

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	217	Press
	15-16	~~Mis.~~
Dated	17-2-	1918

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 25th February 1859.

No. 15. Read the following letter from Messrs. LINE AND Co., Madras; to the Chief Secretary to Government, Fort Saint George, dated 9th February 1859.

SIR,

We have the honor to address you to request the favor of your laying the following case before the Right Honorable the Governor in Council, which we trouble him with on public as well as on private grounds.

Our remarks relate to the obstacles in the way of the administration of justice in the Mysore country, particularly with regard to actions for debt brought against parties in Bangalore by residents of Madras.

We have a claim against Captain Francis Cunningham of the Mysore Commission for a sum of money very kindly advanced to him by one of our Partners some years ago. This gentleman will neither pay the money due or respond to our letters regarding it, so we were compelled to put the case into the hands of our Solicitors, believing that in a case so clear there could be no difficulty in enforcing our claim. We were unsuccessful however in even commencing proceedings against Captain Cunningham, without at the time exactly knowing the reason, although our case was admitted to be a perfectly clear one.

We then addressed a letter to Lieutenant General Sir Mark Cubbon of which the enclosed marked A, is a copy. We enclose his reply to this letter marked B.

As we were in this last letter clearly assured that the Courts of the Mysore were open to all, we again applied to legal advisers here, and instructed them to recover the debt.

We are now informed by them that it is hopeless to attempt it, as "no Vakeel dare take steps against Captain Cunningham."

Although this has been so confidently stated to us, we can hardly credit the existence of so entire an immunity from justice on the part of a debtor in a country under British law, but as the obstacle exists, as far as the recovery of the debt due to us is concerned, we have to request that His Lordship in Council will do us personally the kindness, and the public the justice to take the matter into their consideration, and pass such orders as will enable us and others to proceed against parties in the Mysore, in the Supreme Court of Madras, or if this cannot be done, to remove the obstacles which at present exist to the obtainment of justice in the Mysore country.

Copy A.

Lieutenant General SIR MARK CUBBON, K. C. B., Commissioner in Mysore and Coorg,
Bangalore, dated Madras, 14th December 1858.

SIR,

We have the honor to address you for the purpose of bringing to your notice the following case which we feel assured will meet with your kind and prompt attention.

Captain F. Cunningham of the Mysore Commission has for many years past been our debtor and although we have repeatedly addressed him requesting him to remit us the money due, no answer from him has been received.

His account with us originally arose from a sum of money kindly and generously advanced to him by one of the members of our Firm. The amount he is at present due to us is Rupees-1898-5-5, a sum so small in itself in comparison with his present income, that the non-payment of it becomes the more inexcusable.

Captain Cunningham is beyond the reach of the law, a circumstance which he takes advantage of to deal dishonorably by us. We feel assured however that with the matter thus brought to your knowledge he cannot longer do so with impunity.

We have, &c.,

(Signed) LINE AND Co.

Fort St. George, Judicial Consultation, 25th February 1859.

Copy B.

From the Secretary to the Commissioner for the Government of the Territories of His Highness the Rajah of Mysore; to Messrs. LINE AND Co., Madras, dated Bangalore, 20th December 1858, No. 858.

GENTLEMEN,

In reply to your letter of the 14th Instant, I beg to inform you that the Commissioner never interferences in matters of the nature represented by you; the Courts of Justice established in the Mysore Territories being open to all.

I have, &c.,
(Signed) J. L. PEARSE,
For Secretary.

No. 16. ORDER THEREON, No. 217; dated 17th February 1859.

Messrs. Line and Co. are informed that the administration of the Mysore Territory is conducted by the Government of India, and that the Madras Government cannot interfere in the matter of their letter.

(Signed) T. PYCROFT,
Chief Secretary.

No. 217.
Mr Line and Co are informed
that the administration of
the Mysore Territory is conducted
by the Govt of India - and
that the Madras Govt cannot
interfere in the matter of their
letter
J. L. Pearce
Fort St George,
17th February, 1859.
To Messrs Line & Co - Madras - Disps - 19.