——— in substitution of that already published in December 1897.

Indexed.

[P. W. Ry. 500—13-6-98.]

BACK PAPERS.

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

FURTHER PAPERS.

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

RAILWAY.

Government {1897} of Madras.

PUBLIC WORKS.

Recd. / *Regd.* } 1897. *Enclosures* / *Spare copies*

G.O., No. 1133 R., 14th December 1897.

DECEMBER.

Tramways

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

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read again the following paper:—

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

Abstract.—Directing the publication in the Fort St. George and the Malabar District Gazettes of a revised notification embodying the draft of a proposed order authorizing the construction by the promoter, of tramways in the town of Calicut.

Order—No. 1133 R., dated 14th December 1897.

No objections or suggestions having been received to the revised 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 26th October 1897, pages 1299 to 1307, 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 promoter 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. *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.

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 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 of such offices, workshops, 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 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.

	Per mile. A.	P.
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.
" Examiner of Railway Accounts.

Exd. T. K. Narayana Aiyangar.

RAILWAY.

Government {1898} of Madras.

PUBLIC WORKS.

Recd. } 1898. *Enclosures*

Regd. } *Spare copies*

G.O., No. $\frac{978}{A}$ Ry., 29th July 1898.

JULY.

Calicut Tramways Order, 1897

The amendment of clause 9 of —, approved and copy of the proceedings forwarded to the Government of India for information.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read again the following papers :—

G.O., No. 902 R., dated 4th November 1897.

Telegram from—A. Brown, Esq.,
To—The Consulting Engineer for Railways, Madras.
Dated—30th October 1897.

Revised tramway notification, clause nine, shall feel much obliged by explanation of words " then value. "

Telegram from—The Consulting Engineer for Railways, Madras.
To—A. Brown, Esq.,
Dated—1st November 1897.

Term " then value " quoted from clause 22, Tramways Act, for interpretation of which consult your lawyer.

Order—No. 902 R., dated 4th November 1897.

The Government of India will be addressed.

From—The Joint Secretary to the Government of Madras, P.W. Dept., Ry. Branch.
To—The Secretary to the Government of India, Public Works Department.
Dated—Madras, 4th November 1897, No. 903 R.

Upon the publication in the *Fort St. George Gazette* of the 26th October 1897 of the draft of the order proposed to be issued by this Government under the provisions of the Tramways Act of 1886 for the construction of the Calicut single rail tramway, referred to in the correspondence ending with your No. 1422 R.C., dated the 31st August 1897, an enquiry was received from the Promoter as to the meaning of the term " then value " in clause 9, the purchase clause of the draft order.

2. As suggested in paragraph 2 of your letter above referred to, clause 9 of the draft order was modelled upon clause 22 of the Tramways Act. But this Government is uncertain as to the exact significance of the term " then value," viz., whether it means the market value as shown by the market price, on the date of sale, of the Tramway Company's shares and debentures, or the value of the property as arrived at by a valuation and if necessary by arbitration, or the par value of the actual authorized capital outlay as incurred by the Company.

3. This Government is inclined to believe that it was the intention of the framers of the Tramways Act that the term " then value " should have some such meaning as the average market value for a reasonable period, or the actual market value on the date of sale, of the Company's authorized issue of stock and debentures. I am directed to enquire whether this interpretation is or is not correct; and, if not, to beg that I may be informed what was intended to be the meaning of the term.

G.O., No. 1133 R., dated 14th December 1897.

Read also the following papers :—

From—The Secretary to the Government of India, Public Works Department.
To—The Joint Secretary to the Government of Madras, P.W. Dept., Ry. Branch.
Dated—Calcutta, 14th December 1897, No. 1997 R.C.

I am directed to acknowledge the receipt of your letter, No. 903 R., dated 4th November 1897, enquiring, with reference to the purchase clause (9) of the draft of the proposed order authorising the construction of the Calicut single rail tramway, what interpretation should be placed on the expression " then value " as used in clause 22 of the Indian Tramways Act XI of 1886.

2. In reply I am to inform you that it is understood that the term " then vaule " has been interpreted to mean the actual value of the railway and rolling-stock at the time of purchase and that it has no reference to the earnings of the concern.

3. As, however, a doubt has been raised as to the meaning of the phrase, it may perhaps be preferable to specify certain defined terms of purchase which shall not be open to the objection taken to the purchase clause as originally drafted, and I am to suggest that a provision that the purchase price should be 25 times the average net earnings of the tramway for the five years immediately preceding the date of purchase, would be suitable, giving a reasonable purchase rate without involving the necessity for any scrutiny on the part of Government in regard to the capital expenditure.

G.O., No. 751 Ry., dated 20th May 1898.

From—The Consulting Engineer for Railways, Madras.
To—The Chairman of the Calicut Municipality.
Dated—Madras, 5th February 1898, No. 371.

With reference tc the Calicut Tramways Order No. 3 of 1897, which was published in *Fort St. George Gazette*, dated 14th December 1897, pages 1551 to 1559 inclusive, I have the honour to inform you that when the " Order " was first drafted clause 9, the purchase clause, provided that in the event of the purchase of the tramway by the Local Authority, the price to be paid for it was to be " *the amount of nominal capital in shares or debentures actually issued or raised on mortgage of the property and expended" up to date of purchase plus one-fourth for compulsory purchase.*

2. On this clause coming to the notice of the Government of India, they objected to the wording of it *because it is left open to the Promoters to water the capital to any extent and then to call upon the purchaser to pay up the watered capital and not the real capital value.*

On the advice of the Government of India, the phraseology of the purchase clause in the draft order was altered so as to bring it into consonance with clause 22 of the Indian Tramways Act, which enacts that the purchaser shall pay " *the then value of the undertaking exclusive of any allowance for past or future profit or any compensation for compulsory sale or other consideration whatever.*"

On this revised wording coming to the notice of the Promoter, he enquired as to the meaning of *then value*, and in reply was referred to the Tramways Act and to his legal advisers. It was subsequently ascertained from the Promoter that he was quite satisfied with the reference to the Tramways Act, and the order was therefore published in the Gazette forthwith, as no objection to it had been received from any quarter.

Subsequently, however, the Government of India, in reply to a reference on the subject, wrote the letter of which I enclose a copy No. 1997 R.C., dated the 14th December 1897, and the question arises whether it would not be right that the Municipality and the Promoter should now have the option of applying to Government for a fresh draft of paragraph 9 in the shape of a revised order. The matter seems to be one which most nearly concerns the interests of the Municipality, as they may possibly at the expiry of the agreed period desire to purchase the tramway, and may

possibly wish the terms of purchase to be stated beforehand more explicitly than is done in the Tramways Act or in the order which is now in force. It may be, however, that the Municipality are still satisfied with the order as it stands.

I shall be glad to be informed what conclusion they have arrived at, after discussion, if necessary, with the Promoter, so that I may take the orders of Government.

From—The Chairman, Municipal Council, Calicut.
To—The Consulting Engineer for Railways, Madras.
Dated—Calicut, 1st March 1898, No. 226/98.

In reply to your letter, No. 371, dated 5th ultimo, I have the honour to forward herewith copy of a resolution of the Municipal Council passed at its meeting held on the 26th instant from which it will be observed that the Council does not think that any alteration in paragraph 9 of the Tramway notification is necessary.

Enclosure.

Extract from the Proceedings of the Municipal Council Calicut passed at its meeting held on the 26th February 1898.

* * * * *

15. Read letter, dated 5th February 1898, No. 371, from the Consulting Engineer for Railways, Madras, requesting to be informed whether it would not be right that the Municipality and the Promoter should now have the option of applying to Government for a fresh draft of paragraph 9 (the purchase clause) of the Tramway notification.

The council does not think any alteration in the wording of paragraph 9 as it now stands is necessary.

Order—No. 751 Ry., dated 20th May 1898.

As it is advisable, whenever possible to do so, to clear up the meaning of indefinite terms and phrases, it would be well if the Purchase Clause of the Calicut Tramway Order, dated 14th December 1897, could be altered upon the lines of the Government of India's advice.

2. The Chairman of the Calicut Municipal Council will therefore suggest to the Promoter that he should put in an application, with the consent of the Municipal Council, for the amendment of clause 9 of the Calicut Tramway Order in the following manner, *i.e.*, that in lieu of the words beginning "*paying the then value*" and ending "*or any consideration whatever*," shall be inserted the words "*being paid 25 times the average net earnings of the tramway for the last five years immediately preceding the date of purchase.*"

3. The application for revision if agreed to should be made under the provisions of clause 8 of the Tramways Act.

From—The Chairman, Municipal Council, Calicut.
To— The Joint Secretary to the Government of Madras, P.W. Dept., Ry. Branch.
Dated—Calicut, 6th July 1898, No. 715.

With reference to G.O., No. 751 Ry., dated 20th May 1898, I have the honour to forward herewith copy of a resolution of the Municipal Council passed at its meeting held on the 5th instant on the subject of the amendment of clause 9 of the Calicut Tramway Order on the lines suggested by Government and to request that, under clause 8 of the Tramways Act, Government will be pleased to approve of the proposed amendment.

A copy of letter No. F. 2529, dated 9th June 1898, from Mr. A. Brown, Calicut, the Promoter, is herewith submitted for the information of Government.

Enclosure.

Extract from the Proceedings of the Municipal Council, Calicut, passed at a meeting held on the 5th July 1898.

* * * * *

12. Read G.O., No. 751 Ry., dated 20th May 1898, directing the Chairman of the Calicut Municipal Council to suggest to the Promoter of the Calicut Tramways that he should put in an application with the consent of the Municipal Council for the amendment of clause 9 of the Calicut Tramway Order in the following manner, *i.e.*, that in lieu of the words beginning "paying the then value" and ending "or any consideration whatever" shall be inserted the words "being paid 25 times the average net earnings of the tramway for the last five years immediately preceding the date of purchase."

Read also letter dated 9th June 1898, No. F. 2529, from Mr. A. Brown, Calicut, stating that an application under clause 8 of the Tramways Act may be made for the amendment of clause 9 of the Calicut Tramway Order on the lines suggested by Government.

The council consents to the amendment.

From—A. Brown, Esq.,
To—The Chairman, Municipal Council, Calicut.
Dated—Kallai, Malabar Coast, 9th June 1898, No. F. 2529.

I have the honour to own receipt of your No. 266/98 of 28th ultimo and in accordance therewith to request that Government may be approached and an application made with a view to having the wording of the Government Order published in the *Fort St. George Gazette* of December 14th, 1897, and known as "The Calicut Tramways Order" 1897, No. 3, altered in paragraph 9 (the purchase clause) so as to read in lieu of the words beginning "paying the then value" and ending "other consideration whatsoever" as follows "being paid 25 (twenty-five) times the average net earnings of the tramway for the last five years immediately preceding the date of purchase."

The application should be made under clause 8 of the Tramways Act.

Order—No. 978/A Ry., dated 29th July 1898.

The Promoter and the Municipal Council, Calicut, having in accordance with section 8 (4) of the Indian Tramways Act, 1886, consented in writing to the amendment of clause 9 of "The Calicut Tramways Order," 1897, No. 3, as proposed in G.O., No. 751 Ry., dated 20th May 1898, His Excellency the Governor in Council is pleased, under the provisions of section 8 of Act XI of 1886 to amend clause 9 of "The Calicut Tramways Order," 1897, No. 3, in the following manner, *i.e.*, in lieu of the words beginning "paying the then value" and ending "or any consideration whatever" substitute the words "being paid 25 times the average net earnings of the tramway for the last five years immediately preceding the date of purchase."

2. The Government of India will be addressed.

[Here enter No. 978/A Ry., dated 29th July 1898.]

(True Extract.)

Francis J. E. Spring,
Joint Secretary.

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

Exd. Md. Pahilvan.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Fort St. George, August 1, 1898.

The following revised notification is published in substitution for that published in the *Fort St. George Gazette* on the 14th December 1897, which is hereby cancelled :—

No objections or suggestions having been received to the revised 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 26th October 1897, pages 1299 to 1307, 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 promoter 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. *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.

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 before the 14th December 1898, and shall substantially complete and open for traffic the tramways Nos. 1 to 7 before the expiration of two years from that 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 that 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 mentioned in paragraph 8 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 being paid twenty-five times the average net earnings of the tramway for the last five years immediately preceding the date of purchase 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 authorised 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 or 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 depots 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, workshops, sheds, stables, buildings, carriage-houses, engine-houses, warehouses, yards and depots.

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 tranferee 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*) Arrrngement 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.

FRANCIS J. E. SPRING,
Joint Secretary.

Form No. 1.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

B

Papers to be read in Proceedings:—

Again G.O., dated 14th December 1897, No. 1133 R.

Again G.O., dated 29th July 1898, No. 978 R/A

Current No. of 189 , dated , from

" " " 189 , " , "

" " " 189 , " , "

ORDER. No. 1218 Rly 5th Oct/98.

The following revised notification of the Calicut Tramway Order will be published in the Fort St George and the Malabar District Gazettes in substitution of that published at page 1551 Part I of the Fort St George Gazette of 14th December 1897.

A

2. The Malayalam Translator to Govt is requested to furnish as soon as possible the translation to the Supt Govt Press who will publish it in the Fort St George Gazette and forward copies to the Collector

tary.

post.
sunrise

Collector of Customs for
publication in the Customs
District Gazette contract &c

JD.
BR
B-10-98

A

Despatched on 8/10/98

To The Com Engr for Rys ✓
" Collector of Customs ✓
" Local & Commercial Affs ✓
" Customs Translator
" Supt 1st Govt Power. ✓
" Examiner of Rlt Accts