

(1) Number of pages 22

(2) Date of repair 2. 7. 86

(3) Initials of the Referencer lms

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial

DEPARTMENT

G.O. No.	365	Press.
B.P. No:		Mis.
Dated	4. 3. 1968	197.

Not to be folded or roughly handled

Memorandum for Order

These papers contain a
complaint made by the Railway
authorities that the Acting
Head Assistant Magistrate
at Tripatou
insufficiently punished a
European - Forrest - who travelled
without permission in a
Railway wagon. Some
property was found missing
from the wagon and the man
was charged with fraud, larceny
and suspected theft. The evidence
only sustained the charge of
fraudulently travelling by
rail and Mr. Woodroffe fined
the man five Rupees or in
default 10 days' imprisonment.
The maximum punishment
under the law is
fine or in default
imprisonment

W. L. Woodroffe
J. J. Woodroffe

the cordial cooperation of the
Magistrate, that all cases
should be tried by the
Magistrate in the town of
Madras.

3. This is of course proportionate
and the case in question does
not certainly justify such
a punishment. The man is
described as a Looter and to
him a fine of 5 Rupees was
a considerable sum. A longer
term of imprisonment than
10 days might possibly have
been a proper punishment.
If the Government think
it necessary the Magistrate
of the District may be desired
to send up the record of
the case.

H.M.

The railway officers
erroneously consider this
case to be a case of stealing
the transfer to the Presidency
Court, for trial there, of all
offences which, in their opinion,
are such as to be unduly
punished by the Magistrate
in such cases. The Court have
no such power that I am
aware of. - Offences punishable
under Section 17 & 18 of the
Railway Act, may be disposed
of by a Police Magistrate of a
Presidency Town, when punishable
on conviction with imprisonment,
whether the offence have or
have not been committed
within the jurisdiction of the
Police Magistrate; but, if the
Railway officers or the Rail
way authorities, in a manner
disconnected with the
conduct of the case, have
of an offence, and then
bring it to the attention of the
Court, to the Presidency Town,
all persons supposed to be
of such offence they would
be a serious personal
inconvenience, I apprehend.
The sentence passed on Mr.
Forest of the A.M.A. case Mr.
Woodruffe, is perhaps too lenient,
but without seeing the offender
I cannot say the case should
be referred to

365
2

say it was not sufficient
punishment. See also in one of
our Salem trials for an offence
in the worst part of the matter as
viewed it, is the alleged refusal
by Mr Woodruffe, to remain in the case.
The accused person by the rule of Court is
insufficient!!! The reason seems very bad & having
bound him to bring the subject forward for consent &
amendment of the rule of Court. The point made
by him was quite a legal one. I would call on Mr. W
for explanation and after the Balla rule of Court had
been shown - The Balla rule is too low, I apprehend, in the
case of a relative of mine who formerly had
numerous Railway cases to settle, was always in the
habit of feeding the European Court at his own
expense while the European Court was sitting. I
call of them some were daily H.M.

10/10/77 March

8

Penetration of the
Railway line by the
road at the station

Council 3rd March 1868

List

R.O.

The fact does not consider
that there are grounds for
interference with the
proceedings of the Magistrate
in the case to which this
order has reference.

From Council Enquiry for R.O. 10/10/77 1/13
- Report of Salem - 24/10/77 - 9
Order of Council 4 March 1868 at 365

The Government do not
consider that there are grounds
for any interference with the
proceedings of the Magistrate
in the case to which this
order has reference.

To the P.W. Depart
"Magistrate of Salem" 10/10/77

Council

10062

Letter 1868 8/11/11

1865

Wounding of Lord?

March 1, 1865

4265

Madras Railway,
Traffic Manager's Office,
Madras, 7 June 1868.

N. 6.

Dear Sir,
1 On the night of the 24th ultimo, or early in the morning of the 25th idem, on the arrival of the 5 p.m. Train from Madras at Tripahur Station, a First Class Passenger, who was riding in the Group Compartment of the Composite Carriage, told the Guard of the Train that between Talarpett and Tripahur, he saw a European riding on the Wagon immediately in front of the Composite Carriage. The Guard went round to the other side of the Train, and found a European standing by the side of the Wagon referred to and gave him into the custody of the Police at the Tripahur Station. The Wagon consigned to Raypore was subsequently examined at that Station on the morning of the 26th and a case of spirits and a bottle of old rum were found between the folds of the tarpaulin.

2 On the 27th idem Inspector Johnson appeared before Mr Woodroffe, the Acting Magistrate (Magistrate of Tripahur), and charged the man (John Forrest, a Norwegian by birth) with fraud, trespass, and suspected theft, and asked for a remand in order to get up the case.

3 Mr Woodroffe at first objected to remand ~~the man~~ because the Station allowed by Government is inadequate for the maintenance of a ~~man~~ and it was only when Mr Johnson agreed to pay Two Rupees that the Magistrate consented to remand until the 3rd instant.

On the 3rd instant the case was heard and the Magistrate, being satisfied that the man did fraudulently travel by Rail, ordered him to pay 5 Rupees and in default 10 days imprisonment.

The punishment is altogether so inadequate to the gravity of the offence that I am induced to bring the matter to your notice, and to ask you to move the Government to allow us in future to transfer cases of this nature to the Presidency Town, where, probably, the interests of the Public and those of the Railway Company will be much better protected.

The evidence against this man may be thus briefly narrated.

Mr Chapman, an Engineer of the Great Southern of India Railway, deposed that when the train was in motion between Solapoor and Tripatam he saw a European on the Wagon in front of the Coupled Compartment of the Composite Carriage in which he was riding, and when the train arrived at Tripatam he told the Guard of the circumstances. He could not identify the accused as the man he saw on the Wagon.

Guard Mackean deposed that at Tripatam he was informed by the first witness that a European had been riding on the Wagon referred to, that he immediately went to the other side of the train, and found the accused standing by the side of the same Wagon. He recognized the man immediately as the person who had asked him on the Platform at Danimbarzy Station the same night "What Station is this?" and at that time thought he was a second class Passenger who had left the Carriage for the sake of comfort. The witness asked the man at Tripatam, whence he came, and the accused replied "no where" and when asked for his Ticket, the man said he had no Ticket. The accused was then given over to the Station Master who identified him as the man handed to him for the purpose of travelling by Railway.

365 5
Witnesses were also produced to show the number of articles actually loaded in the Truck at the forwarding Station, and the number of articles unloaded from the same Truck at Beyoor when it arrived, and it was found that the number of articles unloaded was deficient.

The evidence in support of the charge of "suspected theft" was doubtless very weak, and on that point I have nothing to say, but it does appear to me that if the Magistrate was satisfied with the evidence on the other charges, the punishment inflicted on the man is not calculated to deter him or other men from attempting a similar offence.

There can be no doubt from the man's defence that he is a "Loafer". He described himself as an Engine Driver, out of employ - that he came from Madras to Secunderabad to obtain employment, and that he had made his journey partly on foot, and partly by rail to Tripatam en route to Secunderabad.

Whatever may have been the man's object in getting on the train, the fact of his having been seen riding in the dead of night on a Wagon next to a Passenger Carriage, where Ladies might have been travelling alone, ought, in my opinion, to have suggested to the Magistrate the necessity of passing the most severe sentence the law would admit of.

Magistrates may not be required to sympathize with the Railway Company for any losses sustained at the hands of passengers, but Railway travellers have a right to expect that Magistrates will extend to them the protection of the law when, as in the present case, offences are brought to notice.

It is inexpedient to mention here cases of a similar nature that have occurred in England. I would however observe it is possible that the case now reported is only "the other end of the wedge", and it is to be feared that the leniency of the Magistrate is calculated to bring about, sooner or later, the same bad results we have read of elsewhere.

Yours faithfully,
W. E. Chubb,
Traffic Manager.

To The Agent and Manager,

/ True Copy /

Alfred
for Agent & Manager.

Ans. Madras 10.2.1868

(50) 125/58.

MADRAS RAILWAY COMPANY.

AGENT AND MANAGERS' OFFICE

Madras, January 8th 1868.

From

R. B. Thom Esq

Agent and Manager. Madras Railway

Major. S. M. Shaw Esq. R.E.

Consulting Engineer for Railways

Sir,

I have the honor to call your attention to the accompanying copy of a report from the Traffic Manager, having to notice the inadequate punishment awarded by the Acting Bench Assistant Magistrate of Tripattur to John Corbett, who was found trespassing on our premises, and who is supposed to have pilfered goods from one of the dunny transit wagons to Tripattur, and riding upon these wagons.

365 3
an Engineer of the Great Southern
of India Railway

Unless we can rely upon
cordial co-operation of the
Magistrates at Municipal Stations
in matters of this nature, I shall
be inclined to endorse Mr. [unclear]
recommendation, and request
to be permitted to transfer
such cases to the President
Court for hearing.

I have the honor to be
Sir

Yours Most Respectfully
Alfred I. Page
for Agent and Manager

CONSULTING ENGINEER'S OFFICE,

Railway Department.

No. 12.

From

Major J. H. McPherson Stewart R.E.
Consulting Engineer for Railways.

To

Colonel C. A. O'D R.E.

Secretary to Government,

Public Works Department,

Fort Saint George.

SIR,

12578 January 1860

The accompanying letter
The Agent of the Madras Railway has
drawn my attention to the amount of punish-
ment awarded at Tripattor upon the 2nd
Instant by the Acting Head Assistant
Magistrate of Salem to a European named
John Forrest, who had been charged by one
of the Company's servants with forcible
trespass, and suspected theft.
with Mr. Oliver that the punishment
which was awarded seems to be
to the offence; and as it seems to be
to be one in which the interests of the Railway

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

No. 123/68.

Dated January 8th 1860

Resd.

No. 8

Following attached to copy
of the 11th from the
Major's Office, Bangalore, Bangalore
A notice to the Consulting Engineer
for Railways, awarded by
the Acting Head Assistant
Magistrate of Salem to the
Company's servant with forcible
trespass, and suspected theft.
with Mr. Oliver that the punishment
which was awarded seems to be
to the offence; and as it seems to be
to be one in which the interests of the Railway

Company and of the public are peculiarly
concerned, I think it right to bring it
to the notice of Government.

2 The circumstances connected
with the alleged offense are fully detailed
in the Traffic Manager's report, which
accompanies Mr. Elwin's letter.

Madras
11th January
1868.

I have the honour to be,

Sir,

Your most obedient Servant.

Major R. E.
Maitland

Consulting Engineer for
Railways.

K. 9.

Salem Assistant Collector's
Office
24th February 1868.
Kizhadiyattampuzha.
5/10

From

J. P. Woodroffe Esquire.
Assistant Collector of
Salem

To

The Chief Secretary,
to the Government of
Madras.

Sir,

In reply to your official memo
dated 17th instant No 76. I have the honor
to report as follows.

I did not at first object to remove
John Forrest's case on the ground of the
batta allowed by Government being in-
sufficient for the maintenance of a European.
On the morning of the 26th December, a
Constable brought Forrest to my Bungalow
at-Erivotine and produced a slip of paper
which purported to be a communication from
one Railway official to another to the
effect that the Magistrate was to be
asked for a removal. I was not
in charge of the Division, but the
Assistant Magistrate being a
J. P. to enter upon the case
I have no authority to remove.

W. J. J. J.

14th Jan'y 1868

Secretary to Govt

Colonel M. E.

W. J. J. J.

Reference to the
Judicial Dept
for consideration

1868

From

The Consulting Engineer
for Railways

To

The Secretary to Government
Public Works Department
Fort Saint George

Dated

14th Jan'y

Received

15

No. 13

11th

11th

11th

10

10

on such and so informal grounds, I was
refused to do so, and Forrest was
set at liberty.

In ^{the} course of the day I told the Railway
Inspector or the Station Master (I forget which)
who came to see me that I would be quite
willing to take steps against Forrest, if
I saw occasion in receiving a sworn information.

On the following day, I believe, the Inspector
came and stated on oath the grounds of complaint.

Under the circumstances, I was
obliged to demand the accused.

Then, for the first time, I told the Inspector
I thought the Railway Company should give

extra batta. He at once assented and
sent me the amount being at the rate of
four annas.

Forrest, appearing somewhat above
an ordinary loafer and the locality not
being accustomed to cater for European
prisoners, I was and am of opinion that
the ordinary rate of 4 annas is not sufficient.

I have drawn on my memory for the facts
stated above. The record is in the Mad
High Court and I did not wish
to cause the hitherto unavoidable delay.

I have the honor to be
Sir,

Your most obedient servant

J. H. M. P.
Sd/- Collector

214112

~~held by hand~~

1860. Dec 27

Sam.

to Mr. W. H. C. C.

col.

to Mr. W. H. C. C.

col.

365

Dec 27. 3. 3. 1860

Dec 27. 3. 3. 1860

Dec 27. 3. 3. 1860

col.

col.

col.

col.