

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 1278

DATED 28th March 99

[Despatch Abstract.]

Received 1st from the P. & D. (P. & D.)
forwarding a copy of a notification with
draft rules authorizing the construction
of an irrigation system for the

BACK PAPERS.

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

FURTHER PAPERS.

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

4,000 18-10-98.

Revenue (189) Department.

CURRENT No. 1107

From The Public Works Department.

Order No. 12/278 7/28th March 1899.

Recorded.

File No. 65-211.

Dated 11 2 - 99.

Received 12/2

Registered 12/2

Enclosures 1

Spare copies.

SUBJECT.

Forwarding a copy of
a Notf. with draft order
concerning the construction
of the Amaganydams
Tramway.

11/2
21.3.99.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Form No. 6.

Public Works Department,
Railway Branch.

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 authorising the construction of the Annaya-nayakanur traway, for favour of comments with reference to para 16 of the draft order.

W. H. P.
Under Secretary.

MADURA DISTRICT ROAD TRAMWAYS

AMMAYANAYAKKANUR-PERIYAR TRAMWAY.

Notification.

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 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 and of the South Indian Railway Company, 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.

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—

From Ammayanayakkanur Railway Station to Uttamapalaiyam ... 56½ miles.

with power to extend at any future time to Cumbum and Kuruvanth

12½ miles and beyond within the district of Madura.

Branch—Periyakulam to Krishnamanaick's Tope ... 4½ „

Branch—From about 39th mile to Bodinayakkanur, say ... 8 „

With power to extend to Kotagudi, should the volume of traffic warrant
and 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 plan.*—The promoters shall lay before Government and the road authority a plan showing the proposed mode of constructing and laying down the tramways and a statement of the materials intended to be used therein, and the promoters shall not commence the construction and laying down of any of the tramways or any part of any of the tramways, respectively, until such plan and statement have been approved by Government and the road authority, provided that if, at the end of one calendar month from the time of laying such plan and statement before Government and the road authority, the Government and the road 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 local 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) That 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) That in case any question of dispute shall arise between the local 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 local 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.

10. *Bridges.*—In all cases where, in the opinion of the local 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 local 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. The upper surface of the rails of the tramways shall be level with the surface of the roadway, unless otherwise directed or approved by the local authority, and subject to this provision the rails of the tramway shall be such as Government may approve, and the tramways shall be constructed, laid and maintained according to such general specification as to the kind of rail, foundations, manner of laying and repair thereof as shall be approved by Government.

12. *Improvement of rail 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 when there are no buildings on that side of the road on which the tramways are laid the said width of 7 feet shall be measured from the gutter 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 is less than fourteen feet be a less width of metalled road than ten feet clear of the 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 local 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 23 (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 Annamayavakkannur to Periyakulam and to Krishnamannai'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 by taking 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 same are constructed, or for the same purpose to alter, repair or strengthen any of the bridges over which the same pass, the promoters may, with the approval of

the local 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 local 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 local 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 the 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, maintenance or renewal of the tramways, shall fill in the ground and make good the surface to the satisfaction of the local 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 local 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 the uppermost surface thereof shall, subject to any other provisions of this order, be on a level with the surface of the road as altered. Provided always that any such alteration as aforesaid by the local 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 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, such notice to be given 24 hours at least before the commencement of the work.

(3) They shall not be liable to pay to the promoters 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 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 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 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 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 tramway 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 of steam, electricity or any mechanical power on the tramways. Provided also that, if electrical power be used, communication by the existing Government telephone and telegraph lines shall be safeguarded as provided in the rules made by the Governor-General in Council in exercise of the powers conferred by the Electricity Act, 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, 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 has 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 the amount of the nominal share capital thereof.

(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.*—The promoters may, subject to the approval of Government 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 feet six inches 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 feet six inches 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 authority 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 authority 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,
9th February 1899

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

REVENUE DEPT.

Dist. No. 1

City No. 1107

Office Note from the Public
Works Dept. (Rail way)
No. 65 R.M. d. 11. 2. 99.
— Cus. 1107 of 1899.

To Under Secy.

With the above Office Note, the Joint Secy. to Govt., P.W.D., Rail way Branch, forwards copy of a notification with "draft order" authorising the construction of certain tramways in the district of Madras, for favour of remarks with reference to paragraph 16 of the "draft order".

The portion of paragraph 16 of the "draft order", with reference to which the remarks of this Dept. are apparently invited, is reproduced below for facility of reference.

"The promoters shall be at liberty free of charge subject to the act shall be the Railway Branch."

From my point of view the matter is not so much to be treated strictly according to precedent. Nobody has got the £150,000 yet. It has got to be ~~kept~~ tempted out of people in the City. These people are in the habit of attaching a wholly fictitious value to certain matters of very little money value in India. Land for example, and the quarrying. We want the tramway, and I think for the sake of its many benefit Government, if it has the power to do so, might very well brace itself up to thinking out this spirit to enter the City market. There is very little in it, but it certainly is a valuable bait. Application to make cross country railways do not come to us in such numbers that we need be afraid of making such a precedent. When I found I could give them for anything that was in the ground on that ground, and they could do anything with the use of shovels &c. &c. changing only a nominal royalty, so long as I got my light, railway.

the second place it

well, for one thing, there were
no quarries adjoining the roads,
were there? *SK*

But people to whom Government give a present
concession are not the Public. We are not
bound to go by limiting rules. Government can still
it do as it pleases in this very petty matter. For
all the royalty that could possibly be squeezed
out of the promotion would not amount to any
sum worth considering in such a connection.

Rule 7 of the Mining Rules provides as follows: - "In reserved forests, the public will be prohibited from any interference, not only from mining and quarrying, but also from removing the surface sand and turf, without special permits to be obtained under the provisions of the Madras Forest Act." Rule 8 of the Mining Rules provides that in the case of "reserved" lands, quarrying shall

in places where damage is likely to be caused to forest growth or in areas under special treatment, and that in other places the general public may be allowed to quarry free, except for building stone, gravel, laterite and particular clay which has a commercial value.

In the case of unreserved waste land at the disposal of Govt., including poramboke, rule 10 of the Mining Rules lays down that quarrying will be left absolutely free whether the minerals have a commercial value or not to the general public for bona fide domestic purposes and to departments of Govt., Local Boards and Municipalities. Under the same rule the provision of Govt. is necessary to the concession of free quarrying in unreserved lands in the case of other public bodies.

The precedent referred to is not to the point. The Madras B.C. is a rule the quarrying will not be free. The Madras Tramways Company are not even yet in existence and have got to be started in existence. There is danger enough already of our not having limited the work sufficiently thoroughly. The whole thing may fall to pieces if we are not liberal in getting matters.

FM

1/1

They have been allowed to remove sand subject to any decision as to charge that may be come to.

necessary for the grant of the concession of free quarrying in unreserved lands to public bodies other than Local Boards and Municipalities, it is a question for consideration whether the promoters of the proposed tramway in Madras may be allowed by a special order of Govt. the privilege of free quarrying in unreserved lands. An application from the Madras Railway Company, it may be stated in the present connection, for permission to remove sand free of charge from the bed of the Cooum is lying over pending the receipt of the Board's reply to a reference ~~as to~~ as to the number of places in this Presidency where Railway Companies are at present allowed to carry on quarrying operations in unreserved lands without payment of seigniorage fees and as to the conditions.

on which such operations are allowed. It is ^{the} ought that ^{consideration of the} the question whether the promoters of the proposed tramway in Madras are to be allowed the concession of free quarrying in unreserved lands may be deferred till the construction of the tramway is fairly begun and a special application is made to Govt for the grant of the concession, and that it will suffice for the present to point out to the Public Works Deptt. that the clause ~~that~~ proposes to insert in the "draft order" giving the promoters of the tramway the power of taking free of charge road metal, stone, lime, clay and other material from Govt. lands for the purpose of constructing the tramway or buildings connected therewith, is open to objection and should be omitted.

No. I could put it in the Act. It is really a very pretty matter, as to reserve the concession may have the effect of making the promoter, who is already not very happy and who think we have given them very little.

FM

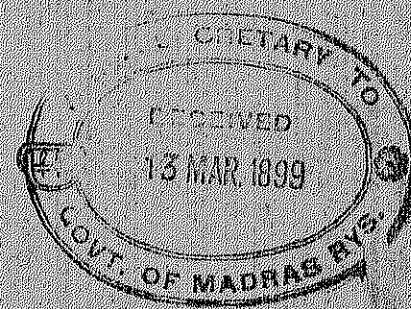
1/3/14

There is very much more.

FM

advisable to give a general permission as proposed. Land required by a Ry Co. for quarrying purposes is specially acquired & paid for. There seems no reason why the promoters of this tramway should not be made to pay likewise.

In any case, even if it is decided to let them quarry free in Govt lands, it should only be, I submit, with the previous approval of the Collector.



~~10/3/99~~ 10/3/99
Did the Company apply for the right of free quarrying?

D.P.W. no. Yes. They consider it is the only draft of the Act which they (the promoters, not the Company, this is no longer) put forward for acceptance of Govt. They are relying on this in regarding their prospectus to the public.

To. Secy. Res. Dept.

on 4
all

H.M.

I quite agree with Mr. Spring that any concession in the way of free quarrying will be more than repaid of by the immense public benefit which the highway will confer. It is also as he says a most useful bait, ~~costly~~ costing but a trifle, when the scheme is put on the London money market. It shows ministers that it is a project sufficiently sound for Govt. support & assistance.

If so, the only qⁿ is whether this Govt. can make the concession without going to India. The Resolution quoted in the office note has no relevancy to the question. That Resolution deals only with accounting between two Govt. departments or contractors working on behalf of Govt.

This Govt. has full authority to make the quarrying concessions asked, and I sh^d. accord them. It is however sh^d. be selected

by the collector, and worked under such regulations as he may see fit to impose

J.H. 10/5

But please see Mr. Spring's note sh. I have underlined in blue. He expressly refers to slippage. I have not no objection to substituting "sand and gravel" for "other material" for slippage. Better see if this meets Mr. Spring's views. 20-3-99

and would suit them.

or for slippage material

Sand

J.H.

This is not prepared. "Other material" must be in part material with stone lime clay. H.M. substitute for "other material" the word "sand".

The wording of the last sentence in para 16 of the draft order is certainly too loose - "Govt. lands" would cover all reserved forests in the Presidency - After "Govt. lands" insert "within 10 miles of the tram way", or "within the Taluk of -----"

I also think the words "and other material" objectionable. This would include, it is apparently intended to include, timber - I don't know what reserved forests there are near the line, but I don't think we can go the length of supplying timber free of cost -

Subject to the above remarks I wd. pass para 16 - H.M.

17-3-99



N.B.—

A = Copy in full.
B = Not to be copied.
F = Copy abstract only.
Q = Copy heading only.