

(1) Number of pages _____

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MADRAS RECORD OFFICE

Government of Madras

Public Works

DEPARTMENT

G.O. No.	1229	(Ry)	Press
B.P. No.			Mis
Dated	16-5-		1876

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*Proceedings of the Madras Government, Public Works Department,
16th May 1876.*

No. 285. Read the following letter from Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Madras, 24th April 1876, No. 197 :—

In continuation of the report printed with the Proceedings of Government, under date the 3rd November 1875, No. 3,117,
* With three enclosures. I have the honor to submit letter,*

No. 1,320, dated the 1st March 1876, reporting further upon the accident in question.

2. As already reported, the engine of the train running from Trichinopoly to Madura, upon the 20th October 1875, broke away from the carriages on the 171st mile, between the Sholavandan and Madura stations, upon a falling gradient of 1 in 250. This occurred after dusk, upon a dark and rainy night. The driver soon after finding that his train was missing, brought his engine to a standstill; and in a short time the train ran into the engine. The three leading vehicles were seriously damaged. They were covered goods vans, of which the first was filled with goods, and the second and third with passengers. Fortunately none of the passengers was injured. Thus far the facts are beyond dispute.

3. A departmental inquiry was held at Trichinopoly upon the 21st October, the day after the accident, in the presence of the Acting Agent, the Traffic Manager, and the Locomotive Superintendent. At this inquiry Driver Seyton appears to have stated that, when he found he was detached from his train, he stopped his engine and looked back, but could see nothing, and then backed his engine for some distance, although he knew that he was on a falling gradient. Suddenly he saw a red light behind him, when he stopped his engine, and was going to reverse it and run forward, when he saw a second red light ahead. He therefore remained stationary, and the train ran into him. He stated that the collision caused little or no damage to the rolling stock.

4. Upon this the driver was suspended; and the Acting Agent, accompanied by the Traffic Manager and the Locomotive Superintendent, proceeded to the site of the accident, and investigated the circumstances connected with it. The result of this investigation was to upset the driver's statement about a red light ahead of him, and also to show that he had misrepresented the extent of the damage sustained by the rolling stock. The Acting Agent then determined to prosecute the driver under Section 27 of Act XVIII of 1854, for negligently omitting to perform his duty, and thereby endangering the safety of persons travelling upon the railway. The case was tried by the Assistant Magistrate of Madura upon the 10th November, and the driver was acquitted.

5. In the evidence taken before the Assistant Magistrate there are several discrepancies. Two of these are alluded to in the judgment: first, that the engine whistle, which the driver states was sounded continuously, was not heard by the guards; second, that the guards assert that no red light was shown by them until after the crash, whereas the fireman states that a danger signal was seen by him upon the train ten or fifteen minutes before the collision. A third important discrepancy seems to have escaped the Assistant Magistrate's notice. The fireman, whose evidence was in the driver's favor, states that, after stopping the engine, the driver "whistled

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16th May 1876.*

several times, and backed his engine," until the red light on the train was seen. On the other hand, the driver states that "he ran the engine forward 700 or 800 yards till the fourth witness (the fireman) told him that he saw danger signal on the guard's van."

6. Of the "Rules and Regulations" sanctioned by the Governor-General in Council under Section 26 of the Amended Act XVIII of 1854, two are specially alluded to in the Assistant Magistrate's judgment:—

Section XIII, Rule 24.—"If any portion of a train breaks loose when in motion, the engineman will stop carefully to have it re-attached."

Section IV, Rule 5.—"Engine Drivers seeing a red signal, whether it be by flag lamp, or any other contrivance, are required, under all circumstances, and without exception, to stop their engines as soon as possible."

With regard to the first of the Rules, the Assistant Magistrate is evidently of opinion that Driver Seyton stopped his engine carefully. With regard to the second, he is of opinion that the driver on seeing a red light in his rear was bound to stop his engine, and that "he would have acted in strict defiance of Rules" had he done otherwise.

7. A reference to the evidence will show, as stated above, that it is doubtful whether any red light was shown upon the train until after the collision; but assuming that it was shown, and seen by the fireman, and assuming that, when it was seen, the driver, as stated by himself, was running his engine forward, there cannot be a doubt that the driver's duty was to run on in the same direction until he had got quite clear of the following train, and then "stop carefully" and re-attach. The line of argument pursued by the Assistant Magistrate upon this point is difficult to follow. The view apparently held by him is that a red light to the rear is a signal for the driver to stop equally with a red light in front; but it is hard to realise this, and it is possible that there may be some error in the wording of the judgment. It is however difficult, except upon this hypothesis, to account for the driver's acquittal; for it is certain that he did not "stop carefully," when he pulled his engine up with the certain knowledge that his train was following him down a falling gradient.

8. The remarks in the last paragraph are made upon the assumption that the driver's statement is correct, and that he was running forward at the time when the red light is asserted to have been seen by the fireman. But there remains the alternative assumption, and the much more probable one, that, as stated by the fireman, the driver was backing his engine at the time that the red light is asserted to have been first seen. Taking this view of the case, it seems equally difficult to understand the conclusion at which the Assistant Magistrate arrived. A driver, parted from his train, and with the certain knowledge that it is following him down a considerable incline, actually ventures to back his engine in the dark, and to go in quest of the train. It is scarcely possible to conceive anything more reckless, or more likely to endanger life. And yet the Assistant Magistrate finds that no negligence has been proved against him, upon the ground that, when the red light of the approaching train was seen, it was the driver's duty to stop his engine at all hazards, and to remain stationary.

9. It seems beyond doubt that the prosecution resulted in a failure of justice, and that had the case been tried by a Magistrate acquainted even moderately with the details of railway working, the result must have been different. Under the

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circumstances, it is to be regretted that more weight was not allowed to the evidence given by the Locomotive Foreman as to what the duty of a driver, in Seyton's situation, should have been; and that the offer of the Locomotive Superintendent, to produce the evidence of other drivers upon this point, was not accepted.

10. There is reason to believe that the course to be adopted, in the event of any part of a train breaking loose from the engine, is well known to the engine drivers on the Madras and South Indian Railways; but it has been suggested to me that the wording of Rule 24, Section XIII, as quoted above in paragraph 6, is not sufficiently full and clear; and I am of opinion that it would be advisable to alter it somewhat as follows:—

If any portion of a train breaks loose from the engine when in motion, the engineman shall proceed in the direction in which he has been running until he shall have reached a point at which he considers it impossible for the detached vehicles to overtake him; he will then stop, and send one of his firemen to the rear to ascertain whether the detached vehicles have come to a standstill; when this has been ascertained, he will back his engine and re-attach the detached vehicles.

11. I greatly regret the delay which has occurred in laying this report before Government. The Locomotive Superintendent explains that his time has been so much occupied with work of other kinds that he was unable to send forward his report earlier; and it did not reach this office until some days after the receipt of the papers forwarded with your endorsement, No. 78, dated the 25th February 1876. As those papers necessitated fresh inquiries and a personal investigation into other points connected with the same case, it seemed advisable to defer the submission of this report until after that investigation had been completed.

From W. S. BETTS, Esq., Agent, South Indian Railway, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Negapatam, 1st March 1876, No. 1,320.

Your letter No. 845, of the 25th of November last, I forward herewith a certified copy of the decision passed by the Assistant Magistrate of Madura in the driver's case, and a copy of the report of the Locomotive Superintendent thereon. As the Proceedings in Seyton's case were taken during the time I was in England, I applied to Mr. Logan, who was acting for me, for his opinion of the Magistrate's decision, and a copy of his reply is also attached.

LETTER from the Chief Engineer to the Agent, dated Trichinopoly, 6th January 1876, No. 350.

Your No. ¹¹/₈₄ re Driver Seyton's case.

When I questioned Driver Seyton in Trichinopoly on the day after the accident, he stated that little or no damage had been done by the collision between his engine and the detached train which ran into it. He further stated, as his reason for bringing his engine to a stand on becoming aware that he had left the train behind on an incline, that a red light was visible in front of him as well as one behind, and that therefore under the rules he had no option but to come to a stand.

On questioning the mile watchman, who showed a light in front of the train on the evening of the accident, he stated that the light he exhibited was a green one; and that he was quite sure

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16th May 1876.*

he did not show any other, either red or white. The man's testimony was given in a simple and truthful manner, and I believed him especially as I could find no reason, nor was any alleged, why a red light should have been held in front of the train; moreover, Seyton had already told me one untruth as to the extent of damage done, and I was led to doubt his subsequent assertions.

Concluding that Seyton's story about the red light in front was an invention, it went to show that the man himself felt that some better reason for stopping was needed than the allegation that a red light was seen in the direction of a train which he knew to be behind him on an incline, while he only "thought" the guard would have put down his brake and stopped the train. Hence it was that I came to the conclusion that Driver Seyton was at all events guilty of negligence.

It will be observed that no mention is made of a red light in front in the evidence before the Magistrate, and this is confirmatory of my view that the allegation was an invention.

Concerning the finding of the Magistrate, I am of opinion that the driver did not stop his engine *carefully* (in accordance with Rule 24 of Section XIII quote 1), but on the contrary he stopped rashly, knowing, as he admitted he did, that the detached train was on an incline behind him.

Under these circumstances, Rule V of Section IV could not possibly apply, and I think therefore that the Magistrate was in error in applying it to the case before him.

NEGAPATAM,
1st March 1876.

(True Copy.)

(Signed) W. S. BETTS,
Agent.

LETTER from the Locomotive and Carriage Superintendent, dated 22nd February 1876, No. 568.

Your No. ⁶²¹/₃₄₅

My time has been so occupied by the new rolling stock, and opening of extra mileage, and constant absence from head-quarters, that I have not been able to send you my report upon this subject before. The importance of the issue of a reference to Government on the subject will not, however, I hope be affected by my delay. The detail of the case is fully shown in the copy of the Madura Assistant Magistrate's ruling. I propose therefore to deal with the matter in this report only from a professional point of view, and shall, I think, demonstrate, first, that the Magistrate's view of case was at variance with the spirit of the Railway Company's Rules and Regulations; second, that he was wrong in his judgment upon the evidence brought forward; and third, that if such a judgment be allowed to stand as a precedent, the safety of the travelling public will be imperilled.

I suspended the man the day after the accident, and held a departmental inquiry in the office of the Traffic Manager at Trichinopoly, at which Mr. Logan, Chief Engineer, (then Acting Agent) Mr. Stanton, Traffic Manager, were present. The man's statement at that time briefly amounted to this. Rain had been falling previously and was falling at the time, and as the line was new, the line watchmen were all showing green lights along the line south of Dindigul. When he found he was detached from his train, he brought his engine to a stand and looked back, could not see anything, and then backed his engine some distance to find his train; knew the line where he was, was on a falling gradient, suddenly he saw a red light behind him and stopped his engine when the train ran into him. When asked why he did not run away and keep clear, he boldly replied that on turning round on his engine to give her steam and get out of the way, he saw a red light ahead of him, and therefore dare not move, hence the collision. In the face of such a statement as this, Mr. Logan, Mr. Stanton, and myself conceived a local investigation necessary, and therefore we proceeded on the morrow with the driver and two guards of the train (to which the accident occurred) to the spot by special. The investigation totally upset the driver's statement of a red light ahead of him, and we concluded the man's statement made at Trichinopoly was false. Mr. Logan then authorized his prosecution, and in default of a red light

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16th May 1876.*

ahead of him he had been clearly guilty of "wilfully and negligently omitting to do what he was legally bound to do" (Section XVII of the Act)—to run away and keep clear of train load of passengers until he ascertained its whereabouts and could have his engine "carefully re-attached," in the words of Rule 24, Section VIII of the Company's Rules. The man was arrested under the indictment at Trichinopoly, and the case was transferred to Madura. We had hoped that a case of so much gravity and importance, where the lives of the passengers had been at stake, would have been heard by the Collector himself, when some experience would have been brought to bear on the case. The Junior Assistant Collector, however, took the case, with what unfortunate result you are aware. This gentleman would not take any cognizance of the spirit or bearing of the Rules as applied to railway working. I brought forward my Foreman at Madura, a man of many years' experience, to act as an expert to tell the Magistrate what a driver ought to have done under the circumstances, and I offered to bring any of the other drivers at Madura to answer the same questions, so as to make it clear to the Magistrate what the driver's known and bounden duty should have been. No, he would not hear anything that was in any way calculated to upset a preconceived interpretation he had put upon the 6th Rule of Section XIII, wherein he read "on seeing a red signal he (driver) must if possible bring his engine or train to standstill;" also Rule 5 of Section IV, "Engine Drivers seeing a red signal are required under all circumstances and without exception to stop their engines as soon as possible." The Magistrate said he believed the driver saw a red light behind him, and he did right to stop his engine and standstill. How a red light got there, or if one existed at all, or where the white side lights of the train were he did not know. In vain I endeavoured to make him understand that a driver attached to his train, and to which these Rules referred, was in a very different position to a man detached from a train or a gradient. I argued upon his own basis of reasoning that had there been a red light behind him he should have kept away from it, as is the meaning of the Rules, when a driver with a train sees any red light he is to keep his train short of it or away from it, stop at once, and keep clear. I pointed out that if the sight of a red light behind a driver was a signal for him to stand still we should never get our trains away from stations, where the semaphore is on the platform and every engine runs by the signal before stopping, when if the driver looks up and behind him he will see a red light on the semaphore (facing the direction in which he is going). To this the Magistrate naively replied, "he was not dealing with a case of that kind, but with the case before him." The second and third vehicles from the engine were covered with goods wagons filled with passengers, these were telescoped partially by the violence of the collision, the floors driven up and the buffer and draw rods forced up through the floor into the trucks among the passengers. Only two passengers, an old man and an old woman, were slightly bruised. Had any one been killed (the escape was most providential) I am quite sure the Magistrate's peculiar opinions as to red lights would have been differently applied. As the decision stands, it is directly opposed to all the rules of practical railway working. It presents a precedent to our staff, condoning negligence and carelessness on the part of drivers, and cannot, I think, fail to have a demoralizing effect upon a body of men into whose hands the Company trusts its property, and the travelling public their lives. No one could have been more astonished at the Magistrate's view of the case than the accused. The defendant did not attempt in Court the red light ahead explanation at all, he relied upon his want of knowledge of his trains whereabouts and its coming suddenly upon him before he could get away.

(True Copy.)

(Signed) W. S. BETTS,
Agent.

NEGAPATAM,
23rd February 1876.

ORDER THEREON, 16th May 1876, No. 1,229.

No. 286.

RAILWAY, No. 32-A.

On a review of this case His Grace the Governor in Council is decidedly of opinion that the driver acted without

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16th May 1876.*

judgment or discretion. It seems worthy of consideration, however, whether Rule 24, of Section XIII of the Rules and Regulations, may not be revised so as to indicate more clearly the duty of drivers in an emergency of this kind. The exact wording of the Rule will therefore be carefully considered by the Consulting Engineer in communication with the Agents of both Companies. And if it should be so agreed, an amended Rule may be submitted.

(True Extract.)

Colonel,
Offg. Under Secy. to Govt., P.W.D.

To the Consulting Engineer for Railways.

Exd. S. T. Austin.
Spare Copies.

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South Indian Railway. Letter from the Locomotive and
Carriage Superintendent, dated 22nd February 1876 N^o 568. 93

Your N^o ⁶²¹₅₄₅

My time has been so occupied by the new Rolling Stock, and opening of extra mileage and constant absence from Head Quarters that I have not been able to send you my report upon this subject before. The importance of the issue of a reference to Government on the subject will not, however, I hope be affected by my delay. The detail of the case is fully shown in the copy of the Madras Assistant Magistrate's ruling. I propose therefore to deal with the matter in this report only from a professional point of view and shall, I think, demonstrate - 1st that the Magistrate's view of case was at variance with the spirit of the Railway Company's rules and regulations, 2nd that he was wrong in his judgement upon the evidence brought forward, and 3rd that if such a judgement be allowed to stand as a precedent, the safety of the travelling public will be imperilled.

I suspended the man the day after the accident and held a departmental enquiry in the Office of the Traffic Manager at Technopolis at which M^r Logan, Chief Engineer (then Acting Agent) M^r Stanton Traffic Manager were present. The man's statement at that time briefly amounted to this. Rain had been falling previously and was falling at the time and as the line was new the line watchmen were all showing green lights along the line South of Dindigul. When he found he was detached from his train he brought his engine to a stand and looked back, could not see any thing and then backed his engine round distance to find his train, & when the line where he was, was on a falling gradient, suddenly he saw a red light behind him and stopped his engine when the train ran into him. When asked why he did not run away and clear, he boldly replied that on turning round on his engine to give her steam and get out of the way, he saw a red light ahead of him and therefore dare not move. Hence the

the collision. In the face of such a statement as this, Mr. Logan, Mr. Stanton and myself conceived a local investigation necessary, and therefore we proceeded on the morrow with the driver and two guards of the train (to which the accident occurred) to the spot by special. The investigation totally upset the driver's statement of a red light ahead of him and we concluded the man's statement made at Trichinopoly was false. Mr. Logan then authorized his prosecution and in default of a red light ahead of him he had been clearly guilty of "wilfully and negligently omitting to do what he was legally bound to do" (Section VIII of the Act) to run away and keep clear of train load of passengers until he ascertained its whereabouts and could have his engine carefully re-attached in the words of Rule 24 Section VIII of the Company's rules. The man was arrested under the indictment at Trichinopoly and the case was transferred to Madras. He had hoped that a case of so much gravity and importance where the lives of the passengers had been at stake would have been heard by the Collector himself. The junior Assistant Collector, however, took the case with what unfortunate result you are aware. This gentleman would not take any cognizance of the spirit or bearing of the rules as applied to Railway working. I brought forward my foreman at Madras, a man of many years experience to act as an expert to tell the Magistrate what a driver ought to have done under the circumstances and I offered to bring any of the other drivers at Madras to answer the same questions so as to make it clear to the Magistrate what the driver's known and bounden duty should have been - no - he would not hear anything that was in any way calculated to upset a preconceived interpretation he had put upon the 6th rule of Sect. VIII wherein he read "x x on seeing a red signal he (driver) must of possible bring his engine or train to stand still," also rule 5 of Sect. IV "Engines drivers seeing a red signal are required under all circumstances and without exception to stop their engines as soon as possible."

The Magistrate said he believed the driver saw a red light behind him and he did right to stop his engine and stand still - how a red light got there or if one existed at all or where the white side lights of the train were he did not know. In vain I endeavored to make him understand that a driver attached to his train and to which of these rules referred was in a very different position to a man detached from a train on a gradient. I argued upon his own basis of reasoning that had there been a red light behind him he should have kept away from it as is the meaning of the rules when a driver with a train sees any red light he is to keep his train short of it or away from it stop at once, and keep clear. I pointed out that if the sight of a red light behind a driver was a signal for him to stand still we should never get our trains away from stations where the semaphore is on the platform and every engine runs by the signal before stopping when of the driver looks up and behind him he will see a red light on the semaphore (facing the direction in which he is going). To this the Magistrate naively replied: "he was not dealing with a case of that kind but with the case before him." The 2nd and 3rd vehicles from the engine were Covered Goods Wagons filled with passengers - these were telescoped partially by the violence of the collision, the floors driven up and the buffer and draw rods forced up through the floor into the trucks among the passengers. Only two passengers an old man and an old woman were slightly bruised. Had any one been killed (the escape was most providential) I am quite sure the Magistrate's peculiar opinions as to red lights would have been differently applied. As the decision stands, it is directly opposed to all the rules of practical Railway working. It presents a precedent to our staff condoning negligence and carelessness on the part of drivers and cannot, I think, fail to have a demoralizing effect upon a body of men into whose hands the company trusts its property and the travelling public their lives. No one could have been more astonished at the Magistrate's view of the case than the accused, the defendant did

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P. W. 29112/76

(True Copy)

William Stettin

Agent

Agents Office
Negotiations
23rd February 1876

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South Indian Railway. Letter from the Chief Engineer to the
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bringing his engine to a stand, on becoming aware that he had
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On questioning the unwatchman who showed a light
in front of the train on the evening of the accident he stated
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Concluding that Seyton's story about the red light
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P. W. 29/12/76
 Concerning the finding of the Magistrate, I am of opinion that the Driver did not stop his Engine carefully (in accordance with rule 24 of Section III quoted) but on the contrary he stopped rashly knowing, as he admitted he did, that the detached train was on an incline behind him.

Under these circumstances rule V of Section IV could not properly apply and I think therefore that the Magistrate was in error in applying it to the case before him.
 (True Copy)

Agent's Office
 Negapatam
 1st March 1876

William B. B. B.
 Agent

South Indian
 GREAT SOUTHERN OF INDIA RAILWAY.
 AGENT'S OFFICE,
 NEGAPATAN, 1st March 1876.

From

THE AGENT, South Indian
 Great Southern of India Railway,

To

The Consulting Engineer for Railways
 Madras.

SIR,

Your letter No 845 of the 25th of November last. I forward herewith a certified copy of the decision passed by the Assistant Magistrate of Madras in the Driver's case, and a copy of the report of the Locomotive Superintendent thereon. As the proceedings in Saylor's case were taken during the time I was in England, I applied to Mr Logan, who was acting for me, for his opinion of the Magistrate's decision, and a copy of his reply is also attached.

I have the honor to be

Sy

Your Most Obedt Servant

William B. B. B.

Agent

P. W. 2/112/76

RAILWAY DEPARTMENT.

CONSULTING ENGINEER'S OFFICE,

Madras, 24 April 1876.

No. 197

From

LIEUT.-COLONEL J. H. M. SHAW-STEWART, R.E.,

Consulting Engineer for Railways,

To

MAJOR-GENERAL G. W. WALKER, R.E.,

Secretary to Government,

Public Works Department,

Fort Saint George.

SIR,

In continuation of the
report printed with the Proceedings
of Government under date the 3rd
November 1875, No 3117, I have the
honour to submit letter No 1320 dated
the 1st March 1876, reporting further
upon the accident in question
2. As already reported,
the engine of the train running
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From the Report
of the Hon. Secy.
to Govt. of Madras
in reply to
the Hon. Secy.
to Govt. of India
dated 13.11.76
1876
G. W. Walker
R.E.

the 20th October 1875 broke away from the carriages on the 171st mile, between the Sholavandan and Madura stations, upon a falling gradient of 1 in 250. This occurred after dusk, upon a dark and rainy night. —

The driver soon after finding that his train was missing, brought his engine to a standstill; and in a short time the train ran into the engine. The three leading vehicles were seriously damaged. They were covered goods vans; of which the first was filled with goods, and the second and third with passengers.

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Fortunately none of the passengers was injured. Thus far the facts are beyond dispute.

3. A departmental inquiry was held at Trichinopoly upon the 21st October, the day after the accident, in the presence of the Acting Agent, the Traffic Manager, and the Locomotive Superintendent. At this inquiry driver Seytaw appears to have stated that, when he found he was detached from his train, he stopped his engine, and looked back, but could see nothing, and then backed his engine for some distance, although he knew that

that he was on a falling gradient. Suddenly he saw a red light behind him, when he stopped his engine, and was going to reverse it and run forward, when he saw a second red light ahead. He therefore remained stationary, and the train ran into him. He stated that the collision caused little or no damage to the rolling-stock.

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whereas the fireman states that a
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third important discrepancy seems
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Section XIII, rule 24- "If any portion of a train breaks loose when in motion, the engine-man will stop carefully to have it re-attached."

Section IV, rule 5. "Engine-drivers seeing a red signal, whether

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"whether it be by flag, lamp, or any other contrivance, are required, under all circumstances, and without exception, to stop their engines as soon as possible".

With regard to the first of the rules, the Assistant Magistrate is evidently of opinion that driver Seytlow stopped his engine carefully. With regard to the second, he is of opinion that the driver, on seeing a red light in his rear, was bound to stop his engine, and that "he would have acted in strict defiance of rules" had he done otherwise.

7. A reference to the evidence will show, as stated above, that it is doubtful whether any red light was shown upon the train until after the collision; but assuming that it was shown, and seen by the fireman; and assuming that, when it was seen, the driver, as stated by himself, was running his engine forward; there cannot be a doubt that the driver's duty was to run on in the same direction, until he had got quite clear of the following train, and then

show "stop carefully," and reattach. The line of argument pursued by the Assistant Magistrate upon this point is difficult to follow. The view apparently held by him is that a red light to the rear is a signal for the driver to stop equally with a red light in front, but it is hard to realize this; and it is possible that there may be some error in the wording of the judgment. It is however difficult, except upon this hypothesis, to account for the driver's acquittal; for it is certain that he did not "stop carefully," when he pulled his

his engine up with the certain knowledge that his train was following him down a falling gradient.

8. The remarks in the last paragraph are made upon the assumption that the driver's statement is correct, and that he was running forward at the time when the red light is asserted to have been seen by the fireman. But there remains the alternative assumption, and the much more probable one, that, as stated by the fireman, the driver was backing his

his engine at the time that the red light is asserted to have been first seen. Taking this view of the case, it seems equally difficult to understand the conclusion at which the Assistant Magistrate arrived. A driver, parted from his train, and with the certain knowledge that it is following him down a considerable incline, actually ventures to back his engine in the dark, and to go in quest of the train. It is scarcely possible to conceive anything more reckless, or more likely to endanger life. — And

And yet the Assistant Magistrate finds that no negligence has been proved against him, upon the ground that, when the red light of the approaching train was seen, it was the driver's duty to stop his engine at all hazards, and to remain stationary.

9. It seems ~~to~~ ~~that~~ — beyond doubt that the prosecution resulted in a failure of justice; and that, had the case been tried by a Magistrate acquainted even moderately with the details of Railway working, the result must have

have been different. Under the circumstances, it is to be regretted that more weight was not allowed to the evidence given by the Locomotive Foreman as to what the duty of a driver, in Sydnor's situation, should have been; and that the offer of the Locomotive Superintendent to produce the evidence of other drivers upon this point, was not accepted.

10. There is reason to believe that the course to be adopted, in the event of any part of a train breaking loose from the engine, is well known to the engine

engine drivers on the Madras and South Indian Railways; - but it has been suggested to me that the wording of Rule 24, - Section XIII, as quoted above in paragraph 6, is not sufficiently full and clear; and I am of opinion that it would be advisable to alter it somewhat as follows:-

If any portion of a train breaks loose from the engine when in motion, the enginemaster shall proceed in the direction in which he has been running until he shall have reached a point

point at which he considers it impossible for the ⁹ detached vehicles to overtake him; he will then stop, and send one of his firemen to the rear to ascertain whether the detached vehicles have come to a standstill; when this has been ascertained, he will back his engine and re-attach the detached vehicles.

11. I greatly regret the delay which has occurred in laying this report before Government. The
Locomotive

Locomotive Superintendent explains
that his time has been so much
occupied with work of other kinds,
that he was unable to send for-
ward his report earlier; and
it did not reach this office
until some days after the re-
ceipt of the papers forwarded
with your endorsement No 78 -
dated the 25th February 1876.
As those papers necessitated
fresh inquiries and a personal
investigation into other points con-
nected with the same case, it
seemed advisable to defer the
submission

X of this report
submission, until after that
investigation had been completed.

I have the honour to be

Sir

Yours most obedt Servt.

W. Muntzworth St. J. R. E.

Cons: Engineer for Railway

8032 hwp/75 No 3117.
Act No. XVIII of 1854
1 Nov 73 - 1854

PUBLIC WORKS DEPARTMENT.

CR 2042 46

Letter from the Consulting Engineer for
Railways dated 24th April 1876.

FOR ORDERS.

When a train meets
here & runs into the
engine - the being nothing
more with engine - it is
the driver's fault unless
he can show good reason for
having a head for causing
collision with another train at the
least dangerous -

Circulated for orders
in continuation of the
papers already circulated
in respect to a complaint
made by the Secretary
of the amalgamated
Railway Society of Lancashire
treatment of Driver & Locomotive
and another.

Inducies reported driver had
have kept in steam so as to
maintain ^{supplied} down the
incline when stopping the train
dropped his fireman & gave
slid slowly a head until order
train unsafely stopped -
This case is too old

Secretary to Govt.
P. W. D.

No 285

Recd. 11/6/76 C.D. 10/8/76
C.D. 29.4.76 C.D. 10/6/76

Dated 24th April 1876
Received 25th April 1876

Book No. 197

To The Secretary to Government,
P. W. Department,
Fort Saint George.

From The Consulting Engineer
for Railways,
No. 2942

P. W. 1876 No 197

a further report
with reference
to the engine breakdown
away from train
on 28th April 1876

an one to pass any
order upon new -
but the necessity of the
rules deserves consideration
The English rules in the
of directing drivers to
"stop carefully" which
in all cases direct them
to "run on" -

It seems it might be
be well if the Com. Secy
would carefully examine
the rule in question.

B. 1/5

M

C 2942/7 Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

UNDER date the

Read the following:-

From

The Com. Secy for
Railways

(D. O. No. 197 of 24th April 1881)

On a review of this
case His Grace the Governor
in Council is decidedly
of opinion that the Driver
acted without discretion,
however he may have
interpreted the rules laid
down for guidance in the
case of an Engine breaking
away from its train. It
seems ^{very} important
to ~~repeal~~ ^{revise} Rule 24 of
Section VIII of the Rules
and

and Regulations ~~may not be revised so as~~
 to indicate more clearly
 the duty of drivers in an
 emergency of this kind.
 The exact wording of ~~an~~
~~amended~~ ^{the} rule will therefore
 be carefully considered
 by the Consulting Engineer
 in communication with the
 Agents of both Companies.
 And if it should be so ~~found~~
~~unwisely~~ ^{unwisely} ~~may be submitted~~
 A modification of the nature
 of that suggested by
 the Consulting Engineer for
 Railways will not in the opinion
 of His Grace the Governor in Council
 require the sanction of the
 Govt. of India under the exist-
 ing state of the Law as in-
 terpreted by that Govt.
 in their letter recorded
 with G.O. No 2740 dated
 11th November 1893.

Cons. Eng. for

Communicate L.O. ^{39F}
 No 1229 of 16/5/96 (9)
 to Jrd Dept & C.L.
 we know
 8/6/96

391 (b)

Should not J.O.

No 1229 dated 16th May, 1876,
go to the judicial
Dept? it is virtually
a censure on the
Apt Magistrate, who
tried the case -

G. J. Heard. A.T.P. 3/5
Communicated to J. J. 7/6
Chief of Police

No 1229

Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

UNDER date the 16 May/76

READ the following:—

From

The Comr. Engrs. for
Railways.

} (H.C. No. 197 of 24 April 1876)

On a review of this
case His Grace the Governor
in Council is decidedly
of opinion that the Driver
acted without judgment
or discretion. It seems
worthy of consideration
however whether Rule 24
of Section XIII of the Rules
and Regulations may not
be revised so as to indicate
more clearly the duty of
Drivers in an emergency
of this kind. The exact
wording

wording of the rule will
therefore be carefully con-
sidered by the Consulting
Engineer in communication
with the Agents of both
Companies. And if it should
be so agreed an amended
rule may be submitted.

2nd. ...
...

N^o 285/6

Cons. Eng. for Rep. ✓
Judicial Dept. 16/11

att^d

wording of the rule will

2945
Gobi. of 1870: *India*
PUBLIC WORKS.

To

5 PM
The Comd'g Genl. Rly.

Date

Time

Recd.

Ex.

G. O. 16 May 1876, No. 1229

No. 285-86

Accident - (✓ L. R.)

Passing orders or letters
from the Comd'g Genl. Rly.
concerning further Rly.
regarding an engine
breaking away from
train on the 2nd Oct/75

See p. 11
1-1-76