

MADRAS RECORD OFFICE.

Government of Madras.

Jurisdiction DEPARTMENT.

G.O. No.	1866	Press
		~~Mis.~~
Dated	23. 11. 1866	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
23rd November 1866.*

No. 264. Read the following Proceedings of Government in the Public Works Department, dated 15th November 1866, No. 3634.

Communicating papers regarding the } (Vide Proceedings, Public Works De-
award of inadequate punishments by } partment, dated 15th November 1866,
the Native Magistracy to offenders } Nos. 307 & 308.)
under the Railway Act.

No. 265. ORDER THEREON, 23rd November 1866, No. 1866.

To be recorded.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. Tulloch.

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*Proceedings of the Madras Government, Public Works Department,
15th November 1866.*

No. 307. Read the following Endorsement of the Consulting Engineer for Railways, dated Madras, 1st November 1866, No. 424:—

Read the following letter from the Acting Agent and Manager of the Madras Railway Company, to the Consulting Engineer for Railways, dated Madras, 31st October 1866, No. 537:

I have the honor to forward, for your information, a copy of a letter* from Mr. Church, relative to the prosecution of two Natives for neglect of duty.

* No. 468, dated 31st October 1866.

From the Traffic Manager, to the Acting Agent and Manager, dated Madras, 31st October 1866, No. 468.

1. Mr. Inspector Johnson reports that on the 9th instant, Section Maistry Ruthnum Naidoo and Line Watchman Moonesawmy, both employed on the 1st Division, under the orders of Inspector Carroll, were prosecuted before the Native Magistrate of the Naggery Court, for placing a trolley on the Main Line at or about the 35th mile on the 27th September last, when the 2 p. m. ordinary train from Madras was due, and for neglecting to protect the same by signals, as directed in the Rules for Watchmen sanctioned by the Governor General.

2. The evidence for the prosecution clearly proved that a trolley in charge of the first prisoner was on the line when the 2 p. m. train sighted the 35th mile, and notwithstanding the brakes of the train were vigorously applied, the train was only with difficulty stopped within *one yard* of one pair of the trolley wheels, which the men in charge had not time to remove. The evidence that no signal was exhibited to warn the train of the existence of the obstruction was also very conclusive.

3. After two adjournments, the case was disposed of on the 20th instant, when Ruthnum Naidoo was fined 60 Rupees, and in default three months' imprisonment, and Moonesawmy was acquitted.

4. As the punishment of the first prisoner is altogether inadequate to the gravity of the offence, and the acquittal of the second prisoner is unaccountable, it is hoped, if no further steps can be taken in this case, that, in the interests of the Railway Company and of the travelling public, Government will so far assist us in future as to allow offences of this character to be transferred for trial to a European Officer. Native Magistrates do not appear to realize the responsibility of subordinate Railway servants, or the danger of a violation of the rules for working the Railway.

1. Submitted for the consideration of Government.

2. The Traffic Manager is of opinion that the punishment awarded to a Section Maistry for endangering the safety of a train by placing a trolley on the line of Railway "is altogether inadequate to the gravity of the offence," and that the insufficiency of the punishment is attributable to the case having been tried by a Native Magistrate, who is not so likely as a European Officer "to realize the responsibility of subordinate Railway servants, or the danger of a violation of the rules "for working the Railway."

3. The maximum penalty that could have been awarded in this case would appear by Clause XXVIII. of the Railway Act to be one year's imprisonment, with or without hard labor, or a fine or both.

4. With reference to the remark that the trial of a case by a Native Magistrate is liable to result in the inadequate punishment of offenders, I would observe that

*Proceedings of the Madras Government, Public Works Department,
15th November 1866.*

the result of a trial by European Magistrates does not always give satisfaction to the Railway authorities. Lately, five G. O. No. 2,163, dated 10th July 1866. men were committed to the Sessions Court at Salem, and sentenced to transportation for life, but the sentence was remitted by the High Court. In any case, I think it unlikely that Government will be prepared to encourage a proposal to alter their Judicial procedure.

(Signed) J. C. ANDERSON, Lieut.-Colonel, R. E.,
Consulting Engineer for Railways.

No. 308. ORDER THEREON, 15th November 1866, No. 3,634.

RAILWAY, No. 27.

The Consulting Engineer for Railways is correct in stating that the Code of Criminal Procedure cannot be modified as suggested by the Railway authorities. It will always be open to the prosecuting Officer to lay his complaint in the Court of a European Magistrate, or, if a complaint has been brought by the local Railway officials before a Native Magistrate, the Division European Magistrate may be moved to exercise the power of calling up the case vested in him by Section 36 of the Code.

(True Extract.)


Colonel, R. E.,

Secretary to Government.

To the Consulting Engineer for Railways.

Admitted 6/11/66

Erd. S. T. Augustin

W. H. Lee

Amos 1884-1885

Proph. 1884-1885
Ab. 3631

2/15/85
1/19/85

No. 2199

General Report upon

the state and of the

adequate provisions

by the State of New York

to the State of New York

under the Act of 1884

23d Apr 1886 N.Y. 1886

W. H. Lee

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