M.R.O. 1—77,000—8-6-37.

(1) Number of pages 20

(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 503 Press ~~Mis.~~

381-82

Dated 22-2- 1872.

Not to be folded or roughly handled

Read the following letters:—

No. 381. From the Superintending Engineer, 8th Division, to the Secretary to Government, Public Works Department, dated Madura, 30th December 1871, No. 3,735.

In reference to my letter No. 2,997, dated 14th November 1871, I have now the honour to report the result of the preliminary investigation made by me into the charges preferred against Overseer Serjeant J. Hamilton by Assistant Engineer Mr. Lyon, as per his enclosed report No. 224, dated 22nd October 1871.

1 Report from Assistant Engineer Mr. Lyon, No. 222, dated 20th October 1871.
1 Do. do. No. 224, dated 22nd October 1871.
1 Letter from Overseer Serjeant Hamilton, dated 13th November 1871.
1 Copy of evidence taken by the Superintending Engineer at Dindigul on the 14th and 15th December 1871.
1 Nominal Roll prepared by Road Maistry Veerapah Pillay.

2. With this report is forwarded also Serjeant Hamilton's reply thereto, dated 13th November 1871, together with the written evidence taken by me at Dindigul on the 14th and 15th instant.

3. I would, at the outset, call your particular attention to paragraph 5 of Mr. Lyon's report, in which he states, with reference to the number of coolies entered in the Dindigul Taluq Overseer's cash account book on the 7th August 1871, namely, "on Road No. XIII. 336 coolies, and on Nuttum Road (No. XII.) 652 coolies," that he can positively swear that neither on that day nor on the following day (Sunday) was that number of coolies paid.

4. Now, it must be admitted that, whatever doubts may have arisen in regard to the genuineness of the transactions in question, to prefer a charge in such a manner as the above is highly undeserving and unfair, and predisposes any impartial person to conclude that a charge brought forward in such an intemperate manner must at best be inherently weak, or have but little foundation of truth in it.

5. Let us suppose, for instance, that on Road No. XIII. the number of coolies stated, namely, 336, had actually been employed, namely, 21 coolies for 16 days, and that on the Nuttum Road (No. XII.) the 930 coolies mentioned had *bona fide* consisted of gangs numbering 62 men in all, employed for 15 days. Would it not be monstrously unfair for any one to attempt to prove that these charges were fictitious, by stating that he was prepared to swear that on the date in question "that number of coolies was not paid?"

6. Yet Mr. Lyon does not hesitate to do so, while in the same paragraph of his report he admits that he saw 80 or 90 coolies awaiting payment on that day, but these people, he asserts, were mile-coolies. It appears, however, from the accompanying evidence that Mr. Lyon did not take any pains to assure himself of the accuracy of this statement, but that casually asking on the occasion in question who the people were, somebody or other told him they were mile-coolies.

7. Taking the above circumstance into consideration in connection with the statement (reported in my letter already quoted) made by the late Accountant of

this office, "that he had assured Mr. Lyon in confidence that Serjeant Hamilton could easily be caught hold of," and that Assistant Engineer Mr. Leggatt had informed both me and Serjeant Hamilton that Mr. Lyon had unreservedly informed him that it was his (Mr. Lyon's) intention to "smash" Serjeant Hamilton as soon as he, Mr. Lyon, took charge of the range, I was not at the outset disposed to consider that the charges preferred by Mr. Lyon were *de facto* as grave as he represented them to be.

8. I was the more confirmed in this belief as it had come to my knowledge that Mr. Lyon had not gone out himself on the roads in question and assured himself personally, as he should have done, from each mile-cooly in succession that no work had actually been executed by extra coolies at the periods stated. But he had adopted the extraordinary plan of sending for the whole of the mile-coolies of the range to come to the Range Office; and it is not to be wondered at therefore that they knowing the kind of evidence that was wanted, and that their retention as mile-coolies (as will be seen from the evidence) depended on their testimony to this effect, should be unanimous in declaring that "no extra coolies were employed;" such unanimity, however overwhelming under other aspects, does not, under the circumstances represented, appear to carry much weight.

9. A very unsatisfactory feature, too, in the case is that, in consequence of every mile-cooly on all the principal thoroughfares leading out of Dindigul being informed that charges of fraud have been submitted against their late Acting Range Officer, every traveller on these roads is posted with this interesting information; and the result of such publicity was that at the time of my investigation the Range Office was besieged by a crowd of people, residents of Dindigul and casuals, to whom the details of the case were familiar, and to whom it appeared more of a *cause célèbre* than had the inquiry been regarding the perpetration of some particularly brutal murder.

10. It will be understood that, under such circumstances, the accused, no matter what may be the actuality of truth in the charges, finds but a poor chance offered him of rebutting them, as every avenue of defence is almost closed to him, while any departmental *employé* who may be seen speaking to him is considered more or less suspect. At the same time those subordinates of the range who have connived at the frauds—if frauds there be—are the most anxious of all to damage the reputation of the accused, so that no evidence may be brought against them themselves.

11. I would also remark that Mr. Lyon was engaged from the 6th to the 16th October 1871 in taking over charge of the range, and that he allowed Serjeant Hamilton to leave Dindigul on the 18th idem, with an understanding that all was satisfactory; but no sooner was the Overseer's back turned than the charges now under consideration were brought forward.

12. In addition to all the above, Serjeant Hamilton's treatment of the contractors and others has been unfortunately so rough that directly there was a chance of retaliation they not unnaturally availed themselves of the same. I cautioned Serjeant Hamilton long since on this subject, and I pointed out to him how highly improper was such conduct on his part, and that it was so extremely distasteful to me, personally, that he could expect no support from me, unless he showed himself more considerate in his treatment of the natives. He promised amendment, but from the evidence it will be seen that this promise was not kept, for Serjeant Hamilton admits, indeed almost boasts, of having kicked a Brahmin Maistry in as public a manner as possible; and it is for this reason as he, Serjeant Hamilton, asserts, that the Maistry now tenders false evidence against him.

13. With these prefatory remarks I will now proceed to say that from the evidence I have taken I am of opinion that, as regards the charges preferred against Serjeant Hamilton, a *prima facie* case has been clearly proved against him, and that these charges therefore demand a searching inquiry.

14. From the enclosed evidence it will be seen that although many of the statements made in Mr. Lyon's report are not very accurate, yet that the broad fact remains that a very large number of extra coolies are charged by Overseer Serjeant Hamilton in his cash-book on the 2nd and 7th October 1871, and that he has not a single voucher of any kind whatever to produce to substantiate these charges. This is indeed a very serious aspect of the question.

15. Moreover, the principal witness, and indeed the only witness produced for the defence, namely, Maistry Veerapah Pillay, has given evidence which is unworthy of credence in itself, and is proved to be untrue.

16. Serjeant Hamilton states that he kept three note books, one for each taluq of the range, and that in these note books the names of the coolies engaged were entered. He states that these books were left by him in the Range Office, together with all the other books of the range, when he gave over charge. It appears that no formal transfer of books was made, and that although the Range subordinates acknowledge that they knew that Serjeant Hamilton kept these books, they all declare that they do not now know where they are.

17. I confess that to me this defence carries little conviction; for, in the first place, vouchers for such high and recent charges ought undoubtedly to have been guarded with great care by Serjeant Hamilton so as to have been produced by him in support of his payments. In the second place the entertaining of such large bodies of workmen, *in addition to the mile men*, without my permission, or any kind of reference to this office as to their necessity, was clearly most irregular, and it has hampered most seriously and most unnecessarily the maintenance grants for the roads in question for the remainder of the official year.

18. Serjeant Hamilton states, in his letter replying to Mr. Lyon's charges, that the extra coolies were not paid by him in person; that "it would not be possible for him to do so;" "that he was obliged to rely on the maistries to a certain extent, and that it was through them that these extra coolies were paid." This does not sound satisfactory. Serjeant Hamilton admits in his evidence that he paid every mile cooly himself, and it is astonishing, to say the least, therefore how he could have placed such large sums as those under consideration into the hands of ignorant road maistries, for disbursement, without any kind of control, to extra coolies.

19. It appears from the evidence that the business of the range has been habitually conducted in a very slack manner. Mr. Lyon remarks on the fact of the station books having been prepared from the cash accounts; but I find from the records of the Range Office that this objectionable system has been the practice for

some years past in all the taluqs of the range. As for taking mile-coolies from their own roads to work on other roads or to clear up the Range Office compound, as has transpired in the investigation, this practice is equally objectionable, and is contrary to my most particular orders on this subject.

20. In regard to Mr. Lyon's statement, that the charge of 4 Annas per diem for coolies is very high, Serjeant Hamilton states that the more able-bodied coolies will not work under that pay. Whether unduly high or not I am not prepared to say, but I find from the Range records that the charge for coolies at that rate has been habitual for many years past.

21. It will be remembered that in my letter to Government, printed with G. O., 20th June 1871, No. 1,664, I have stated (*vide* paragraph 3 of that letter) that I considered that Overseer Serjeant J. Hamilton's taking charge of the range, although unavoidable under the circumstances, was "at best a very unsatisfactory arrangement, for Serjeant Hamilton's antecedents are not such as to give me any confidence in his conduct of an important charge like that of the Dindigul Range."

22. At that time I knew nothing personally of Serjeant Hamilton; but on my inspecting subsequently the roads in his range, I was exceedingly pleased to find them contrast so favourably with other roads in the division. The Sub-Collector, Mr. Bliss, who, as I think the Government must be aware, has no prejudices in favour of this department, was so pleased with Serjeant Hamilton's work that he assured me that he would gladly hand over charge of the district roads to this department if Serjeant Hamilton remained in charge of the range, but not otherwise. In fact several of the residents of Dindigul mentioned incidentally to me at that time how pleased they were with the state of several of the roads which I had not then had the opportunity of seeing myself.

23. It was on these grounds that I ventured in my letter printed with G. O., 12th July 1871, No. 1,833, to recommend Serjeant Hamilton for promotion, and indeed to suggest that, after a short probation, all Serjeants of Engineers employed in the Public Works Department should be entitled to the pay and allowances of a Supervisor. I ventured also to state that "we are taught to pray that we ourselves may not be led into temptation, and surely we are bound therefore to take every precaution that we do not deliberately place others, especially our European subordinates, in so perilous a position."

24. It is only proper for me to mention here that the matter alluded to in paragraph 21 of this letter, in connection with Overseer Serjeant Hamilton's antecedents, is the fact of a charge having been preferred against him by Lieutenant Shepherd, R.E., namely, for having forged a receipt for payment of work done on the Puliput bungalow in the Tinnevelly District in 1869. As, however, after a further investigation Lieutenant Shepherd reported that it was doubtful whether the evidence was sufficient to justify him in bringing Serjeant Hamilton to trial, the charge was accordingly abandoned.

25. I presume that the Government will expect some expression of opinion from me in regard to the matter now reported. And I accordingly herewith furnish the same. It will be observed from the evidence that the whole town of Dindigul is inflamed with a desire that vengeance may be wreaked on Serjeant Hamilton's head, a desire which, I believe, has been occasioned not so much by the fraudulent acts of the Overseer, as alleged, but by his rough and high-handed manner of dealing with the contractors and others, while this feeling has been intensified, I believe, by the insidious conduct of the late Accountant of this office, who, to revenge himself for the loss of his own appointment, proceeded to Dindigul and was instrumental in getting up a Mahazarnamah against the man through whom he himself had come to grief. It remains, therefore, for the Government to decide whether they will gratify or not this thirst for vengeance, or whether they will prefer the avoiding of a great scandal by summarily removing Serjeant Hamilton from the Public Works Department and relegating him to the Sappers for military duty. I venture to recommend most strongly this latter course. Serjeant Hamilton's conduct is not for the first time open to very grave suspicion, and it is impossible therefore to place any longer that confidence in him which the Government have a right to demand.

26. I now leave the matter in the hands of Government for such instructions as they may be pleased to issue in the matter. I have the honour to state that, in the meantime, I have suspended Serjeant Hamilton from all duty. I have only to add that with a view of not unnecessarily encumbering this letter, I have inserted in the evidence taken by me such explanatory notes as appeared to me to be requisite.

No. 381A. From the same Officer, dated Madura, 30th December 1871, No. 3,736.

In connection with my report No. 3,735 of this day's date, I have the honour to return herewith the petition, No. 2,396 of 1871, from Kristna Iyen and others of Dindigul against Overseer Serjeant J. Hamilton, referred to me for report with Government endorsement dated 2nd instant.

2. The petition contains many statements that are untrue, others impossible to prove, and others again that may or may not be capable of proof.

3. I learn from the Sub-Collector that the petition has been "got up by one Anumantha Rayana, a Vakeel in the District Munsif's Court." This Vakeel has however been careful not to sign the petition himself. He is the brother of a contractor dismissed by Serjeant Hamilton, and was Vakeel in a case of slander brought by Serjeant Hamilton against one Rungasawmy Pillay, a Maistry, who was in consequence dismissed the service.

4. The fact of the principal signatures to the petition being those of the dismissed and discontented contractors is not in itself unfavourable to Serjeant Hamilton. And it is simply ridiculous therefore to compare the case as the petitioners have done with that of Colquhoun, who was hand in glove with the contractors for a number of very large works.

5. On my recent visit to Dindigul I sent for Kristna Iyen, whose signature heads the other signatures. According to this individual's account he has nothing whatever to do with the Government service, nor is he in any way affected by Serjeant Hamilton's alleged misconduct. On being asked how he came to know

what was on the records of my office, he said that he became aware of this from the town's people.

6. It is clear that this man could not possibly have known—*i. e.*, in a manner sufficiently authentic to risk his signing his name to a public petition—what is on the records of my office except from some member of that office. And as I have ascertained that the late Accountant of this office was at Dindigul during the time this petition was concocted, I feel satisfied that that individual was mainly instrumental in getting up the petition for the reasons explained in my letter No. 3,735 of this day's date.

7. As I have already requested the instructions of Government in regard to the action to be taken in the matter of the charges preferred against Serjeant Hamilton, any further notice of this petition appears in the interim unnecessary, and as I have already had a copy of it sent me direct by the Vakeel above-mentioned, I return the petition herewith.

No. 382. ORDER THEREON, 22nd February 1872, No. 503.

ESTABLISHMENT, No. 32.

THE first of the letters above recorded contains the result of the investigation by the Superintending Engineer of the 8th Division into the charges of fraud brought by Assistant Engineer Mr. Lyon against Overseer Serjeant Hamilton, who recently held charge of the range and taluq of Dindigul in the Madura District, and in the paper next read the Superintending Engineer reports on a petition containing imputations of a similar character which certain native residents of Dindigul have preferred against the Overseer.

2. The specific acts of dishonesty which Mr. Lyon alleges were committed may be stated as follows:—

I.—That in his cash-book of the 2nd October 1871, Serjeant Hamilton charged Rupees 249-8-0 for 1,209 extra coolies working on Trunk Road No. XIII., whereas that number was not employed, and no payments were made by Serjeant Hamilton on or about that date.

II.—That while on the 7th idem a sum of Rupees 84 is charged for 336 extra coolies on Road No. XIII., and Rupees 232-8-0 for 930 additional labourers on the Nuttum road, no more than 80 or 90 coolies were paid, and these were not additional hands but the regular mile-coolies.

III.—That the rate of 4 Annas charged for the greater portion of these coolies was excessive.

IV.—That during the previous month all the maistries had their pay increased by amounts varying from Rupees 4 to Rupees 5 without any apparent reason.

3. In explanation of the first two allegations, Serjeant Hamilton states that the entry of 1,209 coolies on the 2nd and 1,266 on the 7th October does not represent the number of labourers actually employed on those dates, but the aggregate of the persons engaged for several successive previous days and paid

Proceedings of the Madras Government, Public Works Department, 22nd February 1872.

only on the dates appearing in the cash-book by the maistries. Serjeant Hamilton's increased duties precluding him, he alleges, from disbursing their wages in person.

4. With respect to the third charge the Overseer explains that as the work on which the coolies were engaged was only temporary, a higher rate than usual was necessary to secure labour, and as regards the enhanced pay of the maistries Serjeant Hamilton states that the proposal originated with the Superintending Engineer.

5. From the evidence taken by Lieutenant-Colonel Roberts at Dindigul on the 14th and 15th December, it appears that Serjeant Hamilton is unable to produce any vouchers in support of the large sums charged on the 2nd and 7th October for extra labour, which, the Government observe, was unauthorizedly employed; the note books which should contain entries of the transactions, the nominal rolls and the receipt alleged to have been granted by one of the maistries for Rupees 250 to be disbursed to the coolies, not being forthcoming.

6. The Government have carefully considered the evidence and other papers bearing upon this case, and they have come to the conclusion that irrespective of the grave suspicion of fraud that attaches to Serjeant Hamilton in reference to the present charges as well as in connection with certain previous transactions, his violent demeanour in the exercise of his duties renders him unfit for service in the Department of Public Works. His Excellency the Governor in Council accordingly directs that he be removed from the department and relegated to his corps for military duty, and that these papers be forwarded to the Military Department for communication to His Excellency the Commander-in-Chief in the Adjutant-General's Department.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Superintending Engineer, 8th Division.
,, Controller of Public Works Accounts.
,, Military Department.

Exd. S. T. Augustin.

No 3735 Superintg Engineers Office
Madura 30 December 1871

From

Lieut: Colonel R A Roberts &c
Superintending Engineer &c

To

Colonel J Capendale &c
Secretary to Government Genl

Sir,

In reference to my letter No 2997, dated 14th November 1871 I have now the honor to report the result of the preliminary investigation made by me into the charges preferred against Overseer Serjeant J Hamilton, by Assistant Engineer Mr Lyon, as per his enclosed report No 224 dated 22 October 1871.

2 With this report is forwarded also Serjeant Hamiltons reply thereto, dated 13th November 1871, together with the written evidence taken by me at Dindigul on the 14th and 15th instants.

3. I would at the outset, call your particular attention to para 5 of Mr Lyons report,

in which he states, with reference
to the number of coolies entered
in the Dindigul Taluk Overseers
Cash account book on the 7th August 1871,
viz: "on Road No XIII 336 coolies, and
"on Nattum Road (No XII) 652 coolies."
that he can positively swear
that neither on that day nor
on the following day (Sunday)
was that number of coolies paid.

4. Now it must be admitted,
that whatever doubts may have
arisen in regard to the genuineness
of the transactions in question,
to prefer a charge in such a
manner as the above is highly
undeserving and unfair, and
predisposes any impartial person
to conclude that a charge brought
forward in such an intemperate
manner must at best be inherently
weak or have but little foundation
of truth in it.

5 Let us suppose, for instance,
that on Road No XIII the number
of coolies stated, viz: 336, had actually

been employed, viz: 21 coolies for 16 days,
and that on the Nattum Road
(No XII) the 930 coolies mentioned
had bonâ fide consisted of
gangs numbering 62 men, in
all, employed for 15 days. Would
it not be monstrously unfair
for any one to attempt to prove
that these charges were fictitious,
by stating that he was prepared
to swear that on the date in
question "that number of coolies
was not paid"?

6. Yet Mr Lyon does not
hesitate to do so, while in the
same para of his report he admits
that he saw 80 or 90 coolies awaiting
payment on that day; but these
people, he asserts, were mile coolies.
It appears, however, from the accom-
panying evidence that Mr Lyon
did not take any pains to
assure himself of the accuracy of
this statement; but that casually
asking on the occasion in question
who the people were, somebody or
other told him they were mile coolies

7. Taking the above circumstance into consideration in connection with the statement (reported in my letter already quoted) made by the late Accountant of this Office, that he had assured Mr Lyon "in confidence that Serjeant Hamilton could easily be caught hold of," and that Assistant Engineer Mr Leggatt had informed both me and Serjeant Hamilton that Mr Lyon had unreservedly informed him that it was this (Mr Lyon's) intention to "smash" Serjeant Hamilton, as soon as he Mr Lyon, took charge of the Range; I was not at the outset disposed to consider that the charges preferred by Mr Lyon were de facto as grave as he represented them to be.—

8. I was the more confirmed in this belief as it had come to my knowledge that Mr Lyon had not gone out himself on the roads in question, and assured himself personally, as he should have done, from each mile pooly in succession that no work had actually been executed

by extra coolies at the periods stated.- But he had adopted the extraordinary plan of sending for the whole of the mile coolies of the Range to come to the Range Office, and it is not to be wondered at therefore that they knowing the kind of evidence that was wanted, and that their retention as mile coolies (as will be seen from the evidence) depended on their testimony to this effect should be unanimous in declaring that "no extra coolies were employed." such unanimity, however overwhelming under other aspects, does not, under the circumstances represented, appear to carry much weight.-

9. A very unsatisfactory feature, too, in the case is that in consequence of every mile pooly on all the principal thoroughfares leading out of Dindigul being informed that charges of fraud have been submitted against their late acting Range Officer, every

traveller on these roads is posted
with this interesting information,
and the result of such publicity
was that at the time of my
investigation the Range Office was
besieged by a crowd of people -
residents of Dindigul and casuals -
to whom the details of the cases
were familiar, and to whom it
appeared more of a causes célèbres
than had the enquiry been regarding
the perpetration of some particularly
brutal murder.

10 It will be understood that
under such circumstances the accused,
no matter what may be the actuality
of truth in the charges, finds but
a poor chance offered him of
rebutting them, as every avenue
of defence is almost closed to him,
while any departmental employé
who may be seen speaking to
him is considered more or less
suspect. At the same time those

subordinates of the Range who have
connived at the frauds - if frauds
there be - are the most anxious
of all to damage the reputation
of the accused, so that no evidence
may be brought against themselves.

11. I would also remark that
Mr Lyon was engaged from the
6th to the 16th October 1871, in taking
over charge of the Range, and that
he allowed Serjeant Hamilton to leave
Dindigul on the 18th idem, with an
understanding that all was satis-
factory; but no sooner was the
Overseer's back turned, than the
charges now under consideration
were brought forward.

12. In addition to all the
above, Serjeant Hamilton's treatment
of the contractors and others has
been unfortunately so rough that
directly there was a chance of
retaliation they not unnaturally

availed themselves of this same. I cautioned Sergeant Hamilton long since on this subject and pointed out to him how highly improper was such conduct on his part and that it was so extremely distasteful to me personally, that he could expect no support from me unless he showed himself more considerate in his treatment of the natives. He promised amendment, but from the evidence it will be seen that this promise was not kept, for Sergeant Hamilton admits, indeed almost boasts, of having kicked a Brahmin Maistry, and as public a manner as possible; and it is for this reason as he Sergeant Hamilton asserts that the Maistry now tenders false evidence against him.

12. With these prefatory remarks I will now proceed to say that from the evidence I have taken I am of opinion

that as regards the charges preferred against Sergeant Hamilton a prima facie case has been clearly proved against him. And that these charges therefore demand a searching enquiry.

13. From the enclosed evidence it will be seen that although many of the statements made in Mr Ayers report are not very accurate, yet that the broad fact remains that a very large number of extra coolies are charged by Overseer Sergeant Hamilton in his cash book on the 2nd and 3rd October 1871, and that he has not a single voucher of any kind whatever to produce to substantiate these charges this is indeed a very serious aspect of the question.

15 Moreover the principal witness and indeed the only witness produced for the defence viz Maistry Narappa Pillay, has given evidence which is unworthy of credence in itself and is proved to be untrue.

16. Sergeant Hamilton states that he kept 3 note books one for each

Talook of the Range, and that in these
note books the names of the coolies
engaged were entered. He states that
these books were left by him in the
Range Office together with all the other
books of the Range when he gave over
charge. It appears that no formal
transfer of books was made and
that although the Range subordinates
acknowledge that they knew that
Serjeant Hamilton kept these books,
they all declare that they do not
now know where they are.

I confess that to me
this defence carries little conviction;
for in the first place searchers for
such high and recent charges
ought undoubtedly to have been
quarried with great care by Serjeant
Hamilton, so as to have been produced
by him in support of his payments.—
In the 2d place the entertaining of
such large bodies of workmen, in
addition to the mile-men, without
any permission or any kind of reference
to this Office as to their necessity,
was clearly most irregular, and if

has hampered most seriously and
most unnecessarily the maintenance
grants for the roads in question, for
the remainder of the official year.

18 Serjeant Hamilton states
in his letter replying to Mr Lyons
charges that the extra coolies were
not paid by him in person, that
it would not be possible for him
"to do so", "that he was obliged to
"rely on the Maistries to a certain
"extent and that it was through
"them that these extra coolies were
"paid". This does not sound satisfactory
Serjeant Hamilton admits, in his
evidence, that he paid every mile-
cooly himself and it is astonishing
to say the least, therefore, how he
could have placed such large
sums as those under consideration
into the hands of ignorant and
Maistries, for disbursement, without
any kind of control, to extra coolies.

19 It appears from the evidence
that the business of the Range
has been habitually conducted
in a very slack manner. Mr Lyon

remarks on the fact of the station books having been prepared from the cash accounts, but I find from the records of the Range Office that this objectionable system has been the practice for some years past under the Salooks of the Range. As for taking mile-coolies from their own roads to work on other roads or to clear up the Range Office compound, as has transpired in the investigation, this practice is equally objectionable and is contrary to many more particular orders on this subject.—

20 In regard to Mr Lyons' statement that the charge of 4 annas per diem for coolies is very high Serjeant Hamilton states that the more able-bodied coolies will not work under that pay. Whether unduly high or not I am not prepared to say, but I find from the Range records, that the charge for coolies at that rate has been habitual for many years past.

21 It will be remembered that in my letter to Government printed with G.O 20 June 1871, No 1664, I have stated — Vide Para 3 of that letter — that I considered that Overseer Serjeant J Hamilton's taking charge of the Range, although unavoidable under the circumstances, was "at best "a very unsatisfactory arrangement "for Serjeant Hamilton's antecedents "are not such as to give me any "confidence in his conduct of an "important charge like that of the "Dindigul Range."—

22 At that time I knew nothing personally of Serjeant Hamilton, but on my inspecting subsequently the roads in the Range, I was exceedingly pleased to find them contrast so favorably with other roads in the Division.— The Sub Collector, Mr Bliss, who,

as I think the Government must be aware, has no prejudices in favor of this Department, was so pleased with Serjeant Hamilton's work that he assured me that he would gladly hand over charge of the District roads to this Department if Serjeant Hamilton remained in charge of the Ranges - but not otherwise - In fact several of the residents of Dindigul mentioned incidentally to me at that time how pleased they were with the state of several of the roads which I had not then had the opportunity of seeing myself.—

23 It was on these grounds that I ventured in my letter printed with G.O. 12th July 1871, No 1833, to recommend Serjeant Hamilton for promotion and indeed

to suggest that, after a short probation, all Serjeants of Engineers employed in the P.W. Department should be entitled to the pay and allowances of a Supervisor.—

I ventured also to state that "we are taught to pray that "we ourselves may not be led "into temptation, and surely "we are bound therefore to take "every precaution that we do not "deliberately place others, especially "our European subordinates, in so "perilous a position.—

24 It is only proper for me to mention here that the matter alluded to in para 21 of this letter in connection with Overseer Serjeant Hamilton's antecedents is the fact of a charge having been preferred against him by Lieut: Shepherd, viz: for having forged a receipt for payment of work done on

the Pulicat Bungalow in the Tinnevelly District in 1869. As, however, after a further investigation Lieut. Shepherd reported that it was doubtful whether the evidence was sufficient to justify him in bringing Serjeant Hamilton to trial, the charge was accordingly abandoned.—

25 I presume that the Government will expect some expression of opinion from me in regard to the matter now reported. And I accordingly herewith furnish the same.

It will be observed, from the evidence, that the whole town of Dindigul is inflamed with a desire that vengeance may be wreaked on Serjeant Hamiltons' head. a desire which I believe has been occasioned not so much by the fraudulent acts

of the Overseer, as alleged, but by his rough and high-handed manner of dealing with the contractors and others; while this feeling has been intensified, I believe, by the insidious conduct of the late Accountant of this Office, who to revenge himself for the loss of his own appointment, proceeded to Dindigul and was instrumental in getting up a Mahazarnamah against the man through whom he himself had come to grief.—

It remains, therefore, for the Government to decide whether they will gratify, or not, this thirst for vengeance or whether they will prefer the avoiding of a great scandal by summarily removing Serjeant Hamilton from the P.W. Department, and relegating him to the Sappers for Military duty. I venture to recommend most strongly this latter course. Serjeant Hamilton's conduct is not for the first time

open to very grave suspicion and
it is impossible therefore to place
any longer that confidence in him
which the Government have a
right to demand.

26. I now leave the matter
in the hands of Government for
such instructions as they may
be pleased to issue in the matter.—
I have the honor to state that,
in the mean-time, I have suspended
Sergeant Hamilton from all duty—
I have only to add that with
a view of not unnecessarily encumb
bering this letter I have inserted
in the evidence taken by me
such explanatory notes as appeared
to me to be requisite.

I have the honor to be
Sir
Your Most Obt. Servant
Rice ffs Roberts Lieut: Col. RE
Superintg Engineer &c &c

P. W. 1872 Despatch 3735
From No 106.
The Superintg Engineer
S Dn

To
The Secretary to
Government D P W

Dated 30 December 1871
Received 9 July 72.

Enclosures 5

Reports the result
of his preliminary
investigations made
by him into the
charges preferred
against Serjeant
Hamilton by
Assistant Engineer
Mr Lyons.

19

No 3818

A. C. 27 Sept 1872
L 20 Lan 1872 R. 264

No 3756

2nd Superintg Engineers Office 8th
Madura 30th December 1871

From

Lieut-Col R. A. Roberts R.E.
Superintg Engineer 8th Dn

To

Colonel J. Carpendale R.E.
Secretary to Government
P.W.D.

Sir,

With reference to my Report
Enclosure / No 3735 of this day's date, I have the
honor to return herewith the Petition No
2396 of 1871 from Arathia Ayen & others
of Dindigul against overseer Serjeant J.
Hamilton, referred to me for report with
Government endorsement dated 2nd inst.

2. The Petition contains many state-
ments that are untrue, others impossible
to prove, & others again that may or may
not be capable of proof.

3. I learn from the Sub-Collector that
the Petition has been "got up by one
Arunachala Payanar, a Vakeel in the
District Moonsiff's Court". This Vakeel
has

has, however, been careful not to sign the Petition himself. He is the brother of an Contractor dismissed by Sergeant Hamilton, & was Called in a case of slander brought by Sergeant Hamilton against one Pungaswamy Pillay, a Printer, who was in consequence dismissed the service.

4. The fact of the principal signatures to the Petition being those of dismissed & discontented Contractors is not in itself unfavorable to Sergeant Hamilton. And it is simply ridiculous therefore to compare the case as the Petitioners have done with that of Colquhoun who was hand in glove with the Contractors for a number of very large works.

5. Since my recent visit to Pondigul I sent for Krishna Aiyer whose signature heads the other signatures. According to this individuals account he has nothing whatever to do with the Government service, nor is he in any way affected by Sergeant Hamilton alleged

misconduct. On being asked how he came to know what was on the records of my office, he said that he became aware of this from the Municipality.

6. It is clear that this man could not possibly have known - ie, in a manner sufficiently authentic to risk his signing his name to a public petition - what is on the records of my office except from some Member of that office. And as I have ascertained that the late Accountant of this office was at Pondigul during the time the Petition was concocted, I feel satisfied that that individual was mainly instrumental in getting up the Petition for the reasons explained in my letter No. 3735 of this days date.

7. As I have already requested the instructions of Government in regard to the action to be taken in the matter of the charges preferred against Sergeant Hamilton, any further notice of this

Petition appears in the 2nd interim incorrect, & as I have already had a copy of it sent me direct by the Vakeel above mentioned, I return the Petition herewith.

I have the honor to be,
Sir,
Your most Obt. Servant,
Richd. Robt. Smith Lieut. R.E.
Superintending Engineer
8th Division

24

Memorandum for orders.

The accompanying letter, No 3735 dated 30th December 1871, contains the result of the investigation by the Superintending Engineer of the 8th Division into the charges of fraud preferred by Assistant Engineer Mr. Lyon against Overseer Serjeant Hamilton who recently held charge of the Range and Taluq of Dindigul in the Madura

* Whether the test any will be to dismiss Serjeant Hamilton from Military duty pending the decision of his case

Ex. These matters should be kept close in the Department until a question is raised in Parliament on the subject.

R.E. 1872

No. 3735

From Lieut. R. Smith R.E.
Superintending Engineer
8th Division

To
The Secretary to
Government of Madras
P.W.D.

Dated 30th December 1871
Received 8th January 1872.

Enclosure No 3.

Abstract of petition No 2396 dated 2nd December 1871 addressed to Government by Christian & others of Dindigul against Serjeant Hamilton

No 381.
Jany/72 G.O. 26.

Madura District. The specific acts of dishonesty alleged to have been committed may be stated as follows.

I. That in his Cash account for the 2d October 1871 Sergeant Hamilton charged Rupees 219-8-0 for 1269 Extra Coolies working on Trunk Road No XIII, whereas that number was not employed, and no payments were made by Sergeant Hamilton on or about that date.

II That while on the 1st idem a sum of Rupees 84 is charged for 336 extra Coolies on Road No XIII and Rs 232.8 for

for 930 additional laborers on the Nattam Road no more than 80 or 90 Coolies were paid, and these were not additional hands but the regular mile Coolies.

III. That the rate of the sums charged for the greater portion of these Coolies was excessive.

IV. That during the previous month all the Mistries had their pay increased by amounts varying from Rs 1 to Rs 5 without any apparent reason.

In explanation of the first two allegations Sergeant

Sergeant Hamilton states that the entry of 1209 Coolies on the 2d and 1266 on the 7th October does not represent the number of laborers actually employed on those dates, but the aggregate of the persons engaged for several successive previous days and paid only on the dates appearing in the Cash Book by the Mistress, Sergeant Hamilton's increased duties precluding him, he alleges, from discharging their wages in person.

With respect to the third charge the Overseer explains

explains that as the work on which the Coolies were engaged was only temporary a higher rate than usual was necessary and as regards the enhanced pay of the Mistress Sergeant Hamilton states that the proposal originated with the Superintending Engineer.

From the evidence taken by Lieutt Colonel Roberts at Dindigul on the 14th and 15th December it appears that Sergeant Hamilton is unable to produce any Vouchers in support of the large sums charged on the 2d and 7th October

October for extra labor which was unauthorizedly employed- his note books which should contain entries of the transactions; the nominal rolls and the receipts alleged to have been granted by one of the Maistries for Rs 250 to be disbursed to the Coolies not being forthcoming.- These documents; it is stated, were left in the Range Office with the other records of the Range. Upon this point the Supt Engineer remarks that Vouchers in support of such high and recent charges should have been strictly guarded by Serjeant Hamilton so as to

to have been available when required; and, considering that the Overseer's conduct is not free from grave suspicion in reference to the present charges as well as in connection with certain previous transactions, Lieut Colonel Roberts is of opinion that it is impossible to place that confidence in him which the Government have a right to demand from a Member of the Public Works Dept, and he accordingly recommends that Serjeant Hamilton be removed from that

Department

Departments and Relegated to his Corps for Military duty.

A petition against Sergeant Hamilton from certain Native residents of Dindigul containing imputations of a similar character to those above noticed is also circulated with the Supg Engineers report thereon.

Ff. Law: 17th

Fort St. George 2nd July

No. 503

The first of the letters above recorded contains the result of the investigation by the Supg: Engineer of the 8th Division into the charges of fraud brought by the Assistant Engineer Mr Lyon against Sergeant Hamilton who recently held charge of the Range and Salt Golahs at Dindigul in the Madura District, and on the paper next read the Supg: Engineers report on

ow a petition containing imputations of a similar character which certain native residents of Dindigul have preferred against the Overseer.

The specific acts of dishonesty which Mr Lyon alleges were committed may be stated as follows:-

I. That in his Cash Book of the 2d October 1871 Serjt Hamilton charged Rs 249-8-.. for 209 extra Coolies working on Trunk Road No XIII; whereas that number was not employed, and no payments were made by Serjt Hamilton on or about that date.

II. That while on the 7th idem a sum of Rs 84 is charged for 336 extra Coolies

Coolies on Road No XIII and Rs 232-8-.. for 930 additional labourers on the Ruttum Road, no more than 80 or 90 Coolies were paid, and there were not additional hands but the regular mile Coolies.

III. That the rate of 4 annas charged for the greater portion of these Coolies was excessive.

IV. That during the previous month all the Maistries had their pay increased by amounts ranging from Rs 1 to Rs 5 without any apparent reason.

In explanation of the first two allegations Serjt Hamilton states that the entry of 209 Coolies on the 2d and 266

ow

on the 7th October does not represent the number of laborers actually employed on those dates, but the aggregate of the persons engaged for several successive previous days and paid only on the dates appearing in the Cash Book by the Maistries Serjt Hamilton's increased duties precluding him, he alleges, from disbursing their wages in person.

With respect to the third charge the Overseer explains that as the work on which the coolies were engaged was only temporary a higher rate than usual was necessary to procure labor, and as regards the enhanced pay of the maistries Serjeant Hamilton states that the proposal

proposal originated with the Supt.g Engineer.

From the evidence taken by Lt. Col Roberts at Dindigul on the 14th and 15th December it appears that Serjt Hamilton is unable to produce any vouchers in support of the large sums charged on the 2d and 7th October for extra labor, which, the Government observe was unauthorizedly employed the note books which should contain entries of the extra items; the nominal rolls and the receipt alleged to have been granted by one of the Maistries for Rs250 to be disbursed to the coolies, not being forthcoming.

The Government have

37

have carefully considered the evidence and other papers bearing upon this case and they have come to the conclusion that, irrespective of the grave suspicions of fraud that attaches to Sergeant Hamilton in reference to the present charges as well as in connection with certain previous transactions, his violent demeanour in the exercise of his duties renders him unfit for service in the Department of Public Works. His Excellency the Governor in Council accordingly directs that he be removed from the Department and relegated to his corps for Military duty, and that

38

that these papers be forwarded to the Military Dept for communication to ~~the Adjutant General~~ His Excellency the Commander in Chief in the Militia Department

J. H. 6 M.
July

To
The Supt. Engr. 8th Dist.
" Contr. P. Wks. "
" Mily. Dept with eight Enclosures Dated 23/2/72.

No. 56.

Govt. of Madras.

PUBLIC WORKS.

To The Superintending Engr
Do Madura

Dated

Rect.

Encl

G. O. No. 56 Feby 1872.

Nos. 381 & 382

Sir,

I am directed from that
to transmit for the
& delegated duties
Duty: duty.