

Educational (1905) Department.

ORDINARY MS.

G.O., No. 331

DATED 18-5-05

[Despatch Abstract.]

Govt. Oriental MS Library.

Asking the D. P. I to make arrangements
for the production in the Vizagapatam
Dist Court; of certain MS now kept in
the ———

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Stock Form No. 135
3,000-6-10-04.

Educational (190⁵) Department.



CURRENT No. 874

From

[Name] The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.,

[Designation] Director of Public Instruction,

[Station] Madras.



Ref No. C.No. 4209 of 05,

Received 12-5-1905

Dated 11th MAY 1905.

Enclosures /

Registered 12-5-1905.

SUBJECT.

Requesting the orders of Government for the transmission of certain Manuscripts belonging to the Government Oriental M.S.S., Library to the Court of the District Judge of Vizagapatam

BACK PAPERS.

FURTHER PAPERS.

2

The Secretary to Government,

Educational Department.

Sir,

I have the honour to submit herewith, for favour of perusal and return, a summons received by the Curator, Oriental Manuscripts Library from the District Judge of Vizagapatam for the transmission to his Court of certain Manuscripts belonging to the Library and to request the orders of Government thereon. Under G.O.No. 2281 Mis. Pub., dated 27th October 1886, the removal of Manuscripts from the Library is strictly prohibited. The Curator adds that it is undesirable to allow the Manuscripts to be roughly handled in law courts at the instance of private suitors.

The favour of very early orders is solicited.

I have the honour to be,

Sir,

Your most obedient servant,

E.W. Middlemas

For Director of Public Instruction.

10-5-05

[E 2]

1500-3-12-04

EDUCATIONAL DEPARTMENT.

C. No. 874 From the 889 No. 4209, dated 11-5-1905.

SUBJECT.

Production in the Vizagapatam District Court of certain Manuscripts now kept in the Oriental Manuscripts Library.

In orders.

2. The Summons ^(has been) issued under section 164 of the Code of Civil Procedure (Act IV of 1892) and the penalty for disobedience will be found in section 174. The Curator of the Oriental Manuscripts Library is however only the temporary custodian of the documents required and not the possessor of them.
3. The Summons looks like having been issued under section 137 but this section applies only to records of Courts.
4. Under section 77 of the Indian Evidence Act (I of 1872) ~~Section 14~~ Certified Copies are admissible in Court but ^{Vizagapatam District} the Court has decided that the Defendant in that Court, who wants these documents to be produced in Court, "cannot obtain a duly authenticated copy without 'unreasonable delay or expense'".

Sec 4

13/5/05

Submitted that the MSS must be sent. India has passed no law protecting valuable MSS against the demands of Courts. - the Director may be instructed to write to the Judge and ask

him to take particular care of
the MSS. *H* 13/5/05

I agree. An alternative course would be to
send a responsible officer into the MSS or
to send them to the Sub. Adm. Insp. with
instructions to produce them personally
in Court.

H
13 5-05

H

A responsible officer will be
sent to produce & under orders
of the Court to see to proper use
& custody. The Court to be specially
addressed to that effect, and expenses
to be claimed from the Court

H
15 3 05

Draft to Sub. Adm. Insp. accordingly

H
16 5 05

The draft placed below is submitted for approval.

Secret *AM* 16/5/05

H 14/5/05

Approved *H*
18 5 05

U.S. *AM*

READ ALSO:—

Miss

The Director should arrange to send the manuscripts in question in charge of a responsible officer with instructions to produce them in Court and, under the orders of the Court, to see to their proper use & custody. ~~He should~~ ^{He directs} especially address the Court on the subject and also claim from it the expenses involved.

$\frac{14}{161515}$
 $\frac{1403}{15.5.05.}$

To the 1899 with summons returned } Sept
1895

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

190 .

READ AGAIN G.O., No. _____, DATED
 190 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—
 A = Copy in full.
 B = Not to be copied.
 P = Copy abstract only.
 Q = Copy heading only.