

(1) Number of pages _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 3679	Press Mis.
215-16	
Dated 10 . 11 . 1869.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
10th November 1869.*

No. 215. Read the following Proceedings of the Madras Government in the
Judicial Department:—

Forwarding, for remarks, representation from
the Acting Agent of the Great Southern of
India Railway, regarding the interpretation
placed by the Magistracy and Police upon
certain provisions of the Railway Act by which
fraudulent travellers escape punishment. (Here enter 29th October 1869, No. 1,723.)

No. 216. ORDER THEREON, 10th November 1869, No. 3,600.

RAILWAY, No. 20.

COMMUNICATED to the Consulting
Engineer for Railways.

(True Extract.)

Colonel, R. E.,
Secretary to Government.

To the Consulting Engineer for Railways.

Exd, F. R. Bantleman.

*Proceedings of the Madras Government, Judicial Department,
29th October 1869.*

No. 132. Read the following letter from the Acting Deputy Consulting Engineer for Railways, to the Secretary to Government, Public Works Department, Fort Saint George, dated Madras, 28th September 1869, No. 315.

Railway Department.]

I have the honour to forward a letter, dated 17th September 1869, No. 3100, from the Acting Agent of the Great Southern of India Railway complaining that, in consequence of the views taken by the Police authorities in Trichinopoly of the reading of certain Sections of the Railway Act XVIII. of 1854, several persons who have defrauded the Railway Company have lately evaded justice.

2. Mr. Logan has so fully explained the matter, and cited cases in point, that it is unnecessary for me to add anything to what he has written, and I now request that you will be good enough to move the Government to pass an Order defining authoritatively the course to be followed in future, when cases occur such as have been described by the Agent.

From the Agent of the Great Southern of India Railway, to the Consulting Engineer for Railways, Madras, dated Negapatam, 17th September 1869, No. 3100.

In writing my letter, No. 3079 of 27th ultimo, concerning the system of Police on this Railway, I stated that we had found the system adopted to work well. I ought to have named one exception.

2. In the district of Trichinopoly the Magistrates and Police refuse to take up cases unless accompanied by a stamped prosecution paper. I addressed the District Magistrate and the Superintendent of Police on the subject, and thought that eventually we had got over the difficulty. A case has, however, been reported in which the Sub-Magistrate of Trichinopoly has again refused to take up a charge, and I have the honour to request that you will be good enough to have the matter referred for final orders.

3. We have had a good many cases of evident intention to defraud the Company by "over-riding," i. e., taking a ticket to a station on the line and passing on to a more distant one, on the chance of escaping further payment. Out of several cases of this kind I will detail, as briefly as possible, the following.

4. On the 20th July last, the Station Master of Trichinopoly handed over three men to the Police under a charge of "over-riding" to Trichinopoly with intent to defraud: one man with a third-class ticket from Salem to Caroor only, and the two others with tickets from Cuttalay to Ellambanore. These men were caught attempting to leave the station and evade being excessed.

5. The Officer in charge of the Police Station sent back the prisoners with the following Memorandum:—

"8-30 P. M., 2nd July 1869.

"The Officer in charge of Police Station, Fort.

"The Clerk in charge of the Great Southern of India Railway, Trichinopoly.

"With reference to your Memorandum, No. 915, of this date, arresting three persons for attempting to defraud the Railway Company, I beg to state that, as a Police Officer, I cannot exercise more power than the law allows me. I have taken their names and address, and I send them back again to you.

"Vide Sections 21, 25, 26, 27, and 28 of Act XVIII. of 1854.—These are the only Sections that the Police can interfere with."

6. The Assistant Traffic Manager reported the matter to me, and I directed that, according to the view of the law held by the Trichinopoly Magisterial and Police authorities, a stamped

Proceedings of the Madras Government, Judicial Department,
29th. October 1869.

prosecution paper should be taken out against the three men accused. This was done, and the result has been as I anticipated. The Police appear simply to have taken the names and addresses given by the men, without taking any security that these were *bona fide*, as directed in Section 24 of Act XVIII., and the Sub-Magistrate of Trichinopoly intimated on the 26th ultimo that the summons issued had been returned, the persons summoned not being found.

7. On the 9th and 10th ultimo, other and similar cases occurred at Trichinopoly, and were likewise refused to be attended to by the Police. The case on the 9th was refused by the Police Inspector, and that on the 10th by the Constables attending at the station, who stated that they were acting under orders.

8. This state of matters appears to have emboldened persons to attempt to defraud the Railway Company. The District Magistrate and the Superintendent of Police have both been applied to, on more than one occasion, without further result than that the Magistrate has declared that the stamp is not necessary for prosecution under Section 21 of the Act.

9. In terms of the Stamp Acts (see margin) a stamped application to prosecute is necessary X. of 1862 and XVIII. of 1865, Schedule B. only for an offence "other than an offence for which Police Officers may arrest without warrant."

Act XVIII. of 1854 empowers the apprehension and detention without a warrant, or written authority, of such offenders as we have had to deal with, by any officer or servant "of the Company, or any Police Officer or other person whom such Officer or servant may call to his aid;" consequently, I maintain that no stamp paper is required, and we have, through the mistaken action of the Trichinopoly authorities, been greatly impeded in bringing punishment to the door of fraudulent travellers. Even in the case in which we followed the course they (the authorities) prescribed, the offenders escaped as I have already described.

10. I shall, therefore, feel obliged by your having the matter brought up for an authoritative definition of the course to be pursued in such matters in future.

No. 133.

ORDER THEREON, 29th October 1869, No. 1723.

Ordered that copies of the foregoing letter, together with its enclosure, be forwarded to the Magistrate of Trichinopoly and to the Superintendent of Police at that station, for the early submission of any remarks they may have to offer thereon.

2. Pending the receipt of the remarks referred to, the Magistrate of Trichinopoly will be requested—should he on consideration of the Acting Agent Mr. Logan's complaint see no reason to modify the view he is stated to have taken of the law—to issue such orders to the Sub-Magistrates on the Great Southern of India Railway within the Trichinopoly district as will insure immediate inquiry being made by them into cases of over-riding.

3. The Superintendent of Police at Trichinopoly will also be requested to issue similar instructions to the Police Officers, should he, after the perusal of Mr. Logan's complaint, see reason to modify the views held by him regarding the provisions of the Railway Act.

(True Extract.)

W. Ellis
Chief Secretary.

To the Magistrate of Trichinopoly.
„ Superintendent of Police, Trichinopoly.
„ Inspector-General of Police. ✓
„ Public Works Department.

Edw. J. Wright.

P. 1869
Govt. of Madras.
No 4645
JUDICIAL.

To
THE MAGISTRATE OF TRICHINOPOLY.
&c., &c., &c.

Dated October, 29th.

Recd. *Nov 5*

G. O., 29th October 1869 No 1723.

OCTOBER
Nos. 132-133.

Forwarding, for remarks, representation from
the Acting Agent of the Great Southern of India
Railway, regarding the interpretation placed by
the Magistrate and Police upon certain provisions
of the Railway Act by which fraudulent travellers
escape punishment.

No 3601-10-1869/H
with an order

Recd

No 3601
Communicated to the
Consulting Engineer for
Railways -

10-1869/H
10-1869/H

[Signature]

The Consulting Engineer
for Railways -
Recd 11/11/69

Cue 4648
Govt. of 1869 Madras.

PUBLIC WORKS.

To the Consulting Engr.
for Railways

Dated

Recd

G. O. A-1000 1869, No 3600

Nos 2152 & 216

Travellers (By) For the purpose
of paying orders on the Railways from
the Engr. Engr. intimating
that in consequence the Engr.
may put by his order and
orders in order on certain
sections of the By Act, several
persons travellers who have
deposited the sum of Rs. 1000
with the Engr. for the purpose of the same.