M.R.O. 1—30,000—14-10-30.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1725	Press ~~Mis.~~
25-27	
Dated 4-12-	19~~-~~ 81

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Not to be folded or roughly handled

No. 25. Read the following papers :—

From the Officiating Commissioner of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 16th November 1865, No. 115.

With reference to my letter, No. 113, of the 10th instant, I have the honor to forward copy of a certificate presented this day by Midshipman Frederick Kinsman, of the Ship *York*, stating that he is a necessary evidence on the part of the Crown in the case of Queen *versus* Sidden *alias* Paulee.

2. Mr. Kinsman was not examined by the Committing Magistrate, nor was his name included in the list of witnesses bound over to appear. Consequently, I did not include him in my previous applications.

3. It appears that he was under treatment in the General Hospital, until the 9th October last. I, therefore, request sanction to disburse subsistence to him, at the rates granted to Chief Mate Cameron, viz., at Rupees 1-8-0 per diem, from the 9th October (the date of his discharge from Hospital) until the 31st idem, and at Rupees 3 per diem (the rate for a 2nd Class witness) from the commencement of the Sessions on the 1st November, until such time as the trial shall be concluded.

In the Court of Judicature at Madras.

Crown Side.
The Queen.
against
Sidden, otherwise called Paulee.

} For murder, culpable homicide amounting to murder, culpable homicide not amounting to murder, causing grievous hurt, and causing hurt.

I hereby certify that Frederick Kinsman gave a Deposition before the Coroner of Madras, as a witness for the Crown, in the case of the above named prisoner, Sidden, otherwise called Paulee, for murder, &c., and that the said Frederick Kinsman is a necessary witness in the case.

CROWN OFFICE,
MADRAS,
15th November 1865.

(Signed) P. O'SULLIVAN,
Acting Clerk of the Crown.

(True Copy).

(Signed) C. S. HEARN,
Offg. Commissioner of Police.

No. 26. From the Officiating Commissioner of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 23rd November 1865, No. 119.

With reference to official Memorandum, No. 450, Judicial Department, calling for my reasons for recommending two rates of boarding allowance to Midshipman F. Kinsman, I have the honor to state that, in applying for maintenance allowance to the witnesses detained in Madras in the case of Queen *versus* Sidden, for murder on board the Ship *Harriet*, I considered the circumstances to be altogether exceptional, and that the witnesses did not come under the operation of the Rules which provide re-imbursement of all expenses to prosecutors and witnesses compelled (by the provisions of the Legislature, with regard to British Subjects) to travel from the Mofussil to attend the High Court for a few days only. It was a misfortune to these witnesses to have been mixed up in a transaction involving much vexatious inconvenience to

G. O., No. 1437, dated 7th September 1863.

themselves, but under the circumstances attending their long stay in Madras, I merely applied for actual subsistence.

2. But when they had fulfilled their recognizances in attending the Sessions, and, owing to an omission on the part of the Officers of Government, they were compelled to wait during an adjournment of two months, I conceived that the matter assumed a different aspect, and that they were entitled to the allowances granted to prosecutors and witnesses, under the Government Order above quoted. The Government have sanctioned these allowances to Chief Mate Cameron, in G. O., No. 1647, of 18th instant.

3. Messrs. Cameron and Kinsman appeared before me two days ago. The former states that he has entirely lost his professional income since his detention in Madras. He draws no pay from the owners of the *Harriet*, and is precluded from accepting advantageous offers of employment in other ships. Mr. Kinsman does not lose pay, since he himself paid for his apprenticeship on board the *York*, but he is forfeiting the advantages of his apprenticeship, is subject to enhanced expenses of living, and will have to find his way home as best he can, since the *York* is not expected to return to Madras. I believe these Officers intend to memorialize Government, with regard to the hardships and losses they have incurred. The Native witnesses too have entirely lost their means of livelihood.

4. Perhaps, therefore, the Government may be willing, on reconsideration of the case, to grant the same allowances to the witnesses in this case, from the commencement of their detention in Madras,* as are granted ordinarily to prosecutors and witnesses from the Mofussil, viz., 2nd class expenses to Messrs. Cameron and Kinsman, and 3rd class Native expenses to five native witnesses.

* The allowance to Mr. Kinsman would date from 9th October, up to which date he was maintained by Government in the General Hospital.

5. I find that the charge for actual subsistence in the Sailors' Home is Rupees 1-4-0, not Rupees 1-8-0, per diem.

No. 27. ORDER THEREON, 4th December 1865, No. 1725.

The Governor in Council sanctions the disbursement to the witnesses in this case of allowances at the rates specified in the 4th paragraph of Captain Hearn's letter, from the beginning of their detention at Madras, viz., to Mr. Cameron and the five Native witnesses, from the date of the close of the case before the Magistrate, and to Mr. Kinsman, from the 9th October.

(True Extract).

Chief Secretary.

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

Exd. J. H. Burns.

Read the following letters from the Acting Commissioner of Police - 7/16 & 23rd Nov. 65. Nos 115 & 119. order thereon 4th Decr 1865 No 1725-

The Governor in Council sanctions the disbursement to the witnesses, in the case of allowances at the rates specified in the 4th paragraph of Captain Hearn's letter, from the beginning of their detention at Madras:- viz to Mr. Cameron and the five Native witnesses from the date of the close of the case before the Magistrate, and to Mr. Kinsman from the 9th October

C.H.

Commissioner of Police, Madras
Accountant General
Examiner of Claims