

21021/11/75 101613 Jmd. C. G. C.
Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2540.

Dated 7th Dec^r 1895.

INDEXED.

[Despatch Abstract.]

MR. T. N. TURNBULL.

Refusing to recognize claim preferred by--, late Overseer,
Public Works Department, to the difference calculated at the commercial
rate of exchange between the amount of the bill of exchange found in
him when he was arrested in Paris and the fine imposed on him for em-
bezzling Government money towards which the amount of the bill was cre-
dited.

Amcl.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1073		1876				
	3022/01.		1876				
	DO 129/02		27.2.02				

5227

From
Mr J. A. Turnbull Esq.
Botaeammund

4.02/17/75 No 1613 Ind. L. Sub.
4/8/75 No 1713 "
28/10/75 No 2294 "right"
5 7/12/75 No 2659 "Se."
5 10/2/76 No 214 "
5 28/8/80 No 2100 Ind. L.
5 2/0/76 No 1271 "right"
19/4/77 No 910/6 "Se."
3/8/77 No 1823 "
At no 34 5219 2 lodged
24/10/76 10.10.76.

Dated 2-11-75
Recd 6-11-75

Encl. 2

Subject

Laying claim to an amount
realizable by the Exchange
on the draft wh he has not
been credited with by A.S.

R14/11

Re: for papers
SR
11/11
Put up
Ref. Please put in order of
1876/1877 before submitting
3/10/75

up for same
Chk (8.10)

Cotacamund

Glanton Cottage

8 September 1895

To

The Accountant General to the
Government of Madras,

Sir,

I beg to acknowledge receipt of your
letter of the 4th instant No. 206, and in reply
to state that the draft of Rs 827-8-2, formed
a portion of the amount realized by the
Madras Government towards the fine of
Rs 10,000 imposed on me. The "other payments"
are the realizations made towards the fine
by Government from my Estate as shown
below viz:-

L. S. D. Ru. P.

Bills of exchange formed in my possession when I was arrested in Paris	827-8-2 8270-0-0
Realized from the Madras Bank as the amount standing to my Credit	169-3-5
Realized from the Bangalore Bank (Branch) as the amount standing to my Credit	1805-12-6
Realized by the sale of my effects at Sellickerry	208-10-0
<u>Total Rupees 10453-10-0</u>	

So that it will be clearly seen that I was
credited only with Rs 8270-0-0 the equi-
valent at par of Rs 827-8-2. The Madras
Government entirely losing sight of the
rate

properly demanded & when
Sept. (210)

rate of Exchange for the time being
and to which I was entitled to receive
Credit:-

Acting on an opinion given
by Mr. H. S. Cunningham, then Advocate
General, Mr. D. G. Carmichael, then
Chief Secretary to Government refunded
to me in July 1875, by a Cheque on the
Colonial Bank of India of the value of
Bank Rupees 453-10-0, being the excess
of the amount of fine imposed on me,
and which payment to me your office
books will prove.

As stated in previous letters
I claim the rate of exchange on £827-8-2
which the Government failed to
Credit me with at the time.

The Advocate General in his
opinion referred to states, that all
monies realized from my Estate must
be regarded as having been levied in
satisfaction of the fine of Rs 10,000-0-0.
This opinion is dated 24th May 1875. His
second opinion on the same subject
is dated 12th July 1875 and is embodied
in Government Proceedings No 1613 of
21st July 1875.

After this explanation I beg
there will be no delay in adjusting
my claims, inasmuch as it is based
on Government records: and as stated
previously I shall have myself

identified

He was not entitled
to anything. As a
matter of grace the
Govt treated the
amount as recovered
towards the fine -
see S.O. of 21-7-75
No 2294.

See S.O. of 21-7-1875
No 1613.

S.O. of 2-6-75
No 1271

identified as the rightful claimant
before the District Collector.

Darius Sir

Your most Obedt Servant-

Sd/- J. Nash Turnbull.

Feb. (870)

Post Office Department

Post Office Department
Accountant-General's Office
18th October 1895

No. 228
249

From

J. C. Harrison Esq.,
Offg. Accountant General to the
Government of Madras.

To

J. N. Turnbull Esq.
Glanton Cottage,
Ootacamund.

Sir,

With reference to your letter dated 18th September 1895, I have the honor to state that I find that the sum of £827-8-2 referred to, by you was adjusted towards the fine of Rs 10,000 imposed on you at the rate of 2nd the rupee this being the rate fixed for the adjustment of transactions between England and India for the year 1890-91 when the recovery was made. If however you consider that the amount should have been adjusted at a more favorable rate, and that you have a claim for the difference, you should address the Government of Madras on the subject.

I have &c

Sd/- J. C. Harrison
Offg. Accountant General

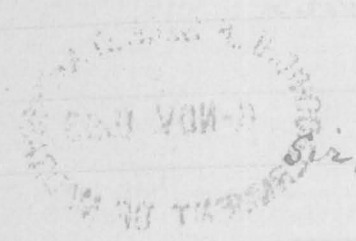
18/10/95

18/10/95

Orissanund
Glanston Cottage
2nd November 1895

To

The Honble J. F. Price Esq, C.S.I.
Chief Secretary to the
Government of
Fort



Sir,
I beg respectfully to solicit your kind
consideration to a claim of mine
in connection with which I have been
in communication with The Accountant
General, Madras.

For easy reference I beg to enclose the
Accountant General's reply to my last
letter copy of which I also forward.

From the letters enclosed you will be
pleased to observe that the claim I prefer
is in reference to the manner in which
the Accountant General adjusted the
recovery of £827-8-2 from my estate
as shown in his letter enclosed, and not
at the Commercial rate of exchange
of the day.

I beg to add that I am advised to
state that I am entitled to receive
the amount of exchange, inasmuch

Encls 2.

Letter to Acct Genl
of 8th Sept 1895
Letter from Acct Genl
of 18th Oct 1895

Wm. J. Price Esq, C.S.I.
Feb. (1896)

C. No. 5227 of 95

FOR ORDERS.

In 1868, when the pet^r was an officer in charge of the Mysore forests, he embezzled Govt money to the extent of about Rs 33,000 and absconded to Europe. The facts connected with this fraud will be found set out in paras 7 to 10 of the Govt Ld^r's letter recorded in G.O. 5. Aug. 1869, No 2264. Rev. He was arrested in Paris ^{in 1869} and brought over to India. He was tried by the Sessions Judge of Tellicherry who convicted him of the offence of criminal breach of trust under sec 409, I.P.C. and sentenced him to 9 years rigorous imprisonment & a fine of Rs 10,000, in default to further rigorous imprisonment.

XVIII

as if the Encashment of the draft was left to me ^{or to my order}. It would have realized a larger amount on the draft.

The exchange on the draft I have not been credited with by the Accountant General, and this amount is the object of my present claim which I respectfully solicit with receive your favorable consideration.

I beg to remain
Sir

Your most Obedient Servant
Fraser Turnbull

1870/95
Pet^r (870)

for one year. On appeal, the High Court reduced the sentence of imprisonment to 5 years but confirmed that of fine.

2. When Mr Turnbull was arrested in Paris a Bill of Exchange for £827-8-2 was found in his possession.

This bill was surrendered by the French Police to the British authorities and was paid in to the credit of the Governor Genl at the equivalent of Rs 8270-4-4. A further sum of Rs 2183-10-0 was also recovered from Mr Turnbull in the manner

indicated in the margin ^{advice} of the then Advocate Genl (Mr H. S. Cunningham) This Genl treated the above sums as recoveries towards the fine of Rs 10000 imposed by the Sessions Judge of Tellicherry and ordered the convict's release 71 days after the expiry of the 5 years term of imprisonment (vide S.O. 21 July 75, No 1613)

FOR ORDERS.

* Realized from Madras Bank as the amount standing to Turnbull's account 169-3-5
— from the Bangalore Branch Bank — do 1805-12-6
Realized by sale of Turnbull's effects at Tellicherry — 208-10-1

Total Rs 2,183-10-0

XIX

* See S.O. 4. July 75, No 1713.
XX

* S.O. 28. July 75, No 2294.
XXI

The amount recovered in execution of the fine, viz. Rs 453-10-0, was also refunded to him on his release from jail. Mr Turnbull sent in a petition to Genl complaining of illegal detention in prison for 71 days beyond the term of his sentence and claiming compensation therefor. The Genl however rejected this petition, saying that — "although the Genl has been pleased to treat the money which has come into his possession, realized from his estate, as a satisfaction of the fine, and, acting on this assumption, to remit him the balance of Rs 453-10-0, and to allow of his release previous to the expiration of the additional year imposed by the sentence in case of non-satisfaction, this is a mere concession and that there was therefore no ground for entertaining any further claim in respect of the imprisonment he had undergone (vide S.O. 21 July 75, No 1613)

5 years. The pet^r. appeared
to the Secy. of State against
this decision, but that auth^r
ity declined to interfere on
his behalf.

5. He now submits a pet^r.
to the Secy. (No 5227) saying
that he was given credit
only at the rate of 2^{rs} per
rupee for the bill of exchange
for 827-8-2. found in
his possession when he
was arrested in Paris in
1869 and requesting that
he may be allowed credit
at the commercial rate
of exchange of the day and
the difference be repaid
to him.

The claim he now prefers
seems to be inadmissible.
It was as a matter of
grace that this Court
treated the realizations from
his estates as recoveries
towards the fine im-
posed upon him by the
Court of Law. He had
no right to this being done
and cannot now claim it.

* S. O. d. 19. April 77. No 985
XXII

* S. O. d. 3. Aug. 77. No 1823.
XXIII

+ more than eighteen years after

request is otherwise admissi-
ble) has now no claim to
the ~~any~~ difference (if any) between
the official & commercial
rates of exchange of the day.
It will be seen from the
Pet^r. Encl^r letter of 18. Oct.
35. No S. B. S. (forming an
enclos^r to the current) that
the pet^r. was allowed credit
for his draft at the official
rate of exchange of the day
viz 2^{rs} per rupee. In these
circumstances the following
order is proposed for issue:-

order
this

The pet^r. will be informed
that his claim cannot
be recognized. [He will
be reminded that it was
as a matter of grace that
the Court was pleased to
treat the realizations from
his ^{property} ~~estates~~ as recoveries
towards the fine imposed
upon him by the Sessions
Judge of Tellicherry.]

W. S. 195.
20/11/95.
Pet^r. (870)

30/11/95
I consider that the
myth will be
omitted. It
affords an opening for
further discussion.

An ex-convict's claim
for refund of certain money.

CS. 8p. 8, 7 Dec. 95, No. 2540

The Petr. will be informed
that his claim cannot be
recognized

W. 3. 1895 5/12/95 (f.o.)

W. 3. 1895 11/12

Copy to
7/12

H. J. H. W. 27/11

When given for copying _____
When copied _____ 189 .
When examined _____
When signed _____

HAD AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.-

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.