Proceedings of the Madras Government, Revenue Department,
16th May 1873.

No. 110. Read the following Proceedings of the Board of Revenue, dated 28th April 1873, No. 666:—

Read the following letter from E. BARCLAY, Esq., Acting Government Solicitor, Madras, to J. GROSE, Esq., Secretary to the Board of Revenue, dated

I HAVE the honour to acknowledge receipt of copy of Proceedings of the Board of Revenue, dated 9th April 1873, regarding the proposed Composition Deed between Captain Campbell and his creditors and the circular of Messrs. Grant and Grant with an abstract of that proposed Composition Deed.

2. I have perused the abstract deed, and as it at present stands I cannot advise that the Government be parties to it. By the deed Captain Campbell is to assign for the benefit of his creditors to a Trustee no less than eight pieces of land and all his goods, wares, merchandize, stock-in-trade, moneys, credits, and other personal estate and effects (except the wearing apparel of Captain Campbell and his wife), and the Trustee is to hold such property in trust to permit Captain Campbell to use and enjoy such part thereof as is mentioned in the first schedule to the proposed deed for five years, and, as to the remainder, upon trust that the Trustee shall sell and convert into money such part of the same as shall not consist of money and shall stand possessed of the proceeds of such sale and conversion and such part of the remaining property as shall consist of money, in trust, to pay the expenses of such sale, the costs of preparing the deed of Captain Campbell's insolvency, and all other costs incurred in or about the execution of the trusts to be contained in the deed, the Trustee's remuneration, a loan to Captain Campbell of Rupees 7,000 without interest, and the balance to be distributed amongst Captain Campbell's creditors.

3. As it is proposed that Captain Campbell should be allowed for five years to use and enjoy the property mentioned in the first schedule to the proposed deed, it is important to see what that schedule includes, and a reference to it will show that it includes "*all* those several pieces or parcels of land, messuages, tenements, buildings, and hereditaments described in the deed," and if not all, most probably a very large portion, of Captain Campbell's furniture and personal effects, so that it is difficult to see (and no information is given on the point) of what the remaining portion, which it is proposed should be sold and converted into money, is to consist.

4. The proposed loan to Captain Campbell of Rupees 7,000, coupled with the very uncertain prospect of his ever being in a position to pay off his creditors, is, in my opinion, another very strong reason why Government should not be parties to the proposed trust, and as a debt due to the Crown is not affected by the Insolvent Act I am of opinion that the Deputy Conservator of Forests, Madura, should be directed to decline to join the trust.

5. I return Messrs. Grant and Grant's circular with the abstract Composition Deed, and I have, &c.

ENCLOSURE No. 1.—Letter from Messrs. Grant and Grant.

ENCLOSURE No. 2.—Proposed Composition Deed.

Proceedings of the Madras Government, Revenue Department,
16th May 1873.

SUBMITTED to Government with reference to G. O., dated 18th January 1872, No. 111.

2. The Board suggest the expediency of at once instituting a suit for the recovery of the money due to Government by Messrs. Campbell and Co.

Forests, No. 5.

UNDER all the circumstances of the case, the Right Honourable the Governor in Council is pleased to authorize the Collector of Madura to accept the composition proposed on behalf of Captain E. A. Campbell.

(True Extract.)

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

Revenue Department.

Proceedings of the Board of Revenue
dated 25 April 1873.

No. 215. Read the following

From,

Ernest Barclay,
acting Government Solicitor,
Madras.

To,

J. Grose Esqre.,
Secretary to the
Board of Revenue.

Sir,

I have the honor to acknowledge
receipt of copy of Proceedings of
the Board of Revenue dated 9th April
1873 regarding the proposed com-
position deed between Captn Campbell
and his creditors and the circular
of Messrs Grant & Grant with an
abstract of that proposed com-
position deed.

2. I have perused the abstract
deed and as it at present stands,
I cannot advise that the Government
be parties to it. By the deed, Captn
Campbell is to assign for the bene-
fit of his creditors, to a Trustee
no less than eight pieces of land
and all his goods, wares, merchan-
dize stock in trade, monies, credits,
and

personal Estate and effects to the wearing apparel of Captn Campbell and his wife) and the Trustee is to hold such property in trust to permit Captn Campbell to use and enjoy such part thereof as is mentioned in the 1st schedule to the proposed deed for 5 years, and as to the remainder, upon trust that the Trustee shall sell and convert into money such part of the same as shall not consist of money and shall stand possessed of the proceeds of such sale and conversion and such part of the remaining property as shall consist of money, in trust, to pay the expenses of such sale, the costs of preparing the deed of Captn Campbell's Insolvency, and all other costs incurred in or about the execution of the trusts to be contained in the deed, the Trustees remuneration, a loan to Captn Campbell of Rs. 7000 without interest, and the balance to be distributed amongst Captn Campbell's creditors.

3. As it is proposed that Captn Campbell should be allowed, for

for 5 years, to use and enjoy the property mentioned in the first schedule to the proposed deed it is important to see what that schedule includes, and a reference to it will show that it includes "all "those several pieces or parcels "of land messuages tenements buil- "dings and hereditaments described "in the deed" and if not all, most probably, a very large portion of Captn Campbell's furniture and personal effects, so that it is difficult to see (and no information is given on the point) of what the remaining portion, which it is proposed should be sold and converted into money, is to consist.

4. The proposed loan to Captn Campbell of Rupees 7000 coupled with the very uncertain prospect of his ever being in a position to pay off his creditors is in my opinion another very strong reason why Government should refuse to be parties to the proposed trust, and as a debt due the crown is not affected by the Insolvent Act. I am of opinion that the Deputy

Conservator

conservator of Forests. Madura, should be directed to decline to join the Trust.

5. I return Messrs Grant & Grants circular with the abstract composition deed and.

I have &c.

Madras
15th April 1873

sd/ Ernest Barclay
Actg. Govt Solicitor

Submitted to Government with reference to Government order 18th January 1872, No. 111.

The Board suggest the expediency of at once instituting a suit for the recovery of the money due to Government by Messrs Campbell & Co.

/True Copy/ Extract

J Grote
Secretary

To
The Actg Secretary to Government
Revenue department
with two original enclosures
& copies of G.O. Ro: 12th April 1872, No 590
" 29th " " 683
" 9th April 1873. Forest No 15

C Mungle
Chief Bookkeeping

Carber

Revenue 1873 Sept
No. 1199.
Proceedings of the
Board of Revenue

Dated 28th April 1873
Desp'd 28th "
Recived 1st May "
encs.
Enclosures 2 Returned p/o

Submitting H.Govt.
letter from Govt. Solicitor
regarding proposed Com-
=position deed between
Capt.n Campbell & his
creditors, & recommend
=ing institution of a
suit for recovery of
money due H.Govt. by
Mess.rs Campbell & Co.
S.O. No.493 - 16 May 73

L. 110 - 111

C 3rd/May/73 Rec.d 12 May/73

For orders

I think the
Pet. should appear in
his own responsibility
& not employ
Atty professional
it would be
right & there-
fore desirable
in the Collr.
Collr C. is in
Court - but
from the Collr is
not in attendance -
I am more disposed
to write to the
Collr. than the
Engineer

In Jany 1872 it was
reported to Govt that Insp.
Campbell Esq, engaged in
business in the Madura
District, had purchased wood
from the Forest Dept, at a cost
of Rs 924-5-8, and that
payment for the same
could not be obtained
from them. In the order
dated 18 Jan 1872 No 111, the
Govt sanctioned the institution
of a Civil suit for the
recovery of the money in
case Insp. Campbell Esq
failed to make arrange-
ments for payment
Sapra - I voted not pay.
R.S.

within a reasonable
time.

Shortly after this
Messrs Campbell the appear
to have become insolvent,
and in January last
their solicitors forwarded
a proposed composition
deed to the ~~Collector~~
~~of Boston~~ Dept. Com
=missioner of Forests. stating
that it had been
prepared in communi
=cation with the solicitor
of Mr D. L. Sedgwick,
Messrs Campbell & Co's
largest creditor

The Collector of Customs
forwarded the deed
to the Bd of Revenue

and reported inter alia,
that under it Captain
Campbell proposed to
surrender to his creditors
all his property and to
carry on business as a
Cigar maker for their
benefit receiving an allowance
for his maintenance

The Board of Revenue
referred the document,
with the Collectors letter,
to the Govt. Solicitor
for his opinion, and
Mr Barclay reports that
the deed is much less
favourable to Captain
Campbell's creditors
than the Colr. seems
to suppose. He suggests,
amongst other things, that the

Govt should decline to become parties to the Composition, and point out that the Insolvent Act does not affect debts due to the Crown.

The Board recommend that a suit be at once instituted for the recovery of the money, but it is submitted that the acceptance or refusal of the proposed composition may well be left to the Collector of the District.

It is believed that Captain Campbell has invested all his means in his land Speculations

and as it has been the policy of Govt. rather to encourage settlement of this description it is submitted that they may deal leniently with him.

The Solicitors letter might be referred to the Collr., and it might be left to his discretion to accept, on behalf of Govt. the proposed composition, or another more favorable to the interests of the creditors

J.P.S.

(4) Memo for Orders

Suit for recovery of money due by Myers Campbell & Co. of Duncan to the Interior Dept

Circ

c 3rd May/73 Ret'd 12 May/73

Forwarded

C. No. 1199 · 9/w

No. 493

Under all the circumstances of the case the Rt Hon'ble the Gov. in Council is pleased to authorize the Coll. of Madura to accept the composition proposed on behalf of Captain E. A. Campbell.

16 May 73

14 To the Bd of Rev Des 23 May 73
4 " Govt Solicitor " — "

Govt. of {1873} Madras.

REVENUE.

To

THE BOARD OF REVENUE.

&c., &c., &c.

Dated May 16th.

Recd. *Encl.*

G. O., 16th May 1873, No. 493.

MAY.

Nos. 110-111.

Nos. 110-111

Timber supplied to Messrs. Campbell & Co., from the Madura Forest.—Collector authorized to accept the composition proposed on behalf of Captain E. A. Campbell.