

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	<i>2204</i>	Press ~~Mis.~~
Dated	<i>18—8—</i>	~~19—~~ <i>1868</i>

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
18th August 1868.*

No. 295. Read the following letter from the Acting Secretary to the Board of Revenue, to the Acting Secretary to Government, Revenue Department, Fort St. George, dated Madras, 12th August 1868 :—

1. I have the honor to inform you that Mr. Kelly, 2nd Uncovenanted Assistant in this Office, having on the 16th ultimo taken the benefit of the Insolvent Act, was suspended from the service.

2. Mr. Kelly has now obtained his discharge. Having been furnished by the Chief Clerk with a copy of his Schedule and the order of adjudication, I beg to submit his case for the favorable consideration of Government, with a view to his restoration.

3. The debts amounted to 10,000 Rupees, representing sums borrowed over a long series of years. These were to a certain extent covered by six Insurance Policies, of the aggregate amount of 16,000 Rupees, the premiums on which Mr. Kelly continued to pay up to the time of his application for protection.

4. From the fact of his application having been opposed by only one creditor, it is to be inferred that the others considered he was doing his best to meet his liabilities.

5. Mr. Kelly has to support a wife and thirteen children, and has for many years past been living most economically, and devoting the greater part of his salary to the satisfaction of debts occurring previous to his entering the service. I trust that the Government will, under the circumstances stated, annul the suspension, and permit Mr. Kelly to resume his duties.

No. 296. ORDER THEREON, 18th August 1868, No. 2,204.

Miscellaneous.

Under the circumstances reported by the Board of Revenue, the Government are pleased to permit Mr. Kelly to resume his situation in the Board's Office.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
.. the Accountant General.
.. the Examiner of Claims.

Exd. S. T. Augustin.

Copy of the remarks of the Secretary to the
Civil Fund Office.

The Secretary begs to notify to the Trustees that Mr. Kelly has been permitted to resign his appointment from the 1st. The salary attached to the situation offered Mr. Kelly is Rupees 80 per Mensem in excess of the amount he now receives. Though regretting the loss of his services, the Secretary feels he could not do otherwise than accept Mr. Kelly's resignation. His conduct during the time in office has been most satisfactory, and the ability and zeal he has displayed in the preparation of very intricate accounts & statements entitle him to the greatest credit.

The services of Mr. Stailer at present a teacher in the High School have been secured to fill the vacancy in the office.

(Signed) S. D. Birch.

Civil Fund Office,

31st July 1855....

A true copy

Wm. Kelly

the
 The Secretary Board of Revenue
 Secy

Sir,
 With reference to your Order dated 19th June 1868
 suspending me from Office and to my papers filed in the
 Insolvent Court copies of which have, I believe, been
 furnished to you by the Chief Clerk of that Court, I
 respectfully hope that under the circumstances already
 explained to you and more fully stated below you will
 kindly make a favorable representation of my case
 in your Report to Government.

I was compelled to contract debts long before
 I entered the Service of Government, by having even then
 a large family to support with insufficient means
 to do it, the salary of my last employment out of the
 Services of Government as Manager of the Civil Fund
 Office having been only Rupees 120. The Secretary's
 remarks on my leaving the Office for my present employ-
 -ment will show when and under what circumstances
 the change occurred. A copy of these remarks is herewith
 enclosed. Until a short time ago however I had very
 reasonable expectations from the promises made by a
 rich relative now deceased, of being ultimately in a
 position to fully meet all my liabilities, but un-
 -happily from confiding too much in a third party
 (my uncle and the deceased's brother), I have failed
 to realise those expectations. The deceased's Will formed
 the subject of a suit in the High Court last year

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and the validity of the Bill which I contested was upheld by Mr Justice Holway who however remarks that the conduct of the Plaintiff (my uncle who continued to have the whole of the property (Rs 82,000 in Government Securities) willed to himself, was throughout "deceitful and dishonorable and that had my case been properly managed, which it was not, the Bill might have been thrown out."

As stated in my papers filed in Court, I have for the past four years exercised very careful economy in my domestic concerns. It is nearly three years since I kept a conveyance to take me to office. Five years ago I lived in a house the rent of which was Rupees 40 per mensem. Since then I have lived in houses renting for Rs 21 and 15 respectively and for the past 12 months in one for which I pay Rs 14 per month.

I have a wife, Aunt, grown up daughter & 12 other children to support and depend upon my official pay alone to do it. From being unable to clothe my children properly and to pay the requisite fees for five of them who attended certain schools had to cease doing so upwards of a year ago.

Although in the above state of affairs conjointly with the incessant worry to which I was subjected by some of my creditors afforded a strong inducement for me to resort to the Insolvent Court for relief; I contrived by the payment of the greater part of my salary to my creditors to put off the evil day until now and probably would have continued to do so for a much longer time had it not been for certain creditors who procured the issue of writs against my person thereby preventing me from attending office and with whom I failed to effect any compromise notwithstanding the liberal terms I offered much to the prejudice of my interests.

A glance at my balanced sheet will show that

Where? how?
sum?
deposited?
Nov 11

that I have been satisfying to the best of my ability, the demands of my old creditors; paying away the new debts incurred from month to month to enable myself and family to live; and keeping up six Policies of Insurance by a monthly payment of Rs 54 and the benefits of the Orphans & Widows Fund by a monthly payment of Rupees 25 $\frac{1}{2}$.

In my petition to the Commissioner I offered to pay Rupees 75 per month in the event of my being restored to my appointment for the benefit of my creditors, as I found that it would cost me at least Rupees 225 to live decently without incurring debt again; but the Commissioner, Sir Adam Bittlestone, has been pleased to order a payment of Rs 100 per month.

As regards the character of my debts and their total amount, Rupees 11,200 & odd, as shown in my Schedule, I beg respectfully to explain that Rs 10,620 form the amount of renewed bonds to Soucars and private money lenders. This amount includes in the majority of cases the balance of Principal & Interest remaining unpaid at the time; in some cases it included also the Interest payable for future time until the whole debt shall be liquidated and in one instance (Creditor No 9) it includes also the premium on a Policy of Insurance for Rs 5,000 for 28 months at Rupees 24 per month.

The actual amount received from all the Soucars and private money lenders does not exceed Rupees 5,000.

In three instances (Creditors Nos 6, 9 and 10) I borrowed money for the benefit of other parties and in my Schedule, these three items

no cause

items amount to Rs 4,670.

In respect of the first of these 3 items, I beg to state that I guaranteed the payment of the loan, merely to save, if possible, a sinking shop keeper who already owed me a thousand Rupees & which sum I was in hopes of recovering ultimately by affording him temporary help.

In the other two cases, I could not possibly avoid affording the accommodation, as I was indebted to the party thus accommodated, and in entering into an obligation with one I in a great measure absolved myself of my obligation to the other.

For fear of trespassing too long on your time, I shall conclude this explanation in the earnest and humble hope that my case will be favorably viewed and represented to Government with a strong recommendation that I may be restored to my appointment without loss of pay for the time I have been suspended.

I beg respectfully to remain,
Sir,

Your very obedient servant.

Madras,

10th August

1868

W. M. Kelly

R 266/68

Forwarded to the
Acting Under Secretary
to Government Revenue
Department with reference
to his Official Memo
dated 4th September 1868

No III.

Rev. B. Office }
Madras }
8th Sept. 1868.

A. Sub Secretary

No. 2660

From The A. S. Secretary to the A. S. of Revenue

Dated 12th August

1868.

FORM ORDERS.

Mr. Kelly is in the receipt of
 Rs. 300 salary, & has been 16 years in
 the service of Govt. - appearing the truth
 of Mr. Kelly's statement that for some years
 he had been living in the expectation
 of receiving a considerable ^{property} of it - he
 was disappointed by conduct - signified
 from the High Court Bench as disapproved
 & to the uncle who got the property in
 question under a will of Mr. Kelly's con-
 test, - there may be some excuse for
 the amount of money borrowed" as shown in
 the Schedule - otherwise, I should have
 been inclined to allow the Kelly to resume
 office. - As matters stand, I would permit
 him to be re-elected.

I observe that there are 3 accommodation Kelly
 in the Schedule but a Mr. Johnston was a party.
 It is not clear, either in Mr. Kelly's own letter
 or in the Bds letter that the 13 children are
 Mr. Kelly's own - one a daughter, is his, no doubt;
 but about the other 12 the statement is not
 distinct - 16 Aug 68

W. H. K.

Revenue B^d Office.

Madras.

12th August 1868.

From
The Secy to the
Board of Revenue

To
The Secy to Government
Revenue Department

Sir,
I have the honor to inform you
that Mr. Kelly 2^d Unconvenanted Assistant
in this office having ^{on the 18th ultimo} taken the benefit
of the Insolvent Act was suspended from
the service.

Mr. Kelly has now obtained his
discharge. Having been furnished by the Chief
Clerk with a copy of his Schedule and the
order of adjudication, I beg to submit his case
for the favorable consideration of Government
with a view to his restoration.

The debts amounted to 10000 Ru.
pees representing sums borrowed over a long
series of years. These were to a certain ex-
tent covered by 6 Insurance policies of the
aggregate amount of 10000 Rupees the premiums
on which Mr. Kelly continued to pay up to
the

the time of his application for protection.

From the fact of his application having been opposed by only one creditor it is to be inferred that the others considered he was doing his best to meet his liabilities.

Mr. Kelly has to support a wife and 13 children and has for many years past been living most economically and devoting the greater part of his salary to the satisfaction of debts occurring previous to his entering the service. I trust that the Government will under the circumstances stated annul the suspension and permit Mr. Kelly to resume his duties.

Revenue Bd. Office,
Madras,

12th August 1863.

I have the honor to be,

Sir,

Yours most obedient servant.

A. S. S. S.
Secy.

The Secy. to Government
Revenue Department.

With copy of Schedule
and discharge orders

B. S. S. S.

C. P. by L. Governor

List
of members
in Council
10/8/63

2204

Under the circumstances reported by
the Bd of Revenue the Govt are
pleased to permit Mr. Kelly to
resume his situation in the Board's
Office.

Ms. Copy of Letter of Revenue Bd. to Secy. Govt.
6
3
14-Sept-63
Examined & signed

18th Aug. /68

Pro: 28 October 1869
No 113 @ 115

Rev. 1868 Depart.
No of Co. for Aug. 1868. 2660.

From
The Secretary to the
Board of Revenue
To The Secretary to the
Revenue Department

Dated 12th
Decr. 12 } August 1868.
Rev. 13th }
C. J. O'Donoghue

Recommending that Mr.
J. M. C. Kelly 22 Almond
Assistant in Board's Office
be restored to his post from
which he was suspended
for having taken benefit
of Insolvency Act -

Ex: 295-296.

In witness whereof
15 Aug 1868

W. M. O'Donoghue

15 Aug 1868