

Date taken out.	FOR WHAT PURPOSE.			Initials of Referencer.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

Judicial (1895) Department.

G.O., No. 1937

[Despatch Abstract.]

BACK PAPERS.

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

FURTHER PAPERS.

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

CURRENT No. 4128

Salem Collector's Office,

26th August 1895.

No. 1329

From

Collr. & Dist. Magte. of Salem.

To

The Secretary to Government,

Judicial Department,

Madras.

Sir,

A distress warrant received from the President, Bench of Magistrates, Salem was sent to the authorities at Mysore for execution. In reply the District Magistrate of Kolar has represented that distress warrants issued by the authorities in Madras cannot be executed in Mysore and has cited High Courts proceedings dated 28th July 1879 published in Wier's code page 987 as his authority. This ruling conflicts with the criminal notification dated 23rd July 1878 published in the Appendix to the G.O. dated 13th July 1878.

Enclosure
1/2 2 9/20

1895

CURRENT No. 4125

Judicial Department.

From the Collector
and District Magistrate,
Salem.

To
The Chief Secretary
to Government
Judicial Department
Madras.

Dated 26th August 1895
29. AUG. 1895
No. 1329
Enclosure 5

Subject.

Stating that the District
Magistrate of Salem
refuses to execute in Mysore
the distress warrant sent
to him, having his authority
on the High Court Proceedings
noted within & requesting
that steps may be taken
on this as it conflicts with
the criminal notification
published in G.O. quoted
within.

30 1474/5 D 13 7-95 msl
where it is laid down
"that all criminal pro-
cesses of whatsoever
description, when issued
by any Magistrate having
jurisdiction in any
District of British India
shall be acted upon
and executed by all Magistrates and
Police officers in Mysore".

2. I have the honor
therefore to request that
Government will take
such steps in the
matter as to it may
seem advisable.

3. Necessary records
are herewith submitted.

I have the honor to be,
Sir,

Your most obedient servant

Thunnaiah
For District Magistrate

Recd. To
The Chief Secretary to
Government
Judicial Department
with 5 Enclosures

G.
24.
509-23-7-95.

Jud. DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 189 , No.
Again G.O., dated 189 , No.
Current No. 4125 of 1895, dated 26th Aug. from The D. Magistrate, Salem
" 189 , " " "
" 189 , " " "

ORDER. 8 16th September 1895, No. 1937.
G.O.

The case appears to be one
which the D. Magistrate would
himself refer to the High Court
for orders under Sec 438 C.C.P.
He will accordingly be requested
to do so and report the result
for the information of Govt.

11/9/95

To the D. Magistrate, Salem. (2 to be sent
with inst. adv. 21/9)

From
The High Court's Order on page
987. is in, seems to be opposed
to Criminal Act No. 23 of 1878,
No. 111. printed in the Appendix
to G.O. 13 July 95, No. 1474. This
Act was issued by the Chief
Commissioner, Mysore, before the

P.T.O.

rendition and, as such, has
the force of law as far as the
courts in Mysore are concerned.

*Execution of Distress warrants
in Mysore*

From The S. Magistrate of Kolar was
therefore wrong in refusing to
execute the distress warrant
issued by the Salem Bench.

To 2. The courts in this Prov. on
the other hand are bound to observe
the orders of the local High Court
and, as the orders contained in
High Court's Order of 18 July 1914,

D No 1010 prohibit the issue
of distress warrants for attach-
ment of property situated
beyond British India, it
seems to be desirable to bring
the matter to the notice of the
High Court and obtain an
authoritative decision thereon.

A. M.

DESPATCH

x pag 987 mens

*10
11/19/14*

10/19/15

12/19/15

*We are I am afraid well likely
to get much work of the 11/19/14
but let us try to do it.*

12/19/15

12/19/15

for copying

189

H.O., No.

DATED

DESPATCH TO C. No.

DESPATCH OF GOVERNMENT

DESPATCH OF GOVERNMENT

DESPATCHMENT WITH DITTO

PAPERS NOT SEND UP, BEING MEANT FOR DESPATCH
IN ORIGINAL

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