

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1441	Press Mis.
¹⁻² Dated	3-10-1918/4	

3/3

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

3rd October 1864.

No. 1. Read the following letter from W. T. GIBSON, Esq., Colonial Secretary, Colombo; to the Chief Secretary to Government, Madras, dated Colombo, 22nd September 1864, No. 37.

With reference to the 5th paragraph of my letter, No. 38 of the 19th instant, I have now the honor to transmit to you the accompanying copies of the proceedings had in the Justice of the Peace Case, No. 19,323—the Queen *versus* Cona Pana Mayna Paleniappa Chetty.

No. 19,323.

Before D. E. DESARAM, Esq., Justice of the Peace for the District of Colombo.

George Wall and William Wilson Mitchell, both of Colombo, severally make oath and say that they are the Assignees of the insolvent estate of Cona Pana Mayna Paleniappa Chetty; that the said Cona Pana Mayna Paleniappa Chetty was, on the seventh day of June last, adjudged an insolvent by the District Court of Colombo; that these deponents verily believe that the said Paleniappa Chetty did, within three months next preceding the date of the filing of the petition for sequestration of his estate, under the false colour and pretence of carrying on business and dealing in the ordinary course of trade, obtain on credit from Messrs. George Wall and Company, and Messrs. Darley, Butler and Company, Merchants, trading in Colombo, goods, with intent to defraud the said George Wall & Co. and Darley, Butler and Co., the owners thereof; that the said Paleniappa Chetty did also, within such time and with such intent as aforesaid, remove, conceal, and dispose of a portion of the goods so obtained by him, in breach of the 149 Section of Ordinance No. 7 of 1853.

2. Wherefore the deponents pray that the said Cona Pana Mayna Paleniappa Chetty may be brought up and dealt with according to law.

So help them God.

Sworn to, this 19th day of September, A. D., 1864, (Signed) G. WALL.

before, (Signed) W. W. MITCHELL.

(Signed) D. E. DESARAM. Witness.

Copy of the Section of Ordinance referred to.

149. "If any insolvent shall, within three months next preceding the date of the filing of the petition for sequestration of his estate, under the false colour and pretence of carrying on business and dealing in the ordinary course of trade, obtain on credit from any other person any goods or property, with intent to defraud the owner thereof; or if any insolvent shall, within such time and with such intent, remove, conceal, or dispose of any goods or property so obtained, every such insolvent shall, on conviction, be liable to imprisonment with or without hard labor, for any term not exceeding two years."

20th September 1864.

WILLIAM WILSON MITCHELL—Sworn.

I am a partner in the Firm of Darley, Butler & Co. The accused in this case, Cona Pana Mayna Paleniappa Chetty, is indebted to our Firm in the sum of £5,289-15-7, value of goods purchased; £3000 of this amount was for goods purchased within three months of his insolvency (7th June 1864). On the 27th May, some of these goods were delivered to the accused, who granted a Promissory Note for the same. The accused, according to my belief, must have known at the time that he was not in a position to pay for the goods. On the 2nd June last, he dishonored a Promissory Note to our Firm for £746-17-7. The ascertained amount of the accused's liabilities is £13,000. He owes Wall and Co. a sum of about £4700 also for goods purchased under similar circumstances. The accused has shipped a very large portion of these goods for the Coast of India, many of which he could not, according to the usual course of business, have realized. I am one of the Assignees in the matter of the accused's insolvency. He has not accounted for any of the said goods purchased by him, and, though ordered by the Court, he has failed

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to do so. From information I have received, I very believe the accused has, in anticipation of his insolvency, fraudulently disposed of, or concealed a portion of the goods so purchased by him from us.

(Signed) D. E. DeSARAM,

Justice of the Peace.

(Signed) W. W. MITCHELL.

GERARD HENRY ANTHONISZ—Sworn.

I am Secretary of the District Court of Colombo. I produce Case No. 428, in the matter of Cona Pana Mayna Paleniappa Chetty, who was adjudged an insolvent on the 7th June 1864. The Assignees appointed by the District Court were Messrs. George Wall, and William Wilson Mitchell, the complainants in this case. The accused has not as yet filed his balance sheet. It is due on the 22nd instant. This balance sheet was originally due on 11th August, when he obtained time till 22nd instant.

(Signed) D. E. DeSARAM,

Justice of the Peace.

(Signed) G. H. ANTHONISZ.

(True Copy)

(Signed) D. E. DeSARAM,

Justice of the Peace.

No. 2. ORDER THEREON, 3rd October 1864, No. 1441.

Communicated to the Magistrate of Madura, and to the Commissioner of Police, in continuation of paragraphs 2 and 3 of the Order of the 24th ultimo, No. 1400.

(True Extract.)

Secretary to Government.

To the Magistrate of Madura.

„ Commissioner of Police.

Edw. J. Tallock.

3^d October 1864 No. 1441.
Communicated to the
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the Commissioner of Police in
continuation of paras 2 and 3
of the Order of the 24th Ultimo 1864.

To the Magistrate of Madura {
Commissioner of Police } despatched 4/10.