

(1) Number of pages _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. *402-403 (by)* Press
Mis.

Dated *5-2-* 18*77*.

Not to be folded or roughly handled

No. 171. 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 January 1877, No. 57 :—

In compliance with the instructions conveyed in the Proceedings of Government under date the 31st October 1876, Madras Railway, No. 72, dated 10th January 1877. No. 2,921, I have the honor to lay before South Indian Railway, No. 2,548, dated 4th December 1876. Government letters* from the Agents of the Madras and South Indian Railway

Companies, from which it will be seen that they approve of the proposal that some clause should be added to the criminal law to authorize the punishment by whipping for boys under age for offences against the safe travelling of railway trains, such as placing obstructions on the rails, or throwing stones at trains in motion. I concur with them in that opinion.

2. The Agent of the Madras Railway forwards a return showing the cases of this nature which occurred during 1875, but it will be seen that none of them resulted in a conviction. Upon the South Indian Railway no similar cases occurred during 1875. The Agent states that there were a good number during 1876.

3. As bearing upon this question, I beg to draw attention to the Proceedings of Government under date the 28th November 1872, No. 1,539, in which are recorded the circumstances connected with an offence of the nature in question. In that case, a boy, who had placed a number of stones on the rails of the South Indian Railway, was acquitted by the Judge of Coimbatore on the ground of his youth. I beg also to draw attention to my letter, No. 685, dated the 12th December 1872, reporting the case of a boy who was tried before the Sub-Magistrate of Wallajah Taluq for placing stones on the rails of the Madras Railway, and who was also acquitted on the score of youth. As no action was apparently taken upon these cases, other similar instances, which have occurred from time to time, have not been brought forward.

From R. B. ELWIN, Esq., Agent and Manager, Madras Railway Company, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Madras, 10th January 1877, No. 72.

I HAVE the honor to enclose the return asked for in your letter of the 27th of November last, No. 1,262.

2. In neither of the cases was the offender convicted, the three prosecutions having failed for want of evidence to identify the culprits.

3. I believe that in England the law provides for the punishment of minors convicted of offences of the nature in question by whipping, and I think that the addition of a similar provision to the criminal law here is desirable.

For 1875.

Proceedings of the Madras Government, Public Works Department,
5th February 1877. No. 402.

District	Station and Locality of Occurrence, &c.	No. of Cases	Description of the Case.	Complainant.	Accused.	Convicted or otherwise disposed of.	Remarks.
1	2	3	4	5	6	7	8
Cuddapah ...	18th mile, between Rajampett and Nandalore Stations.	1	Throwing stones at the 4 a.m. Mail Train of the 7th April 1875, and broke a pane of glass of a composite carriage.	Guard of the train.	Not identified.	Not traced.	The delinquent was not traced for want of identification. The matter was reported to the Village Magistrate.
Chingleput...	28th mile, between Cuddalore and Trivellore Stations.	1	Throwing stones at the 4 a.m. Mail Train of 19th July, which struck the foot-plate of the engine and rebounded and hurt the Driver's foot.	Driver Johnson.	Do.	Do.	Do. do.
Chittoor ...	65th mile, 14th telegraph post, 4 miles from Puttur Station.		Throwing stones at the 1-45 p.m. Train of the 16th September 1875, which struck the Guard on the forehead.	Guard McCoy.	Do.	Do.	Do. do.

MADRAS,
9th January 1877.

(Signed) R. ROSS,
Superintendent of Watchmen,
Madras Railway Company.

Proceedings of the Madras Government, Public Works Department,
5th February 1877. No. 402.

From W. S. BETTS, Esq., Agent of the South Indian Railway Company, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Negapatam, 4th December 1876, No. 2,548.

Your No. 1,298, of the 27th ultimo. No cases were brought to my notice during 1875 in which minors were detected placing obstructions on the rails, throwing stones at the trains in motion, or trespassing within the precincts of this Railway. A good number of such cases have been reported during the current year. I approve the proposal to add to the criminal law a clause which will ensure the punishment by whipping of minors detected committing any of the above offences.

No. 172. ORDER THEREON, 5th February 1877, No. 402.

RAILWAY, No. 11.

ORDERED that the Government of India be addressed.

(Here enter No. 403, dated 5th February 1877.)

(True Extract.)

Lieut.-Colonel, R.E.,
Joint Secretary to Government.

To the Consulting Engineer for Railways.

Exd. A. Grubert.
Spare Copies

PUBLIC WORKS DEPARTMENT,
FORT ST. GEORGE, 5th February 1877.

No. 173.

No. 403.

FROM

THE JOINT SECRETARY TO THE GOVERNMENT OF MADRAS,
Public Works Department, Railway Branch,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
Public Works Department.

RAILWAY, No. 12.

SIR,—I am to acknowledge the receipt of your letter, No. 2,866-R, dated 21st October 1876, referring, for the consideration of His Grace in Council, the proposal to add a section to the criminal law, which would make the throwing of stones at trains, or the placing of obstructions on the line, by minors, offences punishable by whipping; and calling for statements showing how often such offences had, during the last year, occurred upon the railways in this Presidency.

2. I am to forward the accompanying correspondence in reply.
G.O., No. 402, dated 5th February 1877.

3. I am to say that, in the opinion of His Grace in Council, some such addition as that proposed to the criminal law is most necessary.

4. It will be seen that in past cases, where the offenders were traced, convictions could not be obtained against them on account of their youth. His Grace in Council thinks that, if whipping were to be the punishment inflicted by law, this difficulty in obtaining convictions might be lessened.

I have the honor to be,

Sir,

Your most obedient servant,

Lieut.-Colonel, R.E.,
Joint Secretary to Government.

Exd. A. Grubert.

Spare Copies

Gobt. of 1877: Madras.
PUBLIC WORKS.

To
THE SECRETARY TO THE GOVERNMENT
OF INDIA.

Dated February 5th.

Issued

Recd.

Encl.

G. O. 5th February 1877, No. 303.

FEBRUARY.

No. 173.

Forwarding with remits correspond-
ence relating to the proposal to add a section
to the criminal law, which would make the
throwing of stones at trains, or the placing of
obstructions on the line, by minors, offences
punishable by whipping.

No. 2548

GREAT SOUTHERN OF INDIA RAILWAY.

AGENTS OFFICE,

NEGAPATAM, 4th Macanbar 1876.

From

THE AGENT,

Great Southern of India Railway,

To

Mr. Consulting Engineer for Railways
Madras.

SIR,

Zone B. 1298 of the 27th Volume. No cases were
brought to my notice during 1875 in which minors
were detected placing obstructions on the rails,
throwing stones at the trains in motion, or trans-
gressing within the precincts of this Railway. A
good number of such cases have been reported
during the current year. I approve the proposal
to add to the Criminal Law a clause which will
ensure the punishment by whipping of minors
detected committing any of the above offences.

I have the honour to be,

Sir,

Your most obedient servant

James Smith
Agent

P.W.D.

24 JAN 77

No. 690

RAILWAY DEPARTMENT.

CONSULTING ENGINEER'S OFFICE,

Madras, 24 January 1876.

No. 57

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 compliance with the
instructions conveyed in the
Proceedings of Government
under date the 31st October
1876, No 2921, I have the
honour to lay before Govern-
ment letters from the Agents
of the Madras and South
Indian Railway Companies,
from which it will be seen
that they approve of the pro-
posal that some clause should
be

Copy of 2921. 24 Jan 1876
S. H. M. Shaw-Stewart

be added to the Criminal
Law to authorize the punish-
ment by whipping for boys
under age for offences against
the safe travelling of Railway
trains, such as placing ob-
structions on the rails, or
throwing stones at trains in
motion. I concur with them
in that opinion.

2 The Agent of the
Madras Railway forwards
a return showing the cases
of this nature which occurred
during 1875, but it will
be seen that none of them
resulted in a conviction.

Upon

Upon the South Indian
Railway no similar cases
occurred during 1875.

The Agent states that there
were a good number during
1876.

3 As bearing upon
this question, I beg to draw
attention to the Proceedings
of Government under date
the 28th November 1872, No
1539, in which are recorded
the circumstances connected
with an offence of the nature
in question. In that case,
a boy who had placed
a number of stones on the
rails

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nt.
From time to time, have not
been brought forward.
I have the honour to be
Sir
Yours most Obedt Servt
Wm. M. M.
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Accts of the South Indian Railway
was acquitted by the Judge of
Coimbatore on the ground of his
youth. I beg also to draw
attention to my letter No 605
dated the 12th December 1872,
reporting the case of a boy
who was tried before the Sub-
Magistrate of Malabar Taluk
for placing stones on the rails
of the Madras Railway, and
who was also acquitted on
the score of youth. As no
action was apparently taken
upon these cases, & other similar
instances, which have occurred
from

No 2067/73 prod Dept
G.O. 11-72 No 1059 prod Dept
31-10-76 - 2921.

P.W.D.

24 JAN 77

No. 690

Recd 1-2-77
No 1-2-77

Dated
Received

21st Jan 77
No. 57
1876

To

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

From

The Consulting Engineer
for Railways,

RAILWAY DEPARTMENT.

P. W. DEPARTMENT.

Document.

Read the following:—

From the Consulting Engineer for Railways
No. 57 dated 20th January 1877.

FOR ORDERS.

Commander Major Genl R.B.
Secretary to Govt P.W. Dept.

I have the honor to
be informed that the
matter was referred to
the Committee on
which was appointed
to be formed
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FOR ORDERS.

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No 402

Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the

5 Feb 77.

Read the following:--

From

The Cons. Engrs. for
Railways

(No. 57 of 24th Jan. 1877)

Ordered that the
Government of India be
addressed.

(No. 403 of 5 Feb 77)

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

Sir,

I am to acknowledge
the receipt of your letter
No. 2866 of 25th October
1876, referring for the con-
sideration of His Grace
in Council, the proposal

C. E. for Rs.

Recd with Draft-1-2-77
Cin 22-1-77

to add a section to the Criminal law, which would make the throwing of stones at trains or the placing of obstructions on the line, by minors, offences punishable by whipping; and calling for statement showing how often such offences had, during the last year, occurred upon the Railways in this Presidency.

2. I am to forward the accompanying correspondence in reply.

3. I am to say that in the opinion of His Grace in Council, some such addition as that proposed to the Criminal law is most necessary, ~~and~~ ~~will be effectual.~~

4. It will be seen that in the cases where

the

g.d. no. dated the
February 17.

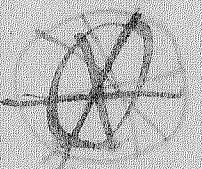
22-2-77

23 9
the offenders were traced, convictions could not be obtained against them on account of their youth. His Grace in Council thinks that were whipping the punishment inflicted by law, this difficulty in obtaining convictions would vanish.

Q. 111

[Signature]

270690



GOVT. of MADRAS

PUBLIC WORKS.

To The Commr. Eng. & S. Affs.

Dated

Issued

Recd.

Encl.

G. O. 5 Feb. 1877, No. 4 Feb. 1877

Nos. 171-173

Transacting with the
Commissioner relating to the
proposal to add a section to the
Criminal Law, which would
make the throwing of stones
at trains or the placing of
obstructions on the line, by
minors, offences punishable
by imprisonment.

Criminal Law (Railways)

Passing Orders on papers sub-
mitted by the Comr. relating
to the proposal to add a section
to the —, which would make
the throwing of stones at trains
or the placing of obstructions
on the line by minors, offences
punishable by imprisonment.

Encl. in Reg.