

ORDINARY, MS.

Public DEPARTMENT	
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[Despatch Abstract.]

Referring to reconciling
the orders already
presented in
the case of J. C.
disposition of the
late clerk Ruffin
of the —

BACK PAPER, No.

OF 18

FURTHER PAPER, No.

OF 18

READ AGAIN ORDER OF GOVERNMENT, DATED
18 , No. , MISCELLANEOUS.

ENCLOSURE.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not pagod).

Depd 14/8/91.

2/12/8

A A

N.B.—

A as Copy in full.
B as Not to be copied.
F as Copy abstract only.
Q as Copy heading only.

WATER ORDER

Act: General and for
coming to petition

Fort Saint George,
Accountant-General's Office,
24 July 1891.

No 2096

From

J. W. Rawlins Esq.,
Accountant-General,
Madras.

To

The Chief Secretary
to Government,
Financial Department.

Sir,

With reference to the proceedings
of Government, No 462, dated the 13th
of June 1891, I have the honor to
submit the following petition from
debt Cundsawmy Muddaliam with
the hope that it may be favourably
considered.

He has apparently failed
to realize that the gravamen of his
offence lies in the recklessness with
which he made himself liable for
five times the amount that he actual-
ly received. His principal endeavour

appears to be to show that his creditors did not really suffer any loss through his bankruptcy and he has neglected to put forward the only plea that can reasonably be advanced on his behalf. The debts incurred between his first and second insolvency, were not apparently contracted for the purpose of procuring money to be spent in vice or social extravagance, but in order to supply himself with the means of defending a law suit in connection with the mortgage of a house which was filed against him by one of his former creditors. The suit appears to have been really defended in the interests of his minor children, who were not parties to the mortgage bond and who therefore retained their right as members of an undivided Hindu family. If this defence was an honest one, I think it was one which he was bound to raise and for the prosecution of which he was justified in borrowing money to a reasonable extent. Unfortunately he had recourse to his old creditors who

he

he says insisted on his giving bonds covering the amount of his scheduled debts, as well as that of his new loans.

The case was tried by the High Court and was lost, a fact from which it is not by any means necessary to infer that it was not one which should have been defended. I have been in communication with the Judge who decided the case, but he is unable to remember the impression left on him at the time. So far as it goes this is in Candasaamy's favour and I venture to hope that he may be given the benefit of the doubt and that the folly of contracting certain and excessive liabilities in the hope of an uncertain advantage to be gained by defending the suit may be forgiven.

I have the honor to be,
Sir,

Your most Obedt Servt,

Munim

Accountant-General.

Rt.

for the same in para 5 Petitioner
hopefully prays may & terminate
his little faults and his error of judg-
ment in hastily resorting to this
-very under the sanguine expectation
of Government overlooking the matter
since the presiding Judge has imposed
on him the monthly payment of Rs 16
out of his small salary of Rs 46 for
the benefit of his creditors.

10. Petitioner and more begs to throw
himself to the merciful consideration
of His Excellency the Governor in
Council, beseeching that he may be
allowed another trial, after the
severe lesson he has learned, the mo-
-so having rendered 15 years faithful
and efficient services under Government
for which act of benevolence himself
and his large family of a wife, two
and children shall as in duty
bound ever pray.

Am Daswamy

does, which probably led Government
to the conclusion that the Petitioner has
been reckless in his dealings. To the
contrary it will be found on mature
reflection that the Petitioner has been
expending every possible endeavour to
reduce his expenses to the lowest pos-
sible limit.

8. In point of fact the one
great reason which drove the Petitioner
to push into the Insolvent Court,
is to debar those creditors who held
the nominal notes for large sums,
for playing mischief upon them,
if not immediately at least in
course of time. Had indeed the creditors
been the victims instead of the
Petitioner they would not have had
slow to raise a cry at the Court, whereas
they were rather without an exception
conspicuous by their absence being
pretty sure of the quota of the Courts
allocation money, fully covering in
a very short time the actual amount
lent by them.

9. These circumstances and the
facts

were subsequently paid up and the
cause of the 2^d Insolvency is in a great
measure owing to it; This course of
action on the petitioner's part would
at first sight, seem quite uncalled
for, but he has had to pursue it, in
order to prevent the inevitable ruin
which must befall his friends who
guaranteed the old debt.

6. The dues to the remaining 5
Creditors of the first Insolvency are
thus reduced to Rs 452 only. Probably
some of the ~~12~~ out of the 19 Creditors
of the second Insolvency had an
interest too in the former whereby
they also like the others referred to
in para 3 have been exacting Rs 1000
for large amounts by giving paltry
sums as an advance with promises
of payment of remainder in due
course, but which they ultimately
failed to do.

7. Nevertheless in the schedule
filed in the Insolvent Court Petition
has had for obvious reasons to enter
the larger nominal figures as the
dues

in just a position his formal liabilities to the present Creditors as contrasted with those he was owing to in the 1st Insolvency. It will be seen from the annexure that there were 15 Creditors in the 1st Insolvency and 19 in the second; and that, no less than 7 of the latter are Creditors of the 1st Insolvency who in view of regaining their former dues, induced petitioner and giving paltry sums to grant Pro-holes for considerably larger amounts so as to obtain a larger amount by way of Interest than what they would be entitled to on such paltry sums.

First Insolvency		Second Insolvency	
No.	Amount	No.	Amount
1	161	18	75
2	150	4	100
4	50	9	100
5	50	16	50
6	100	10	100
14	30	11	150
17	50	15	85

4. Petitioner was doubtless imprudent to yield to such terms, but the extreme urgency which drove him to it, as mentioned in the Accountant General's application must plead in his favor.

5. Of the remaining 8 Creditors of the first Insolvency the dues to 3 of them to the amount of Rs 2122/-

10th July 1891

To
His Excellency the Right
Honorable the Governor
in Council at
through Colacannud
The Accountant General
at Madras.

The humble Petition of T. Junda
-sawmy Moody late and Employed
in the Accountant General's Office
dismissed for Insolvency.

Respectfully Sheweth,

That Petitioner feels very
great remorse that His Excellency the
Governor in Council should have con-
sidered his unfortunate case so un-
worthy of His Lordships' wonted
clemency in matters of this sort.

2. Petitioner is perhaps some-
what to blame in not having put
matters in a clearer light in the haste
with which he resorted to the Court
when it was just about closing for
the vacation.

3. Petitioner now begs to place