

(1) Number of pages _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	<i>1127</i>	Press
<i>185-96</i>		Mis
Dated	<i>7-9-1869</i>	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
7th April 1869.*

No. 185. Read the following Proceedings of the Madras Government in the
Judicial Department :—

Calling for the views of the Magistrates of cer-
tain districts as to the best means of pro- (Here enter 18th March 1869, No. 450.)
viding for the speedy and convenient trial of
offences connected with Railways.

No. 186. ORDER THEREON, 7th April 1869, No. 1,137.

RAILWAY, No. 10.

Communicated to the Consulting
Engineer for Railways.

(True Extract.)

Colonel, R. E.,
Secretary to Government.

*Proceedings of the Madras Government, Judicial Department,
18th March 1869.*

Read the following papers:—

No. 210. Proceedings of Government, Public Works Department.

Referring, for consideration, a representation made by the Railway authorities, on the subject of the present inconvenience suffered by the Railway Companies by their servants being obliged to go long distances on the line to attend Courts of Justice, and of the great success which has attended the plan adopted by the Collector of Malabar of permitting weekly Courts to be held at Railway Stations for the trial of petty offences connected with the Railway, in view to the introduction of the system at the principal Stations in other districts.

Dated 1st December 1868, No. 3750.

No. 211 From the Consulting Engineer for Railways, to the Secretary to Government, Public Works Department, Fort Saint George; dated Madras, 9th December 1868, No. 448.

Railway Department.

I have the honor to lay before Government, for such notice as may be deemed advisable, a letter* from the Agent of the Great Southern of India Railway, calling attention to the unsatisfactory

manner in which a Pointsman, accused of neglect of duty, had been tried by the Subordinate Magistrate at Trichinopoly, and to the inadequacy of the sentence passed. A perusal of the papers herewith forwarded shows clearly that the Subordinate Magistrate quite failed to realize the offence which had been committed, and the very serious consequences which might have resulted.

2. The proposal noticed in the second paragraph of Mr. Betts' letter has been held in abeyance, pending the receipt of the orders which may be passed in the Judicial Department on the subject referred to in G. O. of the 1st instant, No. 3750.

From W. S. BETTS, Esq., Agent of the Great Southern of India Railway, to the Consulting Engineer for Railways, Madras; dated Negapatam, 7th December 1868, No. 2825.

I have the honor to forward, for submission to Government, the attached papers connected with the trial of a Pointsman of this Company's service, and to request that you will bring to notice the light punishment inflicted for the serious railway offence referred to in the Resident Engineer's letter.

2. Previous correspondence in your office will show that it has been proposed to give all Trichinopoly District railway cases to the Cantonment Magistrate for trial.

From the Resident Engineer, Trichinopoly, to the Agent of the Great Southern of India Railway, Negapatam; dated Trichinopoly, 2nd December 1868, No. 4094.

Driver Wilson reported to me sometime ago that the Pointsman at the 80th mile was absent when he drove the No. 7 train; considering the number of fines I have inflicted, and the many times I have had to lecture my men about doing their duty in a proper way, I thought, as it was evidently a clear case of neglect, I would make an example of this man in the hope that others

*Proceedings of the Madras Government, Judicial Department,
18th March 1869.*

would take warning. The man was prosecuted for neglect of duty, and the result of the trial I send to you. Will you please do something about this. This case ought to have been tried by an English gentleman, and not by a Native, who does not know what the word "points" means. I cannot tell you how disappointed I am about this matter. I thought I should have done so much good by making an example of this man. I leave the matter in your hands.

Copy of the Diary of Proceedings in Calendar No. 632, in the file of the Acting Town 2nd Class Subordinate Magistrate of Trichinopoly.

Prosecutor. versus Defendant.

Queen's Government on prosecution. Cooppoosawmy Naick.

The prisoner is guilty of the charge under Section 27, Act XVIII. of 1854, that he was not present at 80th mile to hold the point, when train started hence (Trichinopoly) to Negapatam at 2 p.m. on the 15th November 1868.

Witnesses.

Mr. Wilson, Engine Driver.....	1	The first witness states that the engine from Trichinopoly to Negapatam was driven
Govindasawmy.....	2	slowly at the 80th mile in consequence of the
Ponnoosawmy.....	3	absence of the prisoner, who is employed to hold the point without endangering the engine.

The evidence of the 2nd witness is that the prisoner attended to his duty for the 2 o'clock train, and not in the morning train.

The 3rd witness deposes that the prisoner was not present to hold the point for the train of 2 p.m., and that, therefore, the engine was led in a slow travel.

The prisoner solemnly declares that he has evidence to prove the matters as to his attending duty for the train at 2 p.m.

Moottoosawmy Pillay.....	1	The witnesses state that they know of the
Chengal Rajoo.....	2	matter, when Engineer started of prisoner's holding or not holding the point.

It is evidently plain that the prisoner is only appointed to attend to the point without allowing any danger to happen to the up-train of 12 a.m., and he absented himself from his duty, the engine was taken very slowly, and subsequently the prisoner's duty is to attend to the point without separating it from the rails, for which purpose he is appointed as a Pointsman, and his absence is the sole charge for being found guilty.

The Court sentences the prisoner under Section 27, Act XVIII. of 1854, on account of his absenting himself to hold the point when engine left for Negapatam, and fines him 5 Rupees. It is also recovered.

(Signed) SHAIK HUMMED SAIB,
Acting 2nd Class Subordinate Magistrate.

Transferred to the Judicial Department, for consideration in that Department.

(Signed) C. A. ORR, Colonel, R. E.,

14th December 1868.

Secy. to Govt., P. W. D.

No. 212. ORDER THEREON, 18th March 1869, No. 450.

The Government have had, for some time under their consideration, the desirability of making some provision for the more speedy and convenient trial of ~~cases~~ connected with Railways. On the whole it appears that this end might be best attained by an arrangement that full-power Magistrates, through whose Division a line of Railway passes, should visit every station within their jurisdiction once in

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18th March 1869.*

a week or ten days, or by the system which is said in the subjoined extract to have

Madras District.
North Arcot.
Salem.
Coimbatore.
Malabar.
Trichinopoly.
Tanjore.
Cuddalore.
Bellary.

been worked successfully in Malabar. But before passing final orders on the matter, His Excellency in Council desires to learn the views of the Magistrates of the Districts marginally noted, who are directed to report on the question with as little delay as possible.

Extract from the Minutes of the Meeting held at the Madras Railway Office, on the 4th November 1868.

7. Mr. Elwin read letter from the Chief Engineer, No. 427, dated the 4th instant, enclosing copy of a communication from Mr. Pinson, wherein is pointed out the success which has attended the course adopted by the Collector of Malabar in permitting weekly Courts, presided over by a Sub-Magistrate, to be held at the stations of Palghaut, Wattapoliem, Tiroor, and Beypore, for the trial of petty offences in connexion with the Railway, and suggesting that a similar course be adopted in other Collectorates.

8. Mr. Pinson remarks, "The result has been a marked success, not only are our people able to give evidence with facility, but they are spared the necessity of absenting themselves frequently for a period of three and four days to attend Courts distant from the line."

"It is a curious fact that since these Sub-Magistrates' Courts have been held at stations on the line, there has been little or no trespassing. During my recent inspection of the line, I did not see a single bullock within our boundaries between Palghaut and Beypore."

9. The Agent and Manager expressed a hope that the attention of the several Collectors would be called by the Government to the beneficial results which have attended the holding of the Sub-Magistrates' Courts at Railway stations in the Collectorate of Malabar, with a view to their introduction elsewhere.

(True Extract.)

R. S. S. S.
Chief Secretary.

To the Magistrate of
Public Works Department.

Ed. J. Wright.

THE UNIVERSITY OF CHICAGO

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Figure 1

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Life in Brazil

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Communicate to the
President Engineers for Railways

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Huddell
7-10-1893

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Dec 13 57
Govt. of 1869 Madras.

PUBLIC WORKS.

To The Consulting Eng^r.
for Railways

Dated

Recd.

G. O. 7 April 1869 No. 1137

Nos. 185-186

Trial of Officers connected with
Railways. For the purpose
calling upon the Magistrates
of Districts to report on the
question of providing for
the same after the 1st January
1870 of Officers connected with
Railways. And to be
submitted.