M.R. O. 1—32,000—16-12-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 632 Press ~~Mis.~~

829-230

Dated 26. 4. ~~19~~ 1866

3/3

Not to be folded or roughly handled

No. 229. Read the following letter from the Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Madras, 10th April 1866, No. 1005.

I have the honor to forward a petition, with four other papers, from one Lorence Castalino, at present confined as a Debtor in the Jail at Tellicherry.

2. These papers were sent through the Officer in charge of the Jail.

To

THE HONORABLE A. J. ARBUTHNOT,

Chief Secretary to Government, Fort Saint George.

The humble Petition of LORENCE CASTALINO, Civil Debtor, in Suit No. 130 of 1863, on the file of the Judge of the Court of Small Causes of Tellicherry,

RESPECTFULLY SHEWETH,

That your Petitioner placed all his property at the disposal of the District Moonsiff of Mangalore, under Section 273 of Act VIII of 1859, for the execution of the Decree in Suit Nos. 2 and 7 of 1860 on the file of the Principal Sudder Ameen of Tellicherry; thereupon the District Moonsiff declared that your petitioner's person is not liable for the judgment debt; also, by the Civil Judge of Tellicherry, on the same grounds, for the execution of the Decree in Suit No. 14 of 1860 on the file of the Principal Sudder Ameen of Tellicherry; for the evidence of which, attested copy of the Proceedings of the Civil Court of Tellicherry, dated 17th February 1866, is herewith submitted.

2. That the execution of the Decree in Suit No. 130 of 1863 on the file of the Judge of the Court of Small Causes of Tellicherry was transferred to the Civil Court of Mangalore. The Judge of that Court, on the grounds aforesaid, declared that your petitioner's person is not liable for the judgment debt, and released petitioner from arrest.

3. That the Judge of the Court of Small Causes of Tellicherry, on the 17th February 1866, arrested your petitioner, under a Warrant, in execution of the aforesaid Decree in Suit No. 130 of 1863 on the file of that Officer, and directed his incarceration in the Civil Jail at Tellicherry, on the 21st March 1866, against Section 232 of Act VIII of 1859, though your petitioner presented a Petition, dated (9th Kumbom 1041) 19th February 1866, to the Judge of the Court of Small Causes of Tellicherry, for his discharge, the copy of which is herewith submitted.

4. That the Decree holder in the aforesaid Suit, No. 130 of 1863, did not prove that your petitioner had been guilty of a fraudulent concealment of property other than that declared by him in the Mangalore Zillah.

5. That the Judge of the Court of Small Causes did not furnish your petitioner, on application, with a copy of the order passed by that Officer on his, the aforesaid petition, dated (9th Kumbom 1041) 19th February 1866, for the evidence of which the Original Petition, dated 23rd March 1866, and an attested copy of the report made by the Superintendent of the Jail, are herewith submitted. Your petitioner, therefore, most earnestly and respectfully begs that the compassionate Government will, in consideration of his former dignity and present unlawful sufferings, deign to attend to his humble prayers, and order him to be discharged from the Jail. For doing which act of justice, your petitioner shall, as in duty bound, ever pray.

TELLICHERRY,
5th April 1866.

(Signed) లారెంస కాస్తలినోచేవాలు,
Civil Debtor.

Proceedings of the Madras Government, Judicial Department,
26th April 1866.

N. B.—The Suit No. 133 of 1863 mentioned in the Civil Court Proceedings, dated 17th February 1866, is a mistake made by your petitioner when he presented the petition, it should have been 130 of 1863.

(Signed) [illegible],
Civil Debtor.

No. 230. ORDER THEREON, 26th April 1866, No. 632.

Ordered to be communicated to the Honorable the Judges of the High Court, for such notice as they may deem necessary.

(True Extract).

Chief Secretary.

To the Honorable the Judges of the High Court
(with four original enclosures.)

Exd. J. H. Burne.

26th April 1866 No. 632.

Ordered the communicated to the Hble the Judges of the High Court for such notice as they may deem necessary.

Rec'd the judges of the H Court & desp 28/4

I regret the order, but I believe the H Court cannot well act upon a matter coming before them in this way & I also believe that they cannot exercise the power which they would be called upon to exercise