M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 416 Press ~~Mis~~

Dated 30 . 6 . ~~18~~ 1838

Not to be folded or roughly handled

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No. 44. From JAMES SWAN, Esq., Assistant Colonial Secretary; to the Chief Secretary to Government, Fort Saint George, dated Colombo, 11th June 1858, No. 41.

SIR,

I am directed by the Governor to transmit to you the accompanying Petition presented to His Excellency by Kathireser Chettiar Kooloottoonger, and a copy of a correspondence with the Government Agent for the Northern Province, and to request that you will move the Right Honorable the Governor of Madras in Council to interpose in the matter in question, as may seem fit.

From P. A. DYKE, Esq., Government Agent for the Northern Province; to the Honorable the Colonial Secretary, Colombo, dated Jaffna Cutcherry, 26th March 1858, No. 97.

SIR,

On the receipt of the Petition of Kathireser Chettiar Kooloottoonger, referred to me for report in August last, besides communicating with him, he being in Travancore, in writing as some personal explanations were necessary to enable me to understand the papers, I caused it to be intimated to his Son-in-law, who was known to me, that I desired to see him, to receive such explanations from him, and on appearing he informed me that he was personally interested in the matter and that his interests were directly opposed to those of the Petitioner.

This person is Mr. Sinnappoo, a Procter of the Supreme Court, practising in the District Court here, and his case is, that the Petitioner, at an early period of his Contract, being unable to fulfil it, transferred to him, by an irrevocable Power of Attorney, all his rights and obligations under the Contract and that the Dewan recognised such transfer.

Considering the nature of the reference to me, I thought, I was bound to attend to Mr. Sinnappoo, and I now also think that I am bound to bring his case under the notice of Government with the reference to me.

Mr. Sinnappoo has produced to me a number of papers which I forward enclosed, the most material of these are the copies of the irrevocable Power of Attorney, the Dewan's letter to the Resident at Travancore, and Mr. Sinnappoo's paper in controversion of the Statements of the Dewan.

It appears to me upon consideration of these papers and of some of the Statements in the correspondence contained in the other papers that Mr. Sinnappoo's case as to the Power of Attorney is deserving of equitable consideration.

I also submit that it seems to me to be an indispensable preliminary to any consideration of the merits of the case of the Petitioner Kooloottoonger that this case of Mr. Sinnappoo's should be so disposed of.

I therefore venture to suggest that His Excellency the Governor should interpose with a request to the Government of Madras that the claim of Mr. Sinnappoo to be recognised as the Contractor by virtue of the irrevocable Power of Attorney in his favor should be duly investigated.

I return the Petition of Kathereser Kooloottoonger, conceiving that it might be required for reference, but I retain a number of papers he has sent me.

From J. BAILEY, Esq., Assistant Colonial Secretary, Colombo; to the Government Agent at Jaffna, dated 20th April 1858, No. 101.

Having laid before the Governor your letter, No. 97 of the 26th Ultimo, I am directed to acquaint you that it is utterly impossible that this Government can decide between the claims of the Petitioner and Mr. Sinnappoo, nor does His Excellency see that steps can be taken with the Madras Government until some definite suggestion can be made.

From P. A. DYKE, Esq., Government Agent at Jaffna; to the Colonial Secretary at Columbo, dated 10th May 1858.

Sir,

I have the honor to acknowledge the receipt of your letter of the 20th Ultimo, having reference to mine of No. 97 of 26th March, and stating that it is not possible for the Government to decide between the claims of a certain Petitioner and Mr. Sinnappoo therein referred to, and that the Madras Government cannot be addressed on the subject until a definite suggestion be made.

I respectfully submit that it appears to me from these observations, that I have not succeeded in making myself understood; and I solicit attention to the following brief explanation of my former representation.

A Petition asking the interposition of this Government as to certain claims upon that of Travancore was referred to me for report. The Petitioner being absent from the country, my enquiry for an Agent to represent him brought forward a person who stated that it was with him, not with the Petitioner to this Government, that the Government of Travancore should account.

This person rested his claim upon the alleged existence of a general Power of Attorney to him from the Petitioner and supported his Statement with papers including letters from Mr. Ormiston of Colombo, and correspondence with the Authorities of Travancore which seemed to me to raise a strong presumption in his favor.

It therefore seemed to me to be absolutely necessary before the Government entered upon any consideration of the merits of the case of the Petitioner for its interposition, that the case as between him and Mr. Sinnappoo should be finally decided on. And as the correspondence submitted to me seemed to shew that it had not been entertained upon its merits by the Government of Travancore, I submitted the recommendation that this Government should request of that of Madras to interpose, to secure that it might be.

Mr. Sinnappoo has not entered into the details of his claims, at present he only seeks to procure a recognition that he is the person to be dealt with in the adjustment of the Accounts of the Contract, which the Petitioner made with the Travancore Government.

No. 45. Order thereon, No. 416; dated 30th June 1858.

Ordered that the foregoing letter and correspondence, with the separate enclosures in original, be forwarded to the Resident of Travancore, for his report on the matter to which they relate, with especial reference to the claim of Mr. Sinnappoo to be recognized as the person to be dealt with in the adjustment of the Accounts of the Contract made with the Travancore Government.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

No 416

Ordered that the foregoing letter and Correspondence, with the separate enclosures in original, be forwarded to the Resident of Travancore, for his Report on the matter to which they relate, with especial reference to the claim of Mr Sinnappoo to be recognized as the person to be dealt with in the adjustment of the Accounts of the Contract made with the Travancore Government

Fort St George, 30 June, 1858.

To the President of Travancore with 2 orig Enclos: Dispd 5th

In Dy 6 Cons: 2d July.
Political. 1858. Sept.

Forwarded to the Colonial Secretary at Colombo. 41.

2/11
A/23d June/58.

No 425
2 Encls.

Transmits a Petition presented to the Ceylon Govt by Katiresen Chettiar Koolookonger regarding certain Claims on the Travancore State, and a Copy of correspondence with the Govt Agent for the Northern Province on the subject, and requests the Govt to interpose in the matter as may seem fit.

With an Order

2 Enclosures being English & Malayalim documents forwarded to the Resident of Travancore & Cochin — with the Order dated 30 June 1858

C 24 June
R 29 "

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Political Dept 6 Consn 26th March
No 58 of 1859 Para 7.