

MADRAS RECORD OFFICE.

Government of Madras.

General DEPARTMENT.

G.O. No.	37	Press ~~ME~~
Dated	13-1-	1868

Not to be folded or roughly handled

[Handwritten signature]

*Proceedings of the Madras Government, Judicial Department,
13th January 1868.*

No. 57. Read the following letter from the Magistrate of Coimbatore, to the Chief Secretary to Government, Fort Saint George; dated Coimbatore, 31st December 1867, No. 130.

In reply to the Proceedings of Government and their Order thereon, dated 28th November 1867, No. 1943, I have the honor to forward copy of a letter from the Joint Magistrate of Ootacamund, dated 20th December 1867, No. 121, furnishing the information called for as to the circumstances under which so high a rate of batta as one Rupee per diem was granted to each witness in Preliminary Case No. 9 of 1867 on the file of his Court, and why the charges for bandy hire differed. A revised bill now received from Colonel Campbell, in which one uniform rate of bandy hire is charged, is herewith submitted, and I request sanction for the amount thereof, viz., Rupees 108-5-0, in lieu of Rupees 133-5-0 already sanctioned, but which has not as yet been disbursed.

2. I take this opportunity of also forwarding a claim made by a woman, named Leah, 11th witness for prosecution in the above case—*vide* enclosed transcript of letter from the Joint Magistrate, dated 25th November 1867, No. 110, and original bill. Colonel Campbell has since reduced the amount of this bill to Rupees 31, as will be seen from his letter of the 21st December 1867, No. 122, copy of which is herewith sent, and I beg to recommend that this claim be likewise sanctioned.

From Lieutenant Colonel W. R. CAMPBELL, Joint Magistrate of Ootacamund, to the Magistrate of Coimbatore; dated Ootacamund, 20th December 1867, No. 121.

I have the honor to acknowledge receipt of your letter, No. 357, dated 4th December 1867, forwarding Government Order, No. 353, of 28th November 1867, No. 1943, which sanctions the payment of Rupees 133-5-0 on account of travelling expenses, and subsistence to three witnesses who appeared at my Court in Preliminary Inquiry Case No. 9 of 1867—

Joseph,
Versus
Augustin Appavu. } *Adultery case.*

2. In paragraph 2 of the Government Order, No. 1943, aforesaid, explanation is required as to so high a rate of batta as one Rupee per diem being granted to each witness. To this I can only reply that the witnesses above alluded to are all men in a respectable position, and that, in consequence, I did not think that the batta of one Rupee per diem was too much for them, and I have since ascertained from the Session Court at this station that the same amount of batta was paid to them when they appeared in the same case of adultery on its committal to that Court.

3. It is not so easy to explain the circumstances of the bandy hire differing (as alluded to in Government Order, No. 1943), except that one man may probably make a cheaper bargain than another, or that bandy hire may be more reasonable one day than another, owing to bandies being either plentiful or scarce: in these days of free trade, there is no tariff for bandy hire as formerly, and the public is now at the mercy both of bandy owners and coolies.

In my Court there exists no list of charges for bandy hire, so that I had nothing for guidance, and as long as I saw nothing excessive in the charges for bandy hire, I considered it expedient to err on the right side by forwarding the claim of the three witnesses for sanction, rather than that they should be under-paid, especially as they had travelled considerable distances, at great discomfort, to the Hills, the climate of which Natives from the plains have generally a great aversion to.

4. Fortunately, witnesses being summoned to my Court from such distances is of rare occurrence, and I would here remark, with reference to the concluding part of paragraph 2 of Govern-

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ment Order, No. 1943, of 23th November 1867, that Poothanoor and Coimbatore are close together, the former being the Railway station of Coimbatore.

5. Since receipt of Government Order, No. 1943, aforesaid, I have consulted the Sheristadar of the Session Court at Ooty, regarding the bandy hire paid to the same witnesses who came to give evidence in the same case at the Session Court, as that Court has more experience in the matter of bandy hire than the Court of the Joint Magistrate.

The Sheristadar informed me that the amounts for bandy hire paid to the witnesses who appeared at the Session Court were less than those claimed by them as specified in Proceedings of the Madras Government, Judicial Department, 28th November 1867, total Rupees 138-5-0; and I would now recommend that Government sanction the payment of charges to Govindoo Rajoo, John Manikum, and Ayah Pillai, as witnesses in my Court in Preliminary Inquiry Case No. 9 of 1867, as enumerated in the Memorandum, herewith forwarded, namely—

	RS.	A.	P.
To 1st witness Govindoo Rajoo.....	42	7	0
„ 2nd „ John Manikum.....	34	14	0
„ 4th „ Ayah Pillai.....	31	0	0

Total... 108 5 0.

This sum, Rupees 108-5-0, makes a reduction of Rupees 30-0-0 in the original charges, Rupees 138-5-0.

6. Agreeably to your instructions, I have not paid to the three witnesses the sums sanctioned in Government Order, No. 1913, of 28th November 1867, so that I now await orders as to what sum is to be paid to them—whether the original sum claimed, Rupees 138-5-0, or the revised amount, as per Memorandum herewith submitted, Rupees 108-5-0.

From Lieutenant Colonel W. R. CAMPBELL, Joint Magistrate of Ootacamund, to the Magistrate of Coimbatore; dated Ootacamund, 25th November 1867, No. 110.

I have the honor to forward a claim* made by a woman named Leah, 11th witness for the

* Rupees 53 for expenses from Poothanoor to Ooty and prosecution in Preliminary Inquiry Case No. 9 of 1867, committed by me for trial before the Session Court at Ootacamund (Joseph *versus* Augustin Appavu); and as I have no authority to disburse money for the cost of evidence in my Court, I

have the honor to request you will be so good as to solicit sanction for payment of the aforesaid sum of Rupees 53 to Leah, as was sanctioned to Shunmooga Moodelliar, a witness in my Court in Calendar Case No. 9 of 1867—*vide* Government Order, No. 97, 8th March 1867; No. 379.

From Lieutenant Colonel W. R. CAMPBELL, Joint Magistrate of Ootacamund, to the Magistrate of Coimbatore; dated Ootacamund, 21st December 1867, No. 122.

With reference to my letter to your address, No. 110, dated 25th November 1867, forwarding for sanction of payment a bill, amounting to Rupees 53, for travelling charges and subsistence on account of a woman named "Leah," who came from Poothanoor to Ooty, as 11th witness in a Preliminary Inquiry Case No. 9 of 1867 ("Joseph *versus* Augustin Appavu," Adultery) I have the honor to suggest that, instead of Rupees 53, a sum of 31 be paid to her, as recommended by me as sufficient for 4th witness Ayah Pillai in my letter, No. 121, dated 20th December 1867.

No. 58. ORDER THEREON, 13th January 1868, No. 37.

Under the explanation submitted in the foregoing letter, the Governor in Council authorizes the payment of the revised bill, amounting to Rupees (108-5-0) one hundred and eight and Annas five, in lieu of that already sanctioned, namely, Rupees (138-5-0) one hundred and thirty-eight and Annas five.

2. The charges of the 11th witness, Rupees (31) thirty-one are also sanctioned.

(True Extract.)

Chief Secretary.

To the Magistrate of Coimbatore.

„ Accountant General, with two bills.
Exd. J. H. Burns.

13 January 1868 = 37

Under the explanation submitted in the foregoing letter, the Govt. authorize the payment of the revised bill amounting to Rupees one hundred and eight and Annas five in lieu of that already sanctioned, namely Rs 138.5.0. The charges of the 11th witness, Rupees thirty-one are also sanctioned.

The Magistrate of Coimbatore
Accountant General - with two bills. 17/1