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A record d writing: viz the account of measurements of timber (L. 218). The first offence may be required into either where the breach of trust took place or where the Act constituting the abetment was done. - Turnbull's breach of trust (if any) took place when he drew the Cheque. The abetment would be the passing the Cheque which took place I believe in Madras. The 2d. offence would be triable in the place where the list of measurements was made. Where this was there is nothing in the papers before us to show.

5. If it really can be established by satisfactory evidence that no timber has been carried by Mr. Van Ingen d any person on his behalf, it follows that the measurements produced are false & Turnbull in drawing the Cheque for payment for work done committed Criminal breach of trust, for he must have known whether any work had been done d not; in fact some of the measurements seem to have been made by him. The Copy of the measurements before me does not show whether the original was signed by Turnbull & Veerasamy d either of them, I presume it was so signed, else it would not support Mr. Van Ingen's case at all. It does not appear that there is any entry of these measurements in the records of the local office of the Department, as I suppose there would be, in the regular course of business, if the measurements were actually made. Comparing the measurements with Turnbull's letter of the 15th December & Veerasamy's of 22d. December 1868 there is an improbability on the face of them, as pointed out by Major O'Beadone in para. 9 of his letter embodied in the Proceedings of Govt. of 8th May 1869. Turnbull writing on the 15th December says there were no logs at the depôt but he had measured 150 a few more of. This appears to have been written immediately before he left the District, so that he cannot have measured any more. Then on the 22d December we find Veerasamy writing, from Madras that he had measured 230 logs

Carted for Mr. Van Ingen & the measurements in the list are of 336 logs. The falsity of the measurements once established, a Conviction of Veerasamy on the 1st of the above Charges must follow & also on the 2nd, if the list of measurements was made by him as a part of his duty as a public servant. Under Section 20 of the Criminal Law Amendment Act (XVIII of 1862) he can be tried for abitting Turnbull without the latter himself being tried.

6. If it is determined to proceed with the prosecution of Veerasamy I think that a full statement of the evidence which it is proposed to adduce to prove that no work was done under the Contract should be laid before me or the Govt. Solicitor to advise as to its sufficiency.

I have the honor to be
Sir
Your most Obedient Servant
J M Hanelley
Govt. Pleader

G.O. 14th January/71 No. 203/204.

Rev. 1871 Oct. No. 1576.

From
The Govt. Pleader
Madras.

To
The Sec. Leg. to Govt.
Fleur Dept.

No. 74.

Dated 11th May 1871.

Received 6th Ecu 11 + returned to the Committee of Fort Vale Mun. No. 98 7th January 72 [illegible]

Mr. Van Ingen's Contract.

Forwards his opinion on and returns all the papers in Connection with.

Ecu-11. returned by Cons. 13 Dec. 1871.
given to Cons. Office 23/3/72

P. 393-394

30 May /71

15 B
13 plans

No. 951.
Read letter from
[illegible]

Chepauk Palace
23 March 1872

Sir,

Mr Cherry has arrived at Madras for the purpose of prosecuting Veerasawmy Pillay agreeably to G. O. dated 26 Jany 1872 No. 159. As the Officer requires

requires all the
papers connected with
Mr Van Ingen's case,
I shall feel obliged
by your kindly sending
them to me with
the Secretary's permission.

Your's faithfully
A. Cundasawmy

No. 951.
Read letter from

30th May/71

16 B
13 [illegible]

No. 951.

Read letter from
Govt. Pleader
No 74 dd 11th May '71

In his letter Mr Handley replies to the Bo. of Govt. dd 14th Jany last No 99.

The papers relate to the case of Mr Van Ingen, merchant of Mysore; & Overseer Veerasamy late of the Forest Dept., who was dismissed in connection with the well known defalcations of the convict Turnbull, formerly Sub Asst. Overseer in Wynaad.

After great trouble & expense in apprehending him, Turnbull was convicted in May 1870 by the Sessions Ct. of Tellicherry of Breach of Trust as a Public Servant (S. 409 I.P.C.) a short time before he fled the country with 30,000 Rs. public money in his pocket, his friend Mr Van Ingen (for the intimacy between him & "my dear Van" is apparent enough) contracted with him to cart timber from the Cattumalla & other Forests to the Wynaad depot at Goodry

I. D. S.

N.

A. P.

I would omit this from the order

A. P.

at the rate of 200 Logs monthly from 1st Nov. to 31st March (1859), payments to be made on delivery of the timber. Turnbull, it may be added, had no authority to make any such contract without the sanction of the Conservator, & the rates were far no excess of those in force in the Depot. Over & above all this, Van Ingen does not attend to the contract in person, but manages it through overseer Veerasamy, whom he creates his agent in the matter, Veerasamy being the very person whose duty it is to check the contractors' deliveries.

4. In course of time Turnbull gave Van Ingen's agent, Veerasamy, a cheque for 2000 Rs. as for cartage performed. Veerasamy was soon after arrested at Madras, whither he had proceeded without leave; when it appeared he had let out 1000 Rs. out of the cheque on interest in the Bazar; of the rest part was found on him & part had been paid to Van Ingen.

5. At the inquiry before the Commr. of Police, Veerasamy produced Van Ingen

who filed a list given him by Veerasamy, purporting to certify the measurements of 336 Logs delivered. Further Veerasamy ~~[illegible]~~ gave the names of two native contractors, who had carted for him as Van Ingen's agent. The Comr. of Police released Veerasamy, & ordered the return of the money in his possession.

6. On this the Conservator of Forests came forward, with the assurance that after a careful investigation he found that no such carting had been performed on Van Ingen's behalf. The loads carted to Goodrey by the two natives mentioned by Veerasamy were on account of Govt.; that the logs delivered by them had been measured & found in no respect totally with those in the list furnished by Veerasamy to Van Ingen.

This last statement was pronounced by the Advocate Genl. "very suspicious"; but on the whole, looking to some contradictions & improbabilities in the depositions of the witnesses, he advised no action to be taken agt. Van Ingen until the result of Turnbull's trial was known, as some-king might come out here to throw light upon these transactions.

7. It appears now from the Conservator's

3d Jany/71.
No 2,527.

Letter that Turnbull's trial has thrown no light whatever on the case, as he refused to question any of the Wits, or to give any inform^n regarding his transactions in general. But, acting on the opinion of a firm of Mysore Pleaders, he suggests that prior to even any civil suit agt Van Ingen, Veerasamy shd be prosecuted for "Cheating".

8. Mr Handley shows that there is no room for a charge of Cheating; but that provided it can be proved that no timber was carted to the depot for Van Ingen or that the measurements made by Veerasamy in respect of such logs as were so carted are false — Veerasamy's Conviction under Sect 409 with 109, and Sect 218 is certain. The Govt. Consider that there can be no difficulty in determining these points from the Forest accounts & the testimony of those who were engaged in the depot at the time. Mr Clerry, who appears from the correspondence to be a very intelligent officer, shd make these inquiries, the result being comm^d to the Govt Solr as suggested in the last para. of Mr Handley's letter.

9. The Conservator has not yet informed Govt. under what authority he consulted the firm of Ballard & Hayes in Mysore, paying them Rs 330 for their letter of advice. — DJ 15/5/71

[illegible]

3 To the Govt Cleaver Despatch
4 — Govt Solicitor
13 — Conv of Forests

Govt. of [1871] Madras.

REVENUE.

To

THE GOVERNMENT PLEADER,

&c., &c., &c.

Dated May 30th.

Recd. *Encls.*

G. O., 30th May 1871, No. 951.

MAY.

Nos. 393-394.

Overseer Veerasawmy, late of the Forest Department.—Lett[illegible] from the Government Pleader relating to his prose[illegible]ion for abetting Turnbull in criminal breach of [illegible]st, with orders thereon.

Govt. of [1871] Madras.

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