

Proceedings of the Madras Government, Judicial Department,

2nd November 1865.

No. 27. Read the following Proceedings of Government in the Public Works Department, dated 25th October 1865, No. 3201.

Communicating papers for an expression of opinion by the Magistracy on the amendment of Act XVIII of 1854, proposed by the Government of India. (Vide Proceedings, Public Works Dept., dated 25th October 1865, Nos. 618 & 619.)

No. 28. ORDER THEREON, 2nd November 1865, No. 1567.

Communicated accordingly to the Magistrates of the undermentioned Districts, in view to their furnishing the observations called for in the 2nd paragraph of the Proceedings of the 25th instant:—

Madras.
North Arcot.
Salem.
Coimbatore.
Malabar.
Cuddapah.
Kurnool.
Tanjore.
Trichinopoly.

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Commissioner of Police, Madras.
„ Magistrate of

Exd. J. Tulloch.

*Proceedings of the Madras Government, Public Works Department,
25th October 1865.*

No. 618. Read the following Extract from the Proceedings of the Right Honorable the Governor General of India in Council, Public Works Department (Railway), dated Simla, the 28th September 1865, No. 848-856R.

Amendment of Act XVIII. of 1854.

Read again Public Works Department Extract Proceedings, No. 704-14R., dated 19th August 1864.

Read also letter No. 1,393G., dated 23rd August 1865, from the Government of Bengal in the Railway Department, conveying the Lieutenant Governor's suggestions in regard to the proposed Draft Bill to Amend Act XVIII. of 1854.

OBSERVATIONS.—The Governor General in Council approves in this Department of the alterations and additions proposed by the Lieutenant Governor of Bengal in the Draft Bill to amend the existing laws relating to Railways in India, and is pleased to direct that they shall be forwarded for further consideration in the Legislative Branch of the Home Department. The suggestion that the Act shall be made applicable to all Railways, and whether open for traffic or not, is embodied in the previous communication which has been made from this Department, and it only seems necessary to note that the Section proposed to be introduced after Section 8 of the Draft Bill should provide also for accidents which have positively endangered life or caused serious loss of property, &c., as well as those which are likely to do so.

ORDER.—Ordered that these observations, together with a copy of the letter from the Government of Bengal, be communicated, in continuation, to the Home

Madras.
Bombay.
Bengal.
N. W. Provinces.
Punjab.

Chief Commr., Oudh.
Chief Commr., Central Provinces.
Resident, Hyderabad.
Commissioner, Mysore.

Department for consideration in the Legislative Branch, and to the Local Governments and Administrations marginally noted for information.

(Signed) C. H. DICKENS, Lieut.-Colonel, R. A.,

Secretary to the Government of India.

To the Secretary to the Government of Madras, Railway Department.

From MAJOR J. HOVENDEN, R. E., Assistant Secretary to Government of Bengal, Public Works Department, Railway Branch, to the Secretary to the Government of India, Public Works Department,—(No. 1,393 G., dated Fort William, the 23rd August 1865).

Referring to your letter No. 887, dated 3rd March 1862, and to subsequent correspondence on the subject of amending the Railway Law, I am instructed to state that His Honor the Lieutenant Governor approves generally of the Draft Bill enclosed for his information, but would suggest the following further alterations, which he thinks will remedy the defects which have appeared in the working of Act XVIII. of 1854, within these Provinces.

2. After Section 8 His Honor would introduce a Section to the following effect :—

“ On the occurrence of an accident of a nature likely to endanger life or to cause serious loss of property, or in the event of any act or omission calculated to cause an accident of this serious nature, or in the event of any obstruction being placed on the Rails, the Station Master or other responsible Officer of the Railway Company at the Station nearest to the scene of the

*Proceedings of the Madras Government, Public Works Department,
25th October 1865.*

occurrence, shall immediately report the circumstances in writing to the nearest District Superintendent of Police or Assistant Superintendent of Police in charge of a Division of a District, and also to the nearest Police Station; and if it be proved to the satisfaction of a Magistrate having jurisdiction, that such Station Master or other Officer has omitted to make such report within twelve hours of the occurrence of such accident, then such Officer shall, on conviction before a Magistrate, be liable to a penalty not exceeding Rupees 50 for every day during which such Magistrate shall find the said omission to have continued."

3. Sections 7 and 8 may remain so in the Draft; they relate to a report to Government from the Railway Agent, which is a different matter.

4. After Section 15 a Section should be introduced, providing that it shall be the duty of the Railway Company to prosecute any servant of the Company by whose act, or through whose omission to perform any duty entrusted to him, any accident of a serious nature might have occurred, or for any breach of Act XVIII. of 1854, or the present Act; and in the event of their failing to prosecute such charge, except with the permission of Government, the Railway Company to be liable, on conviction before a Magistrate, to a penalty of Rupees 100.

5. Section 17.—This Section should be amended with reference to the above. The Railway Company should be bound to prosecute their servants of all ranks and grades, for negligence or wilful misconduct, and should not be allowed the option given them in the Section as it now stands.

6. Section 19.—It should be clearly stated in the Law that European British subjects are equally liable with Natives to be punished under the Railway Act by the Magistrate for offences triable by a Magistrate.

7. Section 20.—All Magistrates, through whose Districts the Railway passes, to have concurrent jurisdiction along the line with reference to accidents and offences under any Railway Act. It should be in the power of any Magistrate, on the application of the Railway Department or the Consulting Engineer to Government, to transfer a case under the Act for enquiry or trial by any other Magistrate having jurisdiction on the line, if he see fit so to do.

8. The Lieutenant Governor would also suggest that the Act should be made applicable to all Railways, whether under the superintendence of Government or not (*i. e.*, whether guaranteed or otherwise supported by any concession from Government or not), and to all Railways, whether open for traffic or not, on which a Locomotive Engine has been placed.

No. 619. ORDER THEREON, 25th October 1865, No. 3,201.

RAILWAY, No. 52.

1. Communicated to the Consulting Engineer for Railways.

2. Copies of these Proceedings and of the

Order under date the 15th instant, No. 2,726, will be furnished, through the Judicial Department, to the Magistrate of each District through which the Madras and the Great Southern of India Railways pass, for any observations they may have to make on the suggestions in regard to the proposed Draft Bill to amend Act XVIII. of 1854.

(True Extract.)

Colonel, R. E.,

Secretary to Government.

To the Consulting Engineer for Railways.

„ Judicial Department, with ten copies of G. O. No. 2,726 of 1865.

Exd. S. T. Augustin.

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2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-2613-2614-2615-2616-2617-2618-2619-2620-2621-2622-2623-2624-2625-2626-2627-2628-2629-2630-2631-2632-2633-2634-2635-2636-2637-2638-2639-2640-2641-2642-2643-2644-2645-2646-2647-2648-2649-2650-2651-2652-2653-2654-2655-2656-2657-2658-2659-2660-2661-2662-2663-2664-2665-2666-2667-2668-2669-2670-2671-2672-2673-2674-2675-2676-2677-2678-2679-2680-2681-2682-2683-2684-2685-2686-2687-2688-2689-2690-2691-2692-2693-2694-2695-2696-2697-2698-2699-2700-2701-2702-2703-2704-2705-2706-2707-2708-2709-2710-2711-2712-2713-2714-2715-2716-2717-2718-2719-2720-2721-2722-2723-2724-2725-2726-2727-2728-2729-2730-2731-2732-2733-2734-2735-2736-2737-2738-2739-2740-2741-2742-2743-2744-2745-2746-2747-2748-2749-2750-2751-2752-2753-2754-2755-2756-2757-2758-2759-2760-2761-2762-2763-2764-2765-2766-2767-2768-2769-2770-2771-2772-2773-2774-2775-2776-2777-2778-2779-2780-2781-2782-2783-2784-2785-2786-2787-2788-2789-2790-2791-2792-2793-2794-2795-2796-2797-2798-2799-2800-2801-2802-2803-2804-2805-2806-2807-2808-2809-2810-2811-2812-2813-2814-2815-2816-2817-2818-2819-2820-2821-2822-2823-2824-2825-2826-2827-2828-2829-2830-2831-2832-2833-2834-2835-2836-2837-2838-2839-2840-2841-2842-2843-2844-2845-2846-2847-2848-2849-2850-2851-2852-2853-2854-2855-2856-2857-2858-2859-2860-2861-2862-2863-2864-2865-2866-2867-2868-2869-2870-2871-2872-2873-2874-2875-2876-2877-2878-2879-2880-2881-2882-2883-2884-2885-2886-2887-2888-2889-2890-2891-2892-2893-2894-2895-2896-2897-2898-2899-2900-2901-2902-2903-2904-2905-2906-2907-2908-2909-2910-2911-2912-2913-2914-2915-2916-2917-2918-2919-2920-2921-2922-2923-2924-2925-2926-2927-2928-2929-2930-2931-2932-2933-2934-2935-2936-2937-2938-2939-2940-2941-2942-2943-2944-2945-2946-2947-2948-2949-2950-2951-2952-2953-2954-2955-2956-2957-2958-2959-2960-2961-2962-2963-2964-2965-2966-2967-2968-2969-2970-2971-2972-2973-2974-2975-2976-2977-2978-2979-2980-2981-2982-2983-2984-2985-2986-2987-2988-2989-2990-2991-2992-2993-2994-2995-2996-2997-2998-2999-3000-3001-3002-3003-3004-3005-3006-3007-3008-3009-3010-3011-3012-3013-3014-3015-3016-3017-3018-3019-3020-3021-3022-3023-3024-3025-3026-3027-3028-3029-3030-3031-3032-3033-3034-3035-3036-3037-3038-3039-3040-3041-3042-3043-3044-3045-3046-3047-3048-3049-3050-3051-3052-3053-3054-3055-3056-3057-3058-3059-3060-3061-3062-3063-3064-3065-3066-3067-3068-3069-3070-3071-3072-3073-3074-3075-3076-3077-3078-3079-3080-3081-3082-3083-3084-3085-3086-3087-3088-3089-3090-3091-3092-3093-3094-3095-3096-3097-3098-3099-3100-3101-3102-3103-3104-3105-3106-3107-3108-3109-3110-3111-3112-3113-3114-3115-3116-3117-3118-3119-3120-3121-3122-3123-3124-3125-3126-3127-3128-3129-3130-3131-3132-3133-3134-3135-3136-3137-3138-3139-3140-3141-3142-3143-3144-3145-3146-3147-3148-3149-3150-3151-3152-3153-3154-3155-3156-3157-3158-3159-3160-3161-3162-3163-3164-3165-3166-3167-3168-3169-3170-3171-3172-3173-3174-3175-3176-3177-3178-3179-3180-3181-3182-3183-3184-3185-3186-3187-3188-3189-3190-3191-3192-3193-3194-3195-3196-3197-3198-3199-3200-3201-3202-3203-3204-3205-3206-3207-3208-3209-3210-3211-3212-3213-3214-3215-3216-3217-3218-3219-3220-3221-3222-3223-3224-3225-3226-3227-3228-3229-3230-3231-3232-3233-3234-3235-3236-3237-3238-3239-3240-3241-3242-3243-3244-3245-3246-3247-3248-3249-3250-3251-3252-3253-3254-3255-3256-3257-3258-3259-3260-3261-3262-3263-3264-3265-3266-3267-3268-3269-3270-3271-3272-3273-3274-3275-3276-3277-3278-3279-3280-3281-3282-3283-3284-3285-3286-3287-3288-3289-3290-3291-3292-3293-3294-3295-3296-3297-3298-3299-3300-3301-3302-3303-3304-3305-3306-3307-3308-3309-3310-3311-3312-3313-3314-3315-3316-3317-3318-3319-3320-3321-3322-3323-3324-3325-3326-3327-3328-3329-3330-3331-3332-3333-3334-3335-3336-3337-3338-3339-3340-3341-3342-3343-3344-3345-3346-3347-3348-3349-3350-3351-3352-3353-3354-3355-3356-3357-3358-3359-3360-3361-3362-3363-3364-3365-3366-3367-3368-3369-3370-3371-3372-3373-3374-3375-3376-3377-3378-3379-3380-3381-3382-3383-3384-3385-3386-3387-3388-3389-3390-3391-3392-3393-3394-3395-3396-3397-3398-3399-3400-3401-3402-3403-3404-3405-3406-3407-3408-3409-3410-3411-3412-3413-3414-3415-3416-3417-3418-3419-3420-3421-3422-3423-3424-3425-3426-3427-3428-3429-3430-3431-3432-3433-3434-3435-3436-3437-3438-3439-3440-3441-3442-3443-3444-3445-3446-3447-3448-3449-3450-3451-3452-3453-3454-3455-3456-3457-3458-3459-3460-3461-3462-3463-3464-3465-3466-3467-3468-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