

MADRAS RECORD OFFICE.

Government of Madras.

Indial DEPARTMENT.

G.O. No.	1330	Press
		~~Mis.~~
61-62		
Dated	27-9-1958	

Not to be folded or roughly handled

M.C.

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Fort St. George, Judicial Consultation, 28th September 1858.

No. 61. Read the following letter from R. B. CHAPMAN, Esq., Officiating Under Secretary to the Government of India ; to the Chief Secretary to the Government of Fort Saint George, dated Fort William, the 3rd September 1858, No. 3021.

Foreign Department.

SIR,

Your Despatch dated the 15th May, No. 639, regarding the fees levied in the Assistant Commissioner's Court at Rangoon, for expenses of witnesses, having been forwarded to the Commissioner in Pegu, I am now directed to forward for the information of the Government of Madras,

a copy* of the explanation furnished by that Officer, and of my reply, and to state that the case does not seem to be one in which the parties have any claims to exemption from the operation of a general rule.

* Letter dated 29th July
No. 137

COPIES.

Government No. 56 of 1858.

From Major A. P. PHAYRE, Commissioner of Pegu and Agent to the Governor General ; to CECIL BEADON, Esq., Secretary to the Government of India, Officiating in the Foreign Department, Fort William, dated Rangoon, the 29th July 1858, No. 137.

Judicial.

SIR,

I have the honor to acknowledge the receipt of Mr. Officiating Under Secretary Chapman's letter, No. 2121, dated 10th Ultimo, forwarding copy of a letter from the Chief Secretary to the Government of Fort Saint George, regarding a charge made by the Assistant Commissioner of Rangoon, for expenses of witnesses examined in his Court in a Civil Suit, and requesting that I will furnish a report upon the case, with regard to the apparent extravagance of the charge.

2. Having made enquiry into the matter, I beg to submit for the information of the Honorable the President in Council, copy of letter from the Assistant Commissioner of Rangoon, to the Deputy Commissioner, No. 52, dated 6th July 1858, with the Proceedings under which the rate of charges is made.

The amount charged for expenses of witnesses examined in the Courts in Rangoon, is the same as that charged at Maulmain, under the orders of the Governor General in Council. In the case in question, it appears that there were 21 witnesses. The charges on account of them are as follows :—

Fees for Subpoenas...	21	0	0
Service of Subpoenas...	10	8	0
Subsistence of 15 witnesses at 5 Rupees each for one day...	75	0	0
Ditto of 11 witnesses at 2 Rupees each...	22	0	0
Total...	128	8	0

The fees for the Subpoenas are paid into the Treasury. The cost of serving goes to the messenger of the Court employed. The 15 witnesses who received subsistence at the rate of Rupees 5 per diem, are Native Officers of the 10th Regiment Madras Native Infantry, some of whom it appears had to attend Court twice. Others of the witnesses received subsistence at the rate of 2 Rupees a day. These rates are strictly in accordance with those laid down by Government.

In the Civil Courts of Pegu as in those of the Tenasserim Provinces there are no stamp and no institution fees payable by suitors. It was found in practice that plaintiffs were only ready to bring cases into Court, and as the subsistence allowed to witnesses was merely nominal, that in many instances, witnesses were summoned without due cause, and much to their in-

No. 3025

From

The Officiating Under Secretary
to the Government of India,

To

The Chief Secretary to the
Government of Fort St. George,

Dated, Fort William, the 3^d Sept. 1838.

Foreign Dept.: Sir

Your despatch dated the 15th May,
No. 639, regarding the fees levied in the Assistant
Commissioners Court at Rangoon for expenses
of witnesses, having been forwarded to the
Commissioners in Pegu, I am now directed
to forward for the information of the Govt.
* Letter, dated 29th July of Madras, a copy of the explanation fur-
N^o. 56. / : nished by that Office, and of my reply, and to
1837. state that the case does not seem to be
one in which the parties have any claims
to exemption from the operation of a
general rule. —

I have the honor to be,

Sir,

Fort William

The 3^d September

1838.

Your most obed^t. servant,

W. H. P. M.

Offg. Under Secy. to the Govt. of India.

