

Public (1896) Department.

ORDINARY MS.

G.O., No. 505

Dated 1st May 1896

INDEXED.

[Despatch Abstract.]

RETENTION OF AN INSOLVENT IN THE PUBLIC
SERVICE.

Sanctioning the retention, in the public service, of Mr.
C.J. Judge, Bailiff, Court of Small Causes, Madras, who has been de-
clared an insolvent.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Enc: 2

R. B. Mitchell, Esquire,
chief judge, Court of Small Causes,
Madras.

Sir,

I beg to inform you that I obtained my certificate of discharge only on the 27th ultimo (3 days ago), and to state that, as I cannot obtain a copy of my petition and schedule from the Insolvency Court, without paying for the same, which my present circumstances will not permit me to do, I shall feel thankful if you would kindly apply for the same to the clerk of the Insolvent Court, who informs me that on the head of my office applying to him for copies of my petition and schedule, he would be prepared (as is invariably done in all similar applications) to furnish the same, free of charge.

I beg to remain,

Sir,

Your Obedient Servant

(Signed) C. P. J. J. J.

Sailiff, S.C. Court.

(True Copy)

S.C. Court, Madras,
2nd March 1896

Court of Small Causes
Madras, 30 March 1896

Respectfully
Yours

The Registrar
Court of Small Causes
Madras.

Sir,

In submitting on leaf a schedule of my debts called for in your "memo" of the 3rd instant, I beg respectfully to state that my salary has been under attachment for only two months, and not "continuously under attachment for more than two years", as mentioned in para 40, part IV, page 10 of the "Rules regulating the personal conduct of public servants", notwithstanding that my salary is attached for a sum which, under ordinary circumstances, it will require more than two years to repay" (Vide same para). As a rule, Government servants are allowed the ^{benefit of the} full two years within which they should liquidate their debts (though there may be some rare exceptions), in support of which I have already given you some instances, and I humbly trust that a liberal view will be taken of my case, particularly when it is well known that my embarrassment is due to unforeseen circumstances (as evidenced by an affidavit, in oath, before his honor the Chief Judge, on the 23rd Sept. 1895, in suit No. 9863-95, to which I would respectfully draw attention, for a careful perusal of the same would disclose most painful facts, all of which can be substantiated) and not from "dissipated" and extravagant habits; the use of intoxicants, in any shape or form, being unknown to me for a little over 18 years! No one can dispute this fact, and this, I humbly trust, will be a great point in my favor. I would also take the liberty to mention that there have been other employees of this Court who have taken the benefit of the Insolvent Act and secured their appointments as well (to my knowledge a Clerk and a Bailiff), so that my case is not exceptional.

* last clause of para 42.

Pub. Accts.

14-7-96

sickness which have already occurred within the past few months in my family, the crowning one of all, I regret to say, is the admission of my wife (which has simply filled my cup of sorrow to overflowing) on Sunday morning last (6th Inst.), into the Hospital for Women and Children. This fact, together with those already mentioned in my affidavit, can be substantiated, & will bear the closest investigation. In conclusion, I beg to state that, under a recent ruling², the question whether Government servants taking the benefit of the Insolvent Act shall be suspended, pending adjudication under the Act, is entirely left for decision to the discretion of Heads of Departments.

Schedule of debts

Attachments (7) on my salary	Rs 1013-4-4
Instalments paid into Court (monthly) on decrees	86-12-6
Someswara Dary	50 - " - "
Vadanta Kundally	75 - " - "
Ramakrishnaiah	280 - " - "
Rama Rao	258 - " - "
Other debts (about)	100 - " - "
	<u>Total = 1863 - " - 6</u>

S.C. Court, 2
8 Oct. 1895

I remain, Sir,
your obedient servant
(Ed.) C. J. Judge

(True Copy)

Court of Small Causes }
Madras, 30 March 1896 }

R. B. Mitchell
4

1499

[Signature]
Registrar

Court of Small Causes, Madras
30th March 1896

No. 301

From,

R. B. Mitchell Esquire,

Chief Judge, Court of Small Causes,
Madras.

To,

Honourable Mr. J. F. Price, C. S. J. C. S.
Chief Secretary to Government
Fort St. George.

Sir,

With reference to G.O. dated 7th June 1881, No. 781 Public, para 3 and G.O. dated 21st June 1883 No. 1215 Public, para 2 and G.O. dated 25th April 1891 No. 331 Public, paras para 3, I have the honor to report that one of the bailiffs of this Court C. J. Judge, an Eurasian on a salary of Rs 75 per month filed his petition and schedule in Court for the relief of Insolvent Debtors on the 2nd day of November 1895 and obtained an order of personal discharge from that Court on the 27th day of January 1896.

On the 8th October 1895 the said bailiff addressed a letter to the Registrar of this Court, the copy of which is forwarded herewith. After making an enquiry into the circumstances of the

the case I made the following endorsement on the bailiff's letter "I have given Mr. Judge's case the best consideration I can, and under all the circumstances I think I am justified in passing the following order. He is to retain his appointment of bailiff without suspension provided he files his petition in the Insolvent Court without delay. This order is however subject to cancellation if on my inspection of his schedule (a correct copy of which he is to furnish me with immediately on his filing his petition and schedule) or if in the course of the Insolvency proceedings it should appear right to me that such order should be cancelled and that he should be suspended."

The bailiff not having furnished the certified copy of his petition and schedule and of the order of personal discharge, I on it being brought to my knowledge that he has obtained such order, gave directions that he should furnish such copies. He then addressed a letter to me dated 2nd March 1896 the copy of which is forwarded herewith. I then directed the Registrar to write to the Chief clerk of the Insolvent Debtors Court stating the circumstances and requesting that

under

under them a certified copy of the said petition and schedule might be furnished gratis. This the Chief clerk of that Court has done. The certified copies of the petition and schedule so furnished and the order of personal discharge which has been furnished by the bailiff are forwarded herewith.

As the result of enquiries into his case, I believe bailiff Judge's insolvency is not attributable to extravagance on his part. He has a large family of children and it appears he has had troubles in his family occasioning expenses beyond what his salary was sufficient to meet. As an officer of this Court he bears a character for sobriety, efficiency in the discharge of his duties and good conduct.

As is shown by the order of discharge of the Insolvent Court there was no opposition on the part of creditors to his discharge.

I have the honor to be,
Sir,
Your most obedient servant,

R. B. Mitchell
Chief Judge

From

The Chief Judge

Court of Small Causes
Madras.

H.M.

It is submitted that the
man may be continued
in service.

J.B.
1.4.6.

H.M.

For orders. It is

quite clear that the man
went on borrowing after
any natural expectation
of being able to repay had
gone; but it is the way of
his class.

S.K. 2.4.6

A fuller & more particular sketch
of the circumstances which led the man
into debt should, I think, be
given

M.S.
4/4/96

Offici' Phas diff asking for this
S.K. 6/4/96

6/4/96

Pub. Ch. 11821

Memorandum S.P. 202
104966

The Chief Judge,
Small Cause Court,
is requested to obtain
and furnish a more
fuller and more
particular statement
of the ~~particular~~ circum-
stances which led
the bailiff into debt.

(From above)

S.K. 7.4.6

M.S.
7/4/96

The Chief Judge
S. C. Ct. S.K.
10/4/96
1/4/96

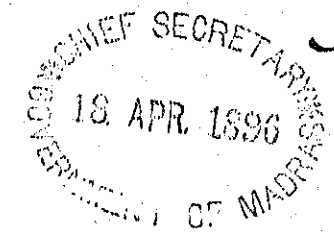
From

R. B. Hickell Esq.

Chief Judge

Court of Madras

Madras.



To

The Honable Mr. J. F. Price C. J.

Chief Secretary

to the Govt of Madras

No 356

Dated 17th

Despatched

April 1896

Received 18th

Ref^d 20

Enclosures No 2

Subject

Furnishing particulars as to
the cause of insolvency of
bailiff judge as called
for in your memorandum
No 802 dated 10 April 1896

HM

Submitted with reference
to the Honble Member's
note at

C.S.

21. 4. 96

If the man's story is true he seems
to have been very unfortunate
and his running into debt
is not a matter of
surprise D
22/4/96.

Remains to be let off

WM
23/4/96

over
16-4-96

Court of Small Causes, Madras,
15th April 1896.

%

R. B. Mitchell, Esq.,
Chief Judge, Court of Small Causes,
Madras.

Sir,

In compliance with your order, calling upon me to furnish particulars as to the cause of my insolvency for the information of Government, I beg to append herewith a "true extract" from the Income Book, which I trust will meet with your approval and that of the Government.

From the annexed documents it will be observed that, when my troubles began, my family then consisted of only six souls, with an aggregate income of Rs 118-8-¹¹/₂. Shortly after, my troubles increased so far while both my sons lost their appointments (within a fortnight of each other), thus reducing my income to Rs 95 only, the number of my household was increased from six to nine souls, by my eldest daughter and her two children being thrown on my shoulders under unavoidable circumstances. To enhance my troubles, my second daughter and her child were added to my household, thus increasing the number from nine to eleven! But this was not all, for now there was a further reduction in my income by my salary being attached, which reduced it to Rs 36-11-¹¹/₂, the other half (Rs 36-11-¹¹/₂) going to my creditors. Had any condition arisen

My salary Rs 75-¹¹/₂
Children 22-8-¹¹/₂
2 kids 21-¹¹/₂
78-8-¹¹/₂

* Income tax
Rs 1-10-0 and
10 paise for the
highest family
subjected for
income tax

was, it would have been some consolation if all my
creditors had followed suit in attaching my salary, for
then I would have had the full moiety (if I may use such
an expression) of my salary to live upon, or, rather, to live on
an existence. But this was not to be for greater troubles awaited
me. Two of my creditors had resolved to push their claims
in force by having me arrested, and that they did; but
you were pleased to release me from arrest on passing
judgments by a weekly instalment of \$5 and \$7.50,
respectively, while I had to pay \$50 monthly to another
creditor who threatened to sue me. Thus, these three
sums of \$5, + \$7.50, + \$50, aggregating \$62.50 in all
I had to pay out of my moiety of \$36.11, thus leaving
me a pittance of \$19.33 to live upon. Reduced
to this extremity, I was at a loss what to do, when, with your
benevolent disposition and keen judgment, you were graciously
pleased to pass that (to me) unreasonable order in writing,
in which you said you were "justified" in permitting me
(after giving my case the "best consideration") to file my papers
and to retain my appointment "without suspension".

You have thus far, in dealing with
my case, been uncommonly kind to me, and have befriended
me in a manner, beyond measure; and to justify your action
you were further pleased to recommend my case favorably
to Gov. In forwarding this my explanation (to Gov.), I must
kindly ask you to add a word or two in my favor, with
an expression of hope that I may be permitted to continue
in the service of Gov., and thus, after a period of three

or four more years of service, be enabled to earn (for which I can
at present do) a small pittance or pension in the evening of
my days for the support of my family. Thanking you for
past kindnesses and leaving my case entirely in your hands,

I remain,

Sir,

Yours most obedt & humble servant,

J. J. Smith, S. C. Cook.

Court of Small Causes

Madras 17th April 96

From R. B. Mitchell Esq.
Chief Judge
Presidency Court of Small Causes
Madras.

To
The Honorable Mr J. F. Price C. P. J.
Chief Secretary to the
Government of Madras.

Sir,

I have the honor to acknowledge receipt on 13th instant of your memorandum No 802 dated 10th instant requiring a fuller and more particular statement of the circumstances which led the bailiff (Judge) into debt. Bailiff Judge was accordingly called upon to furnish fuller and more particular information as to the circumstances which led him to get into debt. He has submitted a letter to me dated 15 April 96 and a certified extract from his and his son's balance sheet filed in the Insolvent Debtors

Court.

1364

Court, giving particulars as to the facts
alleged to have caused his insolvency, which
documents I have the honor to forward to
you herewith.

I have the honor to be,
Sir,

Your most Obedient Servant
R. B. Mitchell
Chief Judge.

[G.]
24.
1.000-15-11.00.

Public DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 1184 of 1896, dated 30/3/96, from The Chief Judge, Court of Small Causes,
Madras.

" " 1364 " 1896, " 17/4/96, " ditto.

" " " 189 , " , "

ORDER. W. 505 of 1st May '96
mis

The retention in the
Public Service of M. C. J. Judge,
Bailiff, Court of Small Causes,
Madras, is sanctioned.
under the circumstances
from Orders

c.w.
24/4/96

24/4/96

24/4/96

To The Chief Judge, Court of Small Causes,
Madras.
with 4 enclosures
Sent 21/5/96
(27 with the)
Copies 6/5

Remission of duty on
C. J. Gadsden in the Public Service

FROM ORDERS.

C. S.

When given for copying _____
When copied _____
When examined _____
When signed _____

189

REAR ARMY G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTERS OF GOVERNMENT

STATEMENTS WITH DUTY

PAYERS NOT FILLED UP, BRING WANT FOR DISPATCH
IN ORIGINAL

N.B.—

A — Copy in full.
B — Not to be copied.
C — Copy abstract only.
Q — Copy heading only.