

(1) Number of pages _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	1431	Press Mis.
Dated	6-1-62	18 62.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
4th June 1863.*

No. 107. Read the following letter from Captain H. L. PRENDERGAST, R. E., Acting
Superintending Engineer 4th Division, to Colonel W. I. BIRDWOOD, R. E., Secretary
to Government, Public Works Department, dated Madras, 30th May 1863, No. 417:—

SIR,

1. I have the honor to submit for the orders of Govern-
ment the accompanying papers from the Executive Engineer Pre-
sidency, and Lieutenant Wood, First Assistant District Engineer,
reporting that a notice has been served on the latter Officer by
Dr. Flynn's Solicitor, informing him that Dr. Flynn has pre-
sented a petition to Her Majesty's Court for the Relief of Insol-
vent Debtors at Madras, praying for the benefit of the Insolvent
Act, and requesting that instructions may be issued to the Govern-
ment Solicitor either to oppose Dr. Flynn's petition or otherwise,
as may be thought proper.

2. From the two cases furnished by Lieutenant Wood, it will be seen that in 1859-60 two
Agreements were entered into with Captain Rawlins, Garrison Engineer Fort Saint George,
for the supply of bricks; one on the 14th December 1859, and the other on the 1st March 1860.
The first Agreement was made by Mr. Green, Dr. Flynn standing security for him; and the
second by Messrs. Green and Dr. Flynn, as joint partners. On both contracts advances were
given to the extent of Rupees 3,000, of which Rupees 1,083-15-10 were recovered up to the
end of September 1861. In December following Mr. Green obtained the benefit of the Insolv-
ent Act, and since then Dr. Flynn has cleared off Rupees 875 of the balance, which was out-
standing against Mr. Green and himself at the time the former became Insolvent. The amount
now standing in the books of the First Assistant District Engineer's Office, against Dr. Flynn
on the above account, is Rupees 1,041-0-2.

3. Besides the two agreements just adverted to, another was entered into with the Garrison
Engineer on the 28th February 1860, for the supply of bricks, by Mr. Francis Iyavoo,
his security being also Dr. Flynn, to whom according to the Agreement all advances were to be
made. In the same month Rupees 1,250 were accordingly advanced to Dr. Flynn and Mr. Francis
Iyavoo, out of which sum, bricks have subsequently been supplied to the value of
Rupees 894-14-3. The balance due by Dr. Flynn on this account is Rupees 355-1-9, which
there is no prospect of Mr. Francis Iyavoo liquidating.

4. The total sum therefore which Dr. Flynn is now indebted
to Government, amounts to Rupees 1,396-1-11.

5. In December 1861, Dr. Flynn appears to have expressed
his willingness to clear off his liabilities to Government, by instal-
ments of Rupees 50 a month, as authority was at that time given
to the District Engineer Presidency to accept such payments
until the full amount of security was liquidated; and several
instalments seem to have been subsequently paid until about three
months ago; since then Dr. Flynn has left off paying. That

Dr. Flynn acknowledges the debt on the above transactions appear certain; as from his letters to
Lieutenant, now Captain, Tulloch, under dates 3rd April and 3rd July 1861, he distinctly states,
first, in the case of Mr. Green, that he "will as Mr. Green's security take upon himself his
liability," and second, in the cases of Mr. Green and Francis Iyavoo, that his "feelings in the
matter are to get rid of the liability imposed upon" him, "as soon as possible." I also observe,
that he addressed a Memorial on the subject to His Excellency the Governor in Council in

February 1862, on which Government remarked that "Mr. Flynn
ought to have been aware, that a person who became security
for another is liable to make good his deficiencies." I therefore
request that I may be favored with early orders on the subject of the accompanying papers, as

1 Letter No. 59, dated 20th May
1863, from Executive Engineer
Presidency.
1 Do. No. 47, dated 27th May 1863,
with 28 enclosures.
1 Letter to District Engineer Presi-
dency, No. 8,005, dated 5th De-
cember 1861, with three accompani-
ments.
1 Letter No. 309, dated 29th May
1863.
1 Do. No. 10,551, dated 14th Feb-
ruary 1863 (to be returned).

Rupees 1,041	0	2
" 355	1	9
1,396	1	11

Vide Deputy Chief Engineer's letter
No. 8,005, dated 5th December
1861. See also Deputy Chief Engi-
neer's Endorsement of 14th Febru-
ary 1862, No. 10,551.

Vide Proceedings of Government,
No. 127, dated 4th February 1862.

*Proceedings of the Madras Government, Public Works Department,
4th June 1863.*

from a notice which appeared in the "Fort Saint George Gazette" of the 22nd May 1863, page 869, it appears that Dr. Flynn's case will be heard on Friday the 12th of June next, and that if any creditor intends to oppose his discharge, notice of such intention, and of the grounds of such opposition, must be given to him in writing on the 7th idem.

6. I have also to request, that should Government determine on opposing Dr. Flynn's discharge, the Government Solicitor, whose opinion I have already solicited in the matter, may be furnished with the necessary instructions, and the whole of the papers forwarded herewith be transmitted to him.

Vide copy of letter No. 539, dated
29th May 1863.

No. 108.

ORDER THEREON, 4th June 1863, No. 1,431.

Referred to the Government Solicitor for his opinion.

(Signed) W. I. BIRDWOOD, Colonel, R. E.,
Secretary to Government.

The Government consider
it unnecessary to instruct their Sol-
-icitor to oppose Doctor Flynn's
petition to the High Court for the
benefit of the Insolvent Act.

To the Sup^r & Co
Govt. Solicitor

1863
J. H. South for June
J. H. 1864

Captain H. L. Henderson R. E.
Adj. Supp. Eng. R. E.

To, Colonel M. S. Bidwood R. E.
Secy. to Govt. P. M. D.

Dated 30th May 1863
Recd. 1st June 1863
No. 417

Submits papers re-
garding the case of the Insur-
vent J. H. Glynn a brick
Contractor who is indebted
to Government in the sum
of Rupees 1396-1-1/2 and re-
quests that if Government
determine on opposing him
the Government solicitor may
be furnished with the necessary
instructions and the whole
of the papers now submitted
be transmitted to him.
With an order

His opinions -

24th 11.31.
Referred to the Government Solicitor for

Chapman &
17 June 63

11

107-108

to the Government solicitor with all the
papers. Recd. 11 June 63.