(1) Number of pages

(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No. 2152 (Ry) Press
B.P. No. Mis.

Dated 17-8- 1876.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 17th August 1876. *No.* 2,152.

Read the following papers :—

No. 393. 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, 25th July 1876, No. 361.

From Agent, Madras Railway, dated 22nd June 1876, No. 634, with seven enclosures.

I HAVE the honor to lay before Government, for consideration and for any action they may deem necessary, the enclosed correspondence relative to the dismissal of a case of cattle trespass in Erode Station compound by the Sub-Magistrate of that town, on the ground that the word "Railway" in the Act does not include Stations.

2. The Railway authorities are of opinion that reading Act XXV of 1871 in conjunction with Act XVIII of 1854, the term "Railway" must, so far as cattle trespass is concerned, be held to include all lands belonging to such Railway Company. There appears to be almost the same danger from cattle getting on the line through station compounds as through a gate in the fence, and it is stated that the opinion given by the Sub-Magistrate of Erode is contrary to former decisions.

3. Although the case in question is not in itself an important one, the Railway authorities are anxious that it should not form a precedent for future decisions, and I beg therefore to be favored with the orders of Government thereon.

From R. B. ELWIN, Esq., Agent and Manager of the Madras Railway Company, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Madras, 22nd June 1876, No. 634.

I HAVE the honor to forward herewith certain correspondence which has been referred to me by the Acting Chief Engineer, relative to the refusal of the 2nd-Class Magistrate of Erode to try a case of cattle trespass on the ground that the word "Railway" in the Act does not include "Stations."

2. I shall be glad if you will take such action in the matter as you may consider necessary.

From G. E. SMITH, Esq., Resident Engineer, to W. R. ROBINSON, Esq., Acting Chief Engineer of the Madras Railway Company, dated Pothanore, 12th June 1876, No. 694.

Cattle Trespass within Station Compounds.

THE 2nd-Class Magistrate, Erode, considers such cases of cattle trespass do not come within the Railway Act. It is scarcely necessary to say that this opinion is contrary to previous decisions elsewhere, and also to common sense. An animal that grazes loose within the compound may very well stray across the line, because, in general, there is no fence between the rails and the rest of the compound. I enclose (original) letter of the 2nd-Class Magistrate, Erode; also (original) cattle trespass report to the Deputy Prosecuting Inspector.

CATTLE TRESPASS REPORT.

To the Prosecuting Inspector, Madras Railway, Tripatore Station.

Description of Animals.—Cow. *Number of Animals.*—One. *Date of Trespass.*—17th May 1876. *Mile and Telegraph Post.*—Erode yard. *Animals impounded over.*—To pound-keeper at Erode. *Description and State of Fence.*—Wire fence, good. *Train in sight at time of Trespass or not.*—No train. *Copy of Pound-keeper's register enclosed or not.*—Copy enclosed.

Witness to prove state of fence.—Veerun, gang coolly.
" " *Trespass.*—Mottan, extra coolly.
" " " — Do. do.
" " *Ownership.*—Appavoo Pillay, gang maistry.

Kindly take the necessary steps for prosecuting in the above case.

PERANDURAY, (Signed) G. E. BOYNE,
19th May 1876. *Permanent-way Inspector.*

Owner of cattle above mentioned.—Erode Cachar Saw Rewadhar.

From Mr. J. COLLINS, Deputy Prosecuting Inspector of the Madras Railway Company, to Mr. G. E. BOYNE, Permanent-way Inspector, Peranduray, dated Tripatore, 7th June 1876, No. 247.

Cattle Trespass in Erode Station Compound.

IN submitting the enclosed papers on the above subject, may I request you will represent the matter to the Resident Engineer, as the Magistrate of Erode refuses to entertain the above charge from the instructions given him by the Sub-Collector of the District.

From Mr. R. ROSS, Superintendent of Watchmen, to Mr. J. COLLINS, Deputy Prosecuting Inspector, Tripatore, dated Madras, 29th May 1876, No. 924.

WITH reference to your letter, No. 228, of the 28th instant, you will see under the title of "Construction" of Act XXV of 1871, runs thus: "It shall be *read with*, and *taken as part* of the said Act No. XVIII of 1854."

2. Then under Section 21 of Act XVIII of 1854 runs thus: "The owner of any animal which shall trespass or stray upon any such Railway or upon *any lands belonging to such Railway Company.* Now Erode Station compound is land belonging to the Madras Railway Company, and cattle trespassing thereon would therefore be punishable under either of the sections, or under both read with and taken as part of the said Act XVIII of 1854.

3. Put this argument to the Magistrate and he will take up the case.

From the 2nd-Class Magistrate, Erode, to Mr. J. COLLINS, Deputy Prosecuting Inspector of the Madras Railway Company, Tripatore, dated Erode, 26th May 1876.

WITH reference to your letter of the 23rd instant, I have the honor to inform you that the complaint of cattle trespass does not come as offence under Section 19 of Act XXV of 1871, as the compound of a Railway Station is not included in the Railway within the meaning of Section 1 of the above Act.

From Mr. G. E. BOYNE, Permanent-way Inspector, 3rd Division, South-West Line, to G. E. SMITH, Esq., Resident Engineer, 3rd Division, South-West Line, dated Peranduray, 9th June 1876, No. 159.

IN forwarding the attached correspondence, I beg to inform you that a cow was impounded at Erode on the 17th May 1876 for trespassing in the station compound, and an application was subsequently made by Deputy Prosecuting Inspector Collins before the 2nd-Class Magistrate at

Erode for the owner of the cow to be tried. The Magistrate declined to interfere in the matter, on the ground that the land around Station-houses was not included in Section 1 of Act XXV of 1871, *vide* his letter attached. Under these circumstances, I beg for instructions how to proceed in future.

No. 1,139.

TRANSFERRED to the Judicial Department.

OOTACAMUND, (Signed) G. W. WALKER, Major-General, R.E.,
28th July 1876. *Secy. to Govt., P.W.D.*

No. 1,160.

REFERRED to the District Magistrate of Coimbatore for his remarks.

OOTACAMUND, (Signed) W. HUDLESTON,
29th July 1876. *Chief Secretary.*

No. 393A. Endorsement of the Consulting Engineer for Railways, dated Madras, 12th August 1876, No. 400.

Proceedings of the District Magistrate of Coimbatore, under date the 5th August 1876, No. 336.

Read letter from the Consulting Engineer for Railways, to the District Magistrate of Coimbatore, dated 23rd June 1876, No. 824, and its enclosures.

Read also Urzee from the 2nd-Class Magistrate of Erode, dated 1st July 1876, No. 27, and its enclosures.

THE District Magistrate is of opinion that compounds of Railway Stations are included in the definition of "Railway" on which cattle may trespass, and directs the 2nd-Class Magistrate to place the complaint on his file and dispose of it according to law.

(Signed) A. WEDDERBURN,
District Magistrate.

No. 13.

TRUE copy forwarded to the Consulting Engineer for Railways, Madras, in continuation of the District Magistrate's letter, dated 13th July 1876, No. 11.

COIMBATORE, (Signed) A. WEDDERBURN,
7th August 1876. *District Magistrate.*

SUBMITTED for the consideration of Government, with reference to this office letter, No. 361, dated 25th July 1876.

(Signed) J. H. M. SHAW-STEWART, Lt.-Col., R.E.,
Consulting Engineer for Railways.

Proceedings of the Madras Government, Public Works Department,
17th August 1876. No. 2,152.

No. 393B. Proceedings of the Madras Government in the Judicial Department, dated 16th August 1876, No. 1,[illegible].

Read the following letter from the Director-General of Conveyance, dated 9th August 1876, No. [illegible]:

With reference to your endorsement, No. 1,100, of 29th July 1876, on letter (herewith returned) from the Consulting Engineer for Railways, No. 361, of 25th idem, to the Secretary to Government, Public Works Department, referred to me for my remarks, I have the honor to state that I have on the references of the Consulting Engineer, dated 25rd June 1876, No. 321, communicated to him on the 13th July 1876, after calling for the records, &c., in the case, my opinion that the dismissal of the case referred to was incorrect. I have since directed the case to be taken up and disposed of according to law.

Communicated to the Public Works Department with papers returned.

(True Extract.)

(Signed) W. HUDLESTON,
Chief Secretary.

No. 391. Order thereon, 17th August 1876, No. 2,152.

RAILWAY, No. 10.

Copy sent to be recorded.

(True Extract.)

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

To the Consulting Engineer for Railways.

Ext. W. H. French,
Spare Copies.

In a letter from the District Magistrate of Coimbatore to the Chief Secretary to Government, dated 9th August 1876, No. 64.—

Correspondence relative to the dismissal of a case of Cutter Bredfoes in Erode station Compound by the Sub Inspector of Police.

[illegible]

[illegible]

[illegible] 17-8-76 — [illegible]

[illegible] 10-8-1876

[illegible] 26-8-76

[illegible]

[illegible]

Copy Station
Master
Pl. Cont.

CATTLE TRESPASS REPORT.

To

The Prosecuting Inspector Madras Railway Nuggatoo Station.

Description of animals.	Number of animals.	Date of trespass.	Mile and Tel. post.	Animals handed over		Description and state of Fence.	Train in sight at time of trespass or not.	Copy of Pound-keeper's register enclosed or not.
				To	At			
Cow	one	17th July	6 miles and	Poundkeeper	6 miles	Fine fence Good	No train	Copy enclosed

Witness to prove state of fence Peetum Pang only

" " trespass Mottan Cantra only

" " " Do Do

" " ownership Appuvoo Pillay Pang Mudaly Poondurai

Kindly take the necessary steps for prosecuting in the above case.

(Signed) L. E. Payne Permanent Way Inspector.

Date 19. 5. 76

Owner of Cattle above mentioned
Trade Cantraan Poondurai

/ True Copy /
W. Blackburn
Ag. Ch. Eng.

No. 247.

Entd
Recd

Entd
Recd

Entalore.
7th June 1876.

Mr. G. Boyne.
P. Way Inspector.
Peranduray.

Sir,

Cattle trespass in Erode Station Compound.

In submitting the enclosed papers on the above subject now I request you will represent the matter to the Resident Engineer as the Magistrate of Erode refuses to entertain the above charge from the instructions given him by the Sub Collector of the District.

I am,
Sir,
Your faithfully,
(Sd) John Collins.
Pro. Insp.
M. R. C.

/True Copy/
W. R. Robinson
Ag: Chief Eng.

D.

Entd
Recd

Entd
Recd

Erode 2nd Class Magistrate's
Office, Erode, 26th May 1876.

From,
The Second Class Magistrate.
Erode.

To
Mr. J. Collins.
Dy Prosecuting Inspector.
M. R. C.
Trichinopoly.

Sir,

With reference to your letter of the 23rd Instant, I have the honor to inform you that the complaint of Cattle trespass does not come as offence under section 19 of Act XXV of 1871 as the compound of a Railway Station is not included in the Railway within the meaning of section I of the above Act.

I have the honor to be,
Sir,
Your most obedient servant,
(Sd) M. R. V.
2nd Class Magistrate.

/True Copy/
W. R. Robinson
Ag: Chief Eng.

RAILWAY DEPARTMENT.

CONSULTING ENGINEER'S OFFICE,

Madras, 25th July 1876.

No. 361

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,

From Agent Madras Railway dated 22nd June 1876 with enclosures.

I have the honour to lay before Government for consideration and for any action they may deem necessary, the enclosed correspondence relative to the dismissal of a case of cattle trespass in Erode station compound, by the Sub-Magistrate of that town, on the ground that the word "Railway" in the Act does not include stations.

2. The

2. The Railway Authorities are of opinion that reading Act XXV of 1871, in conjunction with Act XVIII of 1854, the term "Railway" must, so far as cattle trespass is concerned, be held to include all lands belonging to such Railway Company. There appears to be almost the same danger from cattle getting on the line through station compounds as through a gate in the fence, and it is stated that the opinion given by the Sub-Magistrate of Erode is contrary to former decisions.

3. Although the case in question is not in itself an important one, the Railway Authorities are anxious that it should not form a precedent for future decisions, and I beg therefore to be favoured with the Orders of Government thereon.

I have the honour to be
Sir
Your most obedient servant
Lefroulee Major-Captain
for Chief Engineer for Railways.

P. W. 1876 Department

No. 334

No. 1139.

Transferred to the Judicial Department.

Colombo Major Genl R.E.
Secy to Govt P.W.D.

Colombo
28th July 1876

No. 336

Forwarded to the District Magistrate of Coimbatore under date the 5th August 1876.

Send letter from the Consulting Engineer for Railways to the District Magistrate of Coimbatore dated 23rd ult. with copy & its enclosures.

Send also copy of letter from the 2nd Class Magistrate of Erode dated 16th ult. with copy & its enclosures.

The District Magistrate is requested to inform the complainants of the Railway actions are included in the definition of "Railway" and which cattle may trespass and direct the 2nd Class Magistrate to place the complaint on his file and dispose of it according to law.

(Signed) A. Weddeburn
District Magt.

No. 13

True copy forwarded to the Consulting Engineer for Railways for his information of the District Magistrate's letter dated 18th July 1876, No. 11.

A. Weddeburn
District Magistrate

Cumbalaine Dungan Office

Received 18/7/76

Received 31-7-76

Railway Department

From

The Consulting Engineer for Railways,

To

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

Dated Nilgiri 1876.

Received 1876.

No. 1139.

Superintendent Nilgiris requests permission for Elephants belonging to the Railway to be allowed the use of the Nilgiri Roads for the purpose of bringing down Railway material from Coonoor to Kotagiri.

Colombo 28/7/76

Forward to the Chief Engineer

Chief Engineer to Railways

Forward to the Secretary to Government

Secretary to Government

Forward to the Secretary to Government

Secretary to Government

Forward to the Secretary to Government

Secretary to Government

Judicial Department.

No. 1765 Dated 18 19

SUBMITTED FOR THE Consideration of GOVERNMENT,
with reference to the office letter
No 361 dated 22nd August 1876

[illegible] R.E.
Consg. Engineer for Railways.

CONSULTING ENGINEER'S OFFICE,
Madras, [illegible] 187[illegible].

To

The Secretary to Government,
Public Works Department,
Fort Saint George.

P.W.D.
14 AUG 76
No. 2345

1876
Aug. 14
Read
Sent
per District Engineer
& Consulting Engineer
for Railways.
Submitted
Recd 7th August 1876.

Communicating Proc.
- cerning the Combatore
District Jungle defining
the term "compound
& Railway stations"
as "Railway" & directing
the issue of Circular
& Grade & Inspector
the cattle barbed wire
according to laws. —

RAILWAY DEPARTMENT.
L. W.
187 0676

From

The Consulting Engineer
for Railways,

To

The Secretary to Government,
P. W. Department,
Fort St. George.

Dated 12th
Received 14th March 1876

No. 400

Enclosures. 10

Letter from Government forwarding representation of Cattle keepers not being paid by Railway Officers.

No 3930

Depositions 14-8-76.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following letter from the Director General of Railways, No. 400, dated 12th March 1876, to the Chief Secretary to Government, P. W. Department, Fort St. Geo.

With reference to your Lr. Judl. No. 1876 of 29th July 1876, I have the honor to return the accompanying Chronicle of 25th ult. received from the Consulting Engineer for Railways, to Government P. W. D. respecting the dismissal of the Cattle keepers, for my remarks. I have the honor to state that I have, on the receipt of the Consulting Engineer's letter dated 25th June 1876, No. 8[illegible], communicated to him on the 13th July 1876, after calling for the records, that in the case, my opinion that the dismissal of the cattle keepers was incorrect. I have since directed the case to be taken up and disposed of according to law.

Order

P.W.D.
19 AUG 76
No.

Mol. Deptt.

To

Dated 17 August 1876.
Read

Nos.

Govt. of India
Railways.

Comunty. letter of the Dt. Magte. of Coimbatore relative to the distribution of a case of cattle trespass by the Sub Magte. of Erode.

No. 3908.

No 2102

Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 17 August 1876.

Read the following:—

From The Comp. Engineer for Railways } (No. 361, dt. 24 July 1876.)
" & " " " } (" " 402 " 12th Aug. ")
Proceedings Judicial Department } (" " 1082 " 16th " ")

Ordered to be recorded.

Comp. Engr. for Railways.

Dated 6/9/76

5885 5977 5330

No Cav.° du g.° fev. 1822

19.e August

No 393 - 394

Cette Regrade - 3 f.

Papier relatif à la
Reconnaissance
Faite 3 — 6 f.
des Marquisats 3
Roch, Ecaudin &c.