M.R.O. 1—30,000—16-10-28.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1401 Press Mis.

453-454

Dated 19th May 1869

Not to be folded or roughly handled

22-2-30

No. 453. Read the following letter from the Officiating Conservator of Forests, to the Acting Secretary to Government, Revenue Department, dated Camp at Ootacamund, 14th May 1869, No. 1,372 :—

I REGRET to observe, by their Order, No. 1,259, of the 7th instant, that Government are of opinion that I have seriously mismanaged the case against Mr. Turnbull.

2. In my absence the case was at first taken up by the Assistant in charge of the Central Office, but I hurried to Madras, and at once saw the Chief Secretary, the Deputy Secretary to Government, Revenue Department, and the Commissioner of Police who had taken up the case : the latter Officer had at that time full proof of the withdrawal of the money from the Bank by Mr. Turnbull, and of its conversion into Sovereigns. Acting upon the advice I received, I reported fully upon the case to Government, (*vide* my letter, No. 1,175, dated 27th of February, recorded in G. O., No. 594, of the 6th of March, 1869,) and proceeded at once to Mysore. I there inquired fully into the case with Mr. Ricketts, the Magistrate; and the merchants and others were examined in Court, as were the contracts and other documents bearing on the case; the numbers of all the Notes paid and of the Treasury Orders were filed in Mr. Ricketts's Court, and also forwarded to the Commissioner of Police at Madras; and I was subsequently informed by the latter Officer that he had traced most of them, and that they had been paid by Mr. Turnbull into his private account at the Madras Bank. Mr. Ricketts informed me that Mr. Underwood's Warrant was sufficient for Mr. Turnbull's apprehension, and that until he was apprehended nothing further could be done in his Court. I reported my proceedings at Mysore to Government—*Vide* my letter, recorded in G. O., No. 1,250, of the 7th instant.

3. Upon subsequent advice from the Commissioner of Police, Mr. Cherry has proceeded to Mysore to obtain Mr. Ricketts's formal Warrant, and this has probably been forwarded to Madras before this. All the points of proof required by the Advocate-General were clearly established in Mr. Ricketts's Court by me at Mysore, and I presume the same was done before Mr. Underwood by Mr. Cherry, before the former Officer issued a Warrant.

4. The whole case is most simple, and has no complications. The merchants have formal contracts with Mr. Turnbull, as Forest Officer, to deliver timber on behalf of Government; they pay a large sum to him on behalf of Government as a Government Officer, and he absconds with it without making any entry whatever in any book, and the Notes are traced to his private account at the different Branches of the Madras Bank.

5. As Mr. Underwood is at present absent from Wynaad, and Mr. Cherry and his Office are at Mysore, I wrote yesterday demi-officially to the Secretary to Government for further instructions which I await. The venue having occurred in Mysore, it is doubtful if it can be taken up in Wynaad: the contracts were signed, and the money paid in Mysore territory.

No. 454. ORDER THEREON, 19th May 1869, No. 1,401.

Forests, No. 19.

THE Acting Conservator of Forests will be directed at once to act upon the Orders already issued to him, and to

comply implicitly with the instructions which he may receive from the Government Solicitor.

2. The Government cannot consider Major Beddome's explanation of his mismanagement of the case against Overseer Turnbull as by any means satisfactory. His preliminary investigations at Mysore were proper, but it was his clear duty, when he had ascertained the facts of the case, to proceed to Wynaad, and place matters before the Deputy Magistrate there, by the production of witnesses and documents, in such a manner as would have ensured the Deputy Magistrate's Warrant for Turnbull's apprehension being issued on proper evidence, which does not seem to have been the case.

3. The Government do not understand why Mr. Cherry has again proceeded to Mysore, as apparently all the evidence obtainable there was already known to the Acting Conservator. Further, the Deputy Magistrate of Wynaad had already issued a Warrant for the apprehension of Turnbull, and another Warrant from Mr. Ricketts could not be needed; nor is it clear why the Commissioner of Police advised in the matter, as the Government Solicitor was the proper person to whom to apply on the subject. Captain Tennant will accordingly be called upon for an explanation of his action in the matter.

4. With advertence to paragraph 5 of the Acting Conservator's letter, the Government observe that they are advised that, though the money was received by Turnbull in Mysore, the misappropriation took place at Manantoddy, as the cash should have been accounted for there; and further that the Warrant of Mr. Ricketts could not be acted upon under the Statutes referred to by the Secretary of State, as it would be issued in foreign territory.

5. As the Deputy Magistrate of Wynaad is absent from Manantoddy, the Magistrate of Malabar will be instructed to direct the Sub-Collector to proceed thither with as little delay as possible, in order to conduct the new trial of the case.

(True Extract.)

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

To the Acting Conservator of Forests.
,, the Magistrate of Malabar.
,, the Acting Commissioner of Police, Madras.
,, the Acting Government Solicitor.

Exd. F. R. Bantleman.

Office of Conservator of Forests
Camp Coimbatore 11th May 1869

No. 1372

From

Major R. A. Beddome
Offg Conservator of Forests

To,

R. A. Dalyell Esqre
Asst Secretary to Government
R.D.

Sir,

I regret to observe by the
order No. 1259 of the 7th instant that
Government are of opinion that I have
seriously mismanaged the case against Mr
Turnbull.

2. In my absence the case was at
first taken up by the Asst in charge
of the Central office but I hurried to
Madras and at once saw the Chief
Secretary, the Deputy Secretary to Govern-
ment Rev. Department and the Commissioner

of

Govt. of Madras.

REVENUE.

To

THE ACTING CONSERVATOR
OF FORESTS,
&c. &c. &c.

Dated May 10th.

Read.

And.

G. O., 10th May 1869, No. 1,491.

Judgment in Criminal Appeal
No. 453-454
MAY.

Turnbull's defalcations.—Acting Conservator of Forests directed to act upon orders issued on the subject and such instructions he may receive from the Government Solicitor. Commissioner of Police to offer explanation in his having advised in this matter; and Sub-Collector of Mahbar to proceed to Manantoddy to conduct the new trial of the case.

Ellis who had taken up the case, the
Collector officer had at that time full proof
of the withdrawal of the money from the
Bank by Mr Turnbull, and of its con-
version into Sovereigns. Acting upon the
evidence I received I reported fully upon the
case to Government vide my letter N° 175
dated 27th of February recorded in G.C. N° 594
of the 6th of March 1819, and proceeded at
once to Mysore. There I inquired fully into
the case with Mr Ricketts the Magistrate,
and the Merchants and others were examined
in Court, as were the Contracts and other
documents bearing on the case, the numbers
of all the notes paid, and of the Treasury
orders were filed in Mr Ricketts Court
and also forwarded to the Commissioner of
Police at Madras and I was subsequently
informed

[illegible]

ormed by the latter Officer that he had
d proof of them, and that they had
ived by Mr Turnbull into his private
at the Madras Bank
ent. Mr Ricketts informed me that
Underwoods Warrant was sufficient for
Turnbulls apprehension and that
he was apprehended nothing further
d be done in his Court. I reported my
edings at Mysore to Government vide
letter recorded in G.C. N° 1250 of the 7th
inst.

Upon subsequent advice from the
missioner of Police Mr Ching had
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d were clearly established in Mr
Ricketts

Ricketts Court by me at Mysore, and I presume the same was done before Mr Underwood by Mr Cherry before the former Officer issued a warrant.

6. The whole case is most simple and has no complications. The Merchants have formal contracts with Mr Turnbull, no first Officer to deliver timber on behalf of Government, they pay a large sum to him on behalf of Government, as a Govt Officer and he absconds with it, without making any entry whatever in any book and the notes are traced to his private account at the different branches of the Madras Bank.

5. As Mr Underwood is at present absent from Wynaad, and Mr Cherry and his Officers are at Mysore, I wrote yesterday them officially to the Secretary to Government for further instructions which I await. The Revenue having occurred in Mysore it is doubtful if it can be taken up in Wynaad.

the

R.D 52

Ft 1401-

Pro of the Nilgiri Govt
Ootacamund the 19th May 1869.

Read the following letter from the Asst Conservator of Forests —

Reporting fully upon the defalcation of Mr Turnbull in the Forest Dept

No 1372 dated 14th May 1869

The Asst Conservator of Forests will be directed at once to act upon the orders already issued by him and to comply implicitly with the instructions which he may receive from the Govt Solicitor

2. The Govt cannot consider claim

Reddome's

could not be needed. Nor is it clear why the Commissioner of Police advised in the matter, as the Govt. Solicitor was the proper person to whom Dr Eggington the subject. Major Tennant will accordingly be called upon for an explanation of his action in the matter.—

4. With advertence to para 5 of the Govt. Consul's letter, the Govt. observe that they are advised that though the money was received [illegible] in Mysore

Mysore the misappropriation took place at Manantoddy, as the cash should have been accounted for there, & further that the Warrant of Mr. Ricketts could not be acted upon under the Statutes referred to by the Secretary of State, as it would be issued in Foreign Territory.—

5.— As the Dy Magte of Wynaad is absent from Manantoddy, the Magistrate of Ricketts could

Malabar will be instructed to direct the Sub Collr. to proceed further with as little delay as possible, in order to conduct the new Trials of the Cases —

In Sloop Commerce Dept 19 Sloop 13 Dept 21

In Sloop [illegible] Dept 19 Sloop 1 Dept 21

2 Civil Cases of Pilot Dept 21

4 Criminal Prisoners

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