

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	13247	Press
		~~Mis.~~
Dated	20 8 19	1867

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
20th August 1867.*

No. 211. Read the following letter from Major W. S. DREVER, Acting Commissioner of Police, to the Acting Chief Secretary to Government, Fort Saint George; dated Madras, 7th August 1867, No. 96.

Mr. P. D'Mello, a witness in a case in the High Court of Madras in 1865, applied to Major Hearn, on the 3rd July 1867, for batta and other travelling expenses from Beypore to Madras.

2. Major Hearn declined to pay the claim, as the accounts of that and the succeeding year had been closed. Mr. D'Mello has since addressed several letters to the Commissioner, which are herewith forwarded in original. The tone of the last is more than objectionable.

3. There is no precedent in this office for the payment of batta to witnesses in arrears for so long a period. Such claims are made at once, and are settled at once. If allowed to stand over, they could not be checked by the Commissioner, nor would they, I presume, be passed in the office of the Accountant General.

4. It might, however, be deemed advisable to fix a limit within which they should be preferred (I would suggest three months), and after which none should be attended to, save under exceptional circumstances.

5. I have the honor to solicit orders as to whether or not the present claim should be admitted.

From Mr. P. G. D'MELLO, Beypore, to the Commissioner of Police, Madras; dated Beypore, 3rd July 1867.

I beg to inform you that I was one of the witnesses in the case of Messrs. Cole and Pearse, who were tried in the High Court at Madras on the 8th and 9th May 1865, and for which my Railway (2nd Class) fare, amounting to Rupees 25-7-0, between Beypore and Madras, also my batta for five days, were not paid to me, as other witnesses in the case. I shall feel extremely obliged if you will kindly cause the amount I am entitled to, to be remitted to me at your earliest convenience. I was not aware that Government would pay all my expenses; one of the witnesses just reminded me of the fact. Had I known this before, I would have availed myself of the earliest opportunity.

From Mr. P. G. D'MELLO, Beypore, to the Commissioner of Police, Madras; dated Beypore, 15th July 1867.

I beg to hand you a certificate of my attendance as a witness in the case of the Queen against John William Cole and William Edwin Pearse, received from the Clerk of the Crown, and beg you will be good enough to send me an Order on the Collector of Malabar, *Calicut*, for the full amount of my expenses incurred as a witness. Kindly advise me of your having done so, and oblige.

From Mr. P. G. D'MELLO, Beypore, to the Commissioner of Police, Madras; dated Beypore, 20th July 1867.

With reference to your letter, No. 312, of 17th instant, I beg to inform you that, as you say in the first paragraph of your No. 291, of the 6th instant, "that my name is not included in the list of witnesses forwarded by the Magistrate of Malabar in the case alluded to," I therefore considered it necessary to obtain and forward to you the Certificate of the Clerk of the Crown. You, instead of giving me a fair reply to the question, briefly return the Certificate, and refer me to your letter No. 291.

2. I shall be glad to hear from you further on this matter; also say if you are prepared to pay me the amount of my expenses incurred as a witness in the case of the Queen.

3. I further beg to state that as the Certificate of the Clerk of the Crown is dated, Madras, 12th July 1867, I think you can easily pass it through your accounts for payment of witnesses for the year 1867.

4. Trusting to receive a favorable reply to this from you.

Proceedings of the Madras Government, Judicial Department,
20th August 1867.

From Mr. P. G. D'MELLO, Salem, to the Commissioner of Police, Madras; dated Salem, 5th August 1867.

I beg to draw your immediate attention to my letter, dated 20th July last, and shall be glad to know *at once* if you are prepared to pay me the amount of my expenses incurred as a witness in the case of the Queen; if not, other steps will be taken for its recovery.

2. If the Clerk of the Crown considered that my application for Certificate was "too late," he would not have granted me one.

3. If I don't receive a satisfactory reply from you to this within one week from this date, you will have very likely to pay me twice the amount I am entitled to, as I think I am putting myself into unnecessary correspondence with you. I may mention to you again that you can easily pass the amounts through your accounts for payment of witnesses for the year 1867, as the Certificate granted to me by the Clerk of the Crown is dated 12th July 1867.

No. 212. ORDER THEREON, 20th August 1867, No. 1347.

The Governor in Council is of opinion that in the absence of any specific rule on the point, Mr. D'Mello's delay in applying for his expenses as a witness, which would seem to have arisen from his ignorance that he was entitled to recover such expenses, should not deprive him of any allowance due to him.

2. The Acting Commissioner of Police will, therefore, pay the amount which may be proved to be due to Mr. D'Mello.

3. The Governor in Council concurs in the opinion expressed by Major Dwyer that it is desirable that, for the future, a limit of three months should be fixed for receiving claims for the payment of expenses to witnesses, and directs that this rule be made generally known.

(True Extract).

Acting Chief Secretary.

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

Ed. J. H. Burns.

Mr. if his claim is it seems fully submitted but will not be made in the world. Memo. for orders

Submit, that if Mr. D'Mello omitted through ignorance to demand money to which he was entitled, for attending as a witness he had better be paid. especially as no limitation as to time has hitherto been fixed.

But Major Dwyer's suggestion of a three months limit for the future, seems right.

W. H. G. P.

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W. H. G. P.

Judicial Department

IS GOVERNMENT.

Read the following letter from
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re dated 7 August 1867 (No. 96)

20 August 1867 No. 1347

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PROCEEDINGS of the MADRAS GOVERNMENT.

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(Here enter - 7 August 1867 at 96)

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