

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT

G.O. No.	1272	Press
		Mis
	175-176	
Dated	8 th May	1889

Not to be folded or roughly handled

7.

*Proceedings of the Madras Government, Revenue Department,
8th May 1869.*

No. 175. Read the following letter from the Officiating Conservator of Forests, to the Acting Secretary to Government, Revenue Department, Fort Saint George, dated Camp at Ootacamund, 4th May 1869, No. 1,353 :—

I HAVE the honor to submit the following case, and suggest that it be placed in the hands of the Government Solicitor for advice as to how we should act.

2. On December the 3rd, 1868, Mr. Turnbull, then Overseer in charge of the Wynaad Forest, executed a contract with a Mr. VanIngen, by which the latter agreed to cart timber at the rate of 200 logs monthly from the 1st of November, 1868, till the 31st of March, 1869, payments to be made on the delivery of the timber. The rates fixed were much in excess of the authorised rates; and by our rules no such contract should have been made without the sanction of the Conservator, and would not be binding on the department without such sanction.

3. Towards the end of December, 1868, Mr. Turnbull drew a Cheque in favor of his Sub-Overseer, Veerasawmy Pillay, for Rupees 2,000, and post, dated it January the 6th, 1869; immediately after this both Mr. Turnbull and Veerasawmy quitted their range without leave. Mr. Turnbull quitted the country, and Veerasawmy Pillay got the Cheque discounted in Madras by Messrs. Arbuthnot & Co., and it was eventually cashed in the Malabar Treasury. No funds whatever were at Mr. Turnbull's disposal for working operations, and he was aware of this when he drew the Cheque; the Cheque was cashed from funds intended as a contribution from our department towards a road being made between Malabar and Coorg.

4. When it came to our knowledge that this money had been drawn, Veerasawmy Pillay was arrested, and it was then proved that he had let out for interest 1,000 Rupees of the sum drawn, part was recovered in cash, and the balance he stated he had paid to Mr. VanIngen for work connected with the forests; he was prosecuted criminally, and he brought Mr. VanIngen forward as a witness. Mr. VanIngen filed a copy of his contract with Mr. Turnbull, and both he and Veerasawmy Pillay stated that our two cart Contractors, Onapah and Daly Vencata, had carted timber on account of the contract in question, and Mr. VanIngen filed a List given him by Veerasawmy, said to contain the measurements of 336 logs carted. Mr. VanIngen further stated that Veerasawmy Pillay was his Agent, and was duly authorised to receive the 2,000 Rupees, which sum was paid by Mr. Turnbull for work performed. The case was dismissed by the Commissioner of the Police, and the whole of the sum returned to Veerasawmy Pillay.

5. After a careful investigation of the case I found that no carting whatever had been performed by Mr. VanIngen, or on his behalf by our native Contractors. Daly Venkata, one of our Contractors, has carted 310 cart loads to the Goondrey depôt, but states on oath that they were all carted on account of his Agreement with Government; he states that he had promised Veerasawmy Pillay that he would cart for Mr. VanIngen when his own contract with Government was worked out, and that he received 200 Rupees from Veerasawmy as an advance to supply carts for this purpose; but that he has not yet carted a single log on behalf of Mr. VanIngen. Onapa the other Contractor, has carted 155 logs to the depôt; this man has not been examined personally, but the total amount carted by him is less than the work he is bound to perform by his Agreement with us, and the measurement of the logs

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are quite different to any of those in the List furnished by Mr. VanIngen. As the period of Mr. VanIngen's contract had expired, I therefore called upon him to refund the 2,000 Rupees, or stand a prosecution for breach of contract; he now states that he considers the act of Mr. Turnbull and Veerasawmy Pillay in measuring timber carted by him, and the fact of the former having given him a Cheque in part payment of work, discharges him from all further liability. The Deputy Magistrate at Manontoddy advises a civil action, as he has doubts whether his Court would be justified in issuing a Warrant for criminal breach of contract.

- A.—Mr. VanIngen's statement before the Commissioner of Police. Copy of his Contract. List of timber said to be carted.
- B.—Correspondence between Mr. VanIngen and the Conservator of Forests, in which the former forwards copies of Mr. Turnbull's letters.
- C.—Letter from Assistant Conservator of Wynaad to Mr. VanIngen.
- D.—Contracts of Daly Vencata and Onapa with Government.
- E.—Deposition of oath of Daly Venkata.
- F.—Letter from Assistant Conservator, No. 44.
- G.—Do. do. „ 48.
- H.—Letter from Mr. VanIngen to Assistant Conservator.
- I.—Letter from Deputy Magistrate, Wynaad, to Assistant Conservator.

9. I forward the documents as per margin which fully explain the whole case. I believe that there is a regular conspiracy to defraud Government on the part of Mr. Turnbull, Veerasawmy Pillay, and Mr. VanIngen, but I am doubtful as to how to proceed against the two latter. The measurement list furnished by Veerasawmy Pillay to Mr. VanIngen is entirely fictitious. The only letter from Mr. Turnbull which bears on the case, and which was forwarded by Mr. VanIngen, states that no timber had

arrived at Goondrey, but that he (Mr. Turnbull) had measured one hundred and fifty logs a few miles off; this could not have been timber carted by or for Mr. VanIngen, as it is quite clear there has been no carting on his behalf; it may have been timber which was being carted to our depôts by our Contractors on account of their contracts; but it is probably entirely a false statement of Mr. Turnbull's; this letter was written two days before he and Veerasawmy left the Wynaad, yet Veerasawmy subsequently produced a list purporting to be the measurement of 336 logs carted for Mr. VanIngen.

No. 176.

ORDER THEREON, 8th May 1869, No. 1,272.

Forests, No. 11.

RESOLVED that the foregoing letter be referred to the Government Solicitor for report, in communication with the Advocate-General, at an early date.

(True Extract.)

(Signed) R. A. DALYELL,

Acting Secretary to Government.

To the Government Solicitor.

„ the Officiating Conservator of Forests.

Exd. F. R. Bantleman.

