

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1677	Press
91-92	~~Mis.~~
Dated 13. 10. 1862	~~10~~

6/6

Not to be folded or roughly handled

13th October 1862.

No. 91. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Madras; to the Honorable THOMAS PYCROFT, Chief Secretary to Government, Fort Saint George, dated 30th September 1862, No. 148.

22nd Sept

s, Judicial

the honor to acknowledge the receipt of the proceedings of Government under the date and number noted in the margin.

2. Previously to offering the observations, I consider it necessary to submit for the consideration of the Honorable the Governor in Council, on the letters of Mr. Advocate General and Mr. Miller which accompanied those proceedings, I deem it right to state, that wishing to avoid discussion, as also the trouble which is necessarily entailed on all parties by an Official correspondence caused by differences of opinion, and thinking that the course most beneficial to Government could be best arranged by previously ventilating the subject in an unofficial form, I placed myself in communication with Mr. Advocate General and Mr. Miller so soon as the questions arose, and sent both my letters, previously to their despatch, to the Advocate General, inviting his consideration of the subject, and his making any suggestions he might consider desirable; and that he returned both the letters to me, stating that he did not consider any alteration in them necessary. My views I had there enunciated, but thought the Government Solicitor should have some remuneration, in addition to his present salary, for the duties (although slight), which he would have to perform under the proposed arrangement. My letter of the 20th August 1862, I did not shew to Mr. Miller, I communicated to him what I had heard from Mr. Ritchie, and mentioned the effect of my letter, which was then with the Advocate General, and as he appeared to concur in the propriety of the course I had suggested, and time was pressing (Mr. Advocate General not having immediately returned my letter), I signed and despatched it immediately on it. I shewed it to Mr. Miller; my letter of the 23rd however, I shewed to Mr. Miller, and offered to discuss the subject with him, he did not suggest any alteration, or any other plan; he was not very communicative certainly, and the tenor of his observations was chiefly directed to the subject of remuneration which he would require, and which he was not willing to leave to Government for future adjustment, and he left on my mind the impression, that on the whole he considered my suggestion the best that, as a temporary measure, could be adopted.

3. I now purpose commenting on those 2 letters, taking Mr. Advocate General's first, and I fear I shall be led to do so at some length, consequently in very general terms in which Advocate General has couched his objections, rendering it very difficult, if not impossible, to specify what particular acts he alludes to as objectionable.

4. The first 19 paras. of the Advocate General's letter do not call for remark on the present occasion.

5. Paras. 20, 21 and 21 however require observation, and I may premise that Mr. Advocate General has totally misunderstood my letter, and I think a little more careful consideration of it, would have prevented his falling into the errors he has committed, I think even to an unprofessional mind, my letter could not have conveyed the impression which Mr. Advocate General has received; but assuredly I should not have thought it possible, that with ordinary attention a professional man could have deliberately stated that what I proposed was "a matter of form merely;" or that my proposition could by any possibility have "involved the necessity of Mr. Miller lending his name to be used by me in respect of acts for which Mr. Miller's name alone would appear on the record, and for which he alone would be responsible to the Court, and which acts I could not do as a Barrister;" or that my "proposal amounts in substance to Mr. Miller's lending me his name to enable me to act as Government Vakool, without enrolling myself as such." Mr. Advocate General does not specify what I intended to, and as I am perfectly unaware that by the course I proposed any such acts would have been required, I can do no more than to solicit the careful re-consideration of my letter of the 28th August by His Excellency the Governor in Council, and that he will bear with me for a few moments,

while I reiterate and comment on the acts which would have had to be done by Mr. Miller and myself had my proposal been adopted.

6. In para. 6 of my letter of the 28th August, I distinctly shew, that "under similar instructions" to those given to Mr. Advocate General, when appearing and pleading for Government in the High Court when sitting in the exercise of its Original Jurisdiction, I should have appeared and pleaded for Government in the Court when sitting in the exercise of its Appellate Jurisdiction; I conclude that was not one of the acts which was passing in the Advocate General's mind when penning his letter. Again in para. 7 of the same letter, I shewed that in all Appeal Cases then pending, I had been furnished with full instructions for my guidance; I did not then consider it

C. P. Board of Revenue, 14th December 1860, No. 5,877.
C. P. Board of Revenue, 14th December 1861, No. 6,982.

necessary to state that the Collectors, under orders from the Board of Revenue, furnished to me, in each Appeal Suit, a copy of the

record, including the evidence, with a precis of the case, which in Appeal Suits is all that a Barrister requires; this copy and precis, under the old system, I received from the Collector, whereas under the new system the Collector would have had to send such record and precis to the Government Solicitor; who would then have handed it to me as my "Instructions" or Brief. Having already received such records in the Appeal Suits pending on the 15th August, I certainly did not consider it necessary to propose that I should return those records to the Collectors, entailing on them the trouble of forwarding them *pro forma* to Mr. Miller; so far therefore as the Suits then pending were concerned, what Mr. Miller had to do might be contended to be "a matter of form merely," I shall however shew presently, (para. 16) that it would be as substantial a proceeding as is constantly pursued towards Mr. Advocate General himself when advising Government; but in the conclusion to para. 7 of my letter of the 28th August, I expressly point out, that even in those Suits Mr. Miller would have to do some "Vakeels' or Attorneys' work," (as Mr. Advocate General terms it) inasmuch as I stated that "when a Decree is pronounced, Mr. Miller would have to obtain from the Court a copy thereof and forward it to the Board of Revenue;" while in para. 9 of that letter, I point out precisely what Mr. Miller's duties would have been, in respect of any Appeal Suits which might be instituted during the time my proposed arrangement would have been in operation, such duties are there enumerated, viz., Mr. Miller would have had to file an Order of Government, (under the 18th Section of Act No. 8 of 1859), likewise to receive a copy of the record from the Collector, and when received to hand it to me as my instructions, as also on the Decree being pronounced he would have had to obtain a copy and forward it to the Board; these duties I pointed out as those which Mr. Miller would have had to perform; and those are the duties which properly fall within the peculiar province of an Attorney to perform ("Vakeels' or Attorneys' work"), but I added "in the generality of cases I should not require any assistance from the Government Solicitor"; thereby shewing that in some cases such assistance might be required; and clearly indicating that as that would form part of the "Vakeels' or Attorneys' work," I should not do it, and consequently that that would have had to be performed by Mr. Miller. It is true that in an earlier part of that para. I do say "I shall be happy to *get up* the cases, in the same manner as I have heretofore been accustomed;" I admit I might have used a more significant term than "*get up*;" I might have used the term "work up," and if I had had the remotest inkling that the language used in my letter was to be subjected to such critical scrutiny, I should have devoted more care and time to its preparation, and have more carefully studied its phraseology; not that I should have imagined that, after perusing my whole letter, a professional man could have put the interpretation upon the term "*get up*" which the Advocate General has evidently done, and much less should I have anticipated such a construction by a professional man accustomed to the practice of an Appeal Court; and still less to one who had practised in the Sudder. In an Appellate Court, there is very little "Vakeels' or Attorneys' work" to be done, and in the High Court still less than in ordinary Courts of Appeal; in the High Court no answer on the part of a Respondent is required; no "cases" are exchanged and filed; and no "Joint Appendix" is prepared;—so that the duties enumerated by me in para. 9 of my letter of the 28th August, in reality do form the only duties usually performed by Attorneys at Madras; (on this part of the

subject I offer some observations in para. 16). A complete copy of the record (with a precis of the case) being delivered to the Barrister as his Brief, his duties commence, and he then "gets up" or "works up" the case, by first mastering all the facts; then "getting up" or looking up the law relating to the case, and thus preparing himself to argue it; and, when the case shall be set down for hearing, going into Court and pleading; this is the clear and indisputable duty of a Barrister; that is precisely what I proposed by my letter of the 28th August to do, and I never intended to propose, and (as it appears to me), never did propose to do any thing more. I certainly was willing to save Mr. Miller the labor of preparing for me a detailed case, such as every Attorney ought to prepare, and which in England every well informed Attorney who conscientiously wishes to discharge his duty to his client does prepare, previously to laying the papers before the Barrister who is to conduct the case. This labor I said I was willing to save to Mr. Miller; and in doing so, I only offered to pursue a course of proceeding similar to that which the Advocate General acquiesces in, not only in Government cases, but to some extent in his private practice; I can scarcely suppose, that the Advocate General intended, in his letter now under consideration, to take exception to my offering to ease Mr. Miller of that labor, seeing that a similar course is pursued by himself; Mr. Advocate General however has expressed himself in such general terms, it is not possible to know with certainty what "acts" he really was contemplating when he penned his letter; but if he did intend to take exception to that offer, I can only conclude that he is not aware, that in England Barristers in heavy cases frequently prepare the draft Brief for the Attorney; Mr. Chitty in the 3rd Volume of his "Practice of the Law," page 847, (1st Edition), alludes to this practice; this shews that even if I had offered to prepare the Brief, I should not have been guilty of an act in contravention of the etiquette recognized by the English Bar. Neither can I conceive it possible, that the Advocate General intended to take exception to that portion of para. 9 of my letter of the 28th August, where I say I see no reason for altering the practice hitherto pursued by Government and the Board in obtaining my opinion direct, seeing that that practice is pursued towards himself; and that in England Barristers hold the appointments of Solicitors to Her Majesty's Treasury, Solicitor to the Commissioners of Stamps, Solicitor to the Commissioners of Customs, and other Public Departments;—this practice is recognized by the Bar of England, as one not inconsistent with the etiquette by which that Bar is governed. In the foregoing I may have been led into observations, on subjects which the Advocate General did not intend to include in his remarks, but as already observed Mr. Advocate General has expressed himself in such general terms, it is not possible to know with certainty what acts he really was contemplating when he penned his letter under consideration; I have however turned in my mind, every "act" which would have had to be adopted, and I have offered such observations upon each, for the consideration of His Excellency in Council, as I have considered apposite, or which could in any manner be brought to bear upon the subject; and I trust I have convinced His Excellency, that in making the proposition contained in my letter of the 28th August, I did not contemplate, and that my letter when fairly construed will not bear an interpretation, that the instructions by the Acting Government Solicitor, would be "a matter of form merely" in the sense used by the Advocate General in the 19th para. of his letter; as also that if my proposition had been adopted, there would not, and by no possibility could there, have been any "*lending* of Mr. Miller's name to be used by me;" or that I could have acted "as Government Vakeel" as suggested by Mr. Advocate General; but that on the contrary, I proposed that Mr. Miller should perform the duties which are ordinarily performed by his branch of the profession, while I restricted myself to the performance of those duties which are properly performed by Barristers.

7. This leads me, however, to the consideration of the expression used by the Advocate General in that same (20th) para. "thus contravening the 32nd Section of 6th and 7th Vict. Chapter 73". I must own I was somewhat startled when I read that sentence; in perusing Mr. Miller's letter I had observed he had referred to the same Statute, and I then thought I had a correct recollection of the Act, and that it applied solely to "England and Wales;" but when I saw it deliberately quoted by a Barrister of Mr. Smyth's standing, I doubted my own memory, I have, however, since referred to the Act, and find it is intitled "An Act for consolidat-

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"ing and amending several of the Laws relating to Attorneys and Solicitors practising in *England and Wales*;" moreover the whole of the Act refers solely to persons practising, and who may wish to be admitted to practise, as Attorneys and Solicitors in *England and Wales*. The Act does not apply to Scotland (of which country Mr. Miller's father was a native) or to Ireland, or to any of the Colonies, or to any part of Her Majesty's Dominions other than *England and Wales*. The Act has not, so far as I know, been extended to India, either by the Imperial Parliament or local Legislature. Supposing, however, for the sake of argument, that Mr. Advocate General had been correct in his statements on which I have commented in para. 6, (but which I utterly deny) the slightest consideration will convince His Excellency in Council, that the provisions of the Statute referred to would not have been applicable to the case supposed by Mr. Advocate General, and consequently that no provision contained in that Statute could have been contravened. To have rendered the Statute applicable, three circumstances are essential; 1st, Mr. Miller must have been admitted as an Attorney or Solicitor, of one of Her Majesty's Superior Courts at *Westminster*; 2ndly, at the time the acts "which Mr. Advocate General had in his contemplation" might have been committed, Mr. Miller must have been a practising Attorney or Solicitor in one of those Courts; (the Act having no reference whatever to the High Court here), and 3rdly, the acting as Agent for an unauthorized person must have been in some action or suit or matter pending in one of the Courts in *England or Wales*. To test therefore whether the Statute quoted by the Advocate General would have applied under any of the circumstances supposed by him, I will proceed to pass under review these 3 essentials, and shew that not one of them exists; 1st, Mr. Miller never has been admitted as an Attorney or Solicitor in any one of Her Majesty's Superior Courts at *Westminster*; indeed I have understood he never was in England, except in his transits to and from Scotland, first from the ship which took him when a boy from Madras; and secondly, to the ship which brought him back to Madras as a lad after he left School. He served his Articles at Madras in the Office of myself and Mr. Boyson, and was admitted an Attorney of the Supreme Court, and has never left the Presidency of Madras since he was articulated; 2ndly and 3rdly, as Mr. Miller was never admitted as an Attorney or Solicitor in any one of the Courts at *Westminster*, these two essentials necessarily fail. I do not know whether His Excellency in Council may wish to be satisfied, which of us is correct in his opinion as to the applicability of the Statute quoted by the Advocate General, but should His Excellency entertain any such wish, and he refers to the Supreme Government, the Advocate General of Bengal will readily decide between us; or the Counsel for the Right Honorable the Secretary of State for India in Council, could do so if desired.

8. I believe that a more careful consideration of my letter would have led Mr. Advocate General to form a very different opinion to that expressed in his letter now under consideration; and I incline to think he could not have looked at the Act 6 and 7, Vict. Ch. 73, but that he must have given too ready credence to Mr. Miller's views of its operation.

9. Before proceeding to comment on Mr. Miller's letter, I would remark that it appears to me to be couched in terms which may be fairly characterised as disingenuous, and offensive; moreover in that letter (para. 10) in the most unqualified manner, and as though not the slightest doubt could by any possibility be entertained on the subject, he styles my suggestion as "simply an evasion of the requirements of the law." This, if it had been true, would have been rather a strong expression to use towards a professional man; and it is not the only one in which Mr. Miller undertakes in the most confident tone to enunciate propositions, as if they were principles perfectly and unquestionably tenable, and generally admitted as such, which are (to use a very mild term) of an extremely doubtful character.

10. To be enabled to form a correct estimate of Mr. Miller's letter, it may be well to consider his present position, and his acts, having reference to the question now under consideration. Mr. Boyson holds the Office of Government Solicitor, Mr. Miller merely acting for him during his absence. If my proposition had been adopted, no new or separate office would have been created; the duties of Attorney on both sides of the Court, in cases where Government was interested, would have been performed by one person, viz., the Government Attorney (a very

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decided advantage in my opinion to the Government, and any increase of pay, which the Government might have thought fit to have allowed, would have accrued to the permanent holder of that office, Mr. Boyson; Mr. Miller was very anxious that a permanent arrangement should be at once and immediately entered into, and that a distinct appointment of Government Vakeel should be forthwith made in his name; and he suggested to me that I should at once resign the appointment, he promising to give me the full pay of the office until some permanent arrangement was completed; or so long as I was willing, or able, to do the work; this I instantly refused to entertain, as an underhand transaction to which I could not be a party; but if I had acceded to it, Mr. Miller hoped (as I collected) to have secured for himself a separate appointment, and that independently of Mr. Boyson.

11. I now propose to consider such parts of Mr. Miller's letter as appear to call for observation.

12. The first 9 paras. of that letter may, I think, be passed over, as not coming under that category; and having already, in paras. 5 and 6 of this letter, explained in what respects Mr. Advocate General had misunderstood my letter of the 28th August, and shown the correct bearings of the plan I suggested, I do not consider it necessary, when commenting on Mr. Miller's letter, to offer further observations regarding the general question as treated by Mr. Miller; the more so as the Advocate General appears to have generally adopted Mr. Miller's views.

13. Turning however to the 10th para. of Mr. Miller's letter, it will be seen that Mr. Miller has been pleased to term the suggestions made by me in my letter of the 28th August as "ingenious and novel." It will be recollected that in that letter I had merely suggested that, until some permanent arrangement was made by Government, Mr. Miller should do the "Vakeels' or Attorneys' work," while I performed the duties which properly devolve on a Barrister; that is the whole sum and substance of my suggestion, and I am at a loss to discover that there is any thing in it which is either ingenious or novel. If however Mr. Miller is correct in his view of my suggestion, and that it is really "ingenious;" I at once disown any credit on that head, as I simply suggested the adoption of a plan that has been in operation some centuries, and which during that period has been found to work for the interests of clients. Then with regard to Mr. Miller considering the plan suggested as "Novel," I can only say that having been in operation for so lengthened a period, I should have imagined he must have been aware of the practice, and that it could have been no novelty to him, any more than it is to all the rest of the professional world.

14. I have already shewn (in paras. 6 and 7) that my proposition was not an evasion of the requirements of the law; and whatever might have been Mr. Miller's opinions on the subject when he penned the letter, he had the opportunity, before he signed his letter, of understanding that he had been laboring under a wrong impression, as at an interview which I had with him I had shewn and, as he admitted, convinced him of his mistake; and he stated he would alter his letter in that respect before despatching it.

15. To enable His Excellency in Council to understand the point, it is desirable I should briefly state the duties of an Attorney, and the effect of the interview I had with Mr. Miller regarding the subject of the present correspondence, as mentioned in para. 14.

16. It is the special duty of an Attorney, on a case being entrusted to his care, to make himself master of all the facts; carefully to peruse all documents, and to satisfy himself how far and in what respect they affect his client's interests. These facts should be carefully and systematically arranged, and reference made to the documentary and oral evidence by which such facts can be proved or supported; he should moreover suggest such questions as occur to his mind at hearing on the case, and generally the law and decisions by which it would be governed. This is technically called "The Case." On the careful preparation of this, much depends. Experience has shewn that it is advantageous that the mind of the Barrister, who is to advise on the case, should be brought to bear on the facts when arranged in a comprehensive and systematic manner, and that his attention should not be distracted by the work of arranging

and arriving at the facts in a disjointed unconnected manner ; moreover by pursuing the acknowledged practice two minds are brought to bear on the subject, and not unfrequently, the Barrister will arrive at a different conclusion as to the real state of the facts from that arrived at by the Attorney from matter thus laid before him, as also on the questions which arise, and are likely to affect the client. It is the clear duty of the Attorney thus to prepare a "Case;" I have referred to it in the 6th para. and, as there stated, in England it is (almost) invariably performed ; during the time I was the Company's Solicitor, when any matter was referred through me to the Advocate General, previously to laying the papers before that Gentleman, I perused them, made a precis of the case, referring to the different documents, suggested the several questions which occurred to my mind, &c., I was thus enabled to judge whether the Advocate General had misapprehended any of the circumstances, &c., and, if he wished it, to confer with him on the subject previously to his giving his opinion. In 1856-57, during the absence of Mr. Smyth, I held a general retainer for Government, and performed the duties which would have devolved on Mr. Smyth had he been here ; I then found, that on the generality of matters being sent to the Company's Solicitor by Government or the Board for advice, the bundle of papers, as received from Government or the Board, were sent to me accompanied by a blank sheet of paper endorsed "To advise as requested by Minutes of Consultation dated so and so," but without any precis or breviat and I had to elicit the facts from a perusal of the papers, I making for my own guidance a precis of the facts of the case ; and I believe a similar course is still pursued by Mr. Miller when laying papers before the Advocate General, where his opinion, &c., is required on behalf of Government.

17. To return now to the interview with Mr. Miller to which reference has been made in para. 15, Mr. Miller came to my chambers one evening, and stated he had received the Proceedings of Government passed on my two letters, and that he did not think my suggestions could be complied with, inasmuch as in offering to "get up" the cases I was virtually proposing to do duties which ought to be performed by an Attorney ; I then pointed out to him, that in my letter of the 28th August I had specified the several acts which he would have to perform, and which were the only acts that an Attorney could perform, with the exception of drawing up "The Case;" and that in offering to "get up" any fresh suits that might arise, I intended to save him the trouble of drawing "The Case," at the same time explaining to Mr. Miller as my reason for mentioning that exception, that when I was acting for Government under the special retainer I had observed the course pursued where Government required opinions, &c., and that I understood a similar course was pursued by himself in laying papers before the Advocate General ; that during a temporary arrangement, and especially if no further salary were fixed for the Government Solicitor, I should not require him to prepare "The Case" for me, in any suits which might arise during such temporary arrangement ; yet that if I were permanently continued as a Law Officer to Government, and to have assigned to me the conduct of the Appellate business of Government, I should expect the Solicitor to Government to do his duty, and prepare a proper "Case" in each suit, Mr. Miller then said he had misunderstood my letter, and that he would alter his own, which was then being transcribed, to meet the circumstances as he then understood them. It appears however he signed the letter, knowing perfectly well at the time, that my suggestion was not an evasion of the requirements of the law, but on the contrary was strictly in accordance with the practice followed in all Her Majesty's Courts where Barristers and Attorneys are enrolled and admitted.

18. This last observation would apply to almost the whole of the remainder of Mr. Miller's letter. His letter was penned under, as he stated, a misapprehension of the effects of my letter, his statements being in fact mere hypothesis on erroneous data, and yet he signed the letter, knowing that such hypothesis were totally unsupported by the real facts of the case.

19. In paras. 5 and 6 I have rebutted the assumption that if my proposal had been adopted it would have "involved the necessity of Mr. Miller lending me his name;" (I can safely add that I would not knowingly have accepted the loan). The idea would appear to have originated with Mr. Miller, and Mr. Advocate General's using it would appear to have been merely an "adoption" by the latter.

20. In para. 11 of his letter, Mr. Miller refers in loose and vague terms to some supposed responsibility which he would wish Government to suppose would have attached to him, if my proposal had been adopted ; in so doing he puts forward a position, which at the time he signed his letter he knew was contrary to fact, and on that founds his submission that he would be rendered "responsible to the Court for every thing to which his name would be attached;" as an abstract principle, but to a very limited extent, it is true that an Attorney may render himself liable to the Court for acts committed by him, for instance where he misconducts himself ; but how does Mr. Miller's observation apply to the subject on which he was writing ? I had proposed that *he* (not *I*) should put his name at the foot of the copies of the records received from the Collectors : that was all I had proposed ; and for that he would not have rendered himself responsible to the Court. If there had been a petition of Appeal to be preferred, it would have been settled and signed *by me* as Barrister ; and if any papers (ex. gr. copies of Decrees) had been required from the Court, Mr. Miller would have had to sign a request to the Deputy Registrar to be supplied with such copies—an unprofessional man will not (without explanation) understand what is meant by putting his name at the foot ; I will therefore explain it, as all Official papers are "docketed," so all Briefs and Drafts of Law papers are "endorsed" with the name of the Suit (viz., the name of the first Plaintiff and first Defendant), also the nature of the paper, and at the foot of such endorsement (or docket) is placed the name of the Attorney from whose office the paper is sent ; it is a mere matter of convenience as shewing the Barrister the name of the Attorney who instructs him, and generally the name of the Attorney to whom the paper belongs. The putting the name is done by the writer who makes the endorsement, and by such putting no responsibility is incurred by the Attorney, and most assuredly none "to the Court." Every Attorney is responsible to the Court and to his client for *his* conduct ; or perhaps I should say for his mis-conduct.

21. I have already shewn that if my proposition had been adopted, I did not seek to act, nor *could* I have acted as "Government Vakeel," either directly or "indirectly;" as also that I did not seek "to do that which the law does not authorise me to do;" and that it is not the "fact" that by my plan I could have been allowed "to practice in the High Court as a Vakeel under cover of Mr. Miller's name." In the views taken by Mr. Advocate General he may have been misled, but as regards these assertions they are made by Mr. Miller without qualification, they are not put forward as opinions entertained by Mr. Miller, but they are put forward boldly as facts, and at the time Mr. Miller signed that letter he knew there was no foundation for the assertions.

22. In para. 7 I have commented on the non-applicability of the Statute 6 and 7 Vict. Ch. 73 to India, there remains therefore but little for me to add on that part of the subject, I observe however Mr. Miller is more guarded in his allusion to the Act than was Mr. Advocate General ; Mr. Miller was however writing to an unprofessional man, and ostensibly with the view of *advising* Government, who in all probability have not the English Statutes to refer to, and if they have, it was not to be expected that the Members of Government would refer to this Statute. Mr. Miller does not venture to say that the Statute does extend to India, but by quoting it he must have wished Government to infer that it did apply, and in all probability he calculated on his letter not being forwarded to me.

23. As regards the concluding para. of Mr. Miller's letter I will not condescend to observe upon it further than to say, I am quite content to leave it to those who know my character, to form their own opinion whether I should be likely to do "indirectly" any act which I might not consider it right or consistent to do openly ; Mr. Miller ought to have known this, and if he was previously ignorant, he afforded me the opportunity of enlightening him when he made me the proposition alluded to in para. 10.

No. 92.

ORDER THEREON, 13th October 1862, No. 1,677.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

