

(1) Number of Pages.....

(2) Date of repair.....

(3) Initials of the Referencer.....

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue. DEPARTMENT

G.O. No.

B.P. No.

1317

Press

Mis.

Dated

24. 6. 1965

196

Not to be folded or roughly handled

Jails.

No. 8. Read the following letter from H. G. PRICHARD, Esq., Government Solicitor, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 29th April 1875, No. 220:—

I have the honor to forward, herewith, copy of a letter received by me from the Superintendent, European Prison, and Joint Magistrate of Ootacamund, dated 23rd April instant, No. 89, and to request the orders of Government thereon.

2. I may mention, for the information of Government, that, in August 1869, two sums of Rupees 169-3-5 and Rupees 1,805-12-6 standing at the credit of Mr. T. N. Turnbull in the books of the Bank of Madras' Head Office and in the Bangalore Branch of the same bank were, in pursuance of the Order of Government dated 5th August 1869, No. 2264, Revenue Department, obtained payment of by me and transferred to my credit as Government Solicitor in the books of the Bank, and were subsequently applied by me towards payment of certain expenses incurred by Government in the matter of Turnbull's prosecution.

From Lieutenant-Colonel E. L. HANKIN, Superintendent, European Prison, and Joint Magistrate, Ootacamund, to H. G. PRICHARD, Esq., Government Solicitor, Madras, dated Ootacamund, 23rd April 1875, No. 89.

A convict of the name of Turnbull, now in confinement in the European Jail at Ootacamund, has asked me to write to you in respect to a certain sum of money belonging to Turnbull, and said to have been paid by the Bank of Madras to you on behalf of Government.

2. Turnbull's sentence is five years' rigorous imprisonment, and a fine of Rupees 10,000, in default an additional year.

3. Turnbull wishes to know whether the amount so collected should not be deducted from the fine inflicted on him, and considers that the Judge of Tellicherry who passed the sentence should be informed of the amount recovered by Government in order that a reduction may be made in the term of imprisonment passed in default of payment of the fine.

The Advocate-General will be requested to advise, for which purpose he will be furnished with a file of all the papers in the convict Turnbull's case.

(By Order.)

FORT ST. GEORGE,
1st May 1875.

(Signed) D. F. CARMICHAEL,
Officiating Chief Secretary.

To the Government Solicitor, with a file of papers to be returned.

MEMORANDUM.

It appears that two sums of Rupees 169-3-5 and Rupees 1,805-12-6 have been received by the Government Solicitor from two of Mr. Turnbull's banking accounts: these must be regarded as having been levied in part satisfaction of the fine of Rupees 10,000. When, therefore, the original term of punishment and such portion of the additional year, imposed in default of payment of the fine, as is proportional to the unpaid portion of the fine, have expired, he will be entitled to his release under Sections 68 and 69 of the Indian Penal Code.

*Proceedings of the Madras Government, Judicial Department,
2nd June 1875.*

2. The Superintendent's letter of the 23rd April 1875 states the term of punishment to be five years; the sentence appears to have been originally *nine* years; and I have not been able to find among the papers submitted any order reducing that sentence. Possibly there has been a clerical error.

3. By Section 70 of the Indian Penal Code the fine can be levied within six years from the passing of the sentence, or at any time before the expiration of the sentence. If therefore there is reason to suppose that the prisoner has funds in any quarter, efforts should be made to realize the fine before he gets out of prison. The fine will be enforceable within the prescribed period notwithstanding that the punishment in default of payment has been undergone.

17th May 1875.

(Signed) H. S. CUNNINGHAM,
Advocate-General.

No. 9. ORDER THEREON, 2nd June 1875, No. 1271.

Copy furnished to the Superintendent, European Prison, Ootacamund, and to the Magistrate of Malabar.

(True Extract.)

Alm anfer
for Officiating Chief Secretary.

To the Superintendent of the European Prison, Ootacamund.
„ Magistrate of Malabar.
„ Government Solicitor.
„ Revenue Department.

Exd. J. Wright.

Wright

6.4.50 4-8-75 1:17 15.18.

No. 1317

Communicated to the A. of Rev.

24 June 75.

Alu

7 To the Oodang Recorder July

15.6.75

Am: 1875: 24/6

124-2339

Cost of 1875

JUDICIAL.

THE SUPERINTENDENT OF THE
EUROPEAN PRISON,
Ootacamund,
Co.,
Co.,
Co.

Dated June, 2nd

Issued June 15th

Recd. - 19th

G.O., 2nd June 1875, No. 1271.

JUNE.
Nos. 89.

Juste.—Copy of the Advocate-General's opinion
respecting the reduction of the sentence of im-
prisonment passed on convict Turnbull, on account
of the recovery of a certain proportion of the fine
to which he was also sentenced, communicated to
the Superintendent, European Prison, Ootaca-
mund, and the Magistrate of Malabar.

with notes

On 1917. still June 1875