



The Calcutta Tramways Act, 1894

Act 3 of 1894

Keyword(s):

Memorandum of Agreement, Corporation of Calcutta, Calcutta Tramways Company Limited

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

Bengal Act III of 1894 (The Calcutta Tramways Act, 1894.)¹

FURTHER AGREEMENT VALIDATED ... REPEALED IN PART	Ben. Act IV of 1900. Act I of 1903.
ADAPTED	(a) The Government of India (Adaptation of Indian Laws) Order, 1937. (b) The Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948. (c) The Adaptation of Laws Order, 1950.

(2nd May, 1894.)

An Act to give effect to an agreement made between the Corporation of Calcutta and the Calcutta Tramways Company, Limited.

Whereas it is expedient to sanction and give effect to a memorandum of agreement made the second day of September, 1893, between the Corporation of Calcutta of the one part, and the Calcutta Tramways Company, Limited, of the other part, a copy whereof is set forth in the schedule to this Act ; and whereas without the authority of the Legislature the said memorandum of agreement would be of no effect ;

Preamble.

It is hereby enacted as follows :—

1. This Act may be called the Calcutta Tramways Act, 1894.

Short title.

(Commencement.)—Rep. by s. 4 and the Third Sch. of the Amending Act, 1903 (1 of 1903).

2. The memorandum of agreement, a copy whereof is set forth in the schedule of this Act, is hereby authorised, sanctioned and declared valid and binding upon the Corporation of Calcutta and upon the Calcutta Tramways Company, Limited, and its assignees.

The agreement declared valid.

SCHEDULE.

(Referred to in section 2.)

MEMORANDUM OF AGREEMENT made this second day of September 1893 BETWEEN THE CORPORATION OF CALCUTTA incorporated under Act

¹LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, see the *Calcutta Gazette* of 1894, Pl. IV, page 36 ; and for Proceedings in Council, see *ibid.* Supplement, pages 242, 345 and 478.

LOCAL EXTENT.—Since this Act merely supplements the Calcutta Tramways Act, 1880 (Ben. Act I of 1880), it has the same local extent as that Act.

(Schedule.)

II of 1888¹ of the Lieutenant-Governor of Bengal in Council hereinafter called "the Corporation" of the one part and THE CALCUTTA TRAMWAYS COMPANY LIMITED a Company incorporated under the English Companies Acts having its Registered Office in England hereinafter called "the Company" of the other part WHEREAS the Corporation are the successors of the Corporation of the Town of Calcutta the parties of the first part to the annexed articles of agreement dated the 2nd day of October 1879 and the Company is the assignee of the rights and liabilities under the said articles of agreement of Dillwya Parrish Alfred Parrish and Robinson Souttar the parties thereto of the other part AND WHEREAS under and by virtue of the 17th Clause of the said articles of agreement the present rent payable by the Company to the Corporation is calculated at the rate of Rs. 3,250 *per annum* per mile of double line and Rs. 2,250 *per annum* per mile of single line AND WHEREAS the said articles of agreement do not contain any express provision prohibiting the Company after the opening of any Tramway from discontinuing the working of such Tramway AND WHEREAS the parties hereto have deemed it expedient and have mutually agreed subject to the sanction and authorization of their said agreement by an Act of the ²[West Bengal] Legislature that the said articles of agreement should be varied or modified to the extent and in the manner hereinafter appearing Now these PRESENTS WITNESS that subject to these presents being sanctioned and authorized by an Act of the ³[State Government] to be hereafter passed for the purpose and in consideration of the said mutual agreement and of the covenants hereinafter contained and on the part of the Corporation and of the Company respectively to be observed and performed the Corporation do hereby covenant with the Company and its assigns and the Company for itself and its assigns doth hereby covenant with the Corporation in manner following that is to say—

1. Subject as next hereinafter provided the rent payable by the Company to the Corporation from the 1st January 1894 to the 31st December 1900 being the end of the 21st year referred to in the said

¹Ben. Act II of 1888 was repealed and re-enacted by the Calcutta Municipal Act, 1899 (Ben. Act III of 1899), which was also repealed and re-enacted by the Calcutta Municipal Act, 1923 (Ben Act III of 1923), which was again repealed and re-enacted by the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951).

²These words were substituted for the word "Bengal" by Article 3(2) of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

³The words "Provincial Government" were originally substituted for the words "Lieutenant Governor of Bengal in Council" by paragraph 4(f) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(f) of the Adaptation of

of 1894.]

(Schedule.)

17th clause of the said articles of agreement shall be calculated and paid at the present rate namely at the rate of Rs. 3,250 *per annum* per mile of double line and Rs. 2,250 *per annum* per mile of single line anything in the said articles of agreement to the contrary notwithstanding. Provided nevertheless that a remission of fifteen thousand rupees a year shall be granted for five years with effect from 1894 subject to the condition that the dividends declared by the Company do not exceed three and-a-half *per cent per annum* during that period.

2. The Company shall not during the period from 1st January 1894 to 31st December 1900 without the previous sanction of the Corporation discontinue the working of any of its tramways which now or hereafter may be opened for traffic.
