M.R. O. 1—32,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1295 Press ~~Mis.~~

122-123.

Dated 12. 9. 1865 ~~19~~ .

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
12th September 1865.

No. 122. Read the following Proceedings of Government in the Military Department, dated 6th September 1865, No. 3309.

Sanctioning the expenses incurred by certain of the Office establishment of the Superintendent of Army Clothing in attending Court to give evidence in the case of the bribe offered to the Issuing Tailor of the Army Clothing Depôt. (Vide Proceedings, Military Department, dated 6th September 1865, Nos. 153—156.

No. 123. ORDER THEREON, 12th September 1865, No. 1295.
Communicated to the Commissioner of Police, and to the Accountant General.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

To the Commissioner of Police.
" Accountant General.
" Examiner of Claims.

Exd. J. Tulloch.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From the Acting Superintendent and Agent for Army Clothing, Madras, 19th June 1865, No. 8; to the Secretary to Government, Military Department, Fort Saint George.

With reference to my reports as per margin, connected with the bribe offered to the Issuing Tailor of this Department, I have the honor to solicit the authority of Government, to the disbursement of Rupees 20, on account of Carriage hire-incurred by me in sending over witnesses, as required by the Commissioner of Police and by the Senior Magistrate of Police, likewise for their attendance at the High Court.

No. 70, *dated* 27*th March* 1865;
,, 2, ,, 8*th May* ,,

2. The Budget of this Department provides, in the item of Contingencies, for this expense, but special sanction thereof is solicited, per Proceedings of Government, No. 1858, dated 19th May 1860.

With Report from the Acting Controller of Military Accounts, 20*th July* 1865, *F.*

Memorandum from the Chief Secretary, Judicial Department, Fort Saint George, 21st August 1865, No. 327; to the Secretary to Government, Military Dept.

In furnishing copies of the Proceedings of Government in this Department, of the numbers and dates specified in the margin of paragraph 1 of memorandum from the Secretary to Government, in the Military Department, dated 27th ultimo, the Chief Secretary has the honor to inform Colonel Marshall, in reply to paragraph 2, that, under the Rules sanctioned in those Proceedings, for granting travelling and other allowances to witnesses attending from the Mofussil, to give evidence in public prosecutions before the High Court, European Non-Commissioned Officers are considered to belong to the second class.

Proceedings of the Madras Government, Judicial Department.

Read the following letter from the Commissioner of Police, Madras, 4th August 1863, No. 107; to the Chief Secretary to Government, Fort Saint George.

With reference to the Proceedings of Government, noted in the margin, I have the honor to submit a set of revised Rules to regulate the payment of travelling allowances to Prosecutors and Witnesses sent from the interior, to attend Criminal trials at the High Court of Original Jurisdiction in public prosecutions.

Judicial Dept., dated 27*th May* 1863, *No.* 817.

Rules for regulating the payment of travelling allowances, &c., to prosecutors and witnesses, attending Criminal trials at the High Court of Original Jurisdiction in public prosecutions.

All disbursements on this account are to be made by the Commissioner of Police, Madras, to whom all prosecutors and witnesses are, on arrival at Madras, to report themselves.

Europeans and East Indians are to be divided into three classes. Care should be taken by Mofussil Magistrates despatching such persons that they are correctly classified according to their respective stations in life, and that the Commissioner of Police is duly informed of the same.

The following rates are to be paid on account of expenses of this nature for persons coming to Madras and returning :—

Travelling expenses.

	1st Class.	2nd Class.	3rd Class.
If by dawk.	8 Annas per mile.		
,, by Steamar, (including Mess.)	Actual expenses of 1st class passage.	*Bonâ fide* expenses of 2nd and 3rd class passengers.	
,, by Rail.			

Boarding expenses in Madras.

5 Rupees per diem. 3 Rupees per diem. 1-8 per diem.

Conveyance hire for the days of actual attendance at the High Court.

2½ Rupees per diem. 1 Rupee per diem. Nil.

Dawk, Bungalow and Hotel expenses by the way when travelling by Dawk or by Rail.

4 Rupees per diem. 2 Rupees per diem. 1 Rupee per diem.

Natives are to be provided into three classes. The 1st class to receive two Rupees and the 2nd class one Rupee per diem for boarding expenses, besides their *bonâ fide* travelling charges, and conveyance hire for the days of attendance at Court at one Rupee per diem. The 3rd class to receive at the rate of 10 Rupees per mensem inclusive of all expenses. The Magistrates despatching Native witnesses will inform the Commissioner of Police of the classes to which they belong.

Whenever practicable, prosecutors and witnesses should travel by Rail or Steamer.

The boarding allowance at Madras will cease as soon after the trial, as the means of quitting the Presidency become available. The Commissioner of Police will see that this rule is adhered to.

Mofussil Magistrates will make reasonable advances to persons desiring it, to enable them to reach Madras. Intimation of such advances must be immediately made to the Commissioner of Police, who is to refund the amount to the Officer making the advance.

The Magistrate of the District, from which prosecutors and witnesses are despatched, will report to the Commissioner of Police the date of their departure, and will instruct them to report themselves to that Officer on their arrival at Madras. Their departure should be timed with reference to the date of the Sessions, which is always duly notified in the Fort Saint George Gazette.

Commissioned Officers and Covenanted and Uncovenanted servants of the higher grades, when in receipt of full pay or batta, will not be entitled to boarding expenses.

ORDER THEREON, 7th September 1863, No. 1437.

The Governor in Council sanctions the revised Rules submitted with this letter, and directs that they be put in force in supersession of all existing Rules on the same subject.

2. The revised Rules will be published in the Fort Saint George Gazette.

(True Extract.)

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Proceedings of the Madras Government, Judicial Department.

Read the following letter from the Justice of the Peace, Coimbatore, 22nd March 1864, No. 5 ; to the Chief Secretary to Government, Judicial Department, Fort Saint George.

I have the honor to submit, for the information of Government, copy of communications as per margin, with Commissioner of Police at Madras, regarding the Railway fare of witness John (a Railway Peon) who attended the High Court, Crown side, to give his evidence in a case of theft committed by me as Justice of the Peace, and tried there during the last Sessions.

From the Commissioner of Police, to the Justice of the Peace, dated 16th February 1864.
From the Justice of the Peace, to the Commissioner of Police, dated 9th March 1864.
From the Commissioner of Police, to the Justice of the Peace, dated 12th March 1864.

2. The witness, John, has actually incurred the expense of a third class Railway fare from this to Madras and *vice versa*. The objection made by the Police Commissioner is, that he is entitled to draw batta only at the rate of 10 Rupees per mensem, inclusive of all expenses, under Orders of Government, dated 7th September 1863, published in Official Gazette of 18th, at page 509. I therefore request that the Government will authorize the Commissioner of Police to disburse to the said witness the Railway fare, in addition to his batta, at the rate of 10 Rupees per mensem.

From the Commissioner of Police, Madras, 16th February 1864, No. 932 ; to the Justice of the Peace, Coimbatore.

I have the honor to forward four bills for the amounts to which the witnesses, in the case against Sheppard and Troughton, are severally entitled to receive on account of their expenses, and request you will be good enough to cause them to sign them and return them to me, in order that I may remit the amount.

From the Justice of the Peace, Coimbatore, 9th March 1864, No. 56 ; to the Commissioner of Police, Madras.

I have the honor to return the bills received with your letter of the 16th ultimo, duly receipted and signed by the respective parties, save Mr. Read, who is reported to be absent at Madras owing to illness.

The bill prepared by you for Railway Peon John, has been here substituted by another bill, including his Railway fare to Madras and back, which you omitted.

From Commissioner of Police, Madras, 12th March 1864, No. 1038 ; to the Justice of the Peace, Coimbatore.

In returning the two bills, one of John, the Railway Peon, and the other of Mahomed Pacha, the Constable, received with your letter of the 9th instant, No. 56, I have the honor to refer you to the Order of Government noted in the margin, from which you will observe that John is entitled only at the rate of Rupees 10 per mensem, inclusive of all expenses, and the Police Constable to his actual travelling expenses, and to no other allowance, he being in receipt of his full pay.

7th September 1863, *published in Official Gazette of the* 18*th, at page* 509.

(True Copies.)

(Signed) G. A. HARRIS,
Justice of the Peace.

ORDER THEREON, 8th April 1864, No. 493.

In the "Rules for regulating the payment of travelling allowance, &c., to prosecutors and witnesses attending Criminal trials at the High Court of Original Jurisdiction in public prosecutions," it is required that, "whenever practicable, prosecutors and witnesses should travel by Rail or Steamer," but no provision exists for disbursing the Railway fares or passage money actually incurred by Natives of third class, or the class, who are granted an allowance "at the rate of 10 Rupees per mensem, inclusive of all "expenses." As this omission is clearly an over-sight and was not intentional, the Governor in Council is pleased to authorise the Commissioner of Police to disburse, in such cases, in addition to the subsistence allowance, at the rate of Rupees 10 a month, the amount of third class fare by Railway, or deck passage by Steamer, as the case may be.

Proceedings 7th September 1863, *No.* 1437.

(True Extract.)

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

ORDER, No. 3309, 6th September 1865.

The bill submitted by the Acting Superintendent and Agent for Army Clothing, is specially sanctioned; but His Excellency in Council directs that the foregoing memorandum from the Judicial Department, and the Proceedings of Government in that Department cited in the margin, be communicated to the Controller of Military Accounts and to Military Departments generally, for information and future guidance.

Rupees (20) twenty.

No. 1437, *dated 7th September* 1863.
,, 493, ,, *8th April* 1864.

(True Extract.)

Secretary to Government.

To the Clothing Department.
,, Controller of Military Accounts, with a bill.
,, Judicial Department.
,, Military Accountant.
,, Examiner Pay Department.
,, Examiner of Clothing and Commissariat Accounts.
,, Adjutant General.
,, Quarter Master General.
,, Inspector General of Ordnance.
,, Principal Inspector General Medical Department.
,, Commissary General.
,, Brigade Major, Fort Saint George.
,, Staff Officer, do.
,, Barrack Master, do.
,, Examiner of Ordnance Accounts.
,, Examiner of Medical Accounts.
,, Paymaster Presidency.
,, Superintendent of Pensions and Family Payments.
,, Remount Agent, Oossoor.

Exd. J. E. Casburt.

Pro: 7th Sept. 1865. Nos. 52-53.
Judicial Dept. 18th Oct. 1865. Nos. 102-103.