

Judicial (1895) Department.

ORDINARY MS.

G.O., No. *92*

DATED *16th Jan. 1895*

INDEXED.

[Despatch Abstract.]

EXAMINATION ON COMMISSION

Drawing the attention of the District Magistrate, Madura, to Statutes 48 and 49, Vic.C. 74 and 22, Vic.C.20, with reference to his enquiry as to whether a commission can be issued for examination of witnesses residing in a Colony, and stating that the proper course is for the District Magistrate to address the Supreme Court at Colombo.

MA

BACK PAPERS.

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

FURTHER PAPERS.

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

From

The District Magistrate
Madura

For orders.

The Referee & District Magistrate report that no present is traceable. The papers put up show the matters of the reciprocal forswearing of Commissions in Civil suits between the Comptroller B. India & those in the Straits Settlements.

Please see p. 462/3 of 11.3.90 mis since put up. Perhaps the interrogatories might be forwarded similarly to the Ceylon Govt?

Dated 18th December 94

Recd 20/12
Regd 2/12

CHIEF SECRETARY
GOVERNMENT OF MADRAS
Subject

Soliciting the favour of your orders as to whether a Commission can be issued for examination of witnesses residing in Ceylon.

us 24/12.

Over

5/9/85 No 2343 Ind. S. C.
14/6/94 No. 1456/2
23/1/93 : 163/4
6/10/92 : 1887
26/8/86 : 2277
27/11/86 : 1109

Put up the Commission. Act, 48 & 49
Cap. 74.
71

13 3 94 4 pages
1/1/95

From L. C. Miller Esquire,
Acting District Magistrate
Madura.

To
The Chief Secretary to Government.
Judicial Department
Madras.

Sir, The Second Class Magistrate of
Eruppattur, in this District, has applied
to me under Section 506 of the Criminal
Procedure Code, for the issue of a Commission
to take the evidence of 3 witnesses in Colombo.
This requisition is made by him, on the
application of the accused in C.C. No. 497
of 94, on his file, and the accused's vakil
has filed a list of interrogatories, to be
answered by the abovementioned 3 witnesses.

2 Section 503 of the Criminal Procedure
Code, does not seem to authorize the District
Magistrate, to issue a Commission, to a
Colony, where there is no British Indian
Representative, and I have the honor to
request the favor of instructions, as to how
I should act in the matter. The ends of
Justice will be sufficiently met, if the
witnesses are merely examined on Commission,
without compelling their attendance, and
at the same time, entailing on the accused,
the cost of defraying the expenses of the
witnesses.

witnesses. I submit, in original, the Sub-
Magistrate's application, and the interro-
gatories filed by the accused, and solicit
early orders on the Subject.

I have the honor to be,
Sir,

Your most obedient Servant

L. M. M.

Acting District Magistrate

R. S. S.

R. S. S.

Ind. DEPARTMENT.

[5]

Papers to be read in Proceedings:—

Again G.O., dated

18 , No.

Again G.O., dated

18 , No.

Current No. 6785 of 1884, dated 20 Dec from D.M. Madura.

Current No.

of 18 , dated

from

Order 16 Jan 1885 No 92

The St. Mag's attention will
be invited to the Statutes
48 & 49 Vic. C. 74, & 22 Vic.
C. 20. The proper course
is for the St. Mag. to address
the Supreme Court at Colombo

14/15/11 15 Jan.

To the D.M. Madura (2 copies with
enclosures returned.

14/15/11

Note for Ct.

It seems unnecessary to
trouble H.M. with this.
There has been considerable
delay with the paper. It
seems to have been sent to
my house at the beginning
of the holidays but somehow
I did not reach Mr. Davidson
till the 7th inst. when he
sent it back for papers.

L. M. M.

22

E-

Examined on Commission

in Case No.

20 Dec

189

775

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[Faint, mostly illegible handwritten notes in the left margin]

[Faint, mostly illegible handwritten notes in the left margin]

CS

[Handwritten signature]

(From 3d m)

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

189 .

READ AGAIN G.O., No.
189 ,

DATE:

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.
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