

(1) Number of pages _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	1590	Press
46/11		Mis.
Dated	27	1872

Not to be folded or roughly handled

No. 46. Read the following letter from the Superintending Engineer, 3rd Division, to the Secretary to Government, Public Works Department, dated Bellary, 7th May 1872, No. 323 :—

ON 2nd August, 1871, a petition was received, purporting to be signed by one Ramanah, bringing certain charges against Mr. Prout, at that time Overseer of the Ramalkottah Taluq in the Kurnool District. The charges were that, with the aid and assistance of Saben Sahib and Shaik Ahmed, two Maistries on the Ghooty and Kurnool Road, he was in the habit of making the coolies come in long distances for the pay due to them; of then delaying for some days to pay them; of preparing false nominal rolls, and inserting names of parties who were not employed; of only giving part payment instead of what was really due; of paying the people at night and not having proper witnesses present, but always having the abovenamed two men, etc., etc. On the 7th idem, another and similar petition from coolies on the Ghooty Road was received from the Collector of Kurnool, with an endorsement on a letter to him from his Assistant. Both of these petitions were transmitted to Mr. Supervisor Hayes, at that time in charge of the Kurnool Range, for inquiry and full report, and with instructions to submit any explanation Mr. Prout might have to offer.

2. The course adopted by Mr. Hayes to carry out his inquiry seems to me to have been an extraordinary one, and likely to frustrate the obtaining proper information. The first petition appears to have been received by Mr. Hayes at Kurnool on 4th August 1871. Instead of at once sending for Ramanah and then commencing the inquiry by asking if he had submitted the petition in question, Mr. Hayes, on the 5th idem, sent the petition with a docket, No. 246, to Mr. Prout, who was also on that day in Kurnool, calling on him to submit explanation on all the points mentioned, and informing him that the inquiry would commence after the receipt of Mr. Prout's reply.

3. As far as can be seen from the papers sent to this office, Mr. Prout took no notice of the above docket until the 28th idem, when, without furnishing any explanation, he submitted a docket, No. 78, begging to know if Ramanah had himself in person delivered the petition to the Superintending Engineer or by letter acknowledged the authorship, as, on comparing the signature on the petition with others in his office records, a vast difference was discovered. He then states he was quite prepared to submit an explanation, and would have supplied it earlier had not the Range Officer intimated that he had sent for Ramanah, and, further, that he knew "it to be a mere trumpety complaint." It was not till the 4th September that Mr. Prout submitted his explanation. I cannot agree with Mr. Prout that it was a mere trumpety complaint, and the statement that a reply would have been sent earlier had not the Range Officer intimated that he had sent for Ramanah is different from that given by Mr. Hayes in paragraph 5 of his letter, No. 239, of 4th October 1871, in which he states "Mr. Prout brought to my notice that the signature

This statement of Mr. Hayes is now I find to be incorrect, as Mr. Hayes' docket is dated 7th August 1871.

(Signed) A. S. MOBERLY.

of the said (Ramanah) petitioner was far different to those attached to documents in his office, and which he produced; on this I gave the petitioner notice to attend." From this the only conclusion that can be drawn is that

Ramanah was not sent for until after the receipt by Mr. Hayes of Mr. Prout's docket, No. 78, of 28th August.

4. The detention by Mr. Prout of this petition for over three weeks without, as stated before, making any attempt to submit an explanation, is very suspicious.

5. On 5th August, 1871, with docket No. 247, Mr. Hayes submitted to Mr. Prout for explanation a petition from coolies on the Kurnool and Ghooty Road, similar to the one furnished to the Assistant Collector, and which was forwarded to Mr. Hayes on 9th August. The complaint in this petition was that Mr. Prout and Maistry Saben Sahib were in the habit of preparing false nominal rolls; of not paying the coolies, etc., their full hire, and of worrying them by making them go into Kurnool instead of paying them at their villages. To this Mr. Prout sent a reply, No. 62 of 12th August 1871, and on the 20th idem Mr. Hayes commenced, what he calls, his inquiry. The evidence taken this day seems to have been a deposition from Maistry Saben Sahib, and further inquiry was then postponed until the 30th September, on which day and on 2nd and 3rd October the examination of Saben Sahib was continued, and that of Colcar Iyana was taken. Mr. Hayes does not appear to have made any inquiries from any of the parties who complained, and when Maistry Saben Sahib wished to give some information against Mr. Prout, he (Mr. Hayes) declined to receive it, and says "this, of course, I could not do at the time;" why, I cannot understand, as it was his duty to obtain all information that was procurable.

6. On the 4th October, Mr. Hayes submitted letter No. 239 with the abovementioned documents, and one from Ramanah, denying the authorship of No. 1 petition, which must, therefore, be considered as anonymous. On being shown also to Mr. Fraser, that gentleman said he could certify from his own knowledge that a great deal of what was stated therein was false. I was at this time in the Pullumpett Range, in the Cuddapah District, engaged in making inquiries as to the irregularities of Messrs. Cowley and Wade, which have been already reported on; and before I could look into Mr. Hayes' report, etc., a call was made by the Assistant Magistrate at Kurnool for all the papers, as Saben Sahib had been charged before him with receiving stolen property, abetting the same, and cheating. This, I gather, was on the prosecution of Mr. Hayes who, by way of complicating matters, had on 2nd or 3rd October handed Saben Sahib over to the Police under the plea that he thought the man would decamp, having a number of Government tools in his charge. Saben Sahib was convicted and sentenced to one month's rigorous imprisonment. He appealed to the Sessions Court against the illegality of the sentence, but the Sessions Judge on 11th March 1872 decided that he saw no reason to refer the question to the High Court. After a careful perusal of all the evidence taken by the Assistant Magistrate, as also of all the documents produced, I do not think there is evidence on which to found a criminal charge against Mr. Prout, and in this opinion am supported by the Magistrate; but in the course of the trial certain facts were mentioned which require further notice.

7. In the course of his evidence before the Assistant Magistrate Mr. Hayes stated, "I cannot identify the man Siddhadoo: I had no private interview with Siddhadoo;" and at the end stated he did not know Siddhadoo, whereas Mr. Prout in his evidence said, "Mr. Hayes and I had an interview with Siddhadoo at Dhone," and Iyana also states that Mr. Hayes spoke to Siddhadoo. Why Mr. Hayes

made this statement is not clear unless it was to screen Mr. Prout, and here I may remark that the inquiry made by Mr. Hayes was carried out in a very superficial manner, and, in my opinion, the course adopted by him tended to hush up in place of elucidating evidence. I consider Mr. Hayes untrustworthy and quite unfit for charge of a range.

8. Saben Sahib produced three notes* written to him by Mr. Prout, which

* SABEN SAHIB,

Send this note and Rupees 3 by a trustworthy mile cooly to Peapully Sub-Magistrate and let him get a receipt for the amount.

5th August 1871.

(Sd.) J. PROUT.

SHAIK SABEN SAHIB,

I have this day written to Mr. Butler about sending my coach and cart to meet me at Ghooty Railway Station on the 17th instant. Please see that no time is lost, and make arrangements to have a light with the coach. You had also better meet me on that date at Ghooty, you may bring two or three mile coolies with you. Should you not be able to come, send Syed Ameer. Let Lascar Madar drive the coach.

BANGALORE,

9th February 1871.

(Sd.) J. E. PROUT.

SABEN SAHIB.

I herewith send a letter to the address of Station Master, Ghooty. Please send at once mile cooly of 35th and 36th miles, who will receive a parcel and the kettle left behind by my cook. See that the above is carefully and quickly despatched to me.

KURNOOL,
18th June 1871.

(Sd.) J. E. PROUT.

earlier, that he was awaiting the ultimate decision of the appeal of Saben Sahib to the Sessions Judge as to the legality of his sentence. A more lame, absurd, or frivolous excuse I never heard, as I cannot see what it had to do with Mr. Prout's defence of his own irregular proceedings.

10. Having thus drawn up a history of this matter, I submit the same for the consideration of Government, as, I think, some notice should be taken of the conduct of Messrs. Hayes and Prout, and that the same should be placed on record.

No. 47.

ORDER THEREON, 2nd July 1872, No. 1,590.

ESTABLISHMENT, No. 4.

THE Government are exceedingly dissatisfied with the manner in which Lieutenant-Colonel A. Moberly has brought forward his charges against Mr. Hayes. His letter is so incoherent and furnishes such scanty information in support of the charges that it is impossible for Government to act upon it. Unless, therefore, Lieutenant-Colonel Moberly's successor is prepared to bring forward and substantiate explicit charges against Supervisor Hayes the latter can only be cautioned to endeavour to retrieve the bad reputation which he has brought from the 4th into the 3rd Division.

*Proceedings of the Madras Government, Public Works Department,
2nd July 1872.*

2. It is observed that Mr. Prout is an Overseer of some standing, and Government regret to find the Register Reports of his conduct to be unsatisfactory in spite of quickness and intelligence for which he is given credit. They trust that he will endeavour to give more satisfaction in future.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Superintending Engineers, ~~1st and~~ 3rd Divisions.
" Controller of Public Works Accounts.

No. 323

Superintending Engineer's Office.

3rd Division.

Bellary *7th May* 1872.

From,

The Superintending Engineer

3rd Division.

To,

The *Secretary to Government*
P.W. Department

Fort Saint George

Enclosures.

Sir,

On 2nd August 1871 a petition was received purporting to be signed by one Minnanah bringing certain charges against Mr. Prout, at that time Overseer of the Pambattla Subek in the Tirunel District. The charges were that, with the aid and assistance of Sub and Shaiti Attined two Ministries in the Godyand. Turned Road, he was in the habit of making the coolies come in long distances for the pay due to them; of then delaying for some days to pay them; of preparing false Nominal Rolls and inserting names of parties who were not employed; of only giving part payment instead of what was really due; of giving the people no right and not having proper witnesses present but always having the above named two men, &c. &c. On the 4th Idem another and similar petition from coolies on the Godyand was received

received from the collector of Kurnool with an enclosure
and a letter to him from his Assistant. Both of
these petitions were transmitted to Mr. Supervised Engineer
at that time in charge of the Kurnool Range for inquiry
and full report and with instructions to submit any ex-
planation Mr. Prout might have to offer.

2. The course adopted by Mr. Hayes to carry out his in-
quiry seems to me to have been an extraordinary one and
likely to frustrate the obtaining proper information. The
first petition appears to have been received by Mr. Hayes ^{on the 11th}
at Kurnool on 11th August 1871 instead of at once sending ^{it to}
for Kurnool and then commencing the inquiry by asking ^{him}
if he had submitted the petition in question. Mr. Hayes
on the 5th Idem sent the petition with a docket N^o 216
to Mr. Prout, who was also on that day in Kurnool,
calling on him to submit explanation on all the points
mentioned and informing him that the inquiry would
commence after the receipt of Mr. Prout's reply.

3. As far as can be seen from the papers sent to this of-
fice, Mr. Prout took no notice of the above docket until the
28th Idem when, without furnishing any explanation he
submitted a docket N^o 48 begging to know if Kurnool
had himself in person delivered the petition to the Superin-
tending Engineer or by letter acknowledged the authorship
or in comparing the signature on the petition with others

in his Office records, a most different was discovered. He then
states he was quite prepared to submit an explanation and
would have supplied it earlier had not the Range Officer intima-
ed that he had sent for Kurnool and further, that he deemed
"it to be a mere trifling complaint". It was not till the 4th
September that Mr. Prout submitted his explanation. I cannot
agree with Mr. Prout that it was a mere trifling complaint
and the statement that a reply would have been sent earlier
had not the Range Officer intimated that he had sent for
Kurnool is different from that given by Mr. Hayes in
para 5 of his letter N^o 239 of 4th October 1871 in which he
states "Mr. Prout brought to my notice that the signature

This statement of ^{the said (Kurnool) petitioner was far different to those}
Mr. Hayes is now ^{found to be incorrect attached to documents in his Office and which he procured}
as Mr. Hayes' docket ^{in this I gave the Petitioner notice to attend. From this}
it is stated of the 1st ^{the only conclusion that can be drawn is that Kurnool}
first 1871. ^{was not sent for until after the receipt by Mr. Hayes of}

the only conclusion that can be drawn is that Kurnool
was not sent for until after the receipt by Mr. Hayes of
Mr. Prout's docket N^o 48 of 28th August.

4. The detention by Mr. Prout of this petition for over three
weeks, without, as stated before, making any attempt to
submit an explanation is very suspicious.

5. On 5th August 1871 with docket N^o 247 Mr. Hayes sub-
mitted to Mr. Prout for explanation a petition from coolies
on the Kurnool and Gooty road similar to the one furnished
to the Assistant Collector and which was forwarded to Mr.
Hayes

Mr. Hayes on 4th August. The complaint in the petition was
that Mr. Thant & Maistry Sabu Saib were in the habit of
preparing false Criminal Warrants, & not paying the coolies at
their full hire and of overpaying them by making them go
into Kurnool instead of paying them at their villages. To
this Mr. Thant sent a reply No. 62 of 12th August 1871 and
on the 20th Idem Mr. Hayes commenced what he calls
his inquiry. The evidence taken this day seems to have
been a deposition from Maistry Sabu Saib and further
inquiry was then postponed until the 30th September on
which day and on 2^d & 3^d October the examination of Sa-
bu Saib ^{was} continued and that of Kolar Jyana was taken.
Mr. Hayes does not appear to have made any inquiries
from any of the parties who complained and when Maistry
Sabu Saib wished to give some information against Mr. Thant
he (Mr. Hayes) declined to receive it and says "this of course
I could not do at the time": why I cannot understand, as
it was his duty to obtain all information that was procurable.
On the 4th October Mr. Hayes submitted letter No. 239
with the above mentioned documents and one from Ma-
manah denying the authorship of the petition, which
must therefore be considered as anonymous. On being
shown also to Mr. Fraser that gentleman said he could
certify from his own knowledge that a great deal of what
was stated therein was false. I was at this time in the
Kullamputt

Kullamputt Range in the Kuddapah District engaged in
making inquiries as to the irregularities of Messrs. Bowley &
Wade, which have been already reported on; and before I
could look into Mr. Hayes' report &c. a call was made by
the Assistant Magistrate at Kurnool for all the papers as
Sabu Saib had been charged before him with receiving stolen
property, abetting the same and cheating. This together with
the prosecution of Mr. Hayes who, by way of complicating
matters, had on 2^d or 3^d October handed Sabu Saib over to the
Police under the plea that he thought the man would de-
camp, having a number of Government Tools in his charge.
Sabu Saib was convicted and sentenced to one month's re-
formatory imprisonment. He appealed to the Sessions Court
against the illegality of the sentence but the Sessions Judge
on 11th March 1872 decided that he saw no reason to refer
the question to the High Court. After a careful perusal of
all the evidence taken by the Assistant Magistrate, as
also of all the documents produced, I do not think there is
evidence on which to found a Criminal charge against
Mr. Thant and in this opinion am supported by the Ma-
gistrate; but in the course of the trial certain facts were
mentioned which require further notice.

7. In the course of his evidence before the Assistant Ma-
gistrate Mr. Hayes stated "I cannot identify the man".
Siddhadas

"Siddhados. I had no private interview with Siddhados" and at the end stated he did not know Siddhados; whereas, Mr. Thont in his evidence said "Mr. Mayes said I had an interview with Siddhados at Dhane" and Syama also states that Mr. Mayes spoke to Siddhados. Why Mr. Mayes made this statement is not clear unless it was to screen Mr. Thont and here I may remark that the inquiry made by Mr. Mayes was carried out in a very superficial manner and in my opinion the course adopted by him tended to hush up in place of elucidating evidence. I consider Mr. Mayes untrustworthy and quite unfit for charge of a Range.

8. Sathu Sath produced three notes written to him by Mr. Thont which show I think that Mr. Thont was in the habit of doing irregular

acts. I do not mean the simply employing Mule coolies but in charging them in the accounts instead of paying them for such private work out of his own pocket.

9. I made particular inquiries as regards this matter as I came down the Kurnool & Gooty road in January last & every Mule Cooly distinctly informed me that Mr. Thont had

* Sathu Sath
Said this note and No 3 by a trustworthy Mule cooly to Kapulley Sub Magistrate & let him get a receipt for the amount 5th August 77. S. J. Thont.

Shank Sathu Sath. I have this day written to Mr. Butler about sending my Coach & Cart to meet me at Gooty Railway Station on the 14th Instant. Please see that no time is lost and make arrangements to have a light with the Coach. You had also better meet me on that date at Gooty. You may bring two or three Mule Coolies with you. Should you not be able to come, send Syed Ahmed - Let Lascar Madar drive the Coach. S. J. E. Thont
Bangalore. 9th February. 1877

Sathu Sath. I herewith send a letter to the address of Station Master Gooty. Please send it one mile out of 33rd & 36th miles who will receive a parcel and the bottle left behind by my Cook. See that the above is carefully and quickly despatched to me.

S. J. E. Thont
13th June 1877.

employed Mule Coolies without paying them out of his own pocket, but after one month he has written in saying that he always paid the Mule Coolies when he employed them in private work. In the beginning of his letter he gives as a reason for not sending any explanation earlier that he was awaiting the ultimate decision of the appeal of Sathu Sath to the Sepsis Judge as to the legality of his sentence. A more lame, absurd or frivolous excuse I never heard as I cannot see what it had to do with Mr. Thont's defence of his own irregular proceedings.

10. Having thus drawn up a history of this matter, I submit the same for the consideration of Government as I think some notice should be taken of the conduct of Messrs. Mayes & Thont & that the same should be placed on record.

had never paid him a single anna for any private work done by them. I saw Mr. Thont in the beginning of February and spoke to him on this matter & he then did not deny having

I have the honor to be
Sir
Your most Obedt. Servant
S. J. E. Thont
Superintending Engineer 3rd Div.

P.W. Dept

No. 1590

Proceedings of the Madras Government
Under date the June 18/72
Read the following

From the Supg Engineer } H.C. No. 323 of 17th May 1872
3rd Division

The Government
are exceedingly dissatisfied with the manner
in which Lieutenant
Colonel A. Roberts has
brought forward his
charges against Mr. Hayes.
His letter is so incoherent
and furnishes such
scanty information in
support of the charges
that it is almost im-
possible for Govt to
act upon it. Unless
further info is
furnished.

I do not see any
way to bring him
his charges - on this
letter. It is not
easy to understand.
It and the charge
and there is no
defence - I would
refer to him to
be more explicit.
I would like to
know more of the
points case.

To
The Superintendent Engineer
3rd Division.

From
The Secy to the Government
P.W. Department
Madras

No. 323

Dated 17th May 1872
Received

ENCLOSURES. 4

Change to method the manner
not so strict. Mr. Roberts
has charges which are charge
of Government. Change in method
of a case connected with
P.W. Department in which
Mr. Roberts has been

No. 1590 of 2nd July 1872

1871 1596.2 2 July 1872

It would appear however that Mr. Hayes has not taken sufficient warning from the punishment inflicted on him in S. O. No. 1559 of 10 June 1871; and keeping in view the opinion of his work while in Chew-dragherry Range recorded in the papers printed with S. O. No. 770 of 15 March 1871, together with that now arrived at by the Sup. Engineer of the Division to which he was transferred, of his utter unsuitness for charge of a Range, the Govt. have no alternative but to remove him altogether from a rank which

Therefore S. O. No. 1559 is prepared to bring forward substantiated explicit charges against ~~the~~ the Supervisor Hayes. The latter can only be considered to have ruined his reputation when he has brought down the name of the Division.

which involves such charge. They direct therefore his degradation to the rank of Quartermaster from date of his relief by Mr. Supervisor Hicken, whom the Sup. Engineer 1st Division will instruct accordingly.

It is observed that Mr. Prout is an Overseer of some standing and Government regret to find the Register Reports of his conduct to be unsatisfactory in spite of quickness and intelligence for which he is given credit. They trust that he will endeavour to give more satisfaction

11. Mahomed Ali

satisfaction in future.
G.M.W.

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To: The Superintendent
6. Controller

Desp 8/7/72

C/2343

Govt. of 1872 Madras:

PUBLIC WORKS.

5. The Superintending Engineer
1st & 2nd (Division)

Dated

Recd.

Encl.

G. O. 2 July 1872, No. 1590.

Nos. 46449

Mr. Overseer Pont. Papin

Orders in letter from the
Superintending Engineer of the 3rd
Division to take the
irregular manner in
which Mr. Papin has
conducted the surveying
with certain charges
preferred against Mr.
Overseer Pont.