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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.C. No.	383 - Rly	Press
B.P. No.		Mis.
Dated		12-2-1876

Not to be folded or roughly handled

7

*Proceedings of the Madras Government, Public Works Department,
12th February 1876.*

Read the following papers :—

No. 199. 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, 2nd February 1876, No. 65.

I HAVE the honor to submit, for the information of Government, the accompanying papers reporting a collision on the 15th December 1875 between a special train and a trolley at the 306th mile 5th telegraph post, South-west Line, Madras Railway, about 2 miles to the east of the Muddikerry station.

2. The special train, which left Pothenore for Beypore at 1-50 P.M., consisted of a light engine, one inspection carriage, and a brake van; and was conveying Mr. Danvers, the Government Director, and some Railway officials on a tour of inspection.

After running about 4 miles the train came into collision with a trolley at 1-59 P.M. Most fortunately no one was injured, and the damage sustained by the engine was slight. The permanent-way was not damaged.

3. The Permanent-way Inspector's Writer, who was in charge of the trolley at the time the accident occurred, appears to have been misinformed as to the departure of the special train from Pothenore. He was prosecuted before the Head Assistant Magistrate of Coimbatore, and was acquitted; the Court being satisfied that though the Writer was guilty of grave neglect in not ascertaining whether the special had left or not, his offence did not amount to criminal negligence; and that the accident was caused by the non-exhibition of the danger signal, the omission of which he could not be held responsible for.

4. The watchman was therefore prosecuted, and was sentenced to six months' rigorous imprisonment under Section 29, Act XXV. of 1871, by the Head Assistant Magistrate.

5. Copies of the "judgments" in both cases are enclosed for information.

6. The attention of the Agent has been drawn to the delay which occurred in reporting this accident.

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, 10th January 1876, No. 27.

I HAVE the honor to inform you that a special train, which left Pothenore for Beypore at 12-50 P.M. on the 15th ultimo, came into collision with a trolley at the 306th mile, 5th telegraph post, when the following parts of the engine No. 16 were broken, viz., two life-guards, one feed pipe, one feed-valve, one pipe communicating with the tank, one brake bridle-rod stay, and the steam-chest waste water cock. No damage was done to the permanent-way, and the train was only delayed six minutes.

2. The accident was caused by the failure of the line watchman, who was sent on in front of the trolley, to exhibit his signal. He has been prosecuted, and the result will be reported to you as soon as possible.

From the Acting Chief Engineer, to R. B. ELWIN, Esq., Agent and Manager of the Madras Railway Company, dated Madras, 17th January 1876, No. 54.

In continuation of my letter, No. 934, dated 20th December last, I have to inform you that Inspector's Writer, Rama Row, was tried on the 22nd ultimo before the Head Assistant Magistrate

*Proceedings of the Madras Government, Public Works Department,
12th February 1876.*

of Coimbatore, and was acquitted of the charges laid against him. I send you a copy of the "judgment" for your information.

2. On Rama Row being acquitted, the Magistrate directed that Watchman Arnachellum should be prosecuted for neglecting to show a danger signal behind the trolley.

3. The case was tried on 8th and 11th January 1876, and the watchman was sentenced under Section 29 of Act XXV. of 1871 to six months' rigorous imprisonment.

*COURT OF THE HEAD ASSISTANT MAGISTRATE OF COIMBATORE.
Calendar No. 55 of 1875.*

2. *Name of Complainant.*—Madras Railway Company.

3. *Name and Description of the accused.*—Rama Row, Brahmin, Permanent-way Inspector's Writer.

4. *Charge.*—That you on or about the 15th day of December 1875, at or near Pothanore, endangered the safety of passengers by neglecting to protect a truck on the line by a distance danger signal, and thereby committed an offence punishable under Section 29 of the Railway Act, No. XXV. of 1871, and within my cognizance.

Sentence.—The Court finds that Rama Row is not guilty of the offence specified in the charge, viz., that he was guilty of negligence, an offence punishable under Section 29 of the Railway Act, and the Court discharges the said S. Rama Row under Section 230 of the Code of Criminal Procedure.

5. *Date of Offence.*—15th December 1875.

6. *Do. Complaint.*—15th December 1875.

7. *Do. Apprehension or appearance.*—20th December 1875.

8. *Do. Commencement of trial.*—20th December 1875.

9. *Do. Sentence.*—22nd December 1875.

10. *Explanation of delay.*—

Judgment.—A special train which left Pothanore at 1-50 P.M. on December 15th ran over a trolley at the second post of the 306th mile. The Writer who was in the trolley was arrested, and is charged under Section 29 of the Railway Act. The negligence alleged is three-fold, first, that this Writer Rama Row left Pothanore Station in the trolley without previously ascertaining that the special had passed; secondly, that the trolley was not protected according to rule by a distance danger signal; thirdly, that, as the Beypore train was due in less than fifteen minutes, the trolley ought to have been off the line. The orders which Mr Rabel, Permanent-way Inspector, gave to Writer Rama Row, were that he was to leave Pothanore for Conjeevare after the 9-15 train had left Pothanore. There was some delay about his breakfast; so Rama Row did not come to the station till 1 o'clock. Then Peon Sheik Alli told him that a special notice had been received. Rama Row went to the house of Assistant Inspector Curran, who gave him the notice, which was that a special would leave Pothanore for Beypore at 12-50. It was then past 1. Rama Row says that he asked Curran if the special had passed, and that Curran replied that it had passed. This Curran altogether denies. Of the two I believe Rama Row; Curran was ill with fever, and, as soon as Rama Row went, he fell asleep. It may be that he does not remember the question and answer. It is incredible that Rama Row could leave Pothanore at 1-10 with a notice in his hand of the special leaving at 12-50, unless he thought that it had passed. He is much to blame in not having asked the Station-master. He did ask a maistry who said that he had been away and did not know. It is with some hesitation that I have decided that his omission to make further inquiries and his resting satisfied with Curran's statement, that the train had passed, is not criminal negligence, for it would have been so easy for him to have walked to the platform and to have ascertained that the special had really passed.

2. The second count is that there was no red flag 1,000 yards in rear of the trolley. It is absolutely certain that this red flag was not shown. The driver, fireman, and guard were all on the look-out, and could not possibly have failed to see it. It was a special train without notice

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along the line, and the Engineer of the division and the English Directors were in the train. The look-out was no doubt good, and no red flag was seen. The rule is that when a trolley leaves the station a man goes in advance with a red flag until he meets a watchman who takes up the signal along the line until he meets another watchman. So in rear of the trolley a watchman continues to follow at a distance of 1,000 yards or thirteen telegraph posts until he meets his neighbour watchman who goes on. Now it is evident that when the trolley goes round a curve the following watchman may be out of sight and out of control of the trolley. In this case the first man with a watchman was Kuley Maistry. The trolley passed him in the cutting below the Engineer's bungalow. The trolley then sighted Narrainen, watchman of the 302nd and 303rd miles. It passed him, and he followed to near the Muddikerry road gate, where was Arnachellum, the watchman of the 304th and 305th miles. The trolley was running quickly down a gradient, and it soon passed Arnachellum who continued running after it with his red flag. The trolley went round a curve and lost sight of Arnachellum. Then the special came round the curve after them and smashed the trolley to pieces, the writer and coolies had barely time to save their lives. Had Arnachellum been behind the trolley with his red flag the train would have been stopped. I am forced to conclude that, as soon as the trolley disappeared round the curve, he left the line. His own account is that he continued to run down the line after the trolley had disappeared round the curve, and that all at once he heard the special coming up a few yards behind him; he had to leap aside so hurriedly that he is not sure that he showed his red flag properly, nor can he say if the driver saw him. I do not believe a word of this. The wind was north-east which would carry the noise of the train towards him. On being asked how many carriages there were in the train, he could not tell. Now there was only one carriage and a brake-van, so if he had seen the train he could have told at once. Nor could he say if there were any goods wagons in the train. He did not follow the train to see what became of the trolley, and the first he heard of the accident was from the coolies walking back. It is very evident that he was not on the line when the special passed, and that this accident is owing to his improper absence. I cannot see that Rama Row can be held responsible for the absence of this man.

3. As for the third point, that it was within fifteen minutes of the Beypore train, and that therefore the line ought to have been clear, in this instance also I think that Rama Row barely clears himself. The accident happened at about 2 miles from Muddikerry Station at 2 o'clock or 1 minute before 2. Rama Row says he was going to take the trolley off the line at a bridge about 200 yards further on. If so, he just clears himself. The train leaves Muddikerry at 2-6, and as the gradient is very steep is allowed about 4 minutes for each mile to Pothanore, where it arrives at 2-30. It would thus be due at the spot where the collision happened at 2-14, that is, 15 minutes afterwards.

4. It is to be hoped that Rama Row will be more careful in future, for he is acquitted with much hesitation on my part.

(Signed) GORDON MACKENZIE,
Acting Head Assistant Magistrate.

No. 57.

For the information of the Consulting Engineer for Railways with reference to my letter No. 27, of the 10th instant.

(Signed) R. B. ELWIN,
Agent and Manager.

MADRAS,
18th January 1876.

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, 29th January 1876, No. 99.

In continuation of my endorsement, No. 57, of the 18th instant, I have the honor to forward you a copy of the judgment recorded against watchman Arnachellum for neglecting to show a danger signal behind a trolley.

*Proceedings of the Madras Government, Public Works Department,
12th February 1876.*

COURT OF THE HEAD ASSISTANT MAGISTRATE OF COIMBATORE.

Calendar No. 2 of 1876.

2. *Name of Complainant.*—
3. *Name and Description of the accused.*—Arnachellum, Vellala, Watchman in the Madras Railway Company.
4. *Charge and Sentence.*—That you on or about the 15th day of December 1875 at or near the 305th mile, Madras Railway, neglected to show a danger signal in rear of a trolley, and you have thereby committed an offence punishable under Section 29 of the Railway Act and within my cognizance.
- Sentence.*—The Court finds that Arnachellum is guilty of the offence specified in the charge, viz., that he neglected his duty, thereby endangering life, and has thereby committed an offence punishable under Section 29 of the Railway Act.
- And the Court directs that the said Arnachellum be rigorously imprisoned for six months.
5. *Date of Offence.*—15th December 1875.
6. *Do. Complaint.*
7. *Do. Apprehension or appearance.*—8th January 1876.
8. *Do. Commencement of trial.*—8th January 1876.
9. *Do. Sentence.*—11th January 1876.
10. *Explanation of delay.*—

Judgment.—This case is connected with case No. 55 of 1875. A truck left Pothanore Station at 1-10 P.M. on December 15th. The rule is that a truck must be protected by a distance danger signal in both directions. This is done by the line watchmen who are stationed at intervals of 2 miles. The first watchman goes in advance of the truck for about 2 miles until he sees the second watchman, to whom he gives a signal to go on, and then he falls in rear of the truck and follows it until the second watchman appears in rear, having given up the duty of the advance signal to the third watchman. In this instance, owing to some mistake or negligence, there was no man sent on in advance of the trolley although Rama Row, the clerk in charge, says he thought there was one. After leaving Pothanore they came in sight of the first watchman, Narrainen, coming towards them. They passed him, and he ran after them with his red flag until he saw the red flag of the second watchman Arnachellum at the Muddikerry road gate. He then considered his duty over, took down his flag and walked back up the line. The truck was going fast and passed Arnachellum about one post beyond the gate, that is, at about 304/15. He ran down the line after it with his red flag, and it went out of sight when it entered a curve at about 305/3. Although the truck had left the following flag out of sight it went on to 306/2 when a special train overtook it and smashed it to pieces. This train left Pothanore peon at the Muddikerry road gate 304/14 says that with his arm he gave the "caution" signal. The driver says he gave the "all right" signal. The driver, two firemen, and guard say that they saw nothing whatever of Arnachellum or his danger signal. I have come to the conclusion that after the truck passed out of sight into the curve Arnachellum must have left the line and that he was not at his post when the special passed.

This was a light special train without previous notice along the line. It was about 2 P.M. Mr. Juland Danvers was in the train inspecting the line with two Engineers, and I do not think it possible that in these circumstances the driver and guard can have passed this watchman without seeing him. His story is that as he ran down the line he all at once heard the train coming up behind him, and that he had barely time to leap aside and is not sure that he showed his red flag properly. I cannot in the least believe this. A watchman on the way who has to hurriedly escape off the way would not escape the driver's notice. Besides, in giving his evidence in Calendar No. 55, he was unable to say how many carriages were in the train, and whether or not there were any goods trucks in it. This shows that he never saw that train, for it was composed of a small engine, one carriage, and a brake van. Again, if it was as he says he would have run on to see

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12th February 1876.*

what became of the truck he was protecting, but he did not do so. If he were doing his duty he could not have been a mile in rear, for the truck passed him at 304/15 and the accident happened at 306/2. The special was drawn up at the spot for about 6 or 8 minutes, but he did not appear, and the coolies who walked back after the accident say they found him standing on the line. The train was not going at an excessive rate of speed, 24 miles an hour. It ran the 4 miles in ten minutes. The truck ran the 4 miles in about forty-five minutes, but this includes stoppages, so it may have been going 6 miles an hour when it left Arnachellum behind. No notice had been given to the watchman to expect this special, and all their look-out at that time of day would be for the two trains from Beypore which pass that part of the line between two and half-past three. This may explain why Arnachellum did not continue to show his flag, he had no idea that a special was coming from that direction. That his omission to stop the train endangered life is clear. The truck was a heavy truck. The engine was a light and small engine. It was a breach of the sanctioned rules which all Railway servants know. His duty lasted till he saw the red flag of the next watchman.

For his defence it is urged that the only evidence is that of the driver, who wishes to shield himself from the consequences of running past a signal; but as I said before, I imagine that the look-out on this occasion was exceptionally good, and I cannot believe that the driver risked his life by going down that gradient round a curve disregarding a danger signal; a watchman with a red flag is too conspicuous an object on the line to be passed in broad day light.

For the defence it was objected that the evidence which accused gave as a witness in case No. 55 of 1875 cannot be used against him in this case. When he appeared as a witness he made no objection or protest but gave evidence voluntarily.

In England, in similar cases, depositions are admitted. A deposition given at a Coroner's Inquest may be used against deponent if deponent is afterwards tried for the murder or manslaughter. The only part of the Indian Evidence Act that bears on the point is Section 132. Accused gave evidence in case No. 55 without compulsion, but being an ignorant man he did not know anything about Section 132. In this case he is defended by a Vakeel.

See the case of Reg. v. Chidley, 8 Cox, c.c. page 365, and also the case of Reg. v. Edgell and Smith which I heard tried at the Central C. Court in 1868, but the report of which I cannot now find.

In each of these cases a prisoner gave evidence before the Committing Magistrate and was afterwards himself committed and his deposition was read against him at the trial.

(Signed) GORDON MACKENZIE,
Acting Head Assistant Magistrate.

No. 199-A. Endorsement of the Consulting Engineer for Railways, dated Madras, 7th February 1876, No. 77.
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, 4th February 1876, No. 119.

WITH reference to your letter of the 2nd instant, No. 109, I have the honor to express my regret for the delay that occurred in reporting to your office the accident referred to. As no serious consequences resulted, the report was not forwarded until the damage to the rolling stock and permanent-way had been ascertained, and this combined with the intervention of the Christmas holidays, caused the unusual delay.

SUBMITTED for the information of Government with reference to paragraph 6 of this office letter No. 65, dated 2nd instant.

(Signed) W. H. COAKER, Captain, R.E.,
for Consulting Engineer for Railways.

Proceedings of the Madras Government, Public Works Department,
12th February 1876.

No. 200.

ORDER THEREON, 12th February 1876, No. 383.

RAILWAY, No. 25.

ORDERED to be recorded.

(True Extract.)

(Signed) G. W. WALKER, Major-General, R.E.,
Secretary to Government.

RAILWAY DEPARTMENT

CONSULTING ENGINEER'S OFFICE.

Madras, 2 February 1876.

No. 65

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,

I have the honor to submit
for the information of Government
the accompanying papers reporting
a collision on the 15th December 1875
between a special train and a
trolley at the $30\frac{1}{2}$ mile South West
line Madras Railway, about two
miles to the east of the Muddikere
station.

2. The special train, which
left Pothenore for Mysore at 1.50 p.m.,
consisted of a light engine, one in-
spection carriage, and a brake van,
and

and was conveying Mr Dawver, the
Government Director, and some
Railway officials on a tour of
inspection.

After running about
4 miles, the train came into collision
with a trolley at 1.59 p.m. Most
fortunately no one was injured, and
the damage sustained by the engines
was slight. The permanent way was
not damaged.

3. The permanent way in-
spectors writer, who was in charge
of the trolley at the time the accident
occurred, appears to have been mis-
informed as to the departure of
the special train from Pothuam.
He was prosecuted before the Head
Assistant Magistrate of Comtatue,
and was acquitted; the Court
being satisfied that though the

writer

203
writer was guilty of grave neglect
in not ascertaining whether the
special had left or not, his offence
did not amount to criminal
negligence; and that the accident
was caused by the non exhibition
of the danger signal, the omission
of which he could not be held re-
sponsible for.

4. The watchman was therefore
prosecuted, and was sentenced
to 6 months rigorous imprisonment
under Section 29 Act XXV of 1871
by the Head Assistant Ma-
gistrate.

5. Copies of the "Judgments"
in both cases are enclosed for
information.

6. The attention of the Legation
has been drawn to the delay
which

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11

No. 27

MADRAS RAILWAY.

AGENT AND MANAGER'S OFFICE,

Madras, 10 January 1876

From

Robert M. Edwin Esqr

Agent and Manager. M. R. Company.

To

Lieut Colonel J. H. M. Shaw Stewart R.E.

Consulting Engineer for Railways.

SIR,

I have the honour to inform you that a Special Train which left Pothanore for Mysore at 12.50 p.m. on the 15th ultimo came into collision with a trolley at the 306th Mile 5th Telegraph post when the following parts of the engine, No. 16, were broken: vizt. two life guards, one feed pipe, one feed valve, one pipe communicating with the Tank, one brake bridle rod stay, and the steam chest waste water cock. No damage was done to the permanent way, and the train was only delayed six minutes.

2. The accident was caused by the failure of the line watchman, who was sent.

which occurred in reporting this accident.

I have the honour to
Sir

Your obedient servant

Wm. W. W. W.
for Mysore Railway

Q.O. No 383 12. 2. 76

P. M. 1876 29/1/76

RAILWAY DEPARTMENT.

From

The Consulting Engineer

for Railways,

To

The Secretary to Government,

P. W. Department,
Fort Saint George.

Dated 29/1/76

Recd 29/1/76 1876

No. 855

Substituting

Consequence re-

putting a column

between a special

train & a trolley at

306 mile station

on 15 Dec 1875

199
5-2-76

sent on in front of the trolly, to exhibit
his signal. He has been prosecuted
and the result will be reported to you
as soon as possible.

I have the honour to be,
Sir

Your most obedient servant

W. H. White

Agent and Manager

MADRAS RAILWAY.
From

To
The Agent and Manager.

The Consulting Engineer

for Railways.

Dated
Recd.

187

No.

N^o 54

Madras Railway Company
Chief Engineer's Office
Madras 17 January 1876
15

The Agent and Manager
Dear Sir,

In continuation of my letter N^o 934 dated 20 December last, I have to inform you that Inspector's Writer Rama Row was tried on the 22nd ultimo before the Head Assistant Magistrate of Coimbatore and was acquitted of the charges laid against him. I send you a copy of the "judgment" for your information.

2. On Rama Row being acquitted, the Magistrate directed, that Watchman Aronachellum should be prosecuted for neglecting to show a danger signal behind the trolley.

3. The case was tried on 8th and 11th January 1876 and the watchman was sentenced under section 29 of Act XXV of 1871 to six months rigorous imprisonment.

Yours faithfully
(signed) Gerald R. Watson
for Acting Chief Engineer
for

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated 11th Jan 1876
Recd. 11th Jan 1876

No. 27.

Reporting that the
official train which
left Coimbatore for Bangalore
at 12.30 p.m. on the 15th
ultimo came into collision
with a trolley at the 21st
5

M. 873
1/16

Pr. 12th Feb 76 B.S. 199

7.

(true copy)

W. J. L. L. L.
Agent and Manager.

No 57

For the information of the Consulting
Engineer for Railways with reference
to my letter No 24 of the 10 instant.

Madras.
18 January 1876 }

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated

187

Recd.

No.

50
19

MADRAS RAILWAY.

AGENT AND MANAGER'S OFFICE,

Madras, 29th January 1876.

No. 99

From R. D. Edwin Esq.,
Agent and Manager, of the above

To Lieut Col J. H. Shaw Stewart R.E.
Consulting Engineer for Railways.

SIR,

In continuation of my
enclosurement of 57 of the 18th instant
I have the honour to forward you
a copy of the Judgment recorded
against watchman Spoonachellum
for neglecting to show a danger
signal behind a trolley.

I have the honour to be,
Sir,
your most obedient servant

R. D. Edwin
Agent and Manager

From

The Agent and Manager.

The Consulting Engineer

for Railways.

To

The Agent and Manager.

The Consulting Engineer

for Railways.

From

The Agent and Manager.

The Consulting Engineer

for Railways.

To

The Agent and Manager.

The Consulting Engineer

for Railways.

Dated 18th Jan 1876
R. D. Edwin
No. 57.

Forwarding further particulars
as to the collision which
took place at the 31st.
Also 5th Jan 1876. on the
15th Dec 1875.

M. 873/1
3/10



50-11
Court of the Madras District Magistrate of Coimbatore
Calendar No. 2 of 1876

1. Name of Complainant
- none

2. Name and description of the accused
Arnachellum. Villalaw
Watchman in the Madras
Railway Company

3. Charge and Sentence.

That you on or about the 15th day of December 1875
at or near the 305th mile Madras Railway neglected to show
a danger signal in rear of a trolley & you have thereby
committed an offence punishable under Section 29 of the
Railway Act and within my Cognizance.

Sentence

The Court finds that Arnachellum is guilty of
the offence specified in the Charge, namely that he
neglected his duty thereby endangering life and has
thereby committed an offence punishable.

5	6	7	8	9	10
Offence	Complaint	Apprehension or appearance	Commencement of trial	Sentence	Explanation of Delay
15 th Dec ^r 1875	"	8 th January 1876	8 th January 1876	11 th January 1876	"

* under Section 29 of the Railway Act.
And the Court directs that the said Arnachellum
be rigorously imprisoned for 6 months.

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Encl. 29
Recd. 31. 3/11/76
J. J. J. J. J.

No. 99.

Transmitting copy of the
judgment recorded
against watchman
Arnachellum.

Mr. 873/
5/1/76

No. 12th Feb 76 B.N. 197

Judgment

This Case is Connected with Case No. 55 of 1845.
A truck left Pothanore Station at 1-10 Pm on December 15th. The rule is that a truck must be protected by a distance danger signal in both directions. This is done by the line watchmen who are stationed at intervals of two miles. The first watchman goes in advance of the truck for about 2 miles until he sees the 2^d watchman to whom he gives a signal to go on and then he falls in rear of the truck and follows it until the second watchman appears in rear having given up the duty of the advance signal to the third watchman. In this instance owing to some mistake or negligence there was no man sent on in advance of the truck although Rama Rao, the Clerk in Charge, says he thought there was one. After leaving Pothanore they came in sight of the first watchman, Narainan, coming towards them. They passed him and he ran after them with his red flag until he saw the red flag of the second watchman Amachellum at the Muddikerry Road Gate. He then considered his duty over, took down his flag and walked back up the line. The truck was going fast and passed Amachellum about one point beyond the gate, that is, at about 304^{1/2}. He ran down the line after it with his red flag and it went out of sight when it entered a curve at about 305. Although the truck had left the following flag out of sight it went on to 306 when a special train overtook it and smashed it to pieces. This train left Pothanore 302^{1/2} mile and about 304^{1/2} passed watchman Narainan who gave the all right signal. The gate person at the

Muddikerry Road Gate 304^{1/2} says that with his arm he gave the "Caution" signal. The Driver says he gave the "all right" signal. The Driver, two firemen, and Guard says that they saw nothing whatever of Amachellum or his danger signal. I have come to the conclusion that after the truck passed out of sight into the curve Amachellum must have left the line and that he was not at his post when the special passed. This was a light special train without previous notice along the line. It was about 2 Pm. Mr. Juland Plummer was in the train inspecting the line with two Engineers and I do not think it possible that in these circumstances the Driver and Guard could have passed this watchman without seeing him. His story is that as he ran down the line he all at once heard the train coming up behind him and that he had barely time to leap aside and is not sure that he showed his red flag properly. I cannot in the least believe this. A watchman on the way who has to hurriedly escape off the way would not escape the Driver's notice. Besides in giving his evidence in Case No. 55 he was unable to say how many Carriages were in the train and whether or not there were any goods trucks in it. This shows that he never saw that train for it was composed of a small Engine, one Carriage and a breakdown. - Again if it was as he says, he would have run on to see what became of the truck he was protecting but he did not do so. If he were doing his duty he could not have been a mile in rear for the truck passed him at 304^{1/2} and the accident happened at 306. The special was drawn up at the spot for about 6 or 8 minutes but he did not appear

and the Coolies who walked back after the accident say they found him standing on the line. The train was not going at an excessive rate of speed, 24 miles an hour. It ran the 4 miles in 10 minutes. The truck ran the 4 miles in about 45 minutes but this includes stoppages, so it may have been going 50 miles an hour when it left Arnachellum behind. No notice had been given to the watchman to expect this special and all their look out at that time of day would be for the two trains from Repton which pass that part of the line between two and half past three. This may explain why Arnachellum did not continue to show his flag, he had no idea that a special was coming from that direction. That his omission to stop the train endangered life is clear. The truck was a heavy truck. The engine was a light and small engine. It was a breach of the sanctioned rules which all Railway servants know. His duty lasted till he saw the red flag of the next watchman.

For his defence it is urged that the only evidence is that of the Driver who wishes to shield himself from the consequences of running past a signal, but as I said before, I imagine that the look out on this occasion was exceptionally good and I cannot believe that the Driver risked his life by going down that gradient round a curve disregarding a danger signal; a watchman with a red flag is too conspicuous an object on the line to be passed in broad day light.

For the defence it was objected that the evidence which accused gave as a witness in Case No. 55 of 1895 cannot be used against him.

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him in this case but I overruled the objection and admitted his previous deposition to be read against him in this case. When he appeared as a witness he made no objection or protest but gave evidence voluntarily.

In England in similar cases depositions are admitted. A deposition given at a Coroner's inquest may be used against deponent if deponent is afterwards tried for the murder or manslaughter. The only part of the Indian Evidence Act that bears on the point is section 132. Accused gave evidence in Case No. 55 without compulsion, but being an ignorant man he did not know anything about section 132. In this case he is defended by a Vallet.

See the case of Reg. v. L. Liddley, 8 Cox. C. C. page 365 and also the case of Reg. v. Edgell and Smith which I heard tried at the Central C. Court in 1868 but the report of which I cannot now find.

In each of these cases a prisoner gave evidence before the committing Magistrate and was afterwards himself committed and his deposition was read against him at the trial.

J. H. Gordon MacKenzie
Jr. Asst. Magistrate

(True Copy)

Francis W. Hanna
Resd. Sup. to Court

No. 119

MADRAS RAILWAY.

AGENT AND MANAGER'S OFFICE.

Madras, 11th February 1876

From

Robert B. Elum Esq.

Agent and Manager. M. R. Co.

To

Lieut Colonel J. H. M. Shaw Stewart R.E.
Consulting Engineer for Railways.

Sir,

With reference to your letter of the 2nd instant, No. 109, I have the honor to express my regret for the delay that occurred in reporting to your office the accident referred to. As no serious consequences resulted the report was not forwarded until the damage to the Rolling Stock and permanent way had been ascertained, and this, combined with the intervention of the Christmas holidays, caused the unusual delay.

I have the honor to be
Sir

Your most Obedient Servant

R. B. Elum

Agent and Manager

No. 12th Feb 76 B. M. 199

M. 873/4/76

No. 77

SUBMITTED FOR THE information OF GOVERNMENT.

with reference to paragraph 6 of this
office letter No 65 dated 2^d instant.

CONSULTING ENGINEER'S OFFICE,

Madras.

7th February 1876.

To

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

R. E. Sept.

for Consgr. Engineer for Railways.

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated

4th February 1876

Recd.

No. 119

Transmitting copy of
notice as to the
delay in reporting
the collision which
took place at the
206th mile of the
and the 15th Decr 1875

Pro. 12th Feb 76 B.V. 199.

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PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 12th Feb 1876

Read the following:—

From the Comptroller for Railways
 H.E. No. 65 of 2nd Feb 76
 H.E. No. 77 of 2nd Feb 76

Recorded.

The Permanent way Inspector's writer Ramu Row appears to have had a narrow escape for his life; and may further congratulate himself on having escaped the legal consequences of his very rash action.

1876 Sept.
 RAILWAY DEPARTMENT.

187

No. 996

From

The Consulting Engineer for Railways,

To

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

Dated

7th February 1876.

Received

No. 77

Enclosures. 1

Submitting letter from Asst. M. Ry explaining delay in reporting certain accidents.

N 199

G.O. No 383 / 22.2.76

Depd - 29. 2. 76
 C.E. for Rys. 21
 17

873/996



M.R.O. 1 12 006-23-50.

Govt. of 1876 Madras.
PUBLIC WORKS.

To Comdg. Engg. for
By

Dated

Issued

Recd.

Encl.

G. O. 12 Feb. 1876. No. 333

Nos. 194-201

Collision between a Special
Train & a trolley on the S. M. R.
on the 15th Dec 1875
The correspondence
relating a — recorded