

[3]
63
1,000—25-7-96.

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 46

DATED 10th Jan. 1895.

INDEXED.

[Despatch Abstract.]

STATE PRISONER

Recording, with remarks, endorsement of the District Magistrate of North Arcot and letter from the Advocate-General, Madras, regarding the presence of -- Erathali Haji, who is under police surveillance at Chittoor, in the Angadipuram District Munsif's Court, in compliance with the munsif's summons.

AB

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 6765
1894
Jail Dept

From

The Advocate General
Madras

To

The Chief Secretary to Govt:
Madras

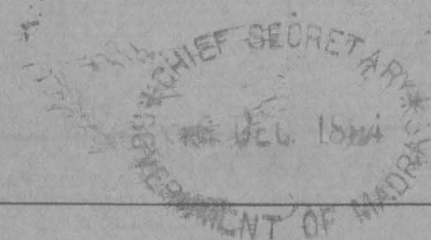
Dated 17th December

Despatched 18th do

Received 18/12

Recd 19/12

End



3083-14-12-94
2-18-92-2-9-18-94

Civil Summons on a
State Prisoner.

For orders

Perhaps this might
await the other replies
Called for in G.O. No.

3083 of 14. 12. 94

4003

15.12

15.12

Keep this
pl. don't
remove any
papers. See

Subject

State Prisoner - Forwarding opinion
on the question as to whether
Government can legally refuse
compliance with a summons is-
sued under the Prisoners' Testi-
mony Act, XV of 1869 for the
attendance of a

Re the order of Government dated the 14th.
December 1894, No. 3083, Judicial.

Opinion.

1. Though the Preamble and the title to the Prisoners' Testimony Act XV of 1869 refer generally to "prisoners," they do not enlarge the effect of the enacting part of the Act which refers only to "persons confined in jail."

2. A "State Prisoner" may be "confined in a jail" if the warrant of commitment so direct, but he does not thereby come under the provisions of Act XV of 1869, a reasonable construction of which must confine them to prisoners under the orders of Courts of Justice. If State Prisoners were not excluded from the operation of the Act, it would be competent to any Court in the District from which such a prisoner has been removed for the safety and peace of the Public, to defeat the very object of his removal by compelling his return. It could not have been the intention of the Legislature to concede such a power.

3. I am, therefore, of opinion that the Prisoners

Testimony Act, 1869, does not apply to the case
of State Prisoners, and that Government can le-
gally refuse compliance with a summons is-
sued under that Act for the attendance of
a State Prisoner.

J. L. Spring M. Ansom.

Madras

17th December

1894

Advocate General

CURRENT NO. 6765

Madras 17th December 1894

From

The Honorable J. H. Spring Branson

Associate General

To

The Honorable J. F. Rice

Chief Secretary to Government

Fort Saint George.

Sir,

With reference to the order of Government dated the 14th. instant, No. 3083, Judicial, I have the honor to forward herewith my opinion on the question as to whether Government can legally refuse compliance with a summons issued under the Prisoners' Testimony Act, XV of 1869 for the attendance of a State Prisoner.

I have the honor to be

Sir

Your most obedient servant

J. H. Spring Branson.

Associate General.

Jul

1892

NO. 6813

From

Jul Sept

The collector and District
Magistrate of
North Arcot.

To

The Chief Secretary to
the Government,
Judicial, Department.

Dated 19 }
despatched 20 } December 1894
Recd 21st

No 630



Subject.

Submitting copy of
a letter from the District
Munsiff of Angadipuram
with reference to G.O. No 3083
12/12/94

5-301m
22/12
hs 24/12.

No 3083 - 14-12-94 Recd

2

~~HM~~ No. 6765 + 6813 / 94
For order.

As the summons is said to be an intimatingly
to present his claim either by a pleader or by an
Agent submitted this may now be "Recorded" +
com^d to the D.M.s of N. Arcot & Malabar. The
latter officer has already replied by: 3083
14.12.94

Order 10-1-95
Recorded 8/1/95
In the circumstances stated the
Dist. Mag. for Malabar need
not reply to G.O. No 3083
of 14 Decr 1894

D
7.1 21/8/11

It is Submitted to H.M. for perusal of
the Advocate General's opinion.
(Current 6765) 7.1

5th District N. Arcot
Malabar IN MS
DESPATCHED
12 JAN 95

(over)

28/1

22/12

Augadipuram

15th December 1894

No 171

From

The District Munsiff

Augadipuram

To

The Superintendent of Police

North Arcot.

Sir

With reference to your letter No 1360 dated the 11th Instant, I have the honor to inform you that the State Prisoner Erathali Raji need not be produced in this Court in connection with the suit mentioned in it. The summons is only an intimation to the said Prisoner to represent his claim in the Court either by a pleader or by a duly authorised agent. The first hearing of the case has been adjourned to 8th January 1895 and request you will be good enough to inform him of it.

I have &c.

15981 A N. Anantaramaier

District Munsiff

/ True copy /

(Sgd) J. E. Thomas

District Superintendent
of Police North Arch

/ True copy /

Ref on current No 630 Magd 994

Submitted to the Chief

Secretary to Government, Judicial
Department, in the reference

to G.O. No. 3083
14-12-94

Celestine J. J. J.

North Arch (Director's Office)
Camp. (the Moor)
dated 19 December 1894

For Ag Director and
District Magistrate.

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

189 .

READ AGAIN G.O., No.
189 ,

DATED

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
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Q = Copy heading only