(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. / B.P. No:	506	Press. / Mis.
Dated	26. 1. 1877	197 .

Not to be folded or roughly handled

Archives I—5,806—24-2-78.

Madras, 17th February 1877.

536/1

Myadea v Mr. Carmichael.

I do not think you are bound to produce the documents mentioned in your letter of the 16th February '77. The Judge's view is apparently correct so far as this information goes; for it does not seem to have been communicated to him that the documents related to affairs of State. If the documents refer to State affairs the section mentioned by him (Sec 162 of the Evidence Act) precludes him from inspecting them for the purpose of determining whether they are admissible in evidence. In such cases the law makes the officers at the head

of

of the Department the persons to decide whether the documents are to be produced, and not, as in the case of all other documents, the Judge. So I think if you will write to the Collector to say that the documents relate to affairs of State and that you refuse to produce them on that ground the Judge cannot insist upon their production. I do not suppose the Judge, once made aware of the character of the documents, would expect that they should be produced. I return the enclosures.

Yours very faithfully
(Signed) P. O'Sullivan

The Honble D. Carmichael

Production of State documents.

Mr Advocate Gen'l's Opinion -

filed 6th Jan'y 1877

Forth Street

District Court

Chittoor 10th February 1877

No 23

From

C. G. Plumer Esqr

District Judge Forth Street

To

W. S. Whiteside Esqr

Collector of Forth Street

Sir

With reference to your memorandum No 57 dated 27th Ultimo to the Government Vakil forwarding certain records to him for production in this Court in Connection with Original Suit No 24 of 1876 which Memorandum the Government Vakil has filed in explanation of the non production of the other Documents called for in the Summons to the Government

Secretary, I have the honor to bring
to your notice that under the provisions
of section 162 of the Indian Evidence
Act, the Secretary to Government
is bound in obedience to the summons
of this Court to forward all the
Documents called; if on public or other
grounds there is an objection to their
being filed as evidence that objection
should be taken before this Court
which has called for the Documents
and the Judge will decide whether
the objection should prevail. I have
therefore the honor to request you
will lay the matter before the
Secretary to Government and request
him to send up all the Records
mentioned in the Summons issued

from this Court.

506/4

I have &c

(Signed) C. G. Plumer
District Judge.

(True Copy)

W. Abercrombie
Collector

No 16.

North Arcot
Collectors Office
Chittoor 12th February
1877

From

W. S. Whiteside Esqr
Collector of North Arcot

To

The Honorable D. F. Carmichael
Secretary to Government
Revenue Department
Fort Saint George Madras.

Sir

With reference to your Letter No.
506 dated 26th ultimo, I have the honor
to inform you that on production of
the records, therewith received, the
District Judge, in his letter dated 10th
Instant No 3, requires that the other
records, mentioned in the Courts'
Summonses should also be produced.
Copy of that letter is herewith for-
warded for your Consideration.

I

Chittoor 12th February 1877 Collr of North Arcot to the Secretary to Govt Revenue Department Fort St George

No. 506.

To

The Collr of Kurk Accot.

Sir,

I am directed to forward to you copy of a Summons addressed to one by the District Court of Kurk Accot, requesting the production of certain Govt Records.

2. I am to request that you will direct the Govt Vakeel to produce the papers herewith sent, and to explain to the Court that I am unable to authorize the production of the other papers wanted.

Rec. of Govt 19th Sept. 1849
No. 25. 26. with one enclosure
Original.
Do. 10 Nov. 1865 Nos. 120. 121.
Do. 22 Feb. 1866. " 407. 408.
Do. 1 March — " 115. 116.
Do. 18 May — " 3. 4.
Certified Copy

D.R. 26/1/67

26 January 67.

No. 884

Dated 14th Sept. 1849

Rec'd 19th Sept. 10 A.M.

An order of Court dated 26th July 49 forwarded for immediate compliance.

Copy of letter sent to Dist. Judge Kurk.

Requesting the production of certain records

Dated 12-2-67

From the Secretary to Govt Judicial Dept

To the Collr of Kurk

Sir, I am directed to forward copy of a letter from the Dist. Judge of Kurk, requesting the production of certain records, and to request that you will direct the Govt Vakeel to produce the papers herewith sent, and to explain to the Court that I am unable to authorize the production of the other papers wanted.

I have the honor to be Sir Your most obedient Servant

(Sd) [illegible]

Secy to Govt

Judl Dept

Fort St. George 12.2.67

17 Feb 67

No 884 to 73

Dated 16th 12 = 67

Returning papers received under cover of Govt Judl Dept letter dated 12th Feb. 67 with a request that the Govt Vakeel may be directed to produce them in the Court of Kurk.

Fort St. George 17th Feb. 67

(Sd) [illegible]

Secy to Govt

Judl Dept