Public Works (1899.) Department.

RAILWAY BRANCH.

Print-need

G.O., No. 550-51 Ry.

DATED 9th May 1899.

Includes.

G.O. No. 149 Ry 7-2-99
do. 150 "
do 243 Ry 28-2-99
do 301 Ry 17-3-99
do 390 Ry 7-4-99
65/66 R My 11-2-99

250/8/20/36/1

[Despatch Abstract.]

Madura District Tramways

Making an ~~absolute~~ order authorising the promoters Messrs Wilson & Co, Madras, to proceed with the Construction of ——.

Forwarding copy of Pro containing an ~~absolute~~ order authorising the promoters Messrs Wilson & Co, Madras, to proceed with the construction of ——

[P. W. 15. 300—30-4-99.]

Indexed

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 {1899} of Madras.
PUBLIC WORKS.

Recd. } 1899.
Regd. }

Enclosures
Spare copies

G.O., Nos. 550, 551 Ry., 9th May 1899.

MAY.

Madura District Tramways

Forwarding copy of Proceedings containing an ~~absolute~~ order authorising the promoters Messrs. Wilson & Co., Madras, to proceed with the construction of —.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read again the following papers :—

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

Read also the following papers :—

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

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

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

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

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

Enclosure No. 1.

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

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

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

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

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

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

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

Enclosure No. 2.

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

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

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

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

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

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

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

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

Enclosure No. 3.

Proceedings of the District Board, Madura,
No. 128, dated 21st November 1898.

* * * * *

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

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

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

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

Proposed by M.R.Ry. M. Vencatramaiyar Avergal and seconded by M.R.Ry. P. S. Santanakrishnam Pillai Avergal :—

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

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

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

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

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

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

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

From—The President, District Board, Madura.
To—The Secretary to Government, Local and Municipal Department.
Dated—8th December 1898, R.C. No. 175 G.

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

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

ENCLOSURE.

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

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

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

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

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

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

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

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

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

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

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

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

From—The Postmaster-General, Madras.
To—The Consulting Engineer for Railways.
Dated—15th February 1899, No. 40360.

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

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

From—The General Manager, K. D. H. P. & Co., (Limited).
To—The Joint Secretary to Government, P.W. Dept., Railway Branch.
Dated—20th April 1899.

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

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

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

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

From—The Secretary to the Government of India, Public Works Department.
To—The Joint Secretary to the Government of Madras, P.W. Dept., Ry. Branch.
Dated—Simla, 19th April 1899, No. 37 R.P.

In continuation of Government of India telegram No. 36 R.P., dated the 19th April 1899, reproduced in the margin, and your letter No. 390 Ry., dated the 7th April 1899, I am directed to confirm the sanction accorded to the draft order received with your above-quoted letter, authorising the construction by Messrs. Wilson & Co., Madras, of the Ammayanayakkanur-Periyar tramway on the 2′ 6″ gauge, and to request that you will forward 36 copies of the order as finally issued.

Your telegram numbered and dated as follows:
57, 17th instant. Draft order approved. Letter follows.

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

Having, in accordance with the procedure laid down in section (6) of the Indian Tramways Act XI of 1886, duly considered all the objections and suggestions made with reference to the draft published from time to time in the *Fort St. George Gazette* of an order authorising Messrs. Wilson & Co. of Madras to make certain tramways in the district of Madura, His Excellency the Governor in Council is pleased, under the provisions of section 4 of that Act, to now make an absolute Order in the following form, authorising the promoters to proceed with their enterprise. This Order will be published in the Fort St. George and Madura District Gazettes, in English and in Tamil. A copy of this Order will be forwarded to the Government of India.

ORDER UNDER THE INDIAN TRAMWAYS ACT.

Authorizing the Construction and Maintenance, and to Regulate the Working of Tramways in the District of Madura.

Whereas in pursuance of the provisions of the Indian Tramways Act, 1886, the promoters hereinafter named have applied, with consent of the District Board of Madura, for powers to construct, maintain and use a system of tramways on the two-foot six-inch gauge in the district of Madura, the Government of the Presidency of Madras, being, for the purposes of the following order, the Local Government within the meaning of the said Act, deem it expedient that the powers so sought should be granted, upon the terms and subject to the conditions and provisions hereinafter contained, that is to say :—

1. *Title.*—This order may be called and cited as the Madura District Tramways Order, 1899. It shall come into force at once.

2. *Interpretation Clause.*—The several words and expressions to which meanings are assigned in the Definition clauses of the Indian Tramways Act, 1886, have in this order the same respective meanings, unless there be something in the subject or context repugnant to such construction or unless herein otherwise provided.

Provided that in this order the expressions "the tramways" and "the undertaking" shall mean the tramways and works and undertaking by this order authorized, and the words "the Act" shall mean the said Indian Tramways Act, No. XI, 1886, and any subsisting statutory modification thereof, and the word "Government" shall mean the Government of Madras.

3. *Law applicable to the Tramways.*—The tramways shall be constructed, maintained and worked, subject to the provisions of the Act, of the rules from time to time in force under the Act, and of this order, and no powers or rights shall be deemed to have been conferred on the promoters or to have been relinquished by Government, except as in this order expressly provided.

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

5. *Construction of the Tramways.*—Subject to the provisions of this order, the promoters may construct and maintain the tramways hereinafter described, the routes of which are shown on the maps deposited by the promoters with Government and the Local Authority, respectively, with all equipment, works, buildings and conveniences connected therewith or for the purposes thereof, and may work and use the same.

6. *Tramways authorized.*—The tramways authorized by this Order are—

A single line with necessary passing places to be laid—

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

7. *Land.*—The promoters may, by agreement from time to time, purchase or take on lease or otherwise acquire such lands as they may require for the purposes of the undertaking, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided such lands are sold or disposed of through the Collector of Madura, under Government of India Circular No. 1, Railway, of 1897. Land may, with the approval of Government, be acquired for the promoters under the provisions of the Land Acquisition Act, 1894.

8. *Approval of plans.*—The promoters shall lay before Government and the local authority a plan showing the proposed mode of constructing and laying down the tramways and a statement of the materials intended to be used therein, and the promoters shall not commence the construction and laying down of any of the tramways or any part of any of the tramways, respectively, until such plan and statement have been approved by Government and the local authority; provided that if, at the end of one calendar month from the time of laying such plan and statement before Government and the local authority, the Government and the local authority respectively, as the case may be, shall not have signified in writing its disapproval, the plan and statement shall be considered approved by such authority or authorities and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence when reasonably required so to do.

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

The tramways shall be constructed in such position on or off the several roads, and the passing places shall be of such length and shall be constructed and maintained at such places or between such points on the line as the promoters may consider necessary or convenient for the efficient working of the tramways, and the promoters may, after the construction of the tramways or any part thereof, construct and maintain, subject to such reasonable approval, all such additional crossings, passing places, sidings, junctions, or extensions thereof and other works as they may from time to time consider necessary or convenient for the efficient working of the tramways or any of them or for providing access to any buildings, premises, or works of the promoters. Provided always that the promoter's proceedings under this clause shall be subject to the approval of the local authority.

(*a*) Subject to any other provisions of this order, the promoters shall, at their own expense, at all times maintain and keep in good condition and repair, to the reasonable satisfaction of the local authority, the rails and the substructure upon which the same rest and the whole surface of all roads, including the portion used for cart traffic, as well as the slopes and bridges, on which the tramways are laid. In consideration of the promoters so doing, the local authority shall pay to the promoters the annual sum of two hundred rupees for every mile of road upon which the tramway shall be laid during a period of seven years from the date on which the road authority shall make over the roads on which the tramways are to be laid to the promoters, and also for every year after such period of seven years in which the working of the tramways shall not realise a net profit equal to interest on the share and debenture capital of the Company so to be formed as aforesaid at the rate of five per centum per annum. Provided always that if in any year after the expiration of the said period of seven years the working of the tramways shall realise a net profit equal to interest at five per centum per annum on the paid up capital of the Company so to be formed as aforesaid, then and from that year the payment by the local authority of the said annual sum of two hundred rupees per mile and every part of such sum shall permanently cease and determine, anything hereinbefore contained to the contrary notwithstanding. Provided also that if the promoters fail to comply with the provisions of this sub-section the local authority, if it think fit, may at any time after seven days' notice to the promoters or their agent for the time being, open and break up any part of any road or any bridge on which the tramways shall be laid and do the works necessary for the repair and maintenance or restoration of such road or bridge, and the reasonable expenses incurred by the local authority in so doing shall be repaid to the local authority by the promoters or may be deducted by the local authority from any moneys payable by it to the promoters under this order.

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

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

(*d*) In case any question of dispute shall arise between the road authority and the promoters as to whether any rails or any substructure on which the same rest or any road or any part of any road or any slope or any bridge on or over which respectively the tramways shall be laid is maintained in good condition and repair as hereinbefore provided or is suitable for road traffic, then and in every such case such question or dispute shall be referred to the Government Superintending Engineer for the time being of the circle in which such rails, substructure, road, slope or bridge shall be and the decision of such Superintending Engineer upon any such question or dispute shall be final and conclusive and altogether binding and operative on the road authority and the promoters respectively.

(*e*) The local authority shall at all times be at liberty to collect and retain all tolls and fees leviable, under the Madras Local Boards Act, 1884. or other law in force for the time being, in respect of any road upon which the tramways shall be laid and the promoters shall not be entitled to such tolls and fees or any of them.

10. *Bridges.*—In all cases where, in the opinion of the road authority, the existing road bridges are not sufficiently strong to carry the tramways, the promoters shall make at their own cost such additions to or alterations of any such bridges as may be required by, and the work shall be carried out and completed to the satisfaction of, the road authority. Provided that, in case of difference of opinion as regards the necessity for such alterations, the decision of the Government Superintending Engineer of the Circle shall be final and binding. The promoters may, at their option, construct at their own cost, for the purposes of the tramways, separate bridges of such design and in such manner as shall first be approved by an officer duly appointed by Government in this behalf, and shall complete the same to the satisfaction of the said officer.

11. *Specification for rail surface and substructure.*—The tramways shall be constructed on a gauge of 2 feet 6 inches. Wherever the tramway runs on or crosses a roadway the upper surface of the rails of the tramways shall be level with the surface of the roadway; and subject to this provision the rails of the tramway shall be such as Government shall approve, and the tramways shall be constructed, laid and maintained according to such general specification as to the kind of rail, foundations, manner of laying and repair thereof as Government shall approve.

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

13. *Width of road to be used.*—The promoters may use for the construction of the tramways seven feet in width of one side of all roads over which the line is to run. In cases where there are no buildings on that side of the road on which the tramways are laid the said width of seven feet shall be measured from the drain on that side of the road, or when the road is in embankment, from the edge of such embankment; but for the purpose of crossing bridges, the tramways may approach the centre of the road as far as shall, in each case, be deemed unavoidable by the road authority. Provided always—

(1) That there shall nowhere, except at bridges, be a less width of metalled road than ten feet clear of that rail of the tramway which is nearest the road centre.

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

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

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

16. *Altering road surface.*—Should the promoters consider it desirable or necessary for the efficient working of any part of the tramways to alter any of the levels or gradients of any of the roads upon which the tramways are constructed, or for the same purpose to alter, repair or strengthen any of the bridges over which the same pass, the promoters may, with the approval of the road authority, execute the same at their own cost; and where the road is already paved or metalled the promoters may if they think fit, at their own cost, when constructing the tramways or any part thereof on such road, relay such paving or metalling; and the promoters shall, at their own cost, provide sufficient new paving or metalling of a similar character for properly making good such road in the event of any of the original paving or metalling having become unsuitable or being insufficient for relaying. The promoters shall be at liberty free of charge, subject to the approval of the Collector in the case of Government quarries, to take road metal, stone, lime, clay, sand and gravel from Government lands within ten miles of the tramway, for the purpose of constructing the tramway or buildings connected therewith.

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

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

(2) They shall not open or break up any road except under the superintendence and to the reasonable satisfaction of the road authority, unless the authority concerned refuses or neglects to give such superintendence at the time specified in the notice, or discontinues superintendence during the progress of the work.

18. *Making good damage to roads.*—When the promoters have opened or broken up any portion of any road, they shall, with all convenient speed, complete the work on account of which they opened or broke up the same and, subject to the requirements of the formation or maintenance or renewal of the tramways, shall fill in the ground and make good the surface to the satisfaction of the road authority and shall clear away all surplus rubbish and materials. They shall, in the meantime, cause the place where the road is opened or broken up to be guarded and watched and properly lighted at night, and shall provide for the free passage of road traffic during the progress of the work.

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

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

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

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

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

(4) Whenever, for the purpose of enabling them to execute such work, the local or road authority or company, body or person shall so require, the promoters shall either stop traffic on the tramway to which the notice shall refer where such traffic would otherwise interfere with such work, or shall shore up and secure such tramway at their own risk and cost during the execution of the work there. Provided that such work shall always be completed with all possible expedition by the local or road authority or company, body or person and any differences as to the necessity of such work shall be settled in manner provided in clause 35 of the Act, for the settlement of differences between the promoters and other companies or persons.

(5) No local or road authority, company, body or person shall execute such work, so far as it immediately affects the tramways, except under the superintendence of the promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the same during the progress of the work; and every such authority company, body or person shall execute such work at its or his own expense and to the reasonable satisfaction of the promoters.

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

22. *Motive power.*—The carriages used on the tramways may, subject to the provisions of this order, be moved by animal power, steam power, electricity conveyed either through over-head or under-ground wires, or any mechanical power. Provided that the exercise of the powers hereby conferred with respect to the use of steam, electricity, or any mechanical power, shall be subject to the design and condition of all vehicles, engines and hauling contrivances or machinery being approved by Government, and to any rules which may be made for securing to the public all reasonable protection against danger in the exercise of the powers by this order conferred with respect to the use on the tramways of steam, electricity or any mechanical power. Provided also that, if electrical power be used, communication by the existing Government telephone and telegraph lines shall be safeguarded as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act, 1887.

23. *Improvement of Rolling Stock.*—The promoters shall, from time to time, adopt and apply such improvements in the engines and carriages, and in the fittings, appliances and apparatus thereof, as Government may consider necessary or advisable for the safety or convenience of the

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

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

25. *Rates and Fares.*—The promoters shall be entitled to charge the public, for services rendered by way of conveyance on the tramways or any part thereof of passengers, animals and goods of different classes and descriptions, at rates which they shall be at liberty to vary at their discretion between the minima and twenty-five per centum above the maxima sanctioned from time to time for the South Indian Railway Company. The promoters shall strictly adhere to the goods classification from time to time in use on the South Indian Railway. The charge to be made for the carriage of mails shall not be higher than that in force from time to time on the South Indian Railway.

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

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

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

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

27. *Mortgages.*—Nothing in this order contained shall prevent the promoters borrowing money on the security of mortgages of the undertaking or any part thereof, or shall make the consent or approval of Government necessary to the validity or effect of any such mortgage; provided that every mortgage of the undertaking shall be deemed to secure to the mortgagee the right to receive all purchase money which may be paid to the promoters in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 22 of the Act, and that any mortgage granted by the promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section 22 of the Act, and that every mortgage deed granted by the promoters shall be endorsed with notice to that effect.

28. *Promoters' right to lease the line.*—Subject to the provisions of this order and to the approval of Government, the promoters may, by lease or leases, demise to any person or persons, corporation or company, the right of user by such person or persons, corporation or company of the tramways or any part thereof, and of demanding and taking in respect of the same the rates and fares authorized by this order. Provided always that in the first instance such lease or leases shall not be made for any term exceeding thirty years from the passing of this order, and after the expiration of such lease or leases any further lease or leases shall be so made as to expire at or before the time or times at which the local authority may exercise the powers of purchase conferred by section 22 of the Act. Provided also that all duties and obligations imposed on the promoters by this order shall be equally binding on the lessees.

29. *Promoters' right to sell.*—Subject to the approval of Government the promoters may at any time sell, assign or transfer the rights, powers, and authorities, conferred by this order subject to the obligations and liabilities imposed hereby, and upon completion of such sale assignment or transfer and notice thereof in writing being given to Government and to the local authority respectively, all such rights, powers, authorities, obligations and liabilities or such of them respectively as shall then be subsisting and capable of taking effect shall be deemed to be transferred to, and vested in, and may be exercised by, and shall attach to, the purchaser or purchasers or assignee or assignees or transferee or transferees, as the case may be, of the promoters in like manner as if this order had been in favour of such purchaser or purchasers, assignee or assignees, transferee or transferees instead of in favour of the promoters. Provided always that in the event of the promoters selling, assigning or transferring such rights, powers, authorities, subject as aforesaid to a company or limited liability company to be formed in England or elsewhere before commencing or during the construction of the tramways, the powers of sale, assignment or transfer hereby granted shall only be exercised subject to the same conditions as are by this order imposed upon the promoters with regard to capital, the amount of capital to be subscribed before commencing the construction of the tramways, and the payments out of capital for promotion and construction and equipment of the tramways and the provision of interest during construction.

30. *Promoters to have first refusal to construct and work new tramways.*—So long as the promoters or their assignees continue to own or work the tramways which are the subject of this order, Government or the local authority shall not construct, and shall not consent to any application for power to construct, further or other tramways in the valley of the Vaigai river west of Ammayanayakkanur, until the promoters or their assignees shall within six calendar months of such offer being made to them have refused or failed to accept an offer of Government or the local authority that they, the promoters, should construct and work such further or other tramways.

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

32. *Liability to submission to future Acts.*—Notwithstanding anything in this order contained, the promoters, and any person using the tramways, shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon; and to any condition, regulation or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, electric power or any mechanical power, by any such general Act as aforesaid.

33. *Serving of notices.*—Any notice required to be given by Government or by any local or road authority or by any company, body or person to the promoters shall be in writing and may be served on the promoters by being delivered to their representative at Ammayanayakanur or to the promoters themselves in Madras, and every notice so served shall be deemed to have been duly given to the promoters anything hereinbefore contained to the contrary notwithstanding. The promoters shall from time to time give notice in writing to Government and to the local and road authorities of some agent at Ammayanayakanur to whom, and of some office in Madras where, any such notice by Government or a local authority or a road authority may be delivered or left as aforesaid, and of any change of such agent or office.

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

(True Extract.)

Francis J. E. Spring,
Joint Secretary.

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

Endorsement—No. 551 Ry., dated 9th May 1899.

Copy forwarded to the Government of India for information.

(By order.)

Francis J. E. Spring,
Joint Secretary.

Exd. P. Seetharam.

WILSON & Co
MADRAS.

SERIAL
No. 38

Madras, 17th November 1898

C. No. 5385
Recd. 17/11/98

Francis I.E. Spring Esq. C.I.E.
Consulting Engineer for Railways,
Madras.

Sir,

In respect to our projected Tramway in Madura District and with special reference to the letter addressed to you by Mr. Davidson, General Manager of The Kanan Devan Hills Produce Company Ltd. of Manaar dated 4th instant, of which you have kindly permitted us a perusal, we think it desirable that we should submit our views as opposed to some of Mr. Davidson's assumptions and we have accordingly the honor to ask your kind attention to the following remarks on the subject. Mr. Davidson's desire and contention is that our Company should be forced to lay the Bodinayakanur Branch of the Tramway up ~~to~~ the Ghat as far as Kotagudi at the foot of his Company's projected Airway and if this is not done he assumes, amongst other chimeras, that our scheme would be incomplete &c &c &c.

Our answer is, that a Branch to Bodinayakanur and beyond, was no part of our original scheme though we have since decided in view of a possible large traffic to and from the Produce Company's Estates supplementing present traffic, to make a Branch to Bodinayakanur 8 miles and beyond to the Tea Company's New Bunglow and Stores 1½, (say 9½ miles) a part of our present scheme. This Terminus would also serve the traffic by the old Ghat to Devacolum and Manaar which goes off to

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Form No. 14.

Letter from
~~C. No.~~
Messrs Wilson & Co

Con Engrs' Current No 5385
17/11/98

H3/18/11/98 Rd/24-11-98

1

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

NOTE FOR Orders of H.E.

Ammayanaickanur Kumbum Tramway

We have got now to the stage of having a draft order put into shape by the Govt. Solicitor. When it is complete I shall take H.E.'s orders on it. It has been threshed out in great detail with Messrs Wilson & Co. This has taken some time, as it is a long complicated document and so many things have to be foreseen.

The time for the Public to raise objections to it is when it appears in the form of a Draft Order in the Gazette.

Meanwhile a serious objection has come in from the General Manager of the Kanan Devan Hills Produce Co. Ld:

The Produce Company have got to know that Wilson & Co propose to go only a short distance beyond Bodinayakanur (Bodi). They say 3 or 4 miles. But as a fact the Tramway Co only propose to go 1½ miles beyond Bodi, viz. to the Produce Co's Bungalow and Stores.

They therefore request that they may be "given an opportunity of looking into the Tramway question", whatever that means, and they promise "to give Government a complete scheme or nothing".

What they are concerned about is that the Tramway Co's terminus, if only 1½ miles beyond

Bodi, will stop short of the terminus of the Produce Co's Airway, from the plateau down the hill, by some 5 or 6 miles.

But Messrs Willm & Co. the Tramway Co, strongly object to adding a short length of 5 or 6 miles of a mountain railway to their light tramway. It appears that on the road from Bodi to the foot of the rope airway it is only possible to get, at best, curves of 100 ft radius and grades of 1 in 20 and 1 in 25. The Produce Company belittle these difficulties, and the Tramway Co. naturally enough make the most of them.

I need not recapitulate the arguments on both sides. H.E. can read them in the two letters.

But I must explain that the class of engine that will be suitable for the 70 miles or thereabouts of the Ammayanaickanur Kuravutta Tramway, as originally projected, cannot work on grades of 1 in 25 and sharp curves of 100 ft radius at all. A totally different type of engine would be necessary for this short length. and the Tramway Co. naturally enough object to saddling themselves with these engines on the very off chance of getting a monopoly of the Produce Company's traffic. They look askance at the projected road to the West Coast. and they hesitate to go to the market with a mixed scheme of plains Tramway and hill railway.

Form No. 14.

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

C. No.

NOTE FOR

The loads on the hill section would only be about one third or one fourth of those on the ordinary grades and curves on the plains section. and the Tramway Co feel that they have no guarantee that they will get the Produce Co's traffic after all. They also argue that the extension including the branch to Bodi, formed no part of their original scheme. Another objection from their point of view is that while they are to get Rs. 200 per mile from the District Board for every mile of District Road occupied, per annum. the Produce Company have expressed a wish (presumably to Mr Turnbull direct) that the Tramway Co. should pay part of the cost of the road now being made at the joint cost, I understand, of the District Board, and the Produce C.

I certainly think that the Tramway Co. cannot fairly be pressed to make 5 or 6 miles of a mountain line. I had no idea some months ago when suggesting that they should go to the foot of the rope airway, that such grades and curves were anticipated. If they had any sort of guarantee of traffic from the Produce Co. it might be different. We might say in that case you must take the expensive bit of line if you are to get the cheap bit.

What I advise is that Government reply to the Produce Co. to the effect that the draft Order will shortly be published, authorising the construction of the Tramways, inter alia, up to the Produce Company's Store and Bungalow. and that if then the P.Co. have any objection to raise, or if they have any proposal to make, it will be open to them to do so. But that if they should propose to make the Tramway it must cover at least the same ground as Messrs Willson & Co's proposal with, in addition, the extension to Kotagudi, the part of their rope line.

Also we might suggest to them that it is open to them to offer terms to Messrs Willson & Co. for working their traffic over the steep piece of line in dispute, viz. either by a guarantee of tonnage, or by an acceptance of an enhanced rate, or by themselves providing special haulage, whether by means of special engines, or electrical.

We may I think send them a copy of Willson & Co's letter, commencing at the 2nd paragraph.

F.J.E.S.

18/11/98

4

8

I think this course may be adopted.

A.S.H.
22.11.98

P W

~~Local & Munl.~~ (1898) Department.

Railway

SERIAL No. 41

CURRENT No. ~~9971~~ 3190L
1439

JOINT SECRETARY TO GOVT. OF MADRAS RY. RECEIVED 6 DEC. 1898

28 NOV 98

No 1330 Ry 2-12-98

78

~~Order~~

Transferred to the Public Works department.

A Edgington
Ag. Assistant Secretary.

1-12-98

No: 5447 C. d/5 Decr: 98
To
R.

For disposal.

ALK
2.12-98.

5.12.98

Ask Messrs. Wilson & Co. if they have agreed to the terms

8/12/98

From The President, Dist. Board, Madura.

R.C No. 175 G.

Dated 26th Novr 1898

Received 3-12-98

Registered 3-12-98

Enclosures Recd 6.-12.98

Spare copies.

SUBJECT.

Ammayanayakanur-Kurumanuthu Tramway. Forwarding copy of District Board's Resolution on the suggestions contained in the G.O. No 1295 Ry 18-10-98 in preparing the agreement between the Bd. & Messrs Wilson & Co for the construction of —

1/12

A 1/11/98
30/11/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Proceedings of the District Bd. Madura
dated 21st November 1898.

Present:—

C. J. Weir Esquire — President
M.R.Ry. C. Srinivasachariar Al, V. Prest.
A. Banerji Esquire
A. P. Millar Esquire
G. S. Hickey Esquire
Revd. C. S. Vaughan
Surgeon Major W. J. Thomas
M.R.Ry. C. Subramania Iyer Al
— " — M. Tirumalai Pillai Al
— " — C. Vencobachariar Al
— " — P. Narayana Aiyar Al
— " — P. Subbaraya Aiyar Al
— " — P. S. Santanakrishnam Pillai Al
— " — V. Subramania Aiyar Al
— " — M. Krishna Rao Avergal
— " — T. Krishna Rao Avergal
— " — C. Chokalingam Pillai Al
— " — L. Narasimmachariar Al
— " — ~~R. [illegible] Aiyar~~ Al
— " — R. Arjunaperumal Ambalam Al
— " — S. Subbaiyar Al
— " — V. Ramabadra Naidu Garu
— " — Arunachellam Chettiar Al
— " — M. Venkatrama Aiyar Al
— " — V. Muthusami Aiyar Al
" " P. Ramaswami Avergal

S No. 33

No. 128 — Read G.O. No. 1295 L dated 18th Oct. 98 offering certain suggestions to be considered in preparing the agreement between the District Board & Messrs Wilson and Co., for the construction of a Tramway.

Also letter from Messrs Wilson and Co on the subject.

Also Mr. C. E. Crighton's letter dated 19th November 98, containing the notes of conversation between himself as the authorised representative of Messrs Wilson & Co, and the President, District Board, on the 19th Instant.

Revd C. S. Vaughan proposed the following proposition: — "The Contribution of Rs 200 a mile will be guaranteed for 7 years. Whenever after that period the net profit of the tramway company for any given year exceeds 5 percent on capital, the contribution will cease for that year."

Seconded by Surgeon-Major W. T. Thomas, I.M.S.

The proposition was put to the vote and was lost, only 5 voting in its favour.

Proposed by M.R.Ry. W. Vencatramaiyar Avl. and seconded by M.R.Ry. P. S. Santana-Krishnam Pillai Avl.

1. "That the District Board meant by the phrase — "whenever after that period (7 years) the net profit of the tramway Company exceeds 5 p.c. the contribution for maintenance of road will permanently cease" that the contribution shall cease permanently if in any one year a dividend greater than 5 percent is attained." The proposition was carried by 19 against 4.

2. That the District Board adheres to its former resolution No $\frac{90}{10.9.98}$ and to its interpretation of it. Carried by 16 against 7.

The Board accepts paras 2, 4, & 5 of Mr Creighton's letter.

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

The Board agrees to specify in the agreement the bridges over the Thiru and Varahanadi (Periyakulam) as the only 2 bridges required to be made fit for ordinary road traffic, and they adhere to their decision to contribute not more than Rs 3000 per annum.

The Board accepts para 3 of Mr Creighton's letter, but will require that a minimum width of 7½ ft be left at all parts of the road outside the tramcar.

The Board as well as Messrs Wilson & Co accept the recommendation of Government that the Superintending Engineer should be the referee and decide matters referred in clauses 4 & 8 of the G. O.

for President
26-11-98

1
3190 | L | 98

S No. 33

Copy of Communication dated 31st Octr 98 from Messrs Wilson & Co, Madras, to the President, District Board, Madura

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

In respect to the points mentioned in clause 4 of the order, A & E have our approval, but as regards the bridges we think the agreement should define that those to be built at Periyakulam and at Theni are the 2 bridges, which the Board desires shall be made suitable for both the Tramway and ordinary road traffic, and on the cost of which it has voted a contribution of 12½ percent.

As regards the other points we would simply venture the following remarks.

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

C. We presume the 7 years will be calculated from the date of the first payment of the allowance of Rs 200 per mile, and that same will be paid a month or so after work is commenced on each section of road. Ammayanayakanur

to

to Periyakulam and the Tope 31½ miles, Periyakulam being taken as one section; to Uthamapalayam 29½ miles, as second section; and the branch from the 38/39 mile to Bodinayakanur 8 miles or further, the third section.

D. We understand that the net profit of 5 percent will be calculated exclusive of the Boards allowance, i.e., if the Tramway company can pay a dividend of 5 percent derived from other sources the Boards contribution is to cease, but if the Boards contribution is required to make up the 5 percent then it shall not cease.

Further we understand from the Boards resolution that the contribution shall not permanently cease until a dividend from other sources is permanently attained, 5 percent in any one year not coming under the term "Permanently attained", but each year being responsible for its own income and dividend, and the consequent withdrawal, or otherwise as the case might be, of the contribution.

For President

Aug
26/11/98

Refer 4438/98

2
3190/L/98

Copy of communication dated 19th Novr 1898 from Mr C. E. Crighton to the President, District Board, Madura.

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

1. That in case any other bridges are required to be constructed for road as well as tramway traffic in addition to the ones at Periyakulam and Theni the Board will pay 1½ percent per annum on the capital cost in addition to and without reference to the maximum of Rs 3000 already allowed on the 2 bridges above stated.

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

3. The company to take over the roadway as it stands and maintain same.

4. The line to be divided into 3 sections, and the payment of Rs 200 per mile for maintenance to be made by the District Board on the date work on each section is commenced, the Company undertaking at the same time the maintenance of the road from same date.

3-2.

5. ~~First~~ The 7 years term to commence from the date intermediate between the date of the 1st section being commenced, and the work of the last section being finished, subject to a condition that the 7 years will commence to run not later than 18 months from the commencement of work on 1st section.

6.

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

For President
Ackd 26/11/98

W.E.A.

3190/L/98

A.C. No. 175 G.

Madura District Board Office,
26th November 1898.

From

C. J. Weir Esquire,
President, District Board,
Madura.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 3190 L

To

The Secretary to Government,
Local and Municipal Department,
Madras.

Sir,

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

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

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

I have the honor to be
Sir
Your most obedt servant

For President

SERIAL No. 48

Local & Munl. (1898) Department.

Railway

~~1462~~
~~10503~~

P.W. CURRENT No. ~~3298L~~
52

JOINT SECRETARY TO GOVT. OF MADRAS RYS.
RECEIVED
10 JAN. 1899

ASSISTT SECY TO GOVT LOCL MUNL EDL & LEG DEPTTS
15 DEC. 1898

n/
No 1410 d/17-12-98 10P

~~Order~~

Transferred to the Public Works department in continuation of endorsement No 1330 d/ 2-12-98.
S No 41

A Edgington
Ag. Assistant Secretary

R.C.
16/12/98

No: 160C d/7 Jany 99.

To

R/

For disposal in continuation of Endt. No. 5447 C dated 5th Decr. 1898.

ArK
5.1.99.
DW.

Rw.

T.S.
10/1

From The President, District Board, Madura.

R.C. No. 175. G. of 98
o 5447 C / 5.12.98

Dated 8th December 1898

Received
Registered } 22-12-98

Recd. 10.1.99

Enclosures × 2

Spare copies.

SUBJECT.

Periyakulam – Uthamapalayam &c Tramway. Submitting copy of letter from Messrs Wilson & Co accepting the terms of the D. B. re- the construction of – and requesting that orders may issue to the Govt. Solicitor to draw up the agreement.

A.L. 14/12/98
15/12/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Copy of communication from Messrs Wilson and Company, dated Madras, 2nd December 1898.

9 S. P

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

Srinivachar

For President

Ans

E1
Proy C No 52/99

P.W. E1/10563/98

R.C. No. 175 G.

Madura District Board Office,
8th December 1898.

8P

From

C. J. Weir Esquire,
President, District Board,
Madura.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 3298L

To

The Secretary to Government,
Local and Municipal Department,
Madras.

E.No 41

Sir,

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

[illegible] no 3142 L through
of P.W. Dept and [illegible]
1330 G 2-12-98

I have the honor to be
Sir
Your most obedient servt

Srinivasachar
For President.

P.W. Ex 2 / 10563/98

SERIAL No. 51(a)

INDIAN TELEGRAPH.

Monthly Local No. 107

Class. X/p

To Station [illegible]

From Station Calcutta

Words. 59/4 Day. 31 Hour. 11 Minute. 45

Official Instruction. [illegible] Rs Two

To (Person) Consulting Engineer for Railways

From (Person) [illegible]

CONSULTING ENGINEER FOR RAILWAYS
RECEIVED
31 JAN. 1899
MADRAS.

603
31/1/99

our letter 27th please say definitely whether Government are still open to grant us concession for whole line including Kotapur branch we are prepared to proceed construction immediately preliminaries are arranged and complete as rapidly as possible kindly telegraph as we wish cable information home

Recd. from L. N.

Sent to L. N. 15

In the case which were sent to the Govt Solicitor with letter flagged

Form No. 10.

PUBLIC WORKS DEPARTMENT.

RAILWAY BRANCH.

MU

C. No. 603
31.1.99

SUBJECT. Madura District Tramways

HIS EXCELLENCY THE GOVERNOR.

THE HON'BLE MR. ARUNDEL I.C.S.

THE HON'BLE MR. H. M. WINTERBOTHAM, I.C.S.

FOR ORDERS.

The draft Order authorising Wilson & Co. to make the Ammanayakkanur Kunnuvanuth Tramway is still with the Govt. Solicitor, being put into final shape before being published for objections if any. I presume that Findlay Muir & Co. would probably be one of the objectors, because Wilson & Co. are not willing to put themselves specially out of their way to accommodate the Manaar traffic by procuring special engines for use on the last few miles up to the foot of the wire rope airway.

H.E. will see below Finlay Muir & Co's print

P

telegram and my reply at the back of it. They now

U

wire again asking "whether Government are still open to grant them a concession for the whole line".

I think that we had better reply that under

S

Sect. 4. (1) (b) of the Tramways Act an intending promoter must obtain the consent of the local authority, in this case the District Board of

His reply should be sent.
A.G.H
1.2.99

H.E.
31.1.99

R/
.99

Done F.W.S
1./99

Madras, that Wilson & Co. have already obtained that consent and that a draft of a proposed order authorising the construction of the tramway by Wilson & Co is now about to be published under Sect 6 of the Act, and that any objection which Findlay Muir & Co. may have to offer will be duly considered if received before the date, March 15th, to be mentioned in the draft order.

There is no doubt but that Findlay Muir are in a far better position to push the tramway through than Wilson & Co. and I think it a pity that they did not have a try at it before. But Wilson & Co. are in possession of the District Boards' concession, and nothing that Government could do now would serve to get a transfer of the concession to Findlay Muir even if it were fair to do so which it would not be, as Wilson's people have been to a good deal of expense & trouble already.

FES.
31/1/99

RO 1.2.99

FINLAY, MUIR & CO. **The Kanan Devan Hills Produce Co: Ld:**

SERIAL 516

Calcutta, 27th January, 1899

CONSULTING ENGINEER FOR RAILWAYS
RECEIVED
1 FEB. 1899
MADRAS.

612
1-2-99

From

Messrs: Finlay Muir & Co.
Calcutta.

To

The Consulting Engineer for Railways,
Madras.

Sir,

With reference to your No. 3236 dated 28th November, 1898, to the General Manager of this Company at Munaar, we have the honour to state that having now seen the draft order passed by Government on the proposed tramway from Ammayanayakanur via Periakolum to Uttamapalaiyam with branches, we are not satisfied with what the promoters, Messrs: Wilson & Co., have undertaken to do as regards a branch from Tayne via Bodinayakanur to Kotagudi at the foot of the aerial ropeway, the Kanan Devan Company is constructing.

We have therefore the honour to inform you that this Company, which has a Capital of £1000,000, and our firm are prepared to make proposals for the construction of the entire line including a branch from Tayne through Bodinayakanur to Kotagudi and to enquire whether you can furnish us with estimates of the traffic and receipts that may be expected on all the branches of the line except that from Bodinayakanur

HE & Ain
2.2.99

Rd from H.E.
4.2.99

Hws
4.2.99

Rd
9.2.99

Say so or act as if they thought so, inasmuch as there is no ostensible reason for anticipating

Form No. 10.

PUBLIC WORKS DEPARTMENT.

RAILWAY BRANCH.

Consg. Engr's C. No. 612

SUBJECT. Madura District Tramway

HIS EXCELLENCY THE GOVERNOR.

THE HON'BLE MR. ARUNDEL, C.S.I.

THE HON'BLE MR. H. M. WINTERBOTHAM, I.C.S.

FOR ORDERS.

The letter below from Messrs Finlay Muir & Co. is circulated in elucidation of their telegram circulated yesterday.

There will be no objection to our sending them such traffic statistics as we possess. But, as I said yesterday, it is essential that they should come to terms with the District Board before Government can deal with them.

No objection.
A.S.A.

The only question in my mind is whether Government would be wise now to withhold the publication of Messrs Wilson's Order. I think not.

I think not.
A.S.A.

We are not justified in saying that Govt. have reason to believe Finlay Muir to be a more likely firm to promote and complete the tramway than Wilson. Personally I believe that they are the more likely firm. But Govt. cannot well say so or act as if they thought so, inasmuch as there is no ostensible reason for anticipating

H.E. & Hons
2.2.99

Recd from H.C.
4.2.99

HMW
4.2.99

R/
9.2.99

that Wilson's promotion proceedings will fail.

I understand that what is partly at bottom of this, and perhaps also of Wilson's unwillingness to go out of their way to meet Findlay Muir's wishes, i.e. to go up to the part of the Railway at Kotagudi, is a very old falling out which resulted in Mr Turnbull's father leaving partnership with Mr (Now Sir) John Muir, in Glasgow.

I am of opinion that we must now allow Wilson to go on, in accordance with the terms of the draft order which I ~~hope~~ now ~~to~~ submit for approval of Government ~~[illegible]~~.

FRS
2/2/99

I am also of this opinion.

A.S.H.
3.2.99

in linked file

~~I agree~~ with H.E.
A.L.A.
7.2.99

Put up whatever Traffic Statistics and reports we have. Go carefully through the file.

FRS
9/2/99

R.

All the available information is contained in G.O. 995 Ry dated 3.8.98 Copy attached.

14.2.99

Form No. 1.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

SERIAL 52

Papers to be read in Proceedings:—

12 P

Again G.O., dated 3rd August 1898, No. 995 Ry.

Again G.O., dated 18th October 1898, No 1295 Ry.

Mr Turnbull's ~~Circular No.~~ with enclosure, dated 20.9.98, from Mr Turnbull.

" " , 189 , " 4.11.98 , " ~~Mr Davidson~~

" " , 189 , " 8.11.98 , " Mr Turnbull.

12.11.98 " Mr Davidson.

17.11.98 " Wilson & Co

26.11.98. to the General Manager K.D.H.P.C.

1.12.98 to the Govt Solicitor

No. 3236-37.

ORDER.

No 149 Ry of 7/2/99.

Ordered that the following notification be published in the Fort St. George and Madura District Gazettes ~~in English and Tamil~~. The Govt of India will be addressed as prescribed in ~~[illegible]~~ the proviso at the end of Sect 4 (1) of the Tramway Act XI of 1886.

FRS
R.
4/2/99

FM

Here ~~enter~~ place notification attached

To The Collector of Madura
~~" Tamil Translator to Govt~~
" Superintendent, Govt Press.

Despatched on 8/2/99

4.2.99

Form No. 10.

PUBLIC WORKS DEPARTMENT.

RAILWAY BRANCH.

C. No.....................

SUBJECT.

Madras District Tramwa

HIS EXCELLENCY THE GOVERNOR.

THE HON'BLE MR. ARUNDEL, C.S.I.

THE HON'BLE MR. H. M. WINTERBOTHAM, I.C.S.

FOR ORDERS.

I see no objection to the draft.

J.E.A
3.2.99

To Hon Members

As the Press must get notice before 6 P.M. to day if this Draft Order is not to be delayed a week, I have ordered it to be gazetted. While it is in draft in the Gazette, with a view to our receiving protests, if any, we can make what corrections or alterations Government may consider necessary. I have therefore not delayed its publication pending Hon Members' approval, or otherwise, of it.

F.V.S.
4/2/99

H.E. & Hon 6.2.99

R.W. 9.2.99

P.T.O.

I am at last in a position to submit for the orders of Government a draft of an Order under the Tramways Act permitting Wilson & Co. Madras to make certain steam tramways in the Madras District. The difficulty experienced in drawing up a suitable draft order was that previous ones which had to serve as models were chiefly concerned with town tramways. This is rather a light railway through a District than a tramway, so that the usual conditions had to be very considerably modified.

I have marked in blue pencil the paragraphs w

are of primary importance.

The draft order will have to be finally approv

by the Governor General in Council, under the provisions of

Sect 4 of the Act, because of the fact that it go

outside the limits of a municipality.

We must publish it for a few weeks for objec

Wilson & Co are of course anxious that the period for

objections should be made as brief as possible. Bu affecting the local authority and the would-be promoters have been mutually settled with the approval of Government.

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

I have &c

6/2/99

Despatched on 7/2/99

Form No. 14.

8 FEB 1899
& LEG DEPT

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

No.

NOTE FOR the Local and Municipal Dept:

The accompanying case relating to the Madura District Board Tramways is sent to the Local and Municipal Department for perusal and return.

Attention is invited to the papers flagged A to H

A
G.O. 1895 Ry., dated 18th October 1898 was issued to the President District Board Madura through the Local and Municipal Department.

H
The draft order authorizing the construction &c., of the tramways will appear for the first time in this week's issue of the Fort Saint George Gazette. The 15th March next has been fixed as the date up to which objections or suggestions with regard to it will be considered, and the Local & Municipal Department will be kept conversant with any that may be received.

The undersigned begs that he

may be furnished with any suggestions or criticisms which the Local and Municipal Department may have to offer in order that correction slips may be sent to the Press if any alterations of the Draft Order seem desirable during the few weeks of its appearance.

Francis J. E. Spring

Joint Secretary.

8/2/99

Form No. 6.

Public Works Department.

Railway Branch.

55

OFFICE NOTE No. 65 RM

Dated 11th February 1899.

From

The Joint Secretary to Government, P. W. D. (Railway Branch),

To

The Secretary to Government
Revenue Department
Fort St. George

The undersigned has the honour to forward the accompanying copy of a notification with draft order authorizing the construction of the Ammayanayakanur tramway for favour of comments with reference to para 16 of the draft order —

10/2/99

Despatched on 11/2/99

F.228

Form No. 6.

Public Works Department,
Railway Branch.

No. 56

OFFICE NOTE No. 66 RM

Dated 11th February 1899.

From

THE JOINT SECRETARY TO GOVERNMENT, P. W. D. (RAILWAY BRANCH),

To

THE Secretary to Government
Local and Municipal Deptt

Please substitute the accompanying copy of the draft Ammayanayakanur–Periyar tramway order for the one sent to you U.O on the 8th instant –

JLd
10/2/99

Issued on 11/2/99

10.2.99

L
62

Post Office Department.

CONSULTING ENGINEER FOR RAILWAYS
RECEIVED
16 FEB. 1899
MADRAS

875
16.2.99

From

THE POSTMASTER GENERAL, MADRAS,

To

The Consulting Engineer

for Railways, Madras.

No. R.W.8-1 dated Madras, the 15 February, 1899.

SIR, 40360

554

In reply to your No: 459 dated February 10th, 1899

File
JLd
28/2/99

I have the honor to state that the draft order will suit the purposes of the Postal Department very well and that I have no emendations to suggest in it.

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

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

5 a P.

Curtis
Postmaster General.

18-1-99—300.

Form No. 1.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. of 189 , dated , from

" " " 189 , " , "

" " " 189 , " , "

Draft Orders for the Madras Tramway and Parlakimedi Tramway published in the Ft. St. G. Gazette Nos. dated . —

ORDER.

To.

The Hon. Mr. Arundel

Seen.

MA 23.2.99

A copy of each of the two Orders will be forwarded to the Govt. of India for favour of suggestions before ~~[illegible]~~ preparation in final form

FKS

21/2/99

Form No. 14.

Most Urgent

ASSISTANT SECY TO GOVT ... 21 FEB 1899 ... MUNI. EDL & LEG DEPT

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

C. No.

NOTE FOR

Secretary L. & M.

The three Tramway Orders below, to which drafts to India are pinned, will appear in their present shape, which differs from their previous shape, in tomorrow's Gazette.

It is urgently necessary to send them out to India. So I shall be glad if L & M Dept can c.i. the G.O. and pass on for approval of Hon Member, or return here for circulation without delay.

Any minor alterations, such as are now I believe being considered in the L & M Dept, can be embodied in the next modified draft. Say 29th inst. Gazette.

What I want now is India's general approval, or otherwise.

F.E.S.

15h-45m 21/2/99

In the little time allowed me, I am unable to check the present form of the Madura order with the previous form; but the form I read before I sent on at once to H.M, with no very important suggestions.

As to the Parla-Kimedi form I must have time to check it. P.W.R's note I sent to H.M. with the remark that the absence of a purchase clause wd let in 21 yrs purchase under S.22, while the Madura clause gave 30 yrs. Hence Parla Kimedi is prejudiced by the absence of a clause allowing more favourable terms than S.22 provides.

P.W.R. will now I presume get H.M's consent to address India, & then send me the Parlakimedi form & the Madura revised form (if it has been revised) for check.

H.T. 21.2.99.

I know of no reason why a like number of years' purchase should be permitted to the two promoters. The intention of the Tramway Act was to ordinarily allow 21 years. But there are special reasons for [illegible] this [illegible]

the Madras Tramways, viz. that the money has to be
taken out of the pockets 1st of London Underwriters
will make every conceivable excuse to enhance promotion
money, and 2ndly of the public later on. But in the
of the Parlakimedi Tramway the money is already
planked down, and I see no reason to deprive the
Ganjam Local Board of a right already secured to them
(should the Local Govt. not lengthen the period) by the Act. —
right too which the Rajah knew they have, and
which he has never asked us to modify. The Promoters
the Madras Tramways on the other hand are grumbling
strongly about 30 years being too short.

I should say that the chances of the Madras Board
availing itself of its purchasing power are very good.
that even 21 years hence the Ganjam Board is
not very likely to be able to buy up the Parlakimedi line.

What I want now are suggestions from India
while the two Orders are still in draft. When finally
settled, or rather when the objection period is over,
we must send the final draft of the Order to India
for approval.

I propose to embody in these two drafts, for
publication in the following week's gazette, the
"no very important suggestions" which the Secretary
L. & M. Dept. says he sent on, with last week's
edition of the Order, to Hon. Member.

F.W.S.
23/2/99

The papers required will be
returned. H.T. [illegible] 2 99.

(office. Keep Parlakimedi [illegible] getting [illegible] from [illegible] again.)

I don't think the Parlakimidi draft notific. should
go to India until the other
Dept. concerned (L & M.)
has properly examined it.
I cannot see the extreme
urgency of the matter.

A.A.

I sent this back yesterday

A.A. 23.2.99.

Will Secy. L & M Dept. let me have the
Madras papers returned by the H.M. and also those in
the present file, keeping the Parlakimedi papers for
further examination.

F.W.S.

L m
13-5

22/2/99

Form No. 10.

PUBLIC WORKS DEPARTMENT.

RAILWAY BRANCH.

C. No.............

SUBJECT.

Madras Dt. Road Tramways

~~HIS EXCELLENCY THE GOVERNOR.~~

THE HON'BLE MR. ARUNDEL I.C.S. C.S.I

~~THE HON'BLE MR. H. M. WINTERBOTHAM, I.C.S.~~

Through Secy. L & M.

FOR ORDERS.

This Note will go for orders after the return of the draft from the Govt. Solicitor, to whom I have sent it with alterations partly suggested by the notes of L & M. Dept. and partly my own.

As it is advisable that week by week it should appear in the Gazette with the latest alterations, it is being gazetted this week direct from the Govt. Solicitor's hands. Any subsequent corrections ordered by Govt. can go in the following week's gazette, and so on, until no objections remain from any quarter.

The edition being sent to India will be the edition now being sent to the Govt. Solicitor as it returns from his hands corrected for next Gazette.

The same edition is now sent to H.M. through L & M. Dept.

F.W.S.
23/2/99

MADURA DISTRICT ROAD TRAMWAYS.

AMMAYANAYAKKANUR-PERIYAR TRAMWAY.

Notification.

Fort St. George, February 25, 1899.

Under the provisions of section 6 of the Indian Tramways Act, XI of 1886 (India), it is hereby notified that an application has been duly made to the Government of Madras, by Messrs. Wilson & Co. of Madras, for sanction to the construction of a line of tramway in the district of Madura, Madras Presidency, and the following draft order authorizing the construction by the promoters is published for general information. Notice is hereby given that any objection or suggestion which any person may desire to make with respect to the above order will be considered if submitted so as to reach the Consulting Engineer for Railways, Madras, on or before the 15th March 1899.

DRAFT OF AN ORDER AUTHORIZING THE CONSTRUCTION AND MAINTENANCE, AND TO REGULATE THE WORKING OF TRAMWAYS IN THE DISTRICT OF MADURA.

Whereas in pursuance of the provisions of the Indian Tramways Act, 1886, the promoters hereinafter named have, applied, with consent of the District Board of Madura for powers to construct, maintain and use a system of tramways on the two-foot six-inch gauge in the district of Madura, the Government of the Presidency of Madras, being, for the purposes of the following order, the Local Government within the meaning of the said Act, deem it expedient that the powers so sought should be granted, upon the terms and subject to the conditions and provisions hereinafter contained, that is to say:—

1. *Title.*—This order may be called and cited as the Madura District Tramways Order, 1899. It shall come into force at once.

2. *Interpretation Clause.*—The several words and expressions to which meanings are assigned in the Definition clauses of the Indian Tramways Act, 1886, have in this order the same respective meanings, unless there be something in the subject or context repugnant to such construction or unless herein otherwise provided.

Provided that in this order the expressions "the tramways" and "the undertaking" shall mean the tramways and works and undertaking by this order authorized, and the words "the Act" shall mean the said Indian Tramways Act, No. XI, 1886, and any subsisting statutory modification thereof, and the word "Government" shall mean the Government of Madras.

3. *Law applicable to the Tramways.*—The tramways shall be constructed, maintained and worked, subject to the provisions of the Act, of the rules from time to time in force under the Act, and of this order, and no powers or rights shall be deemed to have been conferred on the promoters or to have been relinquished by Government, except as in this order expressly provided.

4. *The promoters.*—Messrs. Wilson & Co. of Madras, as for the time being constituted, by whom a joint stock Company is about to be incorporated and registered in London with a share capital of not less than £120,000, and, in lieu of them, such Company when registered, shall be the promoters for the purposes of this order, and are in this order referred to as "the promoters."

5. *Construction of the Tramways.*—Subject to the provisions of this order, the promoters may construct and maintain the tramways hereinafter described, the routes of which are shown on the maps deposited by the promoters with Government and the Local Authority, respectively, with all equipment, works, buildings and conveniences connected therewith or for the purposes thereof, and may work and use the same.

6. *Tramways authorized.*—The tramways authorized by this order are—

A single line with necessary passing places to be laid—

x to the Madura District
[illegible] in the Periyar neighbourhood

From Ammayanayakkanur Railway Station to Uttamapalaiyam ... with power to extend at any future time 15 miles to Kuruvanuth ~~and~~ ,/ to the Periyar waterfall,	56½ miles.
Branch—Periyakulam, miles 27, to Krishnamanaick's Tope	4½ "
Branch—From the 39th mile, Theni, to Bodinayakkanur	8 "
With power to extend to Kotagudi, should the volume of traffic warrant, and should gradients be suitable, about	8 "

7. *Land.*—The promoters may, by agreement from time to time, purchase or take on lease or otherwise acquire such lands as they may require for the purposes of the undertaking, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided such lands are sold or disposed of through the Collector of Madura, under Government of India Circular No. 1, Railway, of 1897. Land may, with the approval of Government, be acquired for the promoters under the provisions of the Land Acquisition Act, 1894.

8. *Approval of plans.*—The promoters shall lay before Government and the local authority a plan showing the proposed mode of constructing and laying down the tramways and a statement of the materials intended to be used therein, and the promoters shall not commence the construction and laying down of any of the tramways or any part of any of the tramways, respectively, until such plan and statement have been approved by Government and the local authority; provided that if, at the end of one calendar month from the time of laying such plan and statement before Government and the local authority, the Government and the local authority respectively, as the case may be, shall not have signified in writing its disapproval, the plan and statement shall be considered approved by such authority or authorities and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence when reasonably required so to do.

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

The tramways shall be constructed in such position on or off the several roads, and the passing places shall be of such length and shall be constructed and maintained at such places or between such points on the line as the promoters may consider necessary or convenient for the efficient working of the tramways, and the promoters may, after the construction of the tramways or any part thereof, construct and maintain, subject to such reasonable approval, all such additional crossings, passing places, sidings, junctions, or extensions thereof and other works as they may from time to time consider necessary or convenient for the efficient working of the tramways or any of them or for providing access to any buildings, premises, or works of the promoters. Provided always that the promoter's proceedings under this clause shall be subject to the approval of the local authority.

(*a*) Subject to any other provisions of this order, the promoters shall, at their own expense, at all times maintain and keep in good condition and repair, to the reasonable satisfaction of the local authority, the rails and the substructure upon which the same rest and all roads, including slopes and bridges, on which the tramways are laid. In consideration of the promoters so doing, the local authority shall pay to the promoters the annual sum of two hundred rupees for every mile of road upon which the tramway shall be laid during a period of seven years from the date on which the road authority shall make over the roads on which the tramways are to be laid to the promoters, and also for every year after such period of seven years in which the working of the tramways shall not realise a net profit equal to interest on the share and debenture capital of the Company so to be formed as aforesaid at the rate of five per centum per annum. Provided always that if in any year after the expiration of the said period of seven years the working of the tramways shall realise a net profit equal to interest at five per centum per annum on the capital of the Company so to be formed as aforesaid, then and in that case the payment by the local authority of the said annual sum of two hundred rupees per mile and every part of such sum shall cease and determine, anything hereinbefore contained to the contrary notwithstanding. Provided also that if the promoters fail to comply with the provisions of this sub-section the local authority, if it think fit, may at any time after seven days' notice to the promoters or their agent for the time being, open and break up any part of any road or any bridge on which the tramways shall be laid and do the works necessary for the repair and maintenance or restoration of such road or bridge, and the reasonable expenses incurred by the local authority in so doing shall be repaid to the local authority by the promoters or may be deducted by the local authority from any moneys payable by it to the promoters under this order.

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

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

(*d*) In case any question of dispute shall arise between the road authority and the promoters as to whether any rails or any substructure on which the same rest or any road or any part of any road or any slope or any bridge on or over which respectively the tramways shall be laid is maintained in good condition and repair as hereinbefore provided or is suitable for road traffic, then and in every such case such question or dispute shall be referred to the Government Superintending Engineer for the time being of the circle in which such rails, substructure, road, slope or bridge shall be and the decision of such Superintending Engineer upon any such

question or dispute shall be final and conclusive and altogether binding and operative on the road authority and the promoters respectively.

(*e*) The local authority shall at all times be at liberty to collect and retain all tolls and fees leviable in respect of any road upon which the tramways shall be laid and the promoters shall not be entitled to such tolls and fees or any of them.

(under the Madras Local Boards' Act, 1884, or other law in force for the time being)

10. *Bridges.*—In all cases where, in the opinion of the road authority, the existing road bridges are not sufficiently strong to carry the tramways, the promoters shall make at their own cost such additions to or alterations of any such bridges as may be required by, and the work shall be carried out and completed to the satisfaction of, the road authority. Provided that, in case of difference of opinion as regards the necessity for such alterations, the decision of the Government Superintending Engineer of the Circle shall be final and binding. The promoters may, at their option, construct at their own cost, for the purposes of the tramways, separate bridges of such design and in such manner as shall first be approved by an officer duly appointed by Government in this behalf, and shall complete the same to the satisfaction of the said officer.

11. *Specification for rail surface and substructure.*—The tramways shall be constructed on a gauge of 2 feet 6 inches. Wherever the tramway runs on or crosses a roadway the upper surface of the rails of the tramways shall be level with the surface of the roadway; and subject to this provision the rails of the tramway shall be such as Government shall approve, and the tramways shall be constructed, laid and maintained according to such general specification as to the kind of rail, foundations, manner of laying and repair thereof as Government shall approve.

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

13. *Width of road to be used.*—The promoters may use for the construction of the tramways seven feet in width of one side of all roads over which the line is to run. In cases where there are no buildings on that side of the road on which the tramways are laid the said width of seven feet shall be measured from the drain on that side of the road, or when the road is in embankment, from the edge of such embankment; but for the purpose of crossing bridges, and at places where the width of the road is designed at less than fourteen feet, the tramways may approach the centre of the road as far as shall, in each case, be deemed unavoidable by the road authority.

Provided always—

(1) That there shall nowhere, except at bridges, and at places where the breadth of the road has been designed it less than fourteen feet, be a less width of metalled road than ten feet clear of that rail of the tramway which is nearest the road centre. at/

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

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

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

16. *Altering road surface.*—Should the promoters consider it desirable or necessary for the efficient working of any part of the tramways to alter any of the levels or gradients of any of the roads upon which the tramways are constructed, or for the same purpose to alter, repair or strengthen any of the bridges over which the same pass, the promoters may, with the approval of the road authority, execute the same at their own cost; and where the road is already paved or metalled the promoters may if they think fit, at their own cost, when constructing the tramways or any part thereof on such road, relay such paving or metalling; and the promoters shall, at their own cost, provide sufficient new paving or metalling of a similar character for properly making good such road in the event of any of the original paving or metalling having become

unsuitable or being insufficient for relaying. The promoters shall be at liberty free of charge, subject to the approval of the Collector in the case of Government quarries, to take road metal, stone, lime, clay and other material from Government lands for the purpose of constructing the tramway or buildings connected therewith.

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

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

(2) They shall not open or break up any road except under the superintendence and to the reasonable satisfaction of the road authority, unless the authority concerned refuses or neglects to give such superintendence at the time specified in the notice, or discontinues superintendence during the progress of the work.

18. *Making good damage to roads.*—When the promoters have opened or broken up any portion of any road, they shall, with all convenient speed, complete the work on account of which they opened or broke up the same and, subject to the requirements of the formation or maintenance or renewal of the tramways, shall fill in the ground and make good the surface to the satisfaction of the road authority and shall clear away all surplus rubbish and materials. They shall, in the meantime, cause the place where the road is opened or broken up to be guarded and watched and properly lighted at night, and shall provide for the free passage of road traffic during the progress of the work.

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

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

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

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

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

(4) Whenever, for the purpose of enabling them to execute such work, the local or road authority or company, body or person shall so require, the promoters shall either stop traffic on the tramway to which the notice shall refer where such traffic would otherwise interfere with such work, or shall shore up and secure such tramway at their own risk and cost during the execution of the work there. Provided that such work shall always be completed with all possible expedition by the local or road authority or company, body or person and any differences as to the necessity of such work shall be settled in manner provided in clause 35 of the Act, for the settlement of differences between the promoters and other companies or persons.

(5) No local or road authority, company, body or person shall execute such work, so far as it immediately affects the tramways, except under the superintendence of the promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinues the same during the progress of the work; and every such company, body or person shall execute such work at its or his own expense and to the reasonable satisfaction of the promoters.

authority

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

22. *Motive power.*—The carriages used on the tramways may, subject to the provisions of this order, be moved by animal power, steam power, electricity conveyed either through over-head or under-ground wires, or any mechanical power. Provided that the exercise of the powers hereby conferred with respect to the use of steam, electricity, or any mechanical power, shall be subject to the design and condition of all vehicles, engines and hauling contrivances or machinery being approved by Government, and to any rules which may be made for securing to the public all reasonable protection against danger in the exercise of the powers by this order conferred with respect to the use on the tramways of steam, electricity or any mechanical power. Provided also that, if electrical power be used, communication by the existing Government telephone and telegraph lines shall be safeguarded as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act, 1887.

23. *Improvement of Rolling Stock.*—The promoters shall, from time to time, adopt and apply such improvements in the engines and carriages, and in the fittings, appliances and apparatus thereof, as Government may consider necessary or advisable for the safety or convenience of the public; and in case they shall do so or shall incur any other capital expenditure, they may, with the approval of Government, raise further capital either by the creation and issue of further shares or debentures or stock, or by the exercise of borrowing powers, to such amount as shall be found expedient for the raising of such further capital.

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

25. *Rates and Fares.*—The promoters shall be entitled to charge the public, for services rendered by way of conveyance on the tramways or any part thereof of passengers, animals and goods of different classes and descriptions, at rates which they shall be at liberty to vary at their discretion between the minima and twenty-five per centum above the maxima sanctioned from time to time for the South Indian Railway Company. The promoters shall strictly adhere to the goods classification from time to time in use on the South Indian Railway. The charge to be made for the carriage of mails shall not be higher than that in force from time to time on the South Indian Railway.

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

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

(2) The maximum amount to be paid by such proposed company for preliminary expenses and promotion shall not exceed 12 per cent. on £120,000.

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

27. *Mortgages.*—Nothing in this order contained shall prevent the promoters borrowing money on the security of mortgages of the undertaking or any part thereof, or shall make the consent or approval of Government necessary to the validity or effect of any such mortgage; provided that every mortgage of the undertaking shall be deemed to secure to the mortgagee the right to receive all purchase money which may be paid to the promoters in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 22 of the Act, and that any mortgage granted by the promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section 22 of the Act, and that every mortgage deed granted by the promoters shall be endorsed with notice to that effect.

28. *Promoters' right to lease the line.*—Subject to the provisions of this order and to the approval of Government, the promoters may, by lease or leases, demise to any person or persons, corporation or company, the right of user by such person or persons, corporation or company of the tramways or any part thereof, and of demanding and taking in respect of the same the rates and fares authorized by this order. Provided always that in the first instance such lease or leases shall not be made for any term exceeding thirty years from the passing of this order, and after the expiration of such lease or leases any further lease or leases shall be so made as to expire at or before the time or times at which the local authority may exercise the powers of purchase conferred by section 22 of the Act. Provided also that all duties and obligations imposed on the promoters by this order shall be equally binding on the lessees.

29. *Promoters' right to sell.*—Subject to the approval of Government the promoters may at any time sell, assign or transfer the rights, powers, and authorities, conferred by this order subject to the obligations and liabilities imposed hereby, and upon completion of such sale assignment or transfer and notice thereof in writing being given to Government and to the local authority respectively, all such rights, powers, authorities, obligations and liabilities or such of them respectively as shall then be subsisting and capable of taking effect shall be deemed to be transferred to, and vested in, and may be exercised by, and shall attach to, the purchaser or purchasers or assignee or assignees or transferee or transferees, as the case may be, of the promoters in like manner as if this order had been in favour of such purchaser or purchasers, assignee or assignees, transferee or transferees instead of in favour of the promoters. Provided always that in the event of the promoters selling, assigning or transferring such rights, powers, authorities, subject as aforesaid to a company or limited liability company to be formed in England or

elsewhere before commencing or during the construction of the tramways, the powers of sale, assignment or transfer hereby granted shall only be exercised subject to the same conditions as are by this order imposed upon the promoters with regard to capital, the amount of capital to be subscribed before commencing the construction of the tramways, and the payments out of capital for promotion and construction and equipment of the tramways and the provision of interest during construction.

30. *Promoters to have first refusal of new tramways.*—So long as the promoters or their assignees continue to own or work the two-foot six-inch gauge tramways which are the subject of this order, Government or the local authority shall not construct, and shall not consent to any application for power to construct, further or other tramways on the same or a smaller gauge in the valley of the Vaigai river west of Ammayanayakanur, until the promoters or their assignees shall within six calendar months of such offer being made to them have refused or failed to accept an offer of Government or the local authority that they, the promoters, should construct and work such further or other tramways.

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

32. *Liability to submission to future Acts.*—Notwithstanding anything in this order contained, the promoters, and any person using the tramways, shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon; and to any condition, regulation or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, electric power or any mechanical power, by any such general Act as aforesaid.

33. *Serving of notices.*—Any notice required to be given by Government or by any local or road authority or by any company, body or person to the promoters shall be in writing and may be served on the promoters by being delivered to their representative at Ammayanayakanur or to the promoters themselves in Madras, and every notice so served shall be deemed to have been duly given to the promoters anything hereinbefore contained to the contrary notwithstanding. The promoters shall from time to time give notice in writing to Government and to the local and road authorities of some agent at Ammayanayakanur to whom, and of some office in Madras where, any such notice by Government or a local authority or a road authority may be delivered or left as aforesaid, and of any change of such agent or office.

MADRAS,
25th February, 1899.

FRANCIS J. E. SPRING,
Joint Secy. to Govt., P.W. Dept., Ry. Branch.

R. FORM No. 12.

No. 243. Ry

Government of Madras,

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

To

THE SECY. TO THE GOVT. OF INDIA,
P. W. DEPARTMENT

Madras, the 28th Feby 1899.

SIR,

With reference to correspondence ending with my letter No. 150-Ry. dated the 7th Feb. 99, I am directed to forward a copy of the draft, as it now stands, of the Madras Tramway Order. Several matters are still under discussion with the Promoters on the suggestion of other interests; notably whether extension to Kotagudi shall not be made compulsory, the Ammayanayakanur-Kotagudi section with the branch to the Topes being made the first section to be completed for the sake of the heavy traffic which is expected from the tea estates in the Travancore Hills.

Meanwhile the copy of the draft order are forwarded in the form at which it has arrived, and I am to enquire whether the Govt. of India have any suggestions to offer, in order that such suggestions may be embodied in the final form of the order.

I have &

F.J.S.

altered

The alterations ~~suggested~~ by L. & M. wh. I passed yesterday can be added in red ink or a corrected proof be struck off.
M.A.
23.2.99

Despatched on 1/3/99

Dts. Ag:
Copies of the Draft order

[illegible] Tramway.

JOINT SECRETARY TO GOVT. OF MADRAS RYS.
RECEIVED
4 MAR. 1899
1 PM

Local and Municipal Dept.

Note for the Secretary

The rejoinder of the Public Works Department to the suggestion on page 2 of the L and M. note that the words "should the volume of traffic be" occurring in para 6 of the draft Tramways order should be omitted, is not understood. The use of the expression "with power to extend to Kotagudi" implies that it is optional with the promoters to extend the line or not as they please.

The Public Works Department appears to have overlooked the last suggestion on page 2 of the note namely that in clause (c) of para 9 of the draft order the words "under the Madras Local Boards Act 1884 or other law in force for the time being" should be inserted between the words "tolls and fees leviable and the words " in respect of any road"

The

has already explained negotiations with regard to this, (and most difficult they have proved to be) are in progress. I am now expecting a letter* from the promoters volunteering to extend immediately to Kotagudi. On its receipt the draft order will in due course be altered, probably the edition of the F. St. G. Gazette of the 15th (?) inst. will contain the modified paragraph.

FRS
7/3/99

Await letter or final draft.

[illegible]

* Since received.

FRS.
10/3/99

To P.W. [illegible]

Yes. This was overlooked. The missing words have been duly inserted, and will I hope appear in the Gazette of next week.

FRS
7/3/99

To. Sec. L. & M. Dept.

Please see overleaf, and corrections in the printed draft.

FRS
7/3/99

remarks of the Public Works Department on the margin of the last suggestion on page 3 of the note are not understood. Perhaps the Public Works Department means that it is intended to prohibit ordinary traffic on all roads less than fourteen feet in width and reserve them exclusively for the use of the tramway. If so, it seems undesirable.

VR
2/3/99

I dont so understand P W Rys, but I confess I do not fully understand Rys note where underlined both red ink & 8 ud. like it made absolutely clear

Please see below.
FKS
7/3/99

HT
3.3.99

No. 252
3/3/99

To P W D R B

R's rejoinder

Form No. 14.

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

1

C. No.

NOTE FOR L & M.

The road referred to as a 12 ft. road is the 7 or 8 miles about to be built by the P.W.D., to be absorbed by the tramway later on, between Bodinayakanur and Kotagudi. The P.W.D. now tell me that it will be made 15 ft wide as a minimum, and possibly 17. The special words in the draft order, excepting this piece of road from the operation of the rule as to free width, will therefore no longer be necessary, and I have therefore cut them out.

FKS
10/3/00

Ammayanayakanur – Kuruvanuth Tramways

1

Local and Municipal Dept.

H.M.

Note for the Secretary.

Rejoinder by R.

The following points are suggested for consideration in connection with the draft Tramways order.

Preamble (1) The words "and of the South Indian Railway Company should be omitted, with reference to Section 4 (6) of the Indian Tramways Act 1886, under which the consent only of the local authority and of the road authority is required for the making of an order.

Put up below

Accepted
FM

(2) For the words "two-foot six-inch gauge" should be substituted the words "two feet six inches gauge" as in paras 30 and 31.

No. "two-foot six-inch gauge" is technically right. e.g. "two-foot rule". It has been made the same throughout
FKS

Very well
HT

Para 2 (1) The words "unless there be something in the subject or context repugnant to such construction or unless herein otherwise provided" should be added at the end, as in the orders relating to the Madras and Calicut tramways.

Accepted
FKS

Include para. 10, 13 – 15 etc.

2

Paras 9. 16. 17 and 19 (1) For the words "local authority" wherever it occurs should be substituted the words "road authority" as in para 8, with reference to Section 7 (2) (c) and (9) of the Act under which the approval of the road authority is required for the conditions subject to which roads may be opened and broken up for the purpose of constructing and maintaining the tramways, and it is the road authority which has to be satisfied regarding the way in which the promoters maintain the roads traversed by the tramways.

(2) Between the words "tolls and fees leviable" and "in respect of any road" in clause (c) of para 9, should be inserted the words "under the Madras Local Boards Act 1884 or other law in force for the time being" so as to distinguish road tolls from the charges leviable for the use of the tramways which are also termed as tolls – vide Section 3 (10) of the Tramways Act.

Para 13

Para. 6. The words "12½ m. or beyond" are not understood.

[illegible] clear. FMS H.T.

The authorized spelling may be adopted. ~~H.T.~~ Yes FM

"3rd the volume of traffic" etc may be omitted as in the first power of extension. H.T.

But this is the very point which I am just now negociating about. I must go through with my difficult negociations until I have brought them to a head for orders of Govt. FMS

Result may be awaited H.T.

The allocation of the proper term is a very difficult matter. What I have tried to do in the corrected draft sent to the Govt. Solicitor is as follows.

Government to have full control in all matters of general design and affecting public safety. The Local Authority, that is the District Board of Madura, to have control of the general alignment, standard, and with Govt. of design; and also to be brought in wherever there is a guarantee, or in matters on which the grant of the guarantee depends. The Road Authority to have control, and to be concerned with, all matters affecting the road, once general designs are approved. (As a fact the road authority is in all cases the local authority, or so I believe, in this particular case, because the promoters will avoid ~~Dist~~ Municipal roads. The few miles of Govt. road will I believe be made over to the Dist. Board when made.

FMS

The Municipal Council is as much a local authority as the Dist. Board.

Perhaps "channel" would be better than "gutter" H.T.

"Drain" is better FM

Necessary H.T.

Not necessary. "width of road" is definite enough. It ~~[illegible]~~ means from the front of a building if there is a building. But here we are not making a Madras tramway in a town, but a light country railway.

No. The draft says distinctly is designed less than ft?. That is to provide for the new piece of 12 ft road, which, if occupied by the tramway at all, will be absorbed by it. The road is being designed with this intention.

FM

All the proposed alterations appear correct.

A revision by the Govt. Solicitor is desirable.

AAG 21.2.99.

To P to R's u.o. No. 211 22/2/99

H.T. 22 2 99.

Para 13 (1) In line 2, the word "when" appears to be a misprint for the word "where". Right FM

(2) Provision should be made in this paragraph for calculating the seven feet width of the road in cases where there are buildings on that side of the road on which the tramways are laid.

(3) Under this paragraph a width of only seven feet or less of metalled road will be left for cart traffic at places where the breadth of the road is less than fourteen feet. It appears to be desirable in the interests of public safety to require that except at bridges, there shall be a minimum width of ten feet of metalled road clear of the rail of the tramway which is nearest the road centre, the additional width of road required being provided by the promoters.

V.R.
18/2/99

H.T.
20 2 99

WILSON & Co
MADRAS.

Madras, 6th March 1899

Francis J. E. Spring Esq. C.I.E.
Joint Secretary to Government,
P. W. Department Railway Branch,
Chepauk

SERIAL
69

Sir,

Referring to the Revised Notification of the Ammayanayakanur-Periyar Tramway appearing in the last Fort St. George Gazette, we have now the honor to inform you that after discussing with Mr. Davidson, Manager of the Kannan Devan Produce Company of Manaar, the Traffic which that Company and neighbouring planters will eventually influence to the Tramway when extended to Kotagudi, and on the understanding that it is the wish of Government that this extension should be now provided for in the order, We have decided to make the extension to Kotagudi from Bodinayakanur part of our Scheme, and to lay the Line on the new District road now being made between these places, as soon as possible after the opening of the first Section of the Tramway. It being understood that the curves and gradients are suitable and that the road will be handed over to us on the same terms as already arranged with the Madura District Board for the use of the existing roads. If therefore Government are prepared to sanction this departure from the Original Scheme we would suggest the following modifications in Clause No.6 of the Order of Concession as now published, viz.- "Branch- From about the 39th Mile, Theni to Bodinayakanur and Kotagudi about 18 miles" instead of "with power to extend to Kotagudi", &c &c. The first Clause might also have added to it

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Form No. 14.

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

C. No.

I have seen Mr. Spring and Mr. Turnbull about this, and I think this draft order may be accepted, viz. Members should see the papers.

[illegible]
11.3.99

[illegible] 11.3.99

H.W.
11-3-99

NOTE FOR H-E's orders

Messrs Wilson & Co. have now volunteered to continue their Tramway to Kotagudi. I put what I believe to be their intention into a revised draft of para 6 of the draft order and showed it to Mr Turnbull (Wilson & Co) who has initialled it as correctly expressing their intention.

This will I believe do away with all reasonable grounds for objection on the part of Finlay Muir & Co. I therefore think that with the Govt. of India's approval, which may be asked for at once, the Order may be made absolute.

I have altered the sum entered as Capital viz £120,000 to £150,000 instead of to the sum £175,000 mentioned in Messrs Wilson & Co's letter of March 8th for the following reasons. Government would presumably be averse to over-capitalisation, on account of the scandal attaching to future failure of an over-capitalised concern to pay satisfactory dividends, and the effect of such scandal on future attempts at similar private enterprise. I have therefore estimated the capital likely to be required as follows.

70 miles at	Rs 23,000	=	Rs 16,10,000
10 " "	30,000		3,00,000
	Total		1.91.000

Say for cost of construction £127,0

11

Cost of construction	£127,000
Promotion and underwriting at 12%	18,000
Interest during construction	5,000
Total £	150.000

I think that provided the work is properly managed this amount ought to amply suffice to build 80 miles of line.

If anything more is wanted they must raise debentures.

FRS
11/3/99

R. Form No. 12.

No. 301-Ry

Government of Madras,

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

72

To

The Secy. to the Govt. of India,

P. W. Department

Madras, the 17th March 1899.

This will not need a separate G.O. It is in continuation of previous letter authorised already G.O. (no reply t.b.) FRS 17/3

Sir,

In continuation of my letter No. 243-Ry. dated the 28th Feby. 99 I enclose a copy of the latest shape in which the draft Madras Tramway order has arrived as the result of objections and suggestions. The enclosed draft order is in the form published in the Fort St. George Gazette dated the 14th March 99.

2.- I am directed to enquire whether ~~this~~ the latest form of the Order is approved by the Govt. of India, or whether they have any suggestions or directions to make in regard to it, for incorporation in the final Order.

3.- I am to add that according to the promoters the matter is somewhat urgent ~~because the promoters~~ for they are advised that if the project is to be floated this year their prospectus must issue in London within the next few weeks.

I have &
FRS
15/3/99

Despatched on 17/3/99

Form No. 14.

Madras St Tramways

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

Consq. Engrs C. No. 1582. NOTE FOR H.E.

I ask permission to make the alterations indicated in red ink on page 6. Sects. 30 and 31. of the Madras Tramways Order. which is still in draft.

Major Wilson has pointed out that the Sections as they stand leave an opening for somebody else to come in and say "we will make tramways on a broader gauge." and he fears that though the chance of such an offer, or of it being accepted are infinitesimal, yet it may operate unfavourably at home if the proposed alteration is not made.

In anticipation of H.E's sanction I am directing that the alteration be made in the Gazette of next week, for which corrections must go in on Saturday at latest. It is only a draft, so if H.E. should not approve it can be set right in the following week.

A copy of the altered draft order must be sent to India in continuation of previous drafts.

FWS.
24/3/99

The alterations in Clause 16 have been made at the instance of the Rev. Dept. and have been approved by the H.M. in charge of that Dept.

There are no objections to the alterations made here. The only question, I would ask is if they are desirable in this case, are they not also desirable in the [illegible] case. See clauses 27 + 28.
A.G.H. 1.4.99

H.E.
25.3.99

Rd 4.4.99

Send to Press and get a few clean proof at once of the order as now corrected. and send to India in continuation. for approval. The corrected draft will of course appear in next Gazette.
FWS 6/4/99

Press worked 6/4

Gld 6.4.99

R. FORM No. 12.

No. 390 Ry

Government of Madras,

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

74

To

THE SECY. TO THE GOVT. OF INDIA,
P. W. DEPARTMENT

7th April 1899.

SIR,

In continuation of my letter No: 301 Ry of 17th March 1899, I am directed to forward herewith a further revised draft of the Madura Tramway Order which will be published in the next issue of the Fort St George Gazette, and to request that the Govt. of India will be pleased to communicate approval, or otherwise, of the draft order, at a very early date, for the reason given in para 3 of my letter quoted above.

Serial 72

7/4/99

Despatched on 8/4/99.

Documents accompanying

Revised draft order referred to.
7/4/99

SERIAL
No. 75

Public Works (1899) Department.

Railway

CURRENT No. 518

We can do nothing till the day for objections has passed E. R to see this on return
13.4.99

Order

From The Govt. of India

No. 29 RP

Dated 8th April 1899

Received
Registered } 13.4.99

Enclosures

Spare copies

W

SUBJECT.

Ammayanayakkanur Tramway

Passing orders with regard to the draft order in connection with the construction of the —

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

Serial 75

All communications
should be addresed
to the Secretary.

JOINT SECRETARY TO GOVT. OF MADRAS RYS.
RECEIVED
13 APR 1899

No. 29 R.P.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY PROJECTS.

To

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

Simla, the 8th April 1899.

Sir,

I am directed to acknowledge the receipt of your

S53 No.150 Railway, dated 7th February 1899.
S65 No.243 Railway, dated 28th February 1899.
S72 No.301 Railway, dated 17th March 1899.

letters noted on the margin forwarding for remarks, copy of a draft order authorizing the construction of the Ammayanayakkanur-Periyar tramway.

2. In reply, I am to say that the Government of India have no suggestions to offer with regard to the draft order, and that these drafts need not be submitted in future until a final draft order is ready.

I have the honour to be,
Sir,
Your most obedient servant,

G. Lubbock
Lieutenant R.E.,
Offg: Under Secretary.

M

Documents accompanying:-
Nil.

S.A.

TELEGRAMS:
"MUNAAR."

No.
LETTER BOOK
FOLIO

MUNAAR P. O.,
DEVIKULAM,
S. INDIA,

16th April 189 9

2041
19.4.99

Francis Spring Esq,
Secretary to Govt,
Public Work Department,
M A D R A S.

Dear Mr. Spring,

S No 48 (a)

By the original Govt oreder regarding the Bodi Kotagudi Road Messrs. Wilson & Co were to pay Rs. 37,000 if they laid their rails on it, and this is fair, as whereas they will have large structural alterations to make on the whole of the Road from Amanayakanur to Bodi this 10½ miles to Kotagudi is being made at His Excellency's desire a Railway trace in grades, and curves, in all respects, and ready for their Rails, and with Bridges built to carry their trains.

Mr. Thorp wires me that this point appears to have been ommitted in the order of Govt ament the Amanayakanur Tramway Concession, but will you kindly have it inserted in the Contract with Wilson & Co so as to keep everything in order, and prevent any mistake arising in future.

Yours Sincerely,

L Davidson

Put up this in
and the contr Agt
J.M.
19/4

Approving the draft order re: —.

SERIAL No. 78

Public Works (1899) Department.

CURRENT No. 547

From The Govt. of India

Order

Telegram No. 36 R.P.

Dated 18th April 1899
Received } 19th do
Registered }
Enclosures
Spare copies

SUBJECT.

Ammayanayakanur Tramway —

Approving the draft order re:—.

BACK PAPERS.	
No.	Date.

FURTHER PAPERS.	
No.	Date.

10133

INDIAN TELEGRAPHS.

Code Class. OS

Monthly Number.

19 APR 1899

MADRAS

To (Office) ms			From (Office) Simla		
Words 17/4	Day. 18	Hour. 18	Minute. 3	Official Instructions.	Offd P. W. Ry Co No. 547
To (Person) works ry		15P	From (Person) works		

Recd 19-4-99

(1)
s 36 r. p. apple

(2)
57 ant draft order

approved letter follows

(1). Your telegram

numbered & dated as follows

(2) 17th Instant

Let me have

Ofy F/W

19/4

Recd. from	LN.	Sent to MADRAS 19-4-99	LN.
At Hrs. Mts. by		At Hrs. Mts. by	Telegraph Master.

64 Word Form.

F. C2.

C G P—No. 517 T—19-4-98—2000,000.

Madras, after — Cy.

BACK

Public Works (1899) Department.

Railway Branch Clos called for 28/4/99

CURRENT No.

Order

From The Govt. of India

No. 37 R. P.

Dated the 19th April 1899

Received

Registered

Enclosures

Spare copies

SUBJECT.

Ammayanayakkanur. Periya
Tramway.

Confirming the sanct
accorded to the draft order
authorising the construct
by Messrs. Wilson & Coy.
Madras, of the —

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

All communications should be addressed to the Secretary.

No. 37 *R.P.*

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY PROJECTS.

To

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

Simla, the 19th April 1899.

Flag S

Sir,

In continuation of Government of India telegram No.36 R.P., dated the 18th April 1899, reproduced in the margin,* and your letter No.390 Railway, dated the 7th April 1899, I am directed to confirm the sanction accorded to the draft order received with your above quoted letter, authorising the construction by Messrs Wilson and Company, Madras, of the Ammayanayakkanur-Periyar Tramway on the 2' 6" gauge, and to request that you will forward 36 copies of the order as finally issued.

> *Your telegram numbered and dated as follows, 57, 17th instant. Draft order approved. letter follows.

I have the honour to be,
Sir,
Your most obedient servant,

5 C P

G. L. Lubbock. Lt. R.E.

Offg: Under Secretary.

Documents accompanying:- RR.

Nil.

B.S.V.

Telephone Wilson & Co. Madras

Telegram just received from Simla finally approving of Tramway Order. and another from Davidson formally withdrawing all opposition. I will take Government's orders at Ooty about ~~for~~ rendering the Order absolute in next Gazette.

FKS

19/4/99

Despd 11-20 Am
C
19/4

Mr P.

See Mr Davidson's letter dated 15th April 99. and refer me to S No 48(a) the Original G.O. referred to therein. It will doubtless be a Works G.O. Treat this as urgent. But don't keep sending tons of papers up and down between this and Madras.

FKS
22/4

Forward
FKS
22/4

WILSON & Co
MADRAS.

Madras, 19th April 1899

My dear Spring,

Very many thanks for your message thro' the Telephone to the effect that Simla had finally approved Tramway Order, that Davidson had wired you formally withdrawing all opposition and that you would take Govt. Orders at Ooty about rendering the Order absolute in that Gazette.

I am very glad that all this has occurred before my departure and if W. & Co. can send me a dozen copies of the final Order by next weeks mail I shall be able without loss of

---

Public Works (1899) Department.

Railway Branch

PC No. Called for 26/4/99

CURRENT No.

Order

From The General Manager,
K. D. H. P. Coy Ld
Munaar

No. —×

Dated 20/4/99

Received

Registered

Enclosures

Spare copies

SUBJECT.

Ammayanayakanur-Periyar Tramway.

Withdrawing his Director's objections to Messrs. Wilson & Co's concession for the construction of the —

the sum of Rs. 30,007 towards the cost of the Dodenayakkanur – Bodaguda road.]

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

TELEGRAMS:
"MUNAAR."

No.
Le[illegible] Book
Fo[illegible]

MUNAAR P. O.,
DEVIKULAM,
S. INDIA.

20th April 1899

F.J.E.Spring Esq,
Joint Secretary to Government
Railway Branch,M A D R A S.

Sir,

With reference to my letter to you of the 13th February, I have the honor to state, that, in view of the amended order with regard to the Amanayakanur - Periyaar Tramway published in the Fort St George Gazette of the 11th April 1899, I am instructed by my Directors to withdraw their objections to Messrs.Wilson & Co's Concession for the construction of the above Tramway, as they understand, (1) that the Tramway is to be carried to the terminus of their Ropeway at Kotagude, and (2) that the time for construction has been reduced from 4 to 2 years.

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

I have the honor to be,
Sir,
Your most obedient Servant,
L Davidson
General Manager,
K.D.H.P. Co., Ltd,.

File FM
26/4/99

5-6

But
follo
the Pa
the sea

Madura District Boards Tramway.

Ammayanayakkanur – Periyar Tramway.

Read G.O. No. 995 Rg. dated the 3rd Aug 1898 } Quote / Quote / Print — 1 S.P.

1295 Rg. 18th Oct. 98

R.C. No. 175 G. dated the 26th Nov. 98 from President District Board Madura — 548 Print

R.C. No. 175 G. " " 8th Dec. 98 " " — Quote 11 S.P.

G.O. No 112 W. dated the 11th Jany. 99 — 502 Print

" " No. 149-50 Rg. dated the 7th Feby. 99

Correspondence between the Consulting Engineer for Rys., and the General Manager Kanan Devan Hills Produce Co. Ltd. Munaar. — 14 S.P.

Correspondence between the Consulting Engineer for Rys and Messrs Wilson & Co. Madras

" " " " and the P.M.G. Madras

" " " " and the Govt. Solicitor Madras

Submit a few proofs for orders of Govt. Urgent
F.V.S. 22/4/99

1

1

Telegram from the Govt. of India No. 36. R.P. dated the 18th April 99. — Print

16 P

Order thereon. Having, in accordance with the procedure laid down in Sect (6) of the Indian Tramways Act XI of 1886, ~~Order thereon. Having~~ duly considered all the objections and suggestions made with reference to the draft published from time to time in the Ft. St. G. Gazette ~~India~~ of an order ~~of an order under the provisions of the Tramways Act XI of 1886~~, authorising Messrs Wilson & Co of Madras to make certain ~~the~~ Tramways in the District of Madura, His Excellency the Governor in Council ~~Government~~ is pleased, under the provisions of Sect 4 of that Act, to now make an absolute ~~this~~ order in the following form, authorising the Promoters to proceed with their enterprise.

Order authorising the construction and maintenance, and to regulate the working, of Tramways in the District of Madura. Dated 1st May 1899.

Whereas &c.... (as in the last published draft.)

But make the following alteration. At the end of Clause 9 General Conditions, add the following, as sub clause [(f). In compliance with Govt. Order No. 112 W. dated the 11th Jany, the Promoters shall, as soon as they shall have raised their first £10,000 of capital, contribute, through Govern the sum of Rs. 36,667 towards the cost of the Bodinayakkanur – Kotagudi road.]

Form No. 10.

PUBLIC WORKS DEPARTMENT.

RAILWAY BRANCH.

C. No...................

HIS EXCELLENCY THE GOVERNOR.

THE HON'BLE MR. ARUNDEL I.C.S. ~~C.S.I.~~

THE HON'BLE MR. H. M. WINTERBOTHAM, I.C.S.

SUBJECT.

Madras District roads Tramway

FOR ORDERS.

The G.O. to which I ask sanction will be found at foot of page 5. That G.O. H.E. will doubtless pass as a matter of routine.

But the important point in regard to which I ask for special orders is whether clause 9 (f.) is or is not to be inserted in the final Order. (page 7)

I have noted fully on this in a file which I believe went to H.E. from the P.W. Dept. a few days ago. The Secretary P.W.D. will have added his comments.

The clause referred to, which I have marked in red pencil, has never appeared in any of the successive drafts of the order, and so far as I know Messrs Wilson & Co. have no more knowledge of it than I had before it was brought to my notice by Mr Davidson of Madras. I mean that neither Wilson & Co nor I had cognizance of G.O. No. 112 W. dated 11th Jany 99. as containing a condition

+ Should not this word be 'accept' not 'repay'?
ASK

I have just seen the file referred to. and H.E.'s orders thereon, namely to consult Financial Dept. in regard to Government paying the Rs. 36.667, and then to ask Messrs Wilson & Co if they will consent to repay+ either the whole or Rs 20.000 of it as proposed by Col. Smart. I read H.E.'s intention to be that Wilson & Co are not to pay it, and that ~~[illegible]~~ the arrangement made with Messrs Wilson & Co. may stand, and that I may wire the Press Supdt. Madras, to publish the Absolute Order in next Wednesday's Gazette omitting the new clause, 9-(f.), as marked with red pencil, at page 7 below.

I am afraid the issue of the Notification must wait until their printing are settled.

FKS
6/5/99

Await FKS
7/5/99

ASK 6.5.99

affecting the terms which were in Mr Turnbull's mind and in my mind on the date of our interview with H.E. at Guindy.— an interview which led Mr Turnbull to consent to do all that the K.D.H.P.Co. wanted.

I think that the clause in question should be omitted from the final Order. and that Works G.O. No. 112 W. dated 11th Jan. 99 should be consequently modified.

6/5/99

Form No. 7.

TELEGRAM ~~URGENT~~ ORDINARY ~~DEFERRED~~

FROM E R. Ooty.

TO Messrs. Wilson & Coy Madras

No. 7 C.

Madura Tramway Order will be made absolute in Gazette sixteenth instant in the form in which final draft appeared in Gazette eleventh ultimo.

Despatched on 9/5/99

Madras 11th May 1899

From

Messrs Wilson & Co.,
Madras.

To

The Consulting Engineer
for Railways,
Ootacamund.

Sir,

We have the honor to acknowledge receipt of your telegram of 9th instant reading:-

" 7 C Madura Tramway order will be made absolute in
"Gazette Sixteenth instant in the form in which final
"draft appeared in Gazette Eleventh ultimo"

for which we thank you.

We have passed on the information to our Mr. Turnbull and have the honor to remain,

Sir
Your most obedient Servants,
Wilson & Co

File

ER. 17/5/99

D.A.R.

The Despatcher received the copies of the Madras Tramway Order from the Press at 6.30 P.M. yesterday & sent ~~them on~~ at once to save delay. I have just looked at a proof & find that the G.O. requires correction in some places. ~~[illegible]~~ ~~See~~ The draft order should be ordered to be published in ~~English~~ the Fort St. George & Madras District Gazettes & the Tamil Translator to Govt. asked to ~~translate~~ it into Tamil & send copies to Supt. Govt. Press & Collector of Madras. See procedure in the previous G.Os

668 M. of 6-4-92

of 28.4.98

1st proof recd 26-4-99

Very Urgent

RAILWAY.

Government 1899 of Madras.

PUBLIC WORKS.

I want a fresh clean proof from the Press as early as possible

26/4/99

Recd. } 1899.
Regd.

Enclosures

Spare copies

Recd 3/5/99

G.O., No. Ry., ~~April~~ May 1899.

May.

APRIL.

May

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read again the following papers :—

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

Read also the following papers :—

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

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

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

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

Enclosure No. 1.

ENCLOSURE. No. 2.

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

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

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

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

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

May

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

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

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

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

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

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

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

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

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

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

Enclosure No. 3.

Small caps 2 lines.

Proceedings of the District Board, Madura, dated 21st November 1898, No. 128.

* * * * *

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

Also letter from Messrs. Wilson & Co. on the subject, dated 31 Oct. 98.

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

Proposed by the Revd. C. S. Vaughan proposed the following proposition: "The contribution of Rs. 200 a mile will be guaranteed for seven years. Whenever after that period the net profit of the Tramway Company *for any given year* exceeds 5 per cent. on capital, the contribution will cease for that year."

and Seconded by Surgeon-Major W. F. Thomas, I.M.S.

The proposition was put to the vote and was lost, only five voting in its favour. Proposed by M.R.Ry. M. Vencatramaiyar Avergal and seconded by M.R.Ry. P. S. Santanakrishnam Pillai Avergal :—

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

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

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

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

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

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

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

Local & Municipal Dept. No. 1330. dated 12 Dec 1898

Transferred to the Public Works Department.

(Signed) A. EDGINGTON,
Ag. Assistant Secretary.

2nd December 1898.

From—The President, District Board, Madura.
To—The Secretary to Government, Local and Municipal Department.
Dated—8th December 1898, R.C. No. 175 G.

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

ENCLOSURE.

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

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

No. 1410.

Transferred to the Public Works Department in continuation of endorsement No. 1330, dated 2nd December 1898.

(Signed) A. EDGINGTON,
Ag. Assistant Secretary.

17th December 1898.

G.O., No. 112 W., dated the 11th January 1899.

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

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

Press. Small Italic. {* Note. The draft of an Order as directed to be published in Sect 6 (1) (2) of the Indian Tramways Act. This draft order was modified from week to week, until April 19th, when it appeared to meet all reasonable objections.

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

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

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

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

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

Ital. Note. The subsequent amended draft orders were forwarded from time to time to the Govt. of India.

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

Here print the following letters PMG's No. [illegible] 26.1. [illegible] [illegible]

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

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

Here print Indian letter 37 R.P. 19th Ap. [illegible]

ORDER—No. Ry., dated ~~April~~ May 1899.

Having, in accordance with the procedure laid down in section (6) of the Indian Tramways Act XI of 1886, duly considered all the objections and suggestions made with reference to the draft published from time to time in the *Fort St. George Gazette* of an order authorising Messrs. Wilson & Co. of Madras to make certain tramways in the district of Madura, His Excellency the Governor in Council is pleased, under the provision of section 4 of that Act, to now make an absolute order in the following form, authorising the promoters to proceed with their enterprise. The Order will be published in the Fort St. George and Madura District Gazettes, in English and in Tamil. A copy of this Order will be forwarded to the Govt. of India.

10. *Bridges.*—In all cases where, in the opinion of the road authority, the existing road bridges are not sufficiently strong to carry the tramways, the promoters shall make at their own cost such additions to or alterations of any such bridges as may be required by, and the work shall be carried out and completed to the satisfaction of, the road authority. Provided that, in case of difference of opinion as regards the necessity for such alterations, the decision of the Government Superintending Engineer of the Circle shall be final and binding. The promoters may, at their option, construct at their own cost, for the purposes of the tramways, separate bridges of such design and in such manner as shall first be approved by an officer duly appointed by Government in this behalf, and shall complete the same to the satisfaction of the said officer.

11. *Specification for rail surface and substructure.*—The tramways shall be constructed on a gauge of 2 feet 6 inches. Wherever the tramway runs on or crosses a roadway the upper surface of the rails of the tramways shall be level with the surface of the roadway; and subject to this provision the rails of the tramway shall be such as Government shall approve, and the tramways shall be constructed, laid and maintained according to such general specification as to the kind of rail, foundations, manner of laying and repair thereof as Government shall approve.

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

13. *Width of road to be used.*—The promoters may use for the construction of the tramways seven feet in width of one side of all roads over which the line is to run. In cases where there are no buildings on that side of the road on which the tramways are laid the said width of seven feet shall be measured from the drain on that side of the road, or when the road is in embankment, from the edge of such embankment; but for the purpose of crossing bridges, the tramways may approach the centre of the road as far as shall, in each case, be deemed unavoidable by the road authority. Provided always—

(1) That there shall nowhere, except at bridges, be a less width of metalled road than ten feet clear of that rail of the tramway which is nearest the road centre.

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

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

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

16. *Altering road surface.*—Should the promoters consider it desirable or necessary for the efficient working of any part of the tramways to alter any of the levels or gradients of any of the roads upon which the tramways are constructed, or for the same purpose to alter, repair or strengthen any of the bridges over which the same pass, the promoters may, with the approval of the road authority, execute the same at their own cost; and where the road is already paved or metalled the promoters may if they think fit, at their own cost, when constructing the tramways or any part thereof on such road, relay such paving or metalling; and the promoters shall, at their own cost, provide sufficient new paving or metalling of a similar character for properly making good such road in the event of any of the original paving or metalling having become unsuitable or being insufficient for relaying. The promoters shall be at liberty free of charge, subject to the approval of the Collector in the case of Government quarries, to take road metal, stone, lime, clay, sand and gravel from Government lands within ten miles of the tramway, for the purpose of constructing the tramway or buildings connected therewith.

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

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

(2) They shall not open or break up any road except under the superintendence and to the reasonable satisfaction of the road authority, unless the authority concerned refuses or neglects to give such superintendence at the time specified in the notice, or discontinues superintendence during the progress of the work.

18. *Making good damage to roads.*—When the promoters have opened or broken up any portion of any road, they shall, with all convenient speed, complete the work on account of which they opened or broke up the same and, subject to the requirements of the formation or maintenance or renewal of the tramways, shall fill in the ground and make good the surface to the satisfaction of the road authority and shall clear away all surplus rubbish and materials. They shall, in the meantime, cause the place where the road is opened or broken up to be guarded and watched and properly lighted at night, and shall provide for the free passage of road traffic during the progress of the work.

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

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

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

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

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

(4) Whenever, for the purpose of enabling them to execute such work, the local or road authority or company, body or person shall so require, the promoters shall either stop traffic on the tramway to which the notice shall refer where such traffic would otherwise interfere with such work, or shall shore up and secure such tramway at their own risk and cost during the execution of the work there. Provided that such work shall always be completed with all possible expedition by the local or road authority or company, body or person and any differences as to the necessity of such work shall be settled in manner provided in clause 35 of the Act, for the settlement of differences between the promoters and other companies or persons.

(5) No local or road authority, company, body or person shall execute such work, so far as it immediately affects the tramways, except under the superintendence of the promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the same during the progress of the work; and every such authority company, body or person shall execute such work at its or his own expense and to the reasonable satisfaction of the promoters.

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

22. *Motive power.*—The carriages used on the tramways may, subject to the provisions of this order, be moved by animal power, steam power, electricity conveyed either through overhead or under-ground wires, or any mechanical power. Provided that the exercise of the powers hereby conferred with respect to the use of steam, electricity, or any mechanical power, shall be subject to the design and condition of all vehicles, engines and hauling contrivances or machinery being approved by Government, and to any rules which may be made for securing to the public all reasonable protection against danger in the exercise of the powers by this order conferred with respect to the use on the tramways of steam, electricity or any mechanical power. Provided also that, if electrical power be used, communication by the existing Government telephone and telegraph lines shall be safeguarded as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act, 1887.

23. *Improvement of Rolling Stock.*—The promoters shall, from time to time, adopt and apply such improvements in the engines and carriages, and in the fittings, appliances and apparatus thereof, as Government may consider necessary or advisable for the safety or convenience of the public; and in case they shall do so or shall incur any other capital expenditure, they may, with the approval of Government, raise further capital either by the creation and issue of further shares or debentures or stock, or by the exercise of borrowing powers, to such amount as shall be found expedient for the raising of such further capital.

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

25. *Rates and Fares.*—The promoters shall be entitled to charge the public, for services rendered by way of conveyance on the tramways or any part thereof of passengers, animals and goods of different classes and descriptions, at rates which they shall be at liberty to vary at their discretion between the minima and twenty-five per centum above the maxima sanctioned from time to time for the South Indian Railway Company. The promoters shall strictly adhere to the goods classification from time to time in use on the South Indian Railway. The charge to be made for the carriage of mails shall not be higher than that in force from time to time on the South Indian Railway.

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

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

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

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

27. *Mortgages.*—Nothing in this order contained shall prevent the promoters borrowing money on the security of mortgages of the undertaking or any part thereof, or shall make the consent or approval of Government necessary to the validity or effect of any such mortgage; provided that every mortgage of the undertaking shall be deemed to secure to the mortgagee the right to receive all purchase money which may be paid to the promoters in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 22 of the Act, and that any mortgage granted by the promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section 22 of the Act, and that every mortgage deed granted by the promoters shall be endorsed with notice to that effect.

28. *Promoters' right to lease the line.*—Subject to the provisions of this order and to the approval of Government, the promoters may, by lease or leases, demise to any person or persons, corporation or company, the right of user by such person or persons, corporation or company of the tramways or any part thereof, and of demanding and taking in respect of the same the rates and fares authorized by this order. Provided always that in the first instance such lease or leases shall not be made for any term exceeding thirty years from the passing of this order, and after the expiration of such lease or leases any further lease or leases shall be so made as to expire at or before the time or times at which the local authority may exercise the powers of purchase conferred by section 22 of the Act. Provided also that all duties and obligations imposed on the promoters by this order shall be equally binding on the lessees.

29. *Promoters' right to sell.*—Subject to the approval of Government the promoters may at any time sell, assign or transfer the rights, powers, and authorities, conferred by this order subject to the obligations and liabilities imposed hereby, and upon completion of such sale assignment or transfer and notice thereof in writing being given to Government and to the local authority respectively, all such rights, powers, authorities, obligations and liabilities or such of them respectively as shall then be subsisting and capable of taking effect shall be deemed to be transferred to, and vested in, and may be exercised by, and shall attach to, the purchaser or purchasers or assignee or assignees or transferee or transferees, as the case may be, of the promoters in like manner as if this order had been in favour of such purchaser or purchasers, assignee or assignees, transferee or transferees instead of in favour of the promoters. Provided always that in the event of the promoters selling, assigning or transferring such rights, powers, authorities, subject as aforesaid to a company or limited liability company to be formed in England or elsewhere before commencing or during the construction of the tramways, the powers of sale, assignment or transfer hereby granted shall only be exercised subject to the same conditions as are by this order imposed upon the promoters with regard to capital, the amount of capital to be subscribed before commencing the construction of the tramways, and the payments out of capital for promotion and construction and equipment of the tramways and the provision of interest during construction

30. *Promoters to have first refusal to construct and work new tramways.*—So long as the promoters or their assignees continue to own or work the tramways which are the subject of this order, Government or the local authority shall not construct, and shall not consent to any application for power to construct, further or other tramways in the valley of the Vaigai river west of Ammayanayakkanur, until the promoters or their assignees shall within six calendar months of such offer being made to them have refused or failed to accept an offer of Government or the local authority that they, the promoters, should construct and work such further or other tramways.

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

32. *Liability to submission to future Acts.*—Notwithstanding anything in this order contained, the promoters, and any person using the tramways, shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon; and to any condition, regulation or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, electric power or any mechanical power, by any such general Act as aforesaid.

33. *Serving of notices.*—Any notice required to be given by Government or by any local or road authority or by any company, body or person to the promoters shall be in writing and may be served on the promoters by being delivered to their representative at Ammayanayakanur or to the promoters themselves in Madras, and every notice so served shall be deemed to have been duly given to the promoters anything hereinbefore contained to the contrary notwithstanding. The promoters shall from time to time give notice in writing to Government and to the local and road authorities of some agent at Ammayanayakanur to whom, and of some office in Madras where, any such notice by Government or a local authority or a road authority may be delivered or left as aforesaid, and of any change of such agent or office.

(True Extract.)

Under Secretary.

[illegible] No. Dated May 99

Endt. [illegible] copy forwarded to the Govt. of India for information

To The Con. Engr. for Rys.

The P.W. Dept. Roads & Buildings Branch

The Local & Municipal Dept.

The Rev. Dept.

Inspector [illegible] of G. [illegible]

The Examiner of R. Accts.

The Agent S.I. R.

Exd. P. Seetharam.

200/8 20-36/1 Urgent 2°/[illegible] RS 4-5-98

RAILWAY.

Government {1899} of Madras.

PUBLIC WORKS.

Recd. } 1899. *Enclosures*

Regd. } *Spare copies*

G.O., No. 530,551 Ry., 9th May 1899.

MAY.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read again the following papers :—

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

Read also the following papers :—

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

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

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

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

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

ENCLOSURE No. 1.

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

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

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

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

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

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

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

ENCLOSURE No. 2.

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

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

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

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

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

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

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

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

ENCLOSURE No. 3.

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

* * * * *

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

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

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

Proposed by the Revd. C. S. Vaughan and seconded by Surgeon-Major W. F. Thomas ~~I.M.S.~~: "The contribution of Rs. 200 a mile will be guaranteed for seven years. Whenever after that period the net profit of the Tramway Company *for any given year* exceeds 5 per cent. on capital, the contribution will cease for that year." Proposition ~~The proposition was put to the vote and was~~ lost, only five voting in its favour.

Proposed by M.R.Ry. M. Vencatramaiyar Avergal and seconded by M.R.Ry. P. S. Santanakrishnam Pillai Avergal :—

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

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

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

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

The Board agrees to specify in this agreement the bridges over the Théni and Varahanadi
(Periyakulam) as the only two bridges required to be made fit for ordinary road traffic, and they
adhere to their decision to contribute not more than Rs. 3,000 per annum.
The Board accepts paragraph 3 of Mr. Crighton's letter, but will require that a minimum
width of 7½ feet outside the tram car be left at all parts of the road.
The Board as well as Messrs. Wilson & Co. accept the recommendation of Government
that the Superintending Engineer should be the referee and decide matters referred in clauses
A and E of the Government Order.

8

From—The President, District Board, Madura.
To—The Secretary to Government, Local and Municipal Department.
Dated—8th December 1898, R.C. No. 175 G.

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

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

ENCLOSURE.

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

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

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

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

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

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

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

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

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

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

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

Read—

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

From—The Postmaster-General, Madras.
To—The Consulting Engineer for Railways.
Dated—15th February 1899, No. 40360.

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

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

From—The General Manager, K. D. H. P. & Co., (Limited).
To—The Joint Secretary to Government, P.W. Dept., Railway Branch.
Dated—20th April 1899.

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

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

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

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

9

From—The ~~Under~~ Secretary to the Government of India, Public Works Department.
To—The Joint Secretary to the Government of Madras, P.W. Dept., Ry. Branch.
Dated—Simla, 19th April 1899, No. 37 R.P.

Your telegram numbered and dated as follows: 57, 17th instant. Draft order approved. Letter follows.

In continuation of Government of India telegram No. 36 R.P., dated the 18th April 1899, reproduced in the margin, and your letter No. 390 Ry., dated the 7th April 1899, I am directed to confirm the sanction accorded to the draft order received with your above-quoted letter, authorising the construction by Messrs. Wilson & Co., Madras, of the Ammayanayakkanur-Periyar tramway on the 2′ 6″ gauge, and to request that you will forward 36 copies of the order as finally issued.

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

Having, in accordance with the procedure laid down in section (6) of the Indian Tramways Act XI of 1886, duly considered all the objections and suggestions made with reference to the draft published from time to time in the *Fort St. George Gazette* of an order authorising Messrs. Wilson & Co. of Madras to make certain tramways in the district of Madura, His Excellency the Governor in Council is pleased, under the provisions of section 4 of that Act, to now make an absolute Order in the following form, authorising the promoters to proceed with their enterprise. This Order will be published in the Fort St. George and Madura District Gazettes, in English and in Tamil. A copy of this Order will be forwarded to the Government of India.

Pres. This will be printed in Proceedings
but not in the Gazette.
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ORDER UNDER THE INDIAN TRAMWAYS ACT.

Authorizing the Construction and Maintenance, and to Regulate the Working of Tramways in the District of Madura.

Whereas in pursuance of the provisions of the Indian Tramways Act, 1886, the promoters hereinafter named have applied, with consent of the District Board of Madura, for powers to construct, maintain and use a system of tramways on the two-foot six-inch gauge in the district of Madura, the Government of the Presidency of Madras, being, for the purposes of the following order, the Local Government within the meaning of the said Act, deem it expedient that the powers so sought should be granted, upon the terms and subject to the conditions and provisions hereinafter contained, that is to say :—

1. *Title.*—This order may be called and cited as the Madura District Tramways Order, 1899. It shall come into force at once.

2. *Interpretation Clause.*—The several words and expressions to which meanings are assigned in the Definition clauses of the Indian Tramways Act, 1886, have in this order the same respective meanings, unless there be something in the subject or context repugnant to such construction or unless herein otherwise provided.

Provided that in this order the expressions "the tramways" and "the undertaking" shall mean the tramways and works and undertaking by this order authorized, and the words "the Act" shall mean the said Indian Tramways Act, No. XI, 1886, and any subsisting statutory modification thereof, and the word "Government" shall mean the Government of Madras.

3. *Law applicable to the Tramways.*—The tramways shall be constructed, maintained and worked, subject to the provisions of the Act, of the rules from time to time in force under the Act, and of this order, and no powers or rights shall be deemed to have been conferred on the promoters or to have been relinquished by Government, except as in this order expressly provided.

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

5. *Construction of the Tramways.*—Subject to the provisions of this order, the promoters may construct and maintain the tramways hereinafter described, the routes of which are shown on the maps deposited by the promoters with Government and the Local Authority, respectively, with all equipment, works, buildings and conveniences connected therewith or for the purposes thereof, and may work and use the same.

6. *Tramways authorized.*—The tramways authorized by this Order are—

A single line with necessary passing places to be laid—

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

7. *Land.*—The promoters may, by agreement from time to time, purchase or take on lease or otherwise acquire such lands as they may require for the purposes of the undertaking, and may from time to time sell or dispose of any such lands which may not be necessary for such purposes, provided such lands are sold or disposed of through the Collector of Madura, under Government of India Circular No. 1, Railway, of 1897. Land may, with the approval of Government, be acquired for the promoters under the provisions of the Land Acquisition Act, 1894.

8. *Approval of plans.*—The promoters shall lay before Government and the local authority a plan showing the proposed mode of constructing and laying down the tramways and a statement of the materials intended to be used therein, and the promoters shall not commence the construction and laying down of any of the tramways or any part of any of the tramways, respectively, until such plan and statement have been approved by Government and the local authority; provided that if, at the end of one calendar month from the time of laying such plan and statement before Government and the local authority, the Government and the local authority respectively, as the case may be, shall not have signified in writing its disapproval, the plan and statement shall be considered approved by such authority or authorities and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence when reasonably required so to do.

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

The tramways shall be constructed in such position on or off the several roads, and the passing places shall be of such length and shall be constructed and maintained at such places or between such points on the line as the promoters may consider necessary or convenient for the efficient working of the tramways, and the promoters may, after the construction of the tramways or any part thereof, construct and maintain, subject to such reasonable approval, all such additional crossings, passing places, sidings, junctions, or extensions thereof and other works as they may from time to time consider necessary or convenient for the efficient working of the tramways or any of them or for providing access to any buildings, premises, or works of the promoters. Provided always that the promoter's proceedings under this clause shall be subject to the approval of the local authority.

(*a*) Subject to any other provisions of this order, the promoters shall, at their own expense, at all times maintain and keep in good condition and repair, to the reasonable satisfaction of the local authority, the rails and the substructure upon which the same rest and the whole surface of all roads, including the portion used for cart traffic, as well as the slopes and bridges, on which the tramways are laid. In consideration of the promoters so doing, the local authority shall pay to the promoters the annual sum of two hundred rupees for every mile of road upon which the tramway shall be laid during a period of seven years from the date on which the road authority shall make over the roads on which the tramways are to be laid to the promoters, and also for every year after such period of seven years in which the working of the tramways shall not realise a net profit equal to interest on the share and debenture capital of the Company so to be formed as aforesaid at the rate of five per centum per annum. Provided always that if in any year after the expiration of the said period of seven years the working of the tramways shall realise a net profit equal to interest at five per centum per annum on the paid up capital of the Company so to be formed as aforesaid, then and from that year the payment by the local authority of the said annual sum of two hundred rupees per mile and every part of such sum shall permanently cease and determine, anything hereinbefore contained to the contrary notwithstanding. Provided also that if the promoters fail to comply with the provisions of this sub-section the local authority, if it think fit, may at any time after seven days' notice to the promoters or their agent for the time being, open and break up any part of any road or any bridge on which the tramways shall be laid and do the works necessary for the repair and maintenance or restoration of such road or bridge, and the reasonable expenses incurred by the local authority in so doing shall be repaid to the local authority by the promoters or may be deducted by the local authority from any moneys payable by it to the promoters under this order.

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

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

(*d*) In case any question of dispute shall arise between the road authority and the promoters as to whether any rails or any substructure on which the same rest or any road or any part of any road or any slope or any bridge on or over which respectively the tramways shall be laid is maintained in good condition and repair as hereinbefore provided or is suitable for road traffic, then and in every such case such question or dispute shall be referred to the Government Superintending Engineer for the time being of the circle in which such rails, substructure, road, slope or bridge shall be and the decision of such Superintending Engineer upon any such question or dispute shall be final and conclusive and altogether binding and operative on the road authority and the promoters respectively.

(*e*) The local authority shall at all times be at liberty to collect and retain all tolls and fees leviable, under the Madras Local Boards Act, 1884, or other law in force for the time being, in respect of any road upon which the tramways shall be laid and the promoters shall not be entitled to such tolls and fees or any of them.

(*f*) In compliance with G.O., No. 112 W., dated the 11th January 1899, the promoters shall, as soon as they have raised their first £10,000, contribute, through Government, the sum of Rs. 36,667 towards the cost of the Bodinayakkanur-Kotagudi road.

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10. *Bridges.*—In all cases where, in the opinion of the road authority, the existing road bridges are not sufficiently strong to carry the tramways, the promoters shall make at their own cost such additions to or alterations of any such bridges as may be required by, and the work shall be carried out and completed to the satisfaction of, the road authority. Provided that, in case of difference of opinion as regards the necessity for such alterations, the decision of the Government Superintending Engineer of the Circle shall be final and binding. The promoters may, at their option, construct at their own cost, for the purposes of the tramways, separate

bridges of such design and in such manner as shall first be approved by an officer duly appointed by Government in this behalf, and shall complete the same to the satisfaction of the said officer.

11. *Specification for rail surface and substructure.*—The tramways shall be constructed on a gauge of 2 feet 6 inches. Wherever the tramway runs on or crosses a roadway the upper surface of the rails of the tramways shall be level with the surface of the roadway; and subject to this provision the rails of the tramway shall be such as Government shall approve, and the tramways shall be constructed, laid and maintained according to such general specification as to the kind of rail, foundations, manner of laying and repair thereof as Government shall approve.

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

13. *Width of road to be used.*—The promoters may use for the construction of the tramways seven feet in width of one side of all roads over which the line is to run. In cases where there are no buildings on that side of the road on which the tramways are laid the said width of seven feet shall be measured from the drain on that side of the road, or when the road is in embankment, from the edge of such embankment; but for the purpose of crossing bridges, the tramways may approach the centre of the road as far as shall, in each case, be deemed unavoidable by the road authority. Provided always—

(1) That there shall nowhere, except at bridges, be a less width of metalled road than ten feet clear of that rail of the tramway which is nearest the road centre.

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

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

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

16. *Altering road surface.*—Should the promoters consider it desirable or necessary for the efficient working of any part of the tramways to alter any of the levels or gradients of any of the roads upon which the tramways are constructed, or for the same purpose to alter, repair or strengthen any of the bridges over which the same pass, the promoters may, with the approval of the road authority, execute the same at their own cost; and where the road is already paved or metalled the promoters may if they think fit, at their own cost, when constructing the tramways or any part thereof on such road, relay such paving or metalling; and the promoters shall, at their own cost, provide sufficient new paving or metalling of a similar character for properly making good such road in the event of any of the original paving or metalling having become unsuitable or being insufficient for relaying. The promoters shall be at liberty free of charge, subject to the approval of the Collector in the case of Government quarries, to take road metal, stone, lime, clay, sand and gravel from Government lands within ten miles of the tramway, for the purpose of constructing the tramway or buildings connected therewith.

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

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

(2) They shall not open or break up any road except under the superintendence and to the reasonable satisfaction of the road authority, unless the authority concerned refuses or neglects to give such superintendence at the time specified in the notice, or discontinues superintendence during the progress of the work.

18. *Making good damage to roads.*—When the promoters have opened or broken up any portion of any road, they shall, with all convenient speed, complete the work on account of which they opened or broke up the same and, subject to the requirements of the formation or maintenance or renewal of the tramways, shall fill in the ground and make good the surface to the satisfaction of the road authority and shall clear away all surplus rubbish and materials. They shall, in the meantime, cause the place where the road is opened or broken up to be guarded and watched and properly lighted at night, and shall provide for the free passage of road traffic during the progress of the work.

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

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

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

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

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

(4) Whenever, for the purpose of enabling them to execute such work, the local or road authority or company, body or person shall so require, the promoters shall either stop traffic on the tramway to which the notice shall refer where such traffic would otherwise interfere with such work, or shall shore up and secure such tramway at their own risk and cost during the execution of the work there. Provided that such work shall always be completed with all possible expedition by the local or road authority or company, body or person and any differences as to the necessity of such work shall be settled in manner provided in clause 35 of the Act, for the settlement of differences between the promoters and other companies or persons.

(5) No local or road authority, company, body or person shall execute such work, so far as it immediately affects the tramways, except under the superintendence of the promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the same during the progress of the work; and every such authority company, body or person shall execute such work at its or his own expense and to the reasonable satisfaction of the promoters.

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

22. *Motive power.*—The carriages used on the tramways may, subject to the provisions of this order, be moved by animal power, steam power, electricity conveyed either through over-head or under-ground wires, or any mechanical power. Provided that the exercise of the powers hereby conferred with respect to the use of steam, electricity, or any mechanical power, shall be subject to the design and condition of all vehicles, engines and hauling contrivances or machinery being approved by Government, and to any rules which may be made for securing to the public all reasonable protection against danger in the exercise of the powers by this order conferred with respect to the use on the tramways of steam, electricity or any mechanical power. Provided also that, if electrical power be used, communication by the existing Government telephone and telegraph lines shall be safeguarded as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act, 1887.

23. *Improvement of Rolling Stock.*—The promoters shall, from time to time, adopt and apply such improvements in the engines and carriages, and in the fittings, appliances and apparatus thereof, as Government may consider necessary or advisable for the safety or convenience of the public; and in case they shall do so or shall incur any other capital expenditure, they may, with the approval of Government, raise further capital either by the creation and issue of further shares or debentures or stock, or by the exercise of borrowing powers, to such amount as shall be found expedient for the raising of such further capital.

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

25. *Rates and Fares.*—The promoters shall be entitled to charge the public, for services rendered by way of conveyance on the tramways or any part thereof of passengers, animals and goods of different classes and descriptions, at rates which they shall be at liberty to vary at their discretion between the minima and twenty-five per centum above the maxima sanctioned from time to time for the South Indian Railway Company. The promoters shall strictly adhere to the goods classification from time to time in use on the South Indian Railway. The charge to be made for the carriage of mails shall not be higher than that in force from time to time on the South Indian Railway.

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

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

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

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

27. *Mortgages.*—Nothing in this order contained shall prevent the promoters borrowing money on the security of mortgages of the undertaking or any part thereof, or shall make the consent or approval of Government necessary to the validity or effect of any such mortgage; provided that every mortgage of the undertaking shall be deemed to secure to the mortgagee the right to receive all purchase money which may be paid to the promoters in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 22 of the Act, and that any mortgage granted by the promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section 22 of the Act, and that every mortgage deed granted by the promoters shall be endorsed with notice to that effect.

28. *Promoters' right to lease the line.*—Subject to the provisions of this order and to the approval of Government, the promoters may, by lease or leases, demise to any person or persons, corporation or company, the right of user by such person or persons, corporation or company of the tramways or any part thereof, and of demanding and taking in respect of the same the rates and fares authorized by this order. Provided always that in the first instance such lease or leases shall not be made for any term exceeding thirty years from the passing of this order, and after the expiration of such lease or leases any further lease or leases shall be so made as to expire at or before the time or times at which the local authority may exercise the powers of purchase conferred by section 22 of the Act. Provided also that all duties and obligations imposed on the promoters by this order shall be equally binding on the lessees.

29. *Promoters' right to sell.*—Subject to the approval of Government the promoters may at any time sell, assign or transfer the rights, powers, and authorities, conferred by this order subject to the obligations and liabilities imposed hereby, and upon completion of such sale assignment or transfer and notice thereof in writing being given to Government and to the local authority respectively, all such rights, powers, authorities, obligations and liabilities or such of them respectively as shall then be subsisting and capable of taking effect shall be deemed to be transferred to, and vested in, and may be exercised by, and shall attach to, the purchaser or purchasers or assignee or assignees or transferee or transferees, as the case may be, of the promoters in like manner as if this order had been in favour of such purchaser or purchasers, assignee or assignees, transferee or transferees instead of in favour of the promoters. Provided always that in the event of the promoters selling, assigning or transferring such rights, powers, authorities, subject as aforesaid to a company or limited liability company to be formed in England or elsewhere before commencing or during the construction of the tramways, the powers of sale, assignment or transfer hereby granted shall only be exercised subject to the same conditions as are by this order imposed upon the promoters with regard to capital, the amount of capital to be subscribed before commencing the construction of the tramways, and the payments out of capital for promotion and construction and equipment of the tramways and the provision of interest during construction.

30. *Promoters to have first refusal to construct and work new tramways.*—So long as the promoters or their assignees continue to own or work the tramways which are the subject of this order, Government or the local authority shall not construct, and shall not consent to any application for power to construct, further or other tramways in the valley of the Vaigai river west of Ammayanayakkanur, until the promoters or their assignees shall within six calendar months of such offer being made to them have refused or failed to accept an offer of Government or the local authority that they, the promoters, should construct and work such further or other tramways.

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

32. *Liability to submission to future Acts.*—Notwithstanding anything in this order contained, the promoters, and any person using the tramways, shall be subject and liable to the provisions of any general Act now in force, or which may hereafter be passed, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon; and to any condition, regulation or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, electric power or any mechanical power, by any such general Act as aforesaid.

33. *Serving of notices.*—Any notice required to be given by Government or by any local or road authority or by any company, body or person to the promoters shall be in writing and may be served on the promoters by being delivered to their representative at Ammayanayakanur or to the promoters themselves in Madras, and every notice so served shall be deemed to have been duly given to the promoters anything hereinbefore contained to the contrary notwithstanding. The promoters shall from time to time give notice in writing to Government and to the local and road authorities of some agent at Ammayanayakanur to whom, and of some office in Madras where, any such notice by Government or a local authority or a road authority may be delivered or left as aforesaid, and of any change of such agent or office.

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

(True Extract.)

FRANCIS J. E. SPRING,
Joint Secretary.

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

ENDORSEMENT—No. 551 Ry., dated 9th May 1899.

Copy forwarded to the Government of India for information.

(By order.)

FJES

Joint Secretary.

o.c. [illegible] 31/5/99

9/5/99

Despatched on 29/5/99

Exd. P. Seetharam.