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MADRAS RECORD OFFICE.

Government of Madras.

Public works **DEPARTMENT.**

G.O. No. 2200 Press ~~Misc~~

141-42

Dated 7. 7 1869.

Not to be folded or roughly handled

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

No. 141. Read the following Proceedings of the Madras Government in the Judicial Department:—

Considering that there is no necessity for disturbing existing Magisterial arrangements for the trial of offences connected with Railways, by the adoption of the system of periodical Courts at Railway stations, and directing that the system now obtaining in Malabar be discontinued	(Here enter 25th June 1869, No. 1,062.)

No. 142. ORDER THEREON, 7th July 1869, No. 2,200.

RAILWAY, No. 9.

COMMUNICATED to the Consulting Engineer for Railways in continuation of G. O., No. 1,137, of the 7th April 1869.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

Govt. of {1869} Madras.

PUBLIC WORKS.

To

THE CONSULTING ENGINEER FOR

RAILWAYS

Dated July, 7th.

Recd *Ysd.*

G. O, 7th July 1869, *No.* 2,200.

Proceedings of the Madras Government, Judicial Department,
25th June 1869.

Read the following papers —

No 183 From the Magistrate of the Madras district, to the Chief Secretary to Government, Fort Saint George, dated Sydapet, 9th April 1869, No 65.

With reference to the Order of Government, Judicial Department, of the 18th March, No 450, I have the honour to state that, in my opinion, a weekly court might be held at Peralore near the Perambore station and Railway workshops with advantage, as there have been many instances of great inconvenience caused to the railway people by their having to come to Sydapet to give evidence.

2 Any cases of negligence occurring on the parts of the line near Avadi and Tinnanore could be brought into Peralore also for trial, and I do not, therefore, recommend weekly courts elsewhere than at Peralore, more especially as on the line of rail about twenty-five miles from Peralore there is the station of Trivellore, which is only one mile from a Tahsildar's Cutcherry, where a court is being held every day

No 184. From the Magistrate of North Arcot, to the Chief Secretary to Government, Fort Saint George; dated Narasingaroyapett, 20th April 1869, No 24

I have the honour, with reference to the Order of Government, dated 18th ultimo, No 450, Judicial Department, to submit, for their information, copy of a letter, dated 12th instant, No 92, from my Head Assistant, Mr Wilkinson, within whose jurisdiction the majority of offences connected with railways occur The statement which accompanied Mr Wilkinson's letter gives the number and nature of railway cases tried by him during the two years 1867 and 1868 This statement does not embrace the cases tried by the several Sub-Magistrates There are Sub-Magistrates at Tripathy, six miles from Tripathy station, and at Naranavanam, three-and-half miles from Puthur, and within one mile of the Tritani station is the Sub-Magistrate's Court of that Division. Arconum will soon be the magisterial head-quarters of the Head Assistant's Division Arcot station is within easy distance of Ranipett, the present head-quarters of the Division, and at Wallajapet there is a Sub-Magistrate two-and-half miles off. The Vellore and Gudiathum Railway stations are respectively within three-and half and two-and-half miles of the towns of the same name At Vellore there are the Joint Magistrate, Sub-Magistrate, and Town Sub-Magistrate, and at Gudiathum a Deputy Magistrate and Sub-Magistrate The only outlying station of importance along the whole line is Amboor

2 Under these circumstances, I do not think it would be reasonable to disturb the whole magisterial arrangements of that part of the district, and entail upon Government heavy additional expense, merely to provide for the convenience of railway employés in the few isolated cases which crop up during the year along these lines of railway

No. 185 From the Magistrate of Salem, to the Chief Secretary to Government, Fort Saint George, dated Sunkerrydroog, 12th April 1869, No 11

I beg to reply to the Proceedings of Government, Judicial Department, No 450, dated 18th March 1869, which I received on Saturday

2 The paper requests the opinion of certain Magistrates whose district is along the line of rail, as to the desirability of making some provisions for the more speedy and convenient trial of offences connected with the railway

3. That at times delay in the disposal of railway cases occur is more than probable, especially when the offences are committed by Europeans when, of course, as the law now stands, the presiding Officer has to be a Justice of the Peace This is because it often happens that the European Covenanted Officer is on a tour in his Division

4. The railway runs from Vaniembady to Errode through this district, a distance of 120 miles. For the purpose of hearing and disposing of charges brought against Europeans, a court might, I think, be held once a fortnight at Trippatore and Salem The Head Assistant and Assistant at Salem could be vested with the powers of a Justice of the Peace for the purpose

5 And as regards offences committed by persons other than Europeans, it might be advisable to hold a court once every ten days at Vaniembady, Trippatore, Salem, and Sunkerry-droog. The Vaniembady Sub-Magistrate should have the necessary power given him over offences committed between Trippatore and Vaniembady. A like power should also be vested in the Sub-Magistrate, (Tahsildar) and in his absence in the other Sub-Magistrate (Sheristadar) to inquire into cases between Trippatore and Mullapooram When an Assistant Magistrate is at Salem he might hold his camp at Suramungalum, and try cases occurring between Mullapuram and MacDonell's choultry, but when absent the Sub-Magistrate having the powers as above should take up the cases The Sub-Magistrate might hold his court similarly every tenth day at Sunkerry-droog station, and dispose of cases between MacDonell's choultry and Errode. By this plan I take it, much delay and inconvenience would be obviated.

6 As Divisional Officers have to peruse all the calendars of the subordinate Magistracy, it would be very easy for them to control, by warning and the like, the conduct of such officer's proceedings as were considered faulty When the punishment for the offence is apparently insufficient, the matter might be brought to notice, and thus a re-occurrence in a similar matter would be avoided. It is not to be supposed that a native understands the gravity of an offence such as that brought forward by the Resident Engineer at Trichinopoly, and referred to in his letter, No. 4094, of the 2nd December 1868.

7 On the perusal of the calendar, however, the Appellate Magistrate, always a Covenanted Officer, would naturally make his remarks, and the Sub-Magistrate would understand for the future how to act

8. When the appointed day for holding court at the places above proposed fall on a Sunday, it might be ordered that the preceding or succeeding day would be substituted

9 The Engineers of sections of the line and Station Masters might be called on to furnish the Magistracy with immediate report of any charges brought forward by or against their officials. If none were reported the Magistrate appointed to the above Divisions of the Railway would then know that his appearance for such and such ten days was not required, otherwise a Magistrate might needlessly appear where there was no business for him to transact

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No 186 From the Acting Magistrate of Coimbatore, to the Chief Secretary to Government, Fort Saint George; dated Coimbatore, 9th April 1869, No 19

With reference to the Proceedings of the Madras Government, and their Order thereon, dated 18th March 1869, No 450, I have the honour to state that, in this district, whenever an offence connected with the railway occurs, the Sub-Magistrate having jurisdiction proceeds to the nearest station to try it. This plan was considered to be preferable to a Sub-Magistrate holding a weekly court, as, under the latter system, the Magistrate would often have the trouble of travelling to the stations without finding any cases to try

2 As most of the offences against the Railway Act are cognizable by Sub-Magistrates, I do not consider the presence of a full-power Magistrate to the detriment of his other duties necessary

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No. 187 From E C G THOMAS, Esq, Acting Magistrate of Malabar, to the Chief Secretary to Government, Fort Saint George; dated Calicut, 11th May 1869, No. 53

G O, dated 18th March 1869, No. 450, Judicial Department

I have the honour to report on the question of providing for the speedy and convenient trial of offences connected with Railways

2. My predecessor Mr. Ballard directed the nearest Sub-Magistrate at each station to hold a Magistrate's court once a week at each of the four marginally named stations

1 Palghaut
2 Wattapolliem
3 Tirur
4 Beypore

3 When visiting one of these stations, I learned casually that one of the above Sub-Magistrates found very little for him to do at the station, and that the Government lost a day of his services, and some expenses in travelling, without much benefit to any one, every time he held court there. I, therefore, called on the Sub-Magistrates to report on the cases decided by them.

4 It will be seen from the marginal statement that, during the seven months from October to April, both inclusive, four Sub-Magistrates have between them tried eighty-seven cases at the railway stations, which is at the rate of 12½ a month, or three a week.

	Cases
Palghaut Sub Magistrate	20
Cherpulceri do	40
Betutpudiangadi do	19
Tirurangadi do.	8

5 The Sub-Magistrates have not, therefore, on the whole had a case a week brought before each of them.

6 The Sub-Magistrate of Tirurangadi had only eight cases in the seven months

1 Trespass on railway premises.
2 Allowing cattle to commit do.
3 Travelling with old tickets, &c
4 Pointsman neglecting to do his duty
5 Theft from railway premises

7 In the margin is shown the description of cases that were brought before them

8 The distance of each station from the respective Sub-Magistrate's ordinary place of residence and Court is also shown marginally.

Station of Sub-Magistrate.	Railway station to which he has to travel	Distance.
		Miles
Palghaut	Olavakode	3
Cherpulcer	Ootapallam	14
Betutpudiangadi	Tirur	3
Tirurangadi	Beypore	12

9. It will be seen that in one case the journey to and fro is twenty-eight miles, and in the other twenty-four, (a portion of it by rail.)

10 In each of these instances the circumstance of having to hold a court at the station cannot well withdraw the Sub-Magistrate from his ordinary duties for less than two days, or one third of the working week, and in the other cases of one day each

11 For the expense to which the Sub-Magistrates are put in these journeys they are not reimbursed

12 It seems to me questionable whether the system should be continued unaltered.

13 The advantages derived by the Railway Company are numerically small, and do not seem to me quite to counterbalance the general disadvantages

14 It is obviously undesirable to send the Sub-Magistrate to a station simply to try one case or none, as the case may happen to be, and for this waste one whole day or more

15 I should think a reduction might be made in the number of Sub-Magistrates employed without any loss of advantage to the Railway, as it would be no great matter to that Company to carry their witnesses, &c, a few miles along the line

16 It results from the time altogether occupied that the Railway Company get in reality the entire services of a Sub-Magistrate monthly, for he is, on their account, withdrawn for that period from his ordinary local duties

17 As pointed out feelingly by the Resident Engineer, Trichinopoly, there is no doubt that the important consequences of some offences connected with the Railway can only be appreciated by a person somewhat conversant with the subject.

18 Would it not best meet all the ends in view if the Government or the Railway Company would pay a Sub-Magistrate specially deputed to the task of trying railway cases, *i e*, all offences happening within the fences of the railway, and holding daily courts for this purpose at selected stations along the line? One such travelling Sub-Magistrate might take all cases from Beypore to the Cauvery, and the other from the Cauvery to Madras This would cost the Government one Sub-Magistrate for two districts instead of as now one for Malabar alone, and the decisions ought, from special training and practice, to be more satisfactory than under present arrangements

19 The Sub-Magistrates should be given the jurisdiction over their portions of the line, and should be amenable perhaps to a Magistrate at Madras, and to the respective Sessions Judges in the districts they traverse.

20 If the Government would prefer to retain the system at present working in Malabar, I would suggest that two Sub-Magistrates would suffice, and I would request that the Sub-Magistrates may receive batta for travelling, under the same rules as those allowed to similarly paid Hoozoor servants in Malabar by G O, dated 3rd February 1869, No 294.

21. My report has been delayed for want of the statistics that now accompany it.

No 188. From the Magistrate of Trichinopoly, to the Chief Secretary to Government, Fort Saint George, dated Voitalaygudalore, 16th April 1869, No 21.

In reply to the Government Proceedings, dated 18th March, No 450, I have the honour to state that, as in this province the Great Southern of India line passes through localities at, or close to which Magistrates are residing, there does not appear any necessity for any visits, or holding of courts at stated periods. This might really delay the trial of cases by causing them to be kept until this official made his weekly appearance.

2 At Trichinopoly there is always a full-power Magistrate, Justice of the Peace, Cantonment Magistrate, 1st class subordinate, and one or more 2nd class subordinate Magistrates At Moosery, close to the Kulitalai station, there is a full-power Magistrate, and Justice of the Peace, and at Kulitalai itself there is a 2nd class Sub-Magistrate, so that the railway stations cannot be said to be badly off as regards Magisterial courts near at hand—vide accompanying sketch.

3 All that seems to me necessary to be done in the case of this district is to order the Railway authorities to telegraph (paid) to the Magistrate of the district when any offence not cognizable by a 2nd class Sub-Magistrate takes place The Magistrate can then either act himself or depute one of his subordinates under Section 273 of the Criminal Code of Procedure to take up the inquiry

4. Practically there is not any need for weekly courts, as, during the last three years, only one case has occurred triable by a Justice of the Peace or full-power Magistrate in this district. In fact it would be a waste of time to make one of the Magistrates travel up and down the line. By the telegraph arrangement, either a full-power Magistrate, 1st class Magistrate, or Justice of the Peace, could be at once deputed as the exigency of the case required, and the date and locality of the intended inquiry could be communicated by return telegram to the Railway authorities

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No 189 From the Magistrate of Tanjore, to the Chief Secretary to Government, Fort Saint George, dated Chetubava, 29th April 1869, No. 108.

With reference to the Order of Government, dated 18th March 1869, No 450, Judicial Department, I have the honour to state that I think it is desirable that only full-power Magistrates should try offences connected with railways, as they are much more likely, as a rule, to adequately punish such offences than Sub-Magistrates. This can be done very easily in this district; for there is a full-power Deputy Magistrate at Tanjore, and the Joint Magistrate at Negapatam, the local jurisdiction of the former extending from the station of Ammapettah to the western limits of the district, and that of the latter from Negapatam to the station of Kordacheri. It is regarding the cases occurring between Kordacheri and Ammapettah that some difficulty will arise, since the full-power Deputy Magistrate, in whose jurisdiction this tract lies, is stationed at Mannargudi, nine miles distant from the Railway station at Needamungalam To meet this difficulty, jurisdiction over these cases may, as a special case, be conferred upon the Deputy Magistrate at Tanjore

2 I am not in favour of the plan of requiring full-power Magistrates to hold weekly sittings at every station, as I am of opinion that this arrangement must tend to cause great inconvenience in the despatch of their other duties Neither do I see any necessity for it, for they will be located at towns on the line of the railway, and consequently there can be no difficulty in cases being sent up to them.

3 I am also opposed to the system obtaining in Malabar For, if it is followed in this district, the Sub-Magistrate at Trivadi will have to travel upwards of ten miles every week to hold his sitting at Boodalore, the Tahsildar of Tanjore to visit Satiamangalam and Ammapettah, distance ten and thirteen miles, respectively; the Tahsildar of Nannilam to go ten miles to Kulikarai, and the Tahsildar of Negapatam to Chikkal and Keevalore, distance three and seven miles, respectively.

No. 190. From the Acting Magistrate of Cuddapah, to the Chief Secretary to Government, Fort Saint George; dated Gurrumcondah, 10th May 1869, No. 20.

Adverting to the Proceedings of Government, Judicial Department, dated 18th March last, No. 450, I have the honour to subjoin a list of railway cases disposed of since 1864, and to state that, in my opinion, their number is insufficient to demand periodical visits to distant stations by full-power Magistrates. In this district the only full-power Magistrate who could perform the duty is the Head Assistant, and it would literally consume the whole of his time, and keep him perpetually travelling over the line.

2. The special courts must, therefore, necessarily be those of Sub-Magistrates, but I cannot think it necessary that such special courts should be held at every station on the line. I observe that such courts are held at only two of the nine stations between Palghaut and Beypore, and that the Railway Officers express themselves as quite satisfied with the arrangement.

3 I have consulted my Head Assistant on the subject, and the arrangement he has proposed is, in my opinion, the best that can be devised It is that the line within the limits of this district should be divided into three parts, that in the Southernmost Division the Pullampett Sub-Magistrate should hold fortnightly courts at the stations of Reddipalli and Codoor. In the Centre Division, including the stations of Wontimitta and Cuddapah, no special arrangement would be necessary, as all cases might be conveniently heard by the Cuddapah Town Sub-Magistrate at his court. In the third or Northern Division the Sub-Magistrate of Camalapoor should hold a weekly court at Moodoonoor. Camalapoor is on the line, whereas the Sub-Magistrates of Jummalamadugu and Proddatur taluqs are at some distance from it. Moreover the work of the Camalapoor Sub-Magistrate is considerably lighter than theirs'.

4. I presume the Sub-Magistrates travelling on the line on this duty would be furnished with free passes by the Company If not, I think they should receive batta

NUMBER of railway cases tried each year at the undermentioned places

	1864.	1865	1866	1867	1868	1869
Pullampet	2	3	7	1	9	5
Sidhout	...	...	2	2	2	..
Cuddapah taluq	.	5	1	7	4	.
Cuddapah town	.	..	...	...	8	.
Camalapoor	...	..	2	9	7	1
Jummalamadugu	...	.	...	...	3	..

No. 191 From the Magistrate of Bellary, to the Chief Secretary to Government, Fort Saint George, dated Ramandroog, 10th April 1869, No 21.

I have the honour to reply to Government Order, Judicial Department, dated 18th ultimo, No 450

2 The principal stations on the mainline of railway in this district are—

Tadpatry. Asperi.
Gooty, Adony.

3 (*a*) *Tadpatry* is the cusbah of a taluq, and I hope shortly to have a first-class Subordinate Magistrate stationed there

(*b*) *Gooty* is the head-quarters of the Head Assistant Magistrate and the cusbah of the taluq The Subordinate Magistrate exercises first-class powers.

(*c*) *Asperi* is only twelve miles from Aloor, a cusbah town, where a second-class Subordinate Magistrate is stationed

(*d.*) *Adony* is a cusbah town. I hope soon to have a first-class Subordinate Magistrate stationed there

4. So far then, as the mainline is concerned, no special arrangements appear to be necessary. In any case requiring the intervention of a Magistrate with full powers, the Head Assistant Magistrate would, if needful, proceed to the spot where the offence occurred, but I think that he should be allowed to exercise his discretion in the matter. Inconvenience doubtless attends the absence of Railway officials from their duty when summoned to appear before the courts, but it must be remembered that the time of a Taluq or Division Officer is equally valuable.

5. On the branch line from Goontacul to Bellary, a distance of thirty miles, there is no Judicial Officer except at Bellary itself where Magistrates of all grades are stationed. The jurisdictions of the Head Assistant Magistrate and first-class Subordinate Magistrate of Gooty extend along this branch for a distance of thirty-six miles where the jurisdiction of the Assistant Magistrate and first-class Subordinate Magistrate of Bellary begins. It does not occur to me that any special arrangements are called for in this case either, the whole distance between Bellary and Gooty being only fifty miles. When necessary either the Head Assistant Magistrate from Gooty or an Assistant from Bellary might run out on the line to dispose of cases between the two places, but I imagine it would be more convenient for all parties for the trials to be held either at Gooty or Bellary.

No. 192. ORDER THEREON, 25th June 1869, No. 1062.

After careful consideration of the reports of the Magistrates through whose districts the Railways pass, His Excellency the Governor in Council has arrived at the conclusion that there is no necessity for disturbing existing Magisterial arrangements by the general adoption of the system of periodical Courts at Railway stations. That system which now obtains in Malabar is considered by Mr. Thomas to be productive of much inconvenience to public business, and should be discontinued.

(True Extract).

Actg. Secy. to Govt

To the Magistrate of
„ Public Works Department.

Exd J. Wright

Govt. of {1869} Madras.

JUDICIAL.

To

THE MAGISTRATE OF

&c., &c., &c.

Dated June, 25th.

Recd. July 1st Encl.

G O, 25th June 1869, *No* 1062.

JUNE.

Nos. 183—192.

Considering that there is no necessity for disturbing existing Magisterial arrangements for the trial of offences connected with Railways, by the adoption of the system of periodical Courts at Railway stations, and directing that the system now obtaining in Malabar be discontinued.

No 2200-7th July 1869

with an Order

Lii.

No 2200

Communicated to the Consulting Engineer for Railways in continuation of his No 1137 of the 7th April 1869.

Fort St George
7th July 1869

To the Consg Engr for Railways

Dispd 8/7/69.

27

To the Consulting Engineer for Railways.

Exd. F. R. Bantleman.

Cue 2715

Govt. of {1869} Madras.

PUBLIC WORKS.

To Ho Consulting Engr for Railways

&c, &c, &c

Dated

Recd Enc.

G. O. 7th July 1869, No 2200

Nos. 1111-1112

in Re above be discontinued and Other Offs concerned	Trial of Offences connected with Railways Pro. Govt Letd considering that there is no necessity for disturbing existing temporary arrangements for the trial of offences connected with Railways by the adoption of the system of Periodical Courts at Ry Stations; and directing that the system now obtaining in