

Govt. of (1888) Madras.

[6]
C/O No 508
Govt. of (188) Madras.

no 214 w of 19th January/88

Communicated to

To

The M. Dept

Communicated to
the Supt. Engrs. Circle
with reference to his
letter quoted below

no. 1615 of 8th November 1887
no. 1615 of 8th November 1887
" 1778 of 3rd December 1887

Proceedings, dated 17-1-1888
No. 56

Wm
18.1.88

M. H.
18/1/88

Subject

no 214 w of 19th January/88
Sundry the estimate
ment of Mr Lawrence
with arrears of pay.

S. Engrs. Circle
Ex Pro. A.S.

Despd 19-1-88

With a view

8/2/88

Govt. of 1888 Madras.

J. D. No 6 of 87
In the court of the Subordinate Judge of
Bellary.

Application of Mr C Lawrence, resident of Bellary,
under Section 344-345 of Act XIV of 1882

Sheweth:-

- (1) That the applicant is the defendant in small cause suit No 10 of 1887 of this court, and that an order of attachment against moiety of his salary has been issued in execution of the decree (No 382 of 1887) made in said suit
- (2) That the applicant possesses neither movable nor immovable property of any kind other than the necessary wearing apparel of himself and his family, so that he is unable to comply with the requisitions detailed in clauses (b) (c) and (d) of Section 345 of Act XIV of 1882
- (3) That applicant has set forth in Schedule A herunto annexed, the amount and particulars of all pecuniary claims against him and the names and residences of his creditors, so far as they are known to or can be ascertained by him
- (4) Applicant therefore prays that this Honorable court will be pleased to declare him to be an insolvent and discharge him

(Signed)

C. Lawrence

Filed on the 24. 8. 87.

(Sealed) A. J. Mangalam

Subordinate Judge.

In the Court of the Subordinate Judge of
Taspati at Bellary.

Tuesday the 4th day of October 1887.

Present:—

A. J. Mangalam Pillay. Arcargal,
Subordinate Judge.

M. S. No. 10 of 1887

D. C. No. 382 of 1887

J. P. No. 6 of 1887.

Mr. C. Lawrence — Petitioner

Vs.

1. C. K. Venkiah kaidoo
2. Mr. C. P. Locking,
3. K. Golanthualulu Modilior
4. N. A. Ethirajulu Modilior
5. Messrs. Abraham Sait & Co.
6. Mr. J. Augustin
7. Kaldoss Swear
8. Lalloo Pandeyah
9. Messrs. Lawrence & Co.

Counter
petitioners

Read Petition put in by Petitioner
Mr. C. Lawrence praying that he may
be declared an insolvent.

Petitioner and Counter Petitioners
Venkaya kaidoo, Golanthualulu Modilior,
and Ethirajulu Modilior are present.

The

2/10/87

2/10/87

The other Counter petitioners are absent.

This petition coming on for final disposal, the Court passed the following.

Order:- Petitioner does not wish to press this application, and prays the Court to put his moiety of pay under attachment until his debts are cleared. To this, the Counter-Petitioners present accede. It is ordered accordingly that the Petitioner's moiety of pay shall be attached, and on recovery, distributed ratably among the Counter-Petitioners present.

Petition is struck off

Signed A. J. Mangalame

Subordinate judge

"True copy"

W. M. Mangalame
Subordinate judge

No. 1615

Superintending Engineer's Office,

3RD CIRCLE

Bellary 8th Nov. 1887.

FROM,

Col. H. Smalley R.E.
SUPERINTENDING ENGINEER,
IIIrd CIRCLE.

TO,

THE Chief Engineer
P. W. D.
Madras

SIR,

With reference to para 684 of the P.W. Code I have the honour to report that Mr. Lawrence Sub Overseer 1st Grade in the Bellary Division applied to the Sub Court of Bellary for the benefit of the Insolvent act on the 24th August 1887. This only came to the Executive Engineer's knowledge on the 29th September and on his reporting the matter to me I ordered that the Sub Overseer should be considered under suspension from the date he filed the Schedule of Insolvency agreeably to the Summary of Government orders embodied in G.O. No. 2864 W dated 1st December 1885.

2. Before my orders reached him the Executive Engineer had paid the Sub Overseer his full salary for September and relieved him on the 2nd Oct. 87.

3. The case came on for hearing on the 4th idem and the decision given by the Sub Judge was to the effect that moiety of Mr. Lawrence's pay should be attached until his debts are cleared and distributed rateably among his creditors.

Enclosures.

Copy of Petition
and a copy of
the rule -
Copy of decision
of the Sub Court

25754
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4. Copies of the Insolvent's Schedule and Petition and copy of the Court's decision are forwarded.

5. Mr. Lawrence contracted the debts when he got married and at the time he was in receipt of Rs 150 as a Surveyor in the C. Project Division and he expected to get out of debt in a year's time but two months after his marriage the C. Project Division was abolished and he had to revert to his substantive appointment as Sub Overseer on Rs 50.

6. Under these circumstances and as Mr. Lawrence came to terms with his creditors as observed by the Sub Judge in his decision, I hope that Government will be pleased to consider his case leniently and order his reinstatement as Sub Overseer.

7. Mr. Lawrence will be allowed only subsistence allowance of Rs $12\frac{1}{2} = \frac{1}{4}$ of his salary from 24th August 1887 and the salary overpaid to him for 6 days in August and for the month of September 1887 will be retrenched.

I have the honour to be
Sir
Your most obedt. servant.

H. M. M. Col. R. R.
Superintending Engineer
M. Circle

[Signature]

25 November 1887

N^o 4071C of 14-11-87

Memo

With reference to his letter N^o 1615 dated 8th November 1887, the Supty. Engr. III Circle is requested to obtain and submit.

(1) Explanation from Mr. Sub Overseer Lawrence as to why he failed to report at once the fact of his having applied for the benefit of the Insolvent Act.

(2) Explanation from the Executive Engineer as to why, in the face of G.O. N^o 2864 of Dec^r 1885, he passed to Mr. Lawrence full pay for September, when he was aware on 29th Sept^r that the sub Overseer had applied for the benefit of the Act.

11/11/87
S.E. III Circle
14-11-87

N^o 9042

N^o 2864 of 1-12-85
- 1891 W-25-7-82
- 993 C-5-5-82
From, 2456 W-6-10-81

The Superintending Engineer,
IIIrd Circle.

To, The Chief Engineer
Madras

Dated 8th } November 1887.
Received 10 }

Enclosures. 2

N^o 4071C of 14-11-87

No. 1615

Mr. Lawrence Sub Over.
1st Grade under suspension
Forwarding copies of Insolvent
Schedule and Petition and copy of
Court's decision, and requesting that
under the circumstances - may
be leniently dealt with and re-
instated.

11/11/87

The Executive Engineer.
Bellary. Division.
Bellary.

Sir,

In obedience to your orders, I beg respectfully to submit the following explanation for having failed to bring to your notice of my Insolvency as required by the rules:

1st. Beyond the fact that Government servants were prohibited from taking the benefit of the Insolvent Act on pain of dismissal, I was quite ignorant of the rules of procedure in such cases.

2nd. I had no intention whatever of availing myself of the benefit of the Act, thereby defrauding my creditors, which fact can be proved from my first application submitted to the Sub Judge on the 3rd August/84 (copy enclosed) which will clearly show my intention and object in seeking the help of the Court.

3rd. The Court having informed me with reference to my first application, that unless some one attached my salary and I declared myself an Insolvent, the Court was unable to interfere in the matter and accede to my request. Under the full belief that my insolvency was a mere formal one and having no intention whatever of going thro' the Act, I filed my 2nd petition in the form prescribed by one of the orders of the Court. Under the above circumstances I thought it unnecessary to bring this to your notice. But when it was too late, I found on the perusal of the Govt. order (for the first time) to my great regret that I had unknowingly been guilty of breaking the Rules in such cases.

In the Court of the Subordinate Judge
of Sadpatri.
Bellary.

Small Cause Suit No 104 of 1887.

W. E. Stocking - Apothecary - Plaintiff
Mr. C. Lawrence - S. Oversee - Bellary - Defendant

Application for equitable distribution of a moiety
of Defendant's salary among his creditors.

Sheweth.

(1) That the Applicant is the Defendant in Small
Cause Suit No 104 of 1887 and was summoned
appear before this Honorable Court yesterday (4th Aug).

(2) That the Applicant consented to pay the plain-
tiff five per mensem out of his salary of the 1st Fe.

(3) That on leaving the Court yesterday the ap-
plicant was served with another summons in another
suit and that he has several other creditors one
of whom holds a decree against him.

(4) That this constant molestation on the part
of his creditors, who are threatening him daily in
legal proceedings, is telling on his health both
mentally and physically, and proving detri-
mental to the interests of Government. By which
he is paid, "as much as the Applicant cannot devote
his whole time and attention to the satisfactory
performance of his duties, his mind being
gaged with perpetual worry and annoyance
of his creditors.

(5) That your applicant does not wish to
himself of the insolvency provision of the
Procedure Code (Chapter 18 Sections 344 to 349) pri-
marily because he has not the slightest intention
to defraud his creditors and secondly because
he is a Government servant and the taking
the benefit of the Act would entail instant

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Dismissal.

1) That when the Applicant incurred these debts he was on the receipt of a salary of Rs 150 as a Surveyor in the C. Project Division, S.R.W. but was four months afterwards, on the works being stopped unexpectedly told to revert to his permanent appointment of Sub Engineer which carries with it a salary of Rupees Fifty - so that this Honorable Court will see that he has not, knowing himself to be unable to pay his debts in full, recklessly contracted debts and that these debts must be paid due as a surety for this.

2. That applicant therefore prays that this Honorable Court will be pleased to direct as of course in the exercise of its jurisdiction of Court of Equity that one-half his salary which he is willing to place at the disposal of the Court be rateably distributed amongst his creditors to whom notice of this without disturbing proceedings Small Cause Suit No 104 of 1887. The Applicant has set forth in Schedule hereto annexed amounts and particulars of all pecuniary claims against him and the names and residences of his creditors so far as they are known to or can be ascertained by him.

Dated 5 Aug 87 (Signed) C. Lawrence
(One copy)

Clarendon

25/11/87

ad. 4.
28.11.

HL
3.12

29 Nov

Dec 538/87/18

E-2

PW 9883/87
508/87

Copy of letter No 2199 dated 28th November 1887 from Bellary Division Executive Engineer Mr Garrett to the Suptg Engineer 3rd Circle Bellary

With reference to your No 1719 of 19th Instant, I have the honor to forward Mr Lawrence's explanation as to why he failed to report, having applied for the benefit of the Insolvent Act.

Mr Lawrence was paid up to the end of September as he was working up to the end of the month. The question was looked up in the Code but nothing is there said as to the date from which suspension is to take effect, although the Code is a more recent issue than G.O No 2864 of 1st December 1885. The fact that there had been a G.O on the subject was I regret to say overlooked.

Your letter No 1292 indicating the correct procedure was received on 5th October, after payment had been made to Mr Lawrence.

In the bill for October the exact payment was retrenched and the

Whole amount can be recovered
from Mr. Lawrence next month.

(True copy)

H. Smalley C.E.

Supy Engr 3rd Circle

3/12/87

E72
PW 9883/8
508/88

Adm. Engr

Superintending Engineer's Office,

3RD CIRCLE

No. 1778

Lamp. and Bellary 3 December 1887.

FROM,

Col. H. Smalley C.E.
THE SUPERINTENDING ENGINEER,
IIIRD CIRCLE.

TO,

THE Chief Engineer
P.W.D.
Madras

SIR,

Enclosures.

1 Copy of Mr. Garrett's letter.
1 Orig. letter of Mr. Lawrence.

With reference to your Memorandum No. 40716 dated 14th November/87, I have the honor to forward a copy of Executive Engineer Mr. Garrett's explanation as to why he passed pay to Mr. Lawrence for September/87 and Sub Overseer Mr. Lawrence's explanation as to the circumstances under which he failed to report the fact of his having applied for the benefit of the Insolvent Act.

I have the honor to be
Your most obed^t servant
H. Smalley C.E.
Supy Engr 3rd Circle



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper

From the Public Works Department,
dated 8th December 1887 No. 4523C, regarding
Insolvency of Mr Lawrence, Sub-
Overseer, Bellary Division

Order thereon 17 January 88 No 56

The re-instatement of Mr Lawrence
with arrears of pay is sanctioned.
/ True Extract /

Asstt Secretary

From,
The Superintending Engineer,
IIIrd Circle.

To, The Chief Engineer
S. D. D
Madras

Dated 3rd } December 1887.
Received }

Enclosures. 3

No. 1778
Insolvency of Mr Lawrence
Sub Overseer

Forwarding explanation
of Mr Garrett together with
that of Mr Lawrence as to
why the latter was paid his
pay in full for Sept/87 and
as to the cause of failure to
report at once by Mr Lawrence the fact of
his having had recourse to
Insolvent Act.

Ad 5754
18/8/87

The Public Works Department,
with papers referred