



PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Proceedings of the Public Works Department, No. 833 C, dated 5th April 1884.

Letter from the Commissioner of Police, Madras, No 25, dated 25th April 1884, reporting in connection with a case in which a pointman was removed by the Police from the Harbour Works.

Order thereon, 8th May 1884, No. 1149 Mus.

The Commissioner of Police will give instructions to ensure that no officer engaged on such duty as the defendant in the case under reference, appears to have been, shall be arrested without it first having been ascertained that the post has been filled by another competent hands. Constant Complaints are it is believed made as to the state of the beach in the neighbourhood of the harbour, and the police authorities

do not appear to have been to blame, in arresting
persons found committing nuisances there.

(True Extract)

Indra Indurthi

Chief Secretary

To
The Public Works Department,
with papers returned.

The Commissioner of Police.

S.D.
Mayappalathur

N. 402 M.

Madras Harbour Works.

February 20th 1884

To. The Chief Commissioner
of Police.

Sir,

I have to make a serious Complaint
against the so called detective police of this town
with reference to their Conduct yesterday towards
one of my men.

2. The man is a pointsman on the North Pier
of these Works, and when Engines & Trains are
running as at present he has responsible and
troublesome work to perform. When no Engines
are at work he has always to be near his post
to work the points for trallies &c &c. His station
is on the ^{Embankment} ~~Common~~ blocks of the North Pier, 300 Yards
within the Harbour boundary fence. There is no
latrine within half a mile of this spot nor is
one necessary for my men on the pier as they
can always have recourse to the public rocks
below St. W. Lual for calls of nature. I speak
only with reference to men employed on the
breakwaters, not in the Yards.

3. This morning the pointsman in question
was "relieving himself" in a place which to my
mind is perfectly decent, when three policemen
(in plain dress) trespassing on Harbour Works
property caught him and were going to take
him away from his post as a pointsman "for
committing a nuisance". He was eventually
taken away by a Sergeant and is now
imprisoned.

4. Any thing more outrageous it is hard
to imagine. What right had these policemen
at

Take action under
Section 147
and file

at all on my works without my orders I would first ask? & secondly by what authority can they remove a pointsman from his duty without a warrant?

5. The Police Guard supplied to these works daily and hourly pass by Colliers committing most conspicuous nuisances on public property - I myself repeatedly see policemen in uniform doing the same in the streets - And here, on fenced off property under my own jurisdiction as to Sanitary arrangements, I am to be denounced by a responsible pointsman because these policeman who have no business on the works judge him to be "Committing a nuisance".

6. I most emphatically deny the nuisance and venture to protest most strongly against what I consider an outrage which might have resulted in the derailment of an engine and possibly more serious damage.

7. If one of the Harbour Works police guard had caught the man & referred the case to me it would have been comprehensible, but considering the filthiness of the road sides hereabouts where policemen are plentiful, considering that the ground on which the arrest was made was as it were private ground, and that the man arrested was committing no nuisance whatever (unless answering the calls of nature be always indictable as a nuisance) moreover that he was a pointsman in charge of important sidings I do consider
arrest

arrest most unwarranted. I beg that you will remind the police force outside that I have a police guard of my own who are instructed to warn off trespassers that are likely to be troublesome.

I have the honor to be

Sir

Your most Obedient Servant.

Jos J. St. James

No 1354

Police Commissioners Office

Madras. 29 February 1884.

From.

Lieut Col. A. W. H. Cox.

Ag Commissioner of Police

Madras

To

The Superintendent

Madras Harbour Works.

Sir,

In reply to your letter No 402 dated 20 Instant I have the honor to inform you that I consider that Gabriel was properly prosecuted by the Police for committing a public nuisance in easing himself at the spot pointed out by him to Sergeant Wood on 19 Instant.

The propriety or otherwise of the arrest of a man employed on important public duty is of course quite another matter, but even as regards this matter I do not consider that the Police are to blame, for before removing Gabriel Sergeant Wood reported the matter to Mr Lence and saw that Gabriel's place at the pumps had been supplied.

Gabriel was detained at the Station House only for the few minutes necessary for the preparation of the Bail Bond. His imprisonment by the Magistrate was due to his not paying the fine.

I have the honor to be.

Sir

Your most Obedient Servant

Sof. A. W. Cox.

Ag Commissioner of Police

4
No 1354
30/2/84
6274

1622
1666
1/24

No. 444 M.

Major Harbour Works.
14 March 1884

To. Lieut Col. H. W. H. Cox.

Ag Commissioner of Police

Sir

I have the honour to acknowledge receipt of your letter No 1354 of the 29 February in which I am much surprised to find that you consider the action of the police in forcibly removing boatsman Gabriel from his duty is not only justifiable but actually correct.

2 With regard to the cause of prosecution I can only say that if he was guilty of a "public nuisance" as you state him to have been, fresh legislation will be necessary because it is perfectly impossible to provide latrines upon 3760 feet of breakwaters. He was not committing a public nuisance for he was not on public ground. He was on the artificially made rubble base of the breakwaters and on a spot entirely under my jurisdiction - Whether that is the spot pointed out by Sergeant Wood I do not know, but judging from what he appears to have told you in the latter portion of the letter I should be inclined to believe that Sergeant Wood had not got the right spot - I now come to the removal of Gabriel forcibly from his duty as a boatsman. On this subject your information is entirely incorrect, and has no doubt been twisted by the police to serve their own purpose. This I am prepared to prove by witnesses who have no interest whatever in proving the police report incorrect.

3. Gabriel was forcibly taken hold of at about 6.45 am on the 19th by one police constable attended by two others. He at first refused to

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1/2
3046/104
4274

He was on the
breakwaters but
in the harbour with

Jan 57 1666 1/2 104

their own interest
was to speak on the
Thames side

to move, but was obliged to do so eventually -
He was brought 300 yards from his points to
Mr Lowe my Domineer who did not see the
arrest. Mr Lowe told Gabriel to go back to
his work, but the Constable in uniform said
"No, he must come" Mr Lowe however prevailed
and sent him back to the points - Mr Lowe went
away till 7.30 and on returning found that the
Constables had obtained Sergeant Wood's aid &
had again taken away Gabriel from his points
during Mr Lowe's absence & without any
substitute being found - Mr Lowe called
Gabriel away again & appeared to Sergeant
Wood who said "Mr Fitzpatrick's Compliments
and the man really must come" - All this time
the points were deserted owing to the prior
worthy zeal of the police in abating public
nuisances.

4 Mr Lowe now said "You can't take
the man away from the points" and was
met by the usual response "He must come".
At this juncture the Engine approached the
points, & Mr Lowe said to the Sergeant "Very
well, take him away - here is the Engine &
you are responsible" - Now the Sergeant
got alarmed and allowed Gabriel to go back
to the points, while Mr Lowe went to a place
a quarter of a mile away to get another
pointsmen. Before the other pointsmen
arrived Gabriel had been removed for the
third time in spite of Mr Lowe's remonstrance
Each time leaving the points deserted - These
are the facts of the capture which can be
proved in any Court of Law.

5 Now as to the third point in your letter,
That

Of Cox's case
man was accused the
base, and then looked
up by a magt for
20 days a fine
Police had after
to do with them

that Gabriel "was detained only a few minutes
while a Bail Bond was being prepared" I am
at a loss to guess who can have given you so
flagrantly false a report Please listen to the
facts.

6 Gabriel was taken away from the works
at about 7.45 and. Soon after 8.0 he returned
to my office and said he should have to appear
at 10.30 at the Police Court, when he appeared
there he stated that he was a pointsmen on
the St Albans Works, and the Magistrate
fined him 8 Annas. He was told if he did
not pay his furniture would be seized. He
argued that he could not pay, as he had no
furniture it could not be seized - He was
detained till 6.0 P.M. and then put in the
Popham's Broadway lock up till 10.0 and
on the 20th He was then again brought before
the same Magistrate & liberated at 10.30, having
been 27 hours absent.

7. I consider the case a most unwarrantable
interference with the management of these
works, causing danger to life and limb, and
on the urgent advice of the Government
I shall place it before Government for
it will be quite impossible to carry on work
if a police Constable is to consider it his duty
to forcibly remove my pointsmen while
trains are running.

I have the honor to be,

Sir

Yours Most Obedient Servant,
Sof J. St. Thornegood

(True copy)
J. St. Thornegood.
Superintendent
24.8.86.

No. 111

FROM

THE SUPERINTENDENT,
MADRAS HARBOUR WORKS,

TO

The Hon: Colonel J. H. M. Shaw Stewart, Esq.
Secretary to Government,
Public Works Department,
Madras, 2^d April 1884.

Sir,

A short time ago an event occurred
on these works which led to a difference
of opinion between the Commissioner of
Police and myself. I represented the
case to the Government Solicitor and
he was of opinion that I should
report the matter to Government. I
have waited to see if the Commissioner
of Police wishes to make any reply to
my last letter dated 11th March, 1884, and
as no reply has been received, I
have the honour to place the facts
before you as concisely as I possibly
can.

2

At 6.45 A. M. on the 19th February

me

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14/11/84
3004/84
4276

3 Enclosures

Ind. 1122/111
Ind. 1666/111
3/111



one Gabriel a pointsman on duty on the North Pier of these works was removed from his post at the points by some police constables on a charge of being found committing a public nuisance. He was brought to Mr. G. Lowe, Foreman of the works, who pointed out that the man could not be removed from his post at the points as the engine and trains of wagons were running. Mr. Lowe ordered him back to the points, and told the constables that any question of a fine could be settled afterwards. The constables then left, the man Gabriel returned to the points and Mr. Lowe proceeded elsewhere on the works.

3. At 7.30 A.M. Mr. Lowe was again passing the spot at which he had lately parted from Gabriel when to his surprise he saw Gabriel once more in custody
of

of a policeman in uniform about 150 yards from the points, which were deserted. A police sergeant was also near the spot. Mr. Lowe again protested that the pointsman could not be removed, but the sergeant quoted his inspector's orders "that he must come". At this moment an engine and train approached the points and Mr. Lowe said to the Sergeant "you are responsible if there is an accident." The sergeant being alarmed agreed to let Gabriel go back to the points until Mr. Lowe could procure a substitute.

4. Mr. Lowe went away a distance of more than a quarter of a mile to get another pointsman, but when he returned to the spot the police had, for the third time, removed Gabriel, and had now taken him before a magistrate. He was kept in custody from 10.30 A.M. on the 19th to 10.30 A.M. on the 20th February.

5. As to the offence with which he was charged I argue that he was committing no public nuisance. He was 300 yards within the Harbour Works fence, and it was on the rubble fore shore of the North Pier where the police saw him answering a call of nature. On marine works it is not possible to provide proper latrines for employes scattered about as they must necessarily be, and this man was working actually on the concrete blocks of the North Pier, and he committed the so called offence on the rubble foundation of the pier. -

6. If work had been going on briskly the two constables who first saw him would not have been allowed on the pier. They appeared to be loitering home from a stroll on the blocks, and ^{were} not in uniform. -

I

7. I have represented all the facts to Colonel Cox and he persists in supporting the police. I have referred to the Government Solicitor and he is of opinion that no right exists to enable a constable to take a pointsman away from his points, summarily. -

8. I submit, first, that the man was committing no nuisance because he was in a position that he could not avoid as a pointsman on a pier surrounded by sea. Secondly, that if he was committing a nuisance it will be absolutely impossible, in carrying on these works, to prevent a frequent recurrence of such nuisances further out on the piers. And thirdly, that whatever the man's offence may have been no constable has power to remove a man from railway points while trains are running. If constables have such power I cannot see how any work

work involving the use of trains can be carried on.

9. I venture to hope that the importance of the decision to these works is sufficiently great to warrant my having laid so unpleasant a subject before Government. —

10. I submit copies of the correspondence that has passed between Colonel Cox and myself for reference. —

I have the honour to be,
Sir,
Your most obedient Servant.

J. N. Harrowsmith M. Inst. C. E.
Superintendent
Madras Harbour Works

Chepak
5th April 84

No 833C

Referred to the
Judicial Dept

C. H. W. M. Mayor
Queen's Secretary
to Govt. P. M.

W.
4-4-84

From
The Superintendent
Mathias Harbour Work



No 1 W
Dated 2nd April 1884
Res 3

No of Enclosures 3.

Ind. 1666/24
5

Police interference

Submits correspondence
in connection with a case in
which a ~~person~~ man was ar-
rested & ~~the~~ police from the
matters

MM 2274

[6]

Govt. of (188) Madras.

No 1341 W of 28th May/84

13

Communicated
to the Supt M. H. works.
with reference to his
letter No 1 W of 30 April

1884

Cy.
20/5

W.
23-5-84

To

He M. Dept

20/5/84

See 4

Proceedings, dated 8/5/1884
No. 1169

Subject.

No 1341 W of 28th May/84

Regarding the removal
of a Pouterman
the Police from the
Harbour works

Supt M. H. A.
Supt M. H. A.
P.S. 6/5
20/5
22/5

With order

See M. Dept