(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 90 Press Mis.

184-89

Dated 13 : 1 1871.

Not to be folded or roughly handled

Read the following papers:—

No. 184. From the Superintending Engineer, 6th Division, on special duty.
(Here enter 3rd November 1870.)

No. 185. From Mr. A. Colquhoun.
(Do. 7th do. do.)

No. 186. From Do. do.
(Do. 9th do. do.)

No. 187. From Do. do.
(Do. 21st do. do.)

No. 188. From Do. do.
(Do. 25th do. do.)

No. 189. ORDER THEREON, 13th January 1871, No. 90.

ESTABLISHMENT, No. 21.

IN his letter of the 1st August 1870, No. 1,217, the Acting Superintending Engineer of the 8th Division brought to notice that having inspected some of the works which had been carried out in the 1st Range of the Tinnevelly District under the supervision of Mr. Colquhoun, he had no hesitation in condemning them as being so very inferior both as respects the character of the workmanship and the materials employed, as to induce him to believe that public money had been wasted. Taking this in conjunction with law suits in which Mr. Colquhoun had been recently engaged, Major Payne was of opinion that a special investigation into Mr. Colquhoun's management of the Range was absolutely necessary in the interests of Government, and he accordingly suggested the appointment of a Commission, Mr. Colquhoun being placed under suspension pending the result of its enquiries.

2. Deeming it desirable that Mr. Colquhoun should be afforded an opportunity of clearing himself of the allegations which had thus been preferred, the Government in Proceedings dated 18th August 1870, No. 1,971, deputed Captain Oakes, R.E., the Superintending Engineer of the 6th Division, to Tinnevelly, for the purpose of carefully investigating those allegations. Meanwhile Major Payne was authorized to suspend Mr. Colquhoun if he thought such a step desirable.

3. The paper at the head of these Proceedings is Captain Oakes' report, and having given due consideration to it, as well as to the explanations which Mr. Colquhoun has submitted in his several letters, as per margin, His Excellency the Governor in Council deems it indispensable, both on public grounds and in justice to Mr. Colquhoun, that the accusations preferred against him should be formally and publicly investigated in the mode prescribed by Act XXXVII. of 1850. The Government accordingly resolve, under Section III. of the Act, specially to appoint Mr. Atholl Macgregor, Collector of the Malabar District, to be a sole Commissioner for the enquiry. Mr. Macgregor will arrange for entering upon the investigation without delay, conducting it in accordance with the course laid down in the Act.

Dated 7th, 9th, 21st, and 25th November 1870.

4. The Government further resolve, under Section IV. of the Act, to appoint Major G. M. Payne, the Acting Superintending Engineer of the 8th Division, to conduct the prosecution of the charges to be preferred against Mr. Colquhoun. Major Payne will, in communication with Mr. Macgregor, fix the date for the commencement of the enquiry, which should be as early as practicable consistently with the requirements of Sections III. and X. of t he Act.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R.E.,
Secretary to Government.

To A. Macgregor, Esq., Collector of Malabar.
,, Major G. M. Payne, Officiating Superintending Engineer, 8th Division.
To the Controller of Public Works Accounts.
To Mr. A. Colquhoun.

Exd. S. T. Augustin.

39

Mr Colquhoun's Case.

Memorandum.

In fulfilment of his mission to Tinnevelly Capt. Oakes submits a report from which it will be observed that, having examined the + works marginally noted executed under Mr Colquhoun's charge and compared them with a number of others executed by different Range Officers as respects the materials used, the workmanship employed and the rates paid, he comes to the

+
1. Travellers' Bungalow at Tuticorin.
2. Light House on Hare Island.
3. Sub-jail at Tuticorin. (Executed by Supervisor Vyapuri Pillay)
4. Telegraph Office at Tuticorin.
5. Nullamullay Odey Bridge of 11 arches on road No 16.
6. Vagaicolum Chuttrum.
7. Kulpadagei Channel.
8. Markets at Palamcottah.
9. Kundipairy Conduit.

Con.

Conclusions which may be thus stated.

1. That Mr Colquhoun has unnecessarily raised rates, and that notwithstanding this, the work executed by him is very inferior both as regards workmanship and materials.

2. That in one work at least the same pile have been paid for twice, while in another there are the strongest grounds for believing that work charged for had never been performed.

3. That large sums of money have been mis-spent for writers, Cappal-men, Stationery, &c.

4. That sanctioned designs for works have been deviated from in certain cases without authority.

5. That Mr Colquhoun has not exercised a sufficient check over the works in progress in his Range, and that, although leaving has much to his Subordinates, he has not given them proper support when complaining of inferior work turned out by Contractors.

6. That the adoption of a system of executing works without written Contracts has led to falsification of entries in Statements of measurements or in certificates.

The first of these Conclusions is based on the result of Captain Oakes' inspection of the (1) Travellers Bungalow, (2) Telegraph Office and (3) Light House

on

Hope Island. It appears that in the case of the Travellers' Bungalow at Puticorin the rate for plastering was raised by Mr. Colquhoun from Rs. 3 to Rs. 4 1/4 and yet the work was very badly done. At the Telegraph Office at the same station Coral Stone in Chunam was paid for at Rs. 5 under Mr. Colquhoun's rates while exactly similar work was executed and in a superior manner by Supervisor Vyapoory Pillay in the same neighbourhood at Rs. 4, thus leading to the inference that the rates had been raised without any necessity by Mr. Colquhoun for the benefit of the Contractors whom he favored.

The

The second Conclusion has reference to the Mullaimullay Adavy Bridge where it appears that certain emergent work having been required to restore the approaches and to repair local damages after the heavy floods of November 1869, Mr. Colquhoun on the 11th December 1869 prepared an estimate which Capt. Oakes believes provided for all that was needed. During the progress of the work on this estimate however Mr. Colquhoun heard of Rs. 500 having been allotted from the Minor New Works grant for the restoration of the approaches, and he lost no time in calling

on

on the Overseer for an estimate for work to that amount although all the work that was necessary was then in actual progress under the larger estimate. Capt. Oakes finds it difficult to believe that the second estimate was required or its amount expended on the work it represented, and he thinks this view of the case confirmed by the suspicious circumstance of the original heading of this estimate (No. 505 "Repairing Approaches" which accurately describes part of the work the larger estimate provided for having been erased and rejecting

Wing Walls" substituted.

On the Keelpadjee Channel one of those from the new Streevigunteum Anicut, Capt. Oakes believes that work charged for by Mr. Colquhoun was never carried out. It being necessary to clear a passage through the mass of silt which had closed the head of the channel during the great floods of the Tambraparany in November 1869; in order to allow of water flowing down the channel to the irrigated lands, Mr. Colquhoun was directed to carry out the work in emergency. This he did and a channel, it appears, was cut 6 yards wide

Conclusions which may be thus stated.

1. That Mr Colquhoun has unnecessarily raised rates, and that notwithstanding this, the work executed by him is very inferior both as regards workmanship and materials.

2. That in one work at least the same pits have been paid for twice, while in another there are the strongest grounds for believing that work charged for had never been performed.

3. That large sums of money have been mis-spent for writers, Coppal-men, stationery, &c.

4. That sanctioned designs for works have been deviated from in certain cases without authority.

5. That Mr Colquhoun has not exercised a sufficient check over the works in progress in his Range, and that although leaving has much to his Subordinates, he has not given them proper support when complaining of inferior work turned out by Contractors.

6. That the adoption of a system of executing works without written contracts has led to falsification of entries in statements of measurements or in certificates.

The first of these conclusions is based on the result of Captain Oakes' inspection of the (1) Travellers Bungalow, (2) Telegraph Office and (3) Light House

on

wide at bottom with slopes of two to one and water flowed through it to a depth of 2 feet on the 14th December 1869. On the 5th of January measurements were taken by the Overseer showing that 57134¼ Cubic yards had been excavated but the details are not forthcoming, and the measurements are supposed to have been returned to him to divide them, under orders from Mr Colquhoun, into two bills. On the 18th February Mr Colquhoun examined the channel and altered the measurements taken by the Overseer, and two days afterwards made out two bills

bills for Rs 2,900 each.

These however did not complete the disbursements, for on the 18th February the Contractors made a claim for payment for work alleged by them to have been executed after a second flood that occurred on the 16th December, only two days after water had passed down the Canal. The Overseer resisted this claim, stating that no additional work had been done and that only on some day in March Mr Colquhoun directed him to measure work pointed out by the Contractors as having been executed by them after the second

flood

plaid for question. Mr Colquhoun
watched the Overseer doing
this, and notwithstanding
the latter protesting against
any money being due to
the Contractors, Mr Colquhoun
prepared a bill for Rs. 1500
in their favor.

From the nature of the
work, from the dates on
which it was examined
and from the fact of Mr
Colquhoun neither having
himself made those ex-
aminations nor taken any
trouble to satisfy himself
of their correctness or to
enable him to distinguish
between work already paid
for and that for which
payment was demanded,

Capt.

Capt. Oakes is of opinion that
payment has been made to
the extent of Rs. 2050 above
the value of work done.

In connection with
the unauthorized entertain-
ment of extra establishment
Capt. Oakes, on examining
Mr Colquhoun's accounts,
found that Rs. 2795 had
been expended by him in
about 2 months on the em-
ployment of writers, accountants,
Lascars and Tappal runners,
and in purchasing additional
stationery, the money, thus
mis-spent having been
debited to "Superintendence"
and "Sundries" and the
amounts charged off
to works. Thus the details
of the outlay were not

Entered

entered in bills, and the Controller was thereby prevented from applying the check which it is the Object of the Rules of the Department that he should be placed in a position to exercise over all expenditure.

With reference to the fourth subject on which Capt. Oakes has formed an unfavorable opinion of Mr Colquhoun's proceedings it appears that Mr Colquhoun does not hesitate to substitute one description of work for another without authority as in the following works.

Nullamallay Ghaut Bridge.
Vayeacolum Chattrum.
and Kundiapary Conduit.

The last mentioned work was designed to be constructed throughout of rough stone in Chunam, but has actually been built with its flooring formed of undressed stone laid in sand covered with a single course of flat brick in Chunam. Notwithstanding this important modification, which it is needless to say ought to have caused a considerable saving, the bill for the work was made out as if the structure had been throughout completed as estimated for, of stone in Chunam. There was thus in this case not only an unauthorized deviation from a design, but also a false statement of the work made

out

out and an over payment to the Contractors, who moreover had received the whole estimated Cost of the work before it was commenced.

3. The remaining points on which Capt. Oakes animadverts are the insufficient and imperfect manner in which Mr Colquhoun exercises the duty of supervision in his Inspection Reports even being untrustworthy, the improper manner in which when carrying out works without a written Contract but on the express understanding that payments were to be made only for work done and measured up, he had been in the habit of giving large

* Kundiapary Conduit and Latrines - Rs: 2,570
Markets ——— " 5540
Municipal Roads - " 1,089

advances, which in some cases as in that above referred to, were to the full amount of the estimates before the works had even been begun, and in others were not adjusted by bills till subsequent months. This proceeding, which is directly opposed to the rules and practice of the Department has enabled Mr Colquhoun, in the opinion of Capt. Oakes, to falsify entries in Statements of measurements and in certificates of work done, and in conjunction with the system adopted by Mr Colquhoun of requiring his Overseers to prepare bills for specific amounts without reference to measurements, leaving recoveries to be made afterwards

afterwards, including such sums as Mr Colquhoun might demand for superintendence or "other purposes", opened a door for the commission of irregularities of the gravest nature.

Para 55

Finally Capt. Oakes points out, that under the system pursued by Mr Colquhoun all healthy competition having been discouraged, all contracts were thrown into the hands of one firm, who were thus able to impose their own terms and were permitted to palm off inferior work.

In the lengthy paper that Mr Colquhoun has submitted direct, and is herewith circulated, he

he enters into explanations similar to those which he furnished to Capt. Oakes and which failed to modify the views which, on the spot and with the fullest means of satisfying himself with facts, that Officer was obliged to form of Mr Colquhoun's Conduct. The explanations are plausible and are notably specious where he attempts to account for payments for work never done, as at the Keil passage Channel and the Mullamullay Quay Bridge. It is clear in the former case that if the Overseer who prepared the estimate on which the clearance entrusted to Mr Colquhoun was made had thought it necessary to excavate to such a depth as

Mr

Mr Colquhoun says the silt was taken out, he would have allowed a top width to the cutting to give, with the prescribed slopes of 2 to 1, the requisite width at bottom of 6 yards. This slope is inconsistent with the top and bottom widths given by the Overseer had he intended the cutting to be of the depths to which Mr Colquhoun tries to make it appear it was taken out, and he has consequently had recourse to the assertion that the slopes were trimmed down to suit the section which would tally with the amount of excavation he helped the Contractors

to

to charge for. From the fact that the Overseer denied that the Contractors had earned the Rs:1,500 for which Mr Colquhoun compelled him to make out a bill, that the claim was not made till long after it was possible to sift its validity, and that the Officer living in the vicinity of the channel knew nothing of a second clearance having been undertaken, the inference is forced on the mind that Mr Colquhoun, knowing that only Rs: 5,400 had been disbursed from an estimate of Rs: 7,000, prompted the Contractors and supported them in making a false claim to within a trifle of the unspent balance. In the same way he endeavours

to

to shuffle out of the difficulty he has in explaining the excess charge of Rs. 500 on repairing the approaches of the Nellamullay Odany Bridge by such statements as that the Coolies always dug their pits, when executing earth work, of one pattern and of one length, breadth, and depth.

But even if it be admitted that in these two most suspicious cases the proof of Mr. Colquhoun having connived at or participated in fraud is not complete, nothing that he addduces can account for the systematic way in which from the day he entered the 8th Division and found a certain system of

of Contractors exercising their calling there, he has raised rates all round and thrown work into their hands regardless of the quality of the work they performed, or cause justify his setting aside the rules of the Department to give those Contractors such an advantage as the receipt of advances for work not measured up and even in some cases not commenced, or can palliate his deliberate alteration of measurements and falsification of entries in Bills. All these proceedings, where they are not directly conclusive evidences of fraud, are suspicious in the extreme

and

and appear to be susceptible of explanation only on the supposition that Mr. Colquhoun has had an understanding with the Contractors and shared in their illegitimate profits.

It is to be observed that Mr. Colquhoun constantly shelters himself under the approval which he seems to have received from both Col. Wilkieson and Capt. Prendergast, and it is very clear that by some means he has succeeded in winning the confidence of both Officers and thereby evading the close scrutiny of his proceedings which it is not easy to imagine would not have been more efficiently exercised had not both been misled.

Orders are respectfully requested.

W. P.

P.S.

Since the above was written a telegram has been received from Mr. Colquhoun to request that no opinions may be formed on Capt. Oakes'

Oakes' Report till some sections of the Keelpadgee Channel and an important letter from Mr Engineer Hughes, which are being sent up, have been seen. These are not likely however to change the general aspect of the case against Mr Colquhoun, and the papers are therefore not detained.

List of papers sent to Major Payne.

1 Letter from Capt^n Oakes dated 3^d Nov^r 70 No 2133 with the following enclosures—

1. Memo. by Major Payne: No 2012 dated 22^d Oct with 11 Enclosures A B C D E F G H I J and K.
2. Memo & replies re Travellers Bungalow at Intreerina.
3. Certificates & measurements for Do. (4 sheets)
4. Memo & replies re Light House re Hare Island.
5. Mr. Mc Harris letter No 348 with Mr. Hughes's letters (9 sheets)
6. Memo & replies re Telegraph Office at Intreerina.
7. Do. on Nullanullay Aday Bridge.
7A. Overseer's original Estimate of Rs 500 for repairing bridge approaches
7B. Do. as revised by Mr Colquhoun Rs. 500
7C. Estimate for repairing approaches by Mr Colquhoun Rs 250
7D. Overseer's measurement book.
7E. Certificates & measurements as vouchers for Expenditure of Rs 500 (6 sheets)
7F. Major's measurements of earth work to the approaches of Nullanullay Aday Bridge & overseer's check measurement of embankment & certificate (4 sheets)
7G. Original Estimate of Rs 7500 altered to 4 250
7H. Mr Colquhoun's section of approaches.
7I. Mr Mc Harris ditto
8. Memo re Vagiculum Chittrum.
8A. Certificate & measurements (3 sheets)
9. Mr Colquhoun's letter of 5^th Aug^t 70 & Pol. Ord^r R.

9 A. Mr Colquhoun's letter No 214 of 2d Augt to Secy to Govt
9 B } Comparative Statement of measurements of Tiled
9 C } market shed.
9 D }
9 E } Do. Do. Watering Bazaar.
9 F. Mr Colquhoun's letter No 214 of 28th July to Secy to Govt
9 G Mr Colquhoun's Certificate of 19th April 1870.
10. Memo. & Enclosures with replies relative to Kundapaing Conduit.
10 A. Original Estimate. Rs 1940
10 B. " Bill " 1900
10 C Memo. from Vice President.
11 Memo. & replies relative to Kedgeree Channel.
11 A Extract from letter No 234 of 14 Sept from Lt Shepherd.
11 B. Overseer's Estimate of Rs 7000 for clearing channel.
11 C. Overseer's measurements & Bill of 14th Decbr (2 sheets).
11 D. Covering letter of Do. No 80 original & translation.
11 E. Measurement, Vouchers & Bill for Lower Section of Channel (6 sheets)
11 F. Do. for upper Section (4 sheets)
11 G. Measurement & Bill for 2nd Clearing (2 sheets)
11 H. Mr Hughes report of 27th July.
11 I. Original & translation of Overseers No 1 of 14th Decbr.
11 K. Overseers Measurement Book.
11 L. Bill & Voucher for Rs 1000 for Repairing Shivagandrum Tank (2 sheets).
11 M. Sections of Channel by Mr Hughes.
12. Arumoogamangalam Tank Estimate Rs 1200 original
12 A. Revised Do. Rs 2400
13 Enclosures & replies relative to contracts check of work &c
14 Do & entertainment of Extra Establishment &c

14 A. Statement of Expenditure on Extra Establishments by Mr Colquhoun.
14 B Statement showing quantity of Stationery supplied to Range No 1 from April 1869 to July 1870.
15. Copies of 4 letters by Mr Colquhoun (Nos 346. 484. 323 & 324).
16 Mr Colquhoun's letter of 29th Oct relative to the withdrawal of the Suit for defamation

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Mr Colquhoun's Papers.

Letter of 9th Nov/70. with 11 Enclosures.
Do. 21 — Do. with 2 Do.
Do. 25 Do. Do.
Do. 7th Do. ———

Extract PWD

Proceedings of the Madras Government

Revenue date the 13th January 1871

Read the following papers

3131

From the Superintg 6th Dn
On special duty —
Mr A Colquhoun ——
" — Do Do —
" Do — Do. —
" — Do — Do. ——

C.E. 3d Nov/70 —
" — 7 — Do — "
" 9 — Do
" 21 " Do
" 25 — —

In his letter of the 1st August 1870. No. 217. the Acting Superintending Engineer of the 6th Dn brought to notice that having inspected some of the works which had been carried out in the Jot Range of the Tinnevelly District under the supervision of Mr Colquhoun he had no hesitation in condemning them

3131

W. Tuk. C.

A. A

S. D. S

as being so very
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workmanship and the
materials employed, as
to induce him to believe
that public money had
been wasted. Taking
this in connection with
Law suits in which
Mr. Colquhoun had
been recently engaged,
Major Payne was of
opinion that a special
investigation into Mr.
Colquhouns management
of the Range was
absolutely necessary in

in the interests of
Government, and she
accordingly suggested
the appointment of a
Commission, Mr.
Colquhoun being placed
under suspension pending
the result of its enquiries.
Deeming it desirable
that Mr. Colquhoun
should be afforded an
opportunity of clearing
himself of the allegations
which had thus been
preferred, the Govt in
Proceedings dated 18th
August 1870 No. 1971
deputed Captain Oakes
R.E. the Superintending
Engineer of the 6th Div.
to Tinnevelly for the

purpose of carefully investigating those allegations. Meanwhile Major Payne was authorized to suspend Mr. Colquhoun if he thought such a step desirable.

The paper at the head of these proceedings is Captain Oakes report, and having given due consideration to it, as well as to the explanations which Mr. Colquhoun has submitted in his several letters, as per margin, His Excellency the Governor in Council deems

D/ 7th 9th = 21 and 25 Nov 1870.

deems it indispensable both on public grounds and in justice to Mr. Colquhoun, that the accusations preferred against him should be formally and publicly investigated in the mode prescribed by Act XXXVII of 1850. The Government accordingly resolve under section III of the Act specially to appoint Mr. R. H. Puckle Collector of the Tenasserim District, to be a sole Commissioner for the enquiry. Mr. Puckle will arrange for entering upon the investigation without delay, conducting

Attch Macpherson Malabar

in accordance with
the Course laid down
in the Act.

The Government
further resolve under
Section IV of the Act
to appoint Major Lysaght
Coyne the Actg Supt
Engr of the 8th Dist to
conduct the prosecution
of the charges to be pre-
ferred against Mr Colquhoun
Major Payne will in
communication with
Mr Pickle, fix the
date for the commencement
of the inquiry, which
should be as early as
practicable, consistently
with the requirements

of Sections III and X
of the Act.

57

28

To
A Mac Gregor Esq
Collector of Inchaboe

Major Lysaght Coyne
Asst Engr & Supt 8th Dist with orders as herein directed
Controller
Mr A Colquhoun
Public Works Office
Revenue Branch

X Letter dated 13-1-71
Letters despd 14/1/71

Govt. of {1871} Madras.

PUBLIC WORKS.

To A. Macgregor Esqr.
Collector of Malabar

Dated

Read. Encl.

G. O., 13th Sept 1871, No. 90.

Nos. 182 & 189

Mr. Cockburn & Telgaderam.

Explaining circumstances investigated, in the mode prescribed by Act XXVII of 1850, into certain accusations brought against Mr. Cockburn & Telgaderam.