

MADRAS RECORD OFFICE.

Government of Madras.

Provincial DEPARTMENT.

G.O. No.	1230	Press
		~~Mis.~~
Dated	8 — 8 — 1918	

109-110

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Not to be folded or roughly handled

No. 109. Read the following letter from the Magistrate of Coimbatore, to the Acting Chief Secretary to Government, Fort Saint George; dated Ootacamund, 21st July 1866, No. 70.

I have the honor to inform you, with a request that I may receive instructions on the subject, that the town Sub-Magistrate of Coimbatore has forwarded to the Acting Head Assistant Magistrate of Coimbatore a Summons to be served in Salem District.

2. The Superintendent of Police has returned the Summons, in accordance with the opinion of the Advocate General, communicated in the Order, Madras Government, Judicial Department, bearing date the 27th March last.

3. The Advocate General, in the 27th paragraph of his Opinion, points out the desirability of obtaining a decision upon the question of the existence of any procedure to cause the attendance of a witness who resides in a District distinct from that in which the Summons issued; but I think, with reference to the Proceedings of the High Court, dated 9th May 1865, on a letter addressed to the Registrar by the Acting Joint Magistrate of the Godavery District, under date the 26th April 1865, that the High Court will simply say, as they have already done, that they "are not authorized to expound the law."

4. The case in which the Summons was issued is at a stand still, pending the attendance of the witness to whom the Summons has reference.

No. 110. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 8th August 1866, No. 1230.

Referring to my letter, dated the 27th March last, No. 466, forwarding certain papers relative to a question raised by the Magistrate of Vizagapatam, regarding the efficacy of a Summons beyond the District wherein it issues, I am directed to

From the Magistrate of Cuddapah, 16th July 1866, No. 25.
" " of Coimbatore, 21st July 1866, No. 70.

transmit, for submission to the Government of India, the further papers noted in the margin on the same subject.

2. It will be seen that serious inconvenience and obstruction to the investigation and disposal of criminal cases is experienced by the Magistracy, by the construction which has been placed upon the law by the Advocate General of Madras; and I am, therefore, to request that this Government may be favored, as early as possible, with the views of the Government of India and of their Advocate General on the question, and that, if legislative action should be deemed necessary, the defect complained of may be remedied with the least possible delay.

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

desd 11/8

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N^o 1230. Judicial Department
To The Secretary to the Govt. of India
Home Department.

Sir,

Referring to my
letter dated the 27th March
last N^o 1066, forwarding
certain papers relative to
a question raised by the
Magistrate of Vizagapatnam
regarding the efficacy of a
summons beyond the District
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JP

From the Magte of Calcutta - 16 Feb. 1870. N^o 28.
From the Magte of Comibatore
of 21st July 1866 N^o 70.
From the Magte of ...

W.D.

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Fork St George
8th August 1886

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The day to the front
of India

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