

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

122-124	G.O. No.	1469	Press
			~~Mis~~
	Dated	11-9-	1918.7

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

11th September 1867.

Read the following papers:—

No. 122. From the Secretary and Treasurer, Bank of Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 30th August 1867, No. 49-425.

I have the honor, by desire of the Directors of the Bank of Madras, to state, for the information of Government, that in course of an examination before the Cantonment Magistrate at Bangalore of J. H. Boyne, who had been arrested at Madras on a charge by the Bank, of cheating and forgery, there was found among the prisoner's papers (on searching his boxes in the Police Court at Bangalore on the 23rd instant), an exact copy on the usual Telegraph form, of a telegram sent from the Bank's Agent at Bangalore to this office on the 19th instant, containing a description of the prisoner, with a view to his arrest.

2. The telegram in question was not opened at the Bank until a few hours after the prisoner had been arrested early on the morning of the 20th instant, and as he has been in custody ever since, the copy must have been furnished to him before his arrest, by some one in the employ of the Telegraph Department.

3. A copy of this letter will be forwarded to the Superintendent of Telegraphs here.

No. 123. From the Secretary and Treasurer, Bank of Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 4th September 1867, No. 49-451.

With reference to my letter to your address of the 30th ultimo, No. 49-425, I have the honor, by desire of the Directors of the Bank of Madras, to lay before you the following circumstances which led to the arrest of Mr. J. H. Boyne on a criminal charge of cheating and forgery, and to solicit the aid of Government in procuring the attendance of the necessary witnesses from Calcutta, in order to a successful prosecution of the prisoner.

In June last, Boyne presented to the Agent of this Bank at Bangalore two letters, purporting to be addressed to him by the Agent of the Bank of Bengal, Rangoon, advising credit to his account of the sum of Rupees 5500, and stating that that sum had been transferred to his credit with the Bank of Bengal at Calcutta. On production of these letters, the Bank's Agent at Bangalore was induced, on various dates, to cash Boyne's drafts on the Bank of Bengal, Calcutta, to the amount of Rupees 3200, but on one of these cheques for Rupees 1500 being forwarded to Calcutta, a telegram was received at this office from the Bank of Bengal, to the effect that Boyne had no credit with it. This telegram was immediately forwarded to our Agent at Bangalore, who at once called upon Boyne (he being still at Bangalore) for an explanation. Boyne still insisted that he had funds at Rangoon which should have been transferred to Calcutta and offered to telegraph to Rangoon on the subject. He did accordingly telegraph to the Agent of the Bank of Bengal, Rangoon, on the 23rd July, advising dishonor of his cheques, and requesting that the amount at his credit might at once be transferred to Calcutta. On the 29th July the Bank's Agent at Bangalore received a telegram to his address, dated the 28th, purporting to be from the Bank of Bengal, Calcutta, advising that the sum of Rupees 5500 had been placed to Boyne's credit on a telegram from its Branch at Rangoon. The dishonored cheque for Rupees 1500 was accordingly re-transmitted to Calcutta on the 5th instant; but on the 17th a second telegram was received from the Bank of Bengal, repeating its former advice, that Boyne had

*Proceedings of the Madras Government, Judicial Department,
11th September 1867.*

no credit with it. This led to a closer investigation of the circumstances attending these transactions, when it was discovered that the letters originally produced by the prisoner, and the telegram of 23th July, had been forged, Boyne (who had in the meanwhile fled to Madras) was, therefore, arrested on the 20th instant, on the charges named, and is now a prisoner at Bangalore.

3. The Bank's Solicitors, Messrs. Boyson, Brockman, and Prichard, not considering the letters from the Bank of Bengal sufficient, deem it essential, in order to secure a conviction of the prisoner, that personal evidence should be procured from Calcutta to show that Boyne had no credit with the Bank of Bengal at the time represented by him, or at any other time, and also that the telegram, purporting to have been sent by that Bank to the Branch of this Bank at Bangalore, stating that Boyne had funds to his credit with the Bank of Bengal, never was in fact sent by that Bank.

4. Considerable expense has already been incurred in the prosecution of Boyne, and as the Bank is not likely to incur any loss in these transactions beyond the expense of prosecution, the cheques being all endorsed by parties considered good for the amount, the Directors, acting upon the suggestion of their Solicitors, Messrs. Boyson, Brockman, and Prichard, desire me to request that the sanction of Government may be obtained for payment of the expenses of the necessary witnesses from Calcutta.

5. The question is one in which the public interests are greatly concerned, and as the Directors consider it most essential that no miscarriage of justice should occur from failure to procure sufficient evidence to convict the prisoner, they trust that this application will be favorably entertained by Government.

No. 124. ORDER THEREON, 11th September 1867, No. 1469.

The Governor in Council cannot comply with the application made in the foregoing letter.

2. The fraud referred to is entirely connected with the ordinary transactions of the Bank's own business. It is to the general interest of the Bank that the prosecution should succeed notwithstanding the money obtained by the prisoner may be recovered from the parties who have endorsed the cheques.

3. Copies of the foregoing letters will be furnished to the Superintendent of Telegraphs, Madras Division, as well as to the Director General of Telegraphs, with a view to inquiry being made as to how Boyne got possession of the copy of the telegram despatched by the Agent of the Branch Bank at Bangalore to the Bank of Madras, dated 19th August, and as to the forged telegram of 23th July last, purporting to have been despatched from the Bank of Bengal.

(True Extract).

Chief Secretary.

To the Directors of the Bank of Madras.

„ Superintendent of Telegraphs, Madras Division.

„ Director General of Telegraphs.

Exd. J. Tulloch.

Memo for order.

*An instrument named
Boyne has obtained
money on forged documents
from the Branch Bank
at Bangalore. He has
been arrested and the
Bank propose to prosecute.
Witnesses from Calcutta
are necessary to secure
conviction and the
Bank apply to Govt
to bear the expense*

*as on any other day
the general interest of
the Bank that the
prosecution should
succeed notwithstanding
the money obtained by the
prisoner*

of producing these witnesses
This does not seem
to me a reasonable
proposal. The Bank
Agent at Bangalore
appears to me to have
acted imprudently
in paying a large
sum of money without
communicating with
the Bank at Calcutta
In any case, if the

He has done it to me -
I see no more reason
for bearing any part
of the expenses attend-
ing the prosecution
in the present case than
in that of any other
fraud practised
upon the Bank of Madras
or any other Bank

fraud has taken place
in the transactions
of the Bank of Madras
which are in no way
connected with the
Govt business - and
it does not seem to
me equitable that
the Govt should bear
any share in the
expense of the prosecution
It is of course in the
interest of all banks

Copies of the Secretary's letter
 should be furnished to the
 Superintendent of the ^{Bank of India} ~~Bank of India~~
 Telegraphs of the Bank of India
 and Madras ^{circles} ~~Bank of India~~
 to prosecute and punish
 frauds committed
 against it. but the
 interests of the Bank are
 not in any way
 affected by this case.

but as the Director
 feels that enquiry
 may be made from
 Boyer for a copy
 of the Bank of India
 - for the Telegraph -
 and as the paper
 is in of 20 Sept

JP

WBA

CSB
 29.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
 from the Secretary and Treasr.
 Bank of India.

(Received 30 Aug. & 4 Sept. 1867
 1849/25-449/457)

Order thereon 11 Sept. 1867 & 11.69.

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as well as to the Director
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with a view to enquiry
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of the telegram despatched
by the Agent of the Bank
Bank at Bangalore
to the Bank of Madras,
dated 19th August, and as to
the forged telegram of 28th
July last purporting to
have been despatched from
the Bank of Bengal.

To the Directors of the Bank of India
" Supt. of Telegraphs Madras Division
" Director Genl. of Telegraphs.

Sept 17/9

Richard 1867 Department.

No. 4469.

PROCEEDINGS OF GOVERNMENT.

at No. 2025

Dated 11th of October 1867

1220/124.