

(1) Number of pages \_\_\_\_\_

(2) Date of repair 9/10-11/11

(3) Initials of the Referencer \_\_\_\_\_

# MADRAS RECORD OFFICE.

Government of Madras.

*Public works* DEPARTMENT.

|                  |       |
|------------------|-------|
| G.O. No. 2890-91 | Press |
| 455-57           | Mis.  |
| Dated 30-11      | 1870. |

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,  
30th November 1870.*

No. 555. Read the following Proceedings of the Madras Government in the Judicial Department, dated 25th October 1870, No. 1,399.

Read the following papers:—

From the Magistrate of Cuddapah, to the Chief Secretary to Government, Fort Saint George, dated Kadiri, 18th August 1870, No. 32.

ADVERTING to Government Order, Judicial Department, dated 7th ultimo, No. 905, I have the honour to report that, as far as I can ascertain, the Railway fences in this District are generally in sufficiently good order to keep out cattle.

2. I do not believe agriculturists ever cut gaps in them, though I have reason to believe that gaps are sometimes cut by the Railway employés to shorten the way to their work.

3. Nearly all the cattle-straying that takes place on the line is owing to the gates at level crossings being left frequently unguarded for half the day, to take care of themselves. If these gates are thus left open, no measures which it is possible for me to take can prevent cattle from sometimes getting on the lines.

4. Now and then, I am given to understand, the Railway people lock up such gates, instead of keeping watchmen to look after them. This is objectionable, and requires prohibition.

5. I also strongly object to the Railway authorities using prickly-pear for their fences, as they have done on some parts of the line, thus introducing and spreading this most noxious and troublesome plant in a District which, comparatively with many others, has been hitherto tolerably free from it. I beg that the Government will forbid any further extension of prickly-pear fencing.

From the Acting Magistrate of Bellary, to the Chief Secretary to Government, Fort Saint George, dated Bellary, 4th August 1870, No. 84.

WITH reference to the Proceedings of Government, Judicial, No. 905, dated 7th ultimo, requesting a report upon the measures adopted to prevent cattle-straying on the line of Railway, and the agriculturists from cutting gaps in the Railway fences, I have the honour to state that the Railway throughout this District is protected by an aloe hedge and by wire fencing, which is impassable unless wilfully broken.

From the Acting Magistrate of Chingleput, to the Chief Secretary to Government, Fort Saint George, dated Sydapett, 5th October 1870, No. 228.

WITH reference to the Proceedings of Government, dated 7th July last, No. 905, I have the honour to report that no special measures are adopted in this District to prevent cattle from straying on the Railway or Tramway line, or the agriculturists from cutting gaps in the fences. Such offenders, when the charge has been brought home to them, have been dealt with under the provisions of the Railway Act XVIII. of 1854.

2. In the Sydapett and Conjeveram Talooks, convictions were obtained in seven and five cases, respectively, during the years 1868 and 1869, the parties being punished in every case with fine.

3. The Acting Joint Magistrate reports that the Sub-Magistrate of Conjeveram Town has prohibited trespass by a proclamation made by beat of tom-tom.

*Proceedings of the Madras Government, Public Works Department,  
30th November 1870.*

From the Acting Collector of North Arcot, to the Chief Secretary to Government,  
Fort Saint George, dated Chittoor, 11th October 1870, No. 79.

I HAVE the honour, with reference to the Order of Government, dated 7th July last, No. 905, Judicial Department, to report that the Railway lines passing through this District are fenced on both sides by hedges, and, in some places, by a low wall. The hedges are easily removed by ryots who wish to make a short cut to their fields, but the heads of villages generally see that gaps are not cut in them by the villagers. No special measures are, so far as it has been reported to me, adopted by the Railway authorities to prevent either cattle-straying on the line or hedges being cut.

2. The Head Assistant Magistrate, Mr. Wilkinson, suggests that, as stone is so plentiful in the vicinity of the Railway, it would not be a great hardship if the Company were called upon to fence the greater part of their line with walls. This suggestion is, I think, worthy of consideration; but, as a whole, I do not think the Madras line of rail is badly fenced. The Great Southern of India Railway, I am aware, is extremely badly fenced, the only protection along the greater portion of its length being a wire fence that is by no means of a strong or durable description.

From the Magistrate of Tanjore, to the Chief Secretary to Government, Fort Saint George, dated Point Calimere, 1st August 1870, No. 181.

In reply to G. O., dated 7th July 1870, No. 905, I have the honour to report that, except at a few places where the live fence has grown well, an iron wire fence has been erected on both sides of the line of the Great Southern of India Railway. There have been no instances of the fence having been cut through by the agriculturists.

2. Cases of cattle-trespass, however, still occur all along the line, the cattle finding their way to the line through the gates erected in the fence for the accommodation of the adjacent land-holders; the Company not maintaining gate-keepers here as it does at all the crossings on public roads. The Agent of the Company informs me that a proposition is now under the consideration of the Consulting Engineer, according to which all such crossings as are used for the passage of cattle from the village to their pasturage grounds will be locked, and a servant of the Company will attend at a fixed hour each morning and evening to allow the cattle to pass and re-pass. It appears to me that, if this suggestion is carried out, the chances of cattle-trespass will be much decreased.

3. All cases of cattle-trespass are successfully prosecuted in this District without difficulty.

From the Acting Collector of Trichinopoly, to the Chief Secretary to Government,  
Fort Saint George, dated Trichinopoly, 18th August 1870, No. 39.

With reference to the Order of Government, dated the 7th ultimo, No. 905, Judicial Department, I have the honour to state that no special measures would seem to have been taken in this District to prevent the straying of cattle on the line of the Great Southern of India Railway.

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30th November 1870.*

2. The line throughout this District is fenced with a five-strand wire fence, and is sufficiently strong to prevent cattle getting on the line; trespasses, however, do occur, and there can be no doubt but that the places where cattle get on the line are at the gates which are left for the passage of cattle, etc., from one part of a village to another.

3. As the Government are aware, this District is, for the most part, unenclosed, and cattle generally, especially in the dry season, are permitted to roam all over the country almost without restriction. The difficulty therefore of preventing them sometimes getting on the line of rail is very great; and, notwithstanding every warning and precaution, these gates for the passage of cattle will be at times left open from the ignorance or indifference of the people.

4. Now that we are on the eve of introducing a regular system of well-organized and well-paid village establishments, I think the difficulty can be surmounted, and I would propose that the Moonsiffs of the village and the Vettyans should be held personally responsible that these gates are closed *when* the trains were about to pass; on the other hand, I would suggest that the Railway watchmen be required carefully to report every case of trespass to the nearest Moonsiff, who will be required to find out by whose cattle the trespass was committed. With these simple precautions, and if a few cases were severely and promptly punished, cattle-trespass would, I conceive, soon be reduced to a minimum.

5. I beg, in conclusion, to submit a list of the punishments which have been inflicted for cattle-trespass on the Railway during the past two years.

Proceedings of the Madras Government, Public Works Department,  
30th November 1870.

Statement of Cases of Cattle-trespass, etc., on the Railway during the years 1868 and 1869.

|                         | 1868.            |                                  |                 |                     |                                  |                 | 1869.            |                                  |                 |                     |                                  |                 |
|-------------------------|------------------|----------------------------------|-----------------|---------------------|----------------------------------|-----------------|------------------|----------------------------------|-----------------|---------------------|----------------------------------|-----------------|
|                         | Trespass by men. |                                  |                 | Trespass by cattle. |                                  |                 | Trespass by men. |                                  |                 | Trespass by cattle. |                                  |                 |
|                         | Number of cases. | Number of individuals concerned. | Amount of fine. | Number of cases.    | Number of individuals concerned. | Amount of fine. | Number of cases. | Number of individuals concerned. | Amount of fine. | Number of cases.    | Number of individuals concerned. | Amount of fine. |
| Trichinopoly Magistrate | ...              | ...                              | ...             | ...                 | ...                              | ...             | ...              | ...                              | ...             | ...                 | ...                              | ...             |
| Town Sub-Magistrate     | ...              | ...                              | ...             | ...                 | ...                              | ...             | ...              | ...                              | ...             | ...                 | ...                              | ...             |
| Do. Talook Magistrate   | ...              | ...                              | ...             | ...                 | ...                              | ...             | ...              | ...                              | ...             | ...                 | ...                              | ...             |
| Cullitalay Talook do.   | 4                | 5                                | 8               | 31                  | 63                               | 1294            | 11               | 13                               | 30              | 16                  | 43                               | 534             |
| Total...                | 4                | 5                                | 8               | 39                  | 80                               | 1394            | 12               | 16                               | 33              | 18                  | 45                               | 734             |

(Signed) W. M. CADELL,  
Acting District Magistrate.

Proceedings of the Madras Government, Public Works Department,  
30th November 1870.

From the Acting Magistrate of Coimbatore, to the Chief Secretary to Government, Fort Saint George, dated Coimbatore, 22nd September 1870, No. 55.

IN reply to Government Order, dated 7th July last, No. 905, I have the honour to forward a statement showing the number of cases of cattle-trespass on the Madras and Great Southern of India lines of Railway disposed of in this District in 1868-69-70, and to state that only one case of cutting through the Railway fencing has been brought before the Magistrates of this District.

Number of cases disposed of by the Magistracy under the Railway Act, No. XVIII. of 1854, in the District of Coimbatore, from 1st July 1868 to 30th June 1870.

| Railway Line.             | Offence.                                                                | No. of cases. | No. of offenders. | No. of persons punished. | No. of persons discharged. |
|---------------------------|-------------------------------------------------------------------------|---------------|-------------------|--------------------------|----------------------------|
| Madras, South-West ...    | Cattle trespassing on the Railway, Section 21 of Act XVIII. of 1854 ... | 27            | 27                | 27                       | ...                        |
| Great Southern of India.. | Do. do. do. ...                                                         | 36            | 39                | 30                       | 9                          |
|                           | Driving cattle upon or across Railway, Section 18 of do. ...            | 1             | 1                 | ...                      | 1                          |
|                           | Total...                                                                | 64            | 67                | 57                       | 10                         |

COIMBATORE,  
22nd September 1870.

(Signed) H. E. SULLIVAN,  
Acting Magistrate.

From the Acting Joint Magistrate in charge, Salem, to the Chief Secretary to Government, Fort Saint George, dated Salem, 7th September 1870, No. 25.

WITH reference to the Order of Government, Judicial Department, No. 905, dated 7th July last, I have the honour to report that no measures, beyond the punishment, on prosecution by the Railway authorities, and conviction of the owners or drivers of the animals, have been adopted in this District, with a view to prevent the trespassing of cattle on the line of rail.

2. There have been during the last two years seventy prosecutions and sixty-three convictions for this offence.

3. No complaints have been made of the natives having cut gaps in the live fence, and I know of no instance in which they have done so.

From the Magistrate of Malabar, to the Chief Secretary to Government, Fort Saint George, dated Calicut, 2nd September 1870, No. 87.

WITH reference to G. O., dated 7th July last, No. 905, I have the honour to inform you that cases of cattle-trespass on the line of Railway in this District brought to the notice of the Police and Magistracy are not very numerous.

2. The subjoined table shows the number of cases dealt with by the Magistracy during the last two years:—

|          | No. of cases. | Amount of fine imposed. |
|----------|---------------|-------------------------|
| 1868 ... | 11            | Rs. 47                  |
| 1869 ... | 67            | " 269                   |

3. It will be observed that there is a large increase in the number of cases reported in 1869 over that brought forward in 1868. This is, I believe, attributed

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30th November 1870.*

able to the Railway authorities having paid more attention to the matter, and to the facility afforded to them of prosecuting offenders by the arrangement which was in force in this District during the first-half of that year, whereby weekly Magisterial Courts were held at certain Railway stations for the trial of offences committed against the Railway Act.

The system, it may be observed, was not found to work well, and was discontinued under orders of Government.

4. In 1868 and 1869, twenty-seven and thirty-two cases, respectively, were reported of trespass by men on the line of Railway, and in most of them the offenders were convicted and fined.

5. I am not aware of any particular measures adopted in this District to prevent cattle-straying on the line of Railway and the agriculturists from cutting gaps in the Railway fences.

6. Instances of the latter kind of offences appear to be on the decrease, in consequence of the law being better known.

7. As regards the trespass of cattle on the line, my Head Assistant thinks that the people are not much to blame when they do not intentionally drive the cattle on it, and states that "a Malabar cow, when left to itself, sticks at nothing, and makes very short work of a thin aloe hedge when there is a tempting bank of grass beyond it." Mr. Buick is strongly of opinion that every yard of Railway should be provided with wire fencing, and this, I consider, the only effectual protection to the line.

Proceedings of Government, Public Works Department.  
Passing orders on the letter from the  
Acting Consulting Engineer for Rail-  
ways submitting a statement showing  
the punishments inflicted for cattle-  
trespass. (Dated 24th August 1870, No. 2,042.)

THE Magistrates of the Districts noted in the margin reply, in their letters above recorded, to G. O., dated the 7th July last, No. 905, calling for information as to the measures adopted to prevent cattle-straying on the line of Railway and gaps being cut in the Railway fences.

|              |               |
|--------------|---------------|
| Chingleput.  | Malabar.      |
| North Arcot. | Cuddapah.     |
| Salem.       | Bellary.      |
| Coimbatore.  | Trichinopoly. |
|              | Tanjore.      |

2. It appears that no special measures have been adopted on the points adverted to, as persons wilfully driving cattle on the Railway, allowing any animal to trespass or stray upon the line, wilfully damaging any fence, and opening or not properly shutting gates, are punished under the provisions of Sections 18, 21, 22, and 23 of Act XVIII. of 1854.

3. In the Sydapett and Conjeveram Talooks of the Chingleput District, convictions were obtained during the years 1868 and 1869 in twelve cases of trespass and in the town of Conjeveram the Sub-Magistrate has, by a proclamation made by beat of tom-tom, prohibited trespass on the Tramway.

4. In North Arcot, the heads of villages generally see that gaps are not cut by the villagers.

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30th November 1870.*

5. In Salem, during the last two years, there were seventy prosecutions and sixty-three convictions for the offence of permitting cattle to trespass on the line of Railway.

6. In Coimbatore, of the sixty-seven persons prosecuted for cattle-trespass, fifty-seven were punished and ten discharged. Only one case of cutting through the Railway fence has been brought before the Magistrates of the District.

7. In Malabar, in the years 1868 and 1869, seventy-eight cases of cattle-trespass were tried, and fines to the amount of Rupees 316 imposed; fifty-nine cases of persons trespassing on the line were also tried, and, in most of them, the offenders were punished. Cases of cutting gaps in the Railway fences appear to be on the decrease from the law being better understood.

8. The Magistrate of Cuddapah does not believe that the ordinary native cultivators ever cut gaps in Railway fences, though he has reason to believe that gaps are sometimes cut by the Railway employes to shorten the way to their work. Nearly all the cattle-straying on the line is, it is stated, owing to the gates at level crossings being left frequently unguarded. The Magistrate considers the practice of locking gates at level crossings, instead of employing watchmen to open and shut them when necessary, and the use of prickly-pear in Railway fences, to be objectionable, and begs that they may be prohibited.

9. In the Bellary District, the Railway is protected by an aloe hedge and by wire fencing, which are, it is said, impassable, unless wilfully broken.

10. In Trichinopoly, the Magistrate thinks that the places where cattle stray on the line are at the gates which are left for their passage, and that, notwithstanding every warning and precaution, the gates are at times left open from the ignorance or indifference of the people. The Magistrate proposes that the Village Moonsiffs and the Vettians should be held personally responsible for the gates being closed when the trains are about to pass, and suggests that the Railway watchmen be required carefully to report every case of trespass to the nearest Moonsiff. From the statement furnished by the Magistrate, it is observed that, during the years 1868 and 1869, sixteen cases of trespass by men, and fifty-seven cases of trespass by cattle, were tried, and that fines to the amount of Rupees 41 and 213 were imposed respectively.

11. In Tanjore, there have been no instances of the Railway fences having been cut by the agriculturists. Cases of cattle-trespass however occur, the cattle finding their way through the gates erected for the accommodation of the adjacent land-holders. The Great Southern of India Railway Company do not employ gate-keepers at these gates, as at level crossings on public roads, but the necessity for doing so is, it is stated, now under the consideration of the Company. Cases of cattle-trespass are successfully prosecuted.

12. From the information furnished by the several Magistrates, the Government are satisfied that the remedy for effectually preventing cattle from straying on the line of Railway is entirely in the hands of the Railway Company, and that, if the proposition to employ gate-keepers at accommodation gates, which is under the consideration of the Great Southern of India Railway Company, be adopted on that Railway and on the Madras Railway as well, and the fences of the Railway are kept efficiently, cases of cattle-trespass will rarely occur.

13. Cases of agriculturists cutting gaps in fences seem to have entirely ceased, and no special orders appear to be required on that point.

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30th November 1870.*

14. The proposal of the Acting Magistrate of Trichinopoly, that the Village Moonsiffs and the Vettians should be held personally responsible for the gates on the Railway being closed when the trains are about to pass, does not commend itself to Government.

15. The attention of the Agent of the Madras Railway will be drawn to the remarks of the Magistrate of Cuddapah, with the intimation that the use of prickly-pear in the Railway fences should be prohibited.

16. Referring to paragraph 4 of the orders passed in the Public Works Department, under date the 24th August last, No. 2,012, it is observed that the penalty for

Section 18 of Act XVIII. of 1854.

Section 21.

Section 22.

Section 23.

driving an animal upon or across a Railway is a fine not exceeding 50 Rupees for each offence; that for any animal straying upon a Railway the owner is liable to a fine not exceeding 10 Rupees for each animal; that for wilfully damaging any

Railway fence the penalty is a fine not exceeding 50 Rupees, and for opening and not properly shutting gates at crossings, or attempting to drive any carriage, cattle, etc., across the Railway, a fine not exceeding 50 Rupees.

17. The several Magistrates will be requested to see that the Sub-Magistrates who are entrusted with the trial and disposal of Railway offences are thoroughly acquainted with the provisions of Act XVIII. of 1854, and that they enforce the same.

(True Extract.)

(Signed) R. S. ELLIS,  
*Chief Secretary.*

No. 556.

ORDER THEREON, 30th November 1870, No. 2,890.

RAILWAY, No. 64.

COMMUNICATED to the Acting Consulting Engineer for Railways who will draw the attention of the Agent and Manager of the Madras Railway to the remarks in paragraphs 12 and 15, and report in due course on the proposal to employ gate-keepers at accommodation gates along the several lines.

2. Ordered that a copy of these Proceedings be forwarded for the information of the Government of India in continuation of docket No. 2,043, of the 24th August 1870.

(Here enter No. 2,591, dated 30th November 1870.)

(True Extract.)

Colonel R.E.,

*Secretary to Government.*

To the Acting Consulting Engineer for Railways.  
Exd. E. C. Shunker.

9

PUBLIC WORKS DEPARTMENT,  
FORT ST. GEORGE, 30th November 1870.

No. 557.

No. 2,891.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,  
PUBLIC WORKS DEPARTMENT.

RAILWAY, No. 65.

SIR,—In continuation of my docket No. 2,043, of the 24th August 1870, I am directed herewith to forward, for the

information of His Excellency the Governor-General in Council, a copy of the Proceedings of this Government in the Judicial Department under date the 25th October 1870, No. 1,399, from which it will be observed that, with a view to the suppression of the class of offences referred to in paragraph 2 of your letter of the 6th June 1870, No. 999-R, instructions have been issued to the Magistrates of the several Districts along the lines of Railway to adopt such measures as will ensure the provisions of the Railway Act being strictly enforced.

2. The attention of the Agent and Manager of the Madras Railway has been called to the advisability of employing gate-keepers at accommodation gates.

I have the honour to be,

Sir,

Your most obedient servant,

Colonel, R.E.,

*Secretary to Government.*

Exd. E. C. Shunker.

hel

11  
J. M. Dph  
No 28900

Proceedings of the Madras Government  
Under date the 30 November 1870.  
Read the following

Procs of the M. Govt

Judicial Dph. H.E. No 1899 of 25 Oct 70

Communicated  
to the Acting Consulting  
Engineer for Railways  
who will draw the atten-  
tion of the Agent and  
Manager of the Madras  
Railway to the remarks  
in paras 12 and 15, and  
report in due course  
on the proposal to  
employ gate keepers at  
accommodation gates along  
the several lines.

Ordered that a  
copy of these Proceedings  
be

be forwarded for the  
information of the Govt.  
of India in continuation  
of Docket No. 2043 of the  
24<sup>th</sup> August 1870.

H. E. No. 2891 & 3011.

To.  
The Secy. to the Govt.  
of India P. W. D.

Sir

In continuation  
of my Docket No. 2043  
of the 24<sup>th</sup> August 70, I am  
directed herewith to for-  
ward for the informa-  
tion of His Excellency  
the Governor General  
in Council a copy of the  
Proceedings of this Govt.

To.  
The Secy. to the Govt.  
for Railways  
Recd 24/12/70

13 / in the Judicial Department  
under date the 25<sup>th</sup>  
October 1870, No. 1399, from  
which it will be observed  
that, with a view to the  
suppression of the class  
of offences referred to in  
para 2 of your letter of  
the 6<sup>th</sup> June 1870 No. 999<sup>R</sup>,  
instructions have been  
issued to the magistrates  
of the several Districts  
along the lines of Railway  
to adopt such measures  
as will ensure the pro-  
visions of the Railway  
Act being strictly enforced.

The attention of the  
Agent and Manager of  
the Indian Railway  
has

has been called to the  
advisability of employing  
gate keepers at accommo-  
-dation gates.

W.C.

Rec'd 2/12/70 with 25 copies  
of Gen. 2890 of 1871.

21

Further Misc. Proc. 112 of 26. 4-71

Letter? Lammont, for in-  
formation, & copy of Proc. in  
the Ind. Arch. Volume 10 the  
measures adopted by the  
Magistrates of certain dis-  
tricts to prevent cattle tres-  
pass on the line of Railways  
& gates being cut in the  
railway fences.

Cp. 1522

Govt. of 1870: Madras.

PUBLIC WORKS.

The Consulting Engineer  
for Railways  
and  
To The Secretary to the  
Govt. of India

Date

Ref.

30 Oct 1870 2892-2891

Nos. 335-336 & 337

Cattle Trespass. Orders in the  
Public Works Division of the  
Government of Madras in the  
Madr. R. Co. Act. No. 1 of 1870  
concerning Cattle Trespass on  
the line of the Madras & South  
Central Railway in the Madras  
Division. C. O. No. 1 of 1870.  
Major R. B. Railways with  
instructions.