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M.R.O. 1—32,400—23-11-50.

MADRAS RECORD OFFICE.

Government of Madras.

Public (Cattle) DEPARTMENT.

Cons. 24.3.57

G.O. No.	523	Press Mis.
59-60 Dated	21.3.	1857

Not to be folded or roughly handled

Fort Saint George, Public Works Consultation of 24th March 1857.

No. 59. Read the following letter from Surgeon, A. LORIMER, M. D. Secretary Medical Board to ; H. FORBES, Esq., Acting Secretary to Government dated 24th February 1857, No. 47.

SIR,

I have the honor by order of the Medical Board to forward Assistant Surgeon J. Miller's explanation called for in Extract from Minutes of Consultation, Public Works Department marginally noted, which the Board consider satisfactory ; the document is so extended and all the charges brought against Dr. Miller so fully entered into and refuted, that they do not consider it necessary to occupy the time of Government by re-entering or again discussing the subject.

No. 2310, 13th December 1850.

Letter from Assistant Surgeon J. MILLER, in Medical charge Civil Engineers Department, Kistna Division; to the Superintending Surgeon Northern Division, Waltair dated Bezoarah, 22nd January 1857, No. 5.

SIR,

1. In compliance with orders conveyed in your letter No. 750 dated 25th December 1856 which accompanied an Extract from the Minutes of Consultation No. 2310 dated 13th December 1856, I have now the honor to submit for the consideration of Government a statement explanatory of my conduct brought to notice by Captain C. A. Orr.

2. I cannot but be deeply concerned to find myself in my present position ; but I embrace with satisfaction the opportunity now afforded me, for which I feel very grateful, of clearing myself from the opprobrium of seeming to occupy a position of antagonism to my Commanding Officer.

3. The statement I have to make must necessarily be of considerable length, and the copies of correspondence I have to introduce will probably be copious. I shall also have to introduce some matters which at first sight may appear irrelevant or trivial. Moreover, my inexperience in conducting such discussions may cause me to express myself sometimes prolixly or obscurely. For all this I here once for all crave the indulgence of my Judges, earnestly begging them to bear in mind that I appear before them a most unwilling suppliant praying them to remove a reproach from my character and a cloud from my prospects in life.

4. I believe that I shall best succeed in giving a clear and complete explanation of my conduct by putting my statement into the form of a plain narrative of facts. This narrative will dispose of, in the exact order of time in which they occurred, all the three instances of culpability which Captain Orr ascribes to me; and while it traces all the circumstances out of which these alleged instances arose and by which they were followed, it will treat of other matters of which Captain Orr has made no mention, but which appear to me subservient to a thorough comprehension of the case, and essentially necessary to my defence. In the first place, however, in order to afford a clue to my long and perhaps intricate story from its commencement, and to make my object apparent throughout, it will perhaps be well here to enumerate Captain Orr's charges in the order in which he has stated them, and to indicate briefly, for the immediate satisfaction of Government, the nature of the explanation I am about to make regarding each of them.

5. Captain Orr's first charge is grounded on a correspondence which took place between Lieutenant Way and myself relative to the vaccination of that Officers child. This matter has already been disposed of by the Major General Commanding the Division to whom it was referred by Lieutenant Way himself, and who in giving his decision tacidly acquitted me of all Lieutenant Way's complaint, and intimated to him that he had used an "uncalled for expression in his official letter." I shall therefore forward copies of all the correspondence which then took place, in the hope that my doing so will be considered a sufficient explanation of this matter; the more especially as Lieutenant Way's official letter of complaint against me, and the paragraph of Captain Orr's letter now under consideration are very nearly *word for word* the same.

6. Captain Orr's second charge comprehends two instances; that I "cut" him "on private grounds;" and that I "have ever since treated him with marked disrespect." To the first of these I at once confess; but I hope that the circumstances, hereafter related, out of which this step arose will be taken somewhat in extenuation of the Act. That I have "ever since" treated Captain Orr "with marked disrespect" the sequel, as presently narrated, will I trust fully disprove.

7. Captain Orr finally accuses me of "cross grained temper" and insubordination inasmuch as I "refused to give information required by Government" relative to my religious persuasion. When I did not at first acknowledge as "*seen*" the return of the British born subjects resident in Bezoarah, my reason, was that I intended to make a representation to Captain Orr regarding the position occupied in the Circular by my name which, instead of being in its usual place in the list of officers' names, was separated and divided from it by the interposition of the names of two Uncovenanted Servants of Government. I afterwards abandoned this intention, and when the return was again sent to me I entered opposite my name "of no particular denomination," which is literally true as I shall afterwards explain.

8. I shall now proceed with my narrative of facts. In the month of April last I was much annoyed by a bull belonging to Captain Orr. The animal was allowed to go at large without any one to look after him; and his frequent invasions of my premises, and depredations on a small field of Australian potatoes which I was endeavouring at great pains to keep alive during the hot weather, rendered him a nuisance. Besides this, he one evening alarmed my wife by charging at her when she was visiting her poultry yard. I wrote to Captain Orr a note (of which I did not preserve a copy) informing him of these circumstances and I added that I should feel obliged either by his having the bull tied up, or by his permitting me to give it a charge of snipe shot the next time it trespassed. Here is his reply.

"My dear Miller,

"I think you should take the usual course of sending the bull to the pound, when you can "catch him trespassing on your potatoes."

1*st May.* (Signed) CHARLES A. ORR."

"Snipe away but give law."

9. In order to account for what followed it is necessary to explain that the course here pointed out by Captain Orr of sending the bull to the pound was impracticable, because, whether the beast was dangerous or not, my people firmly believed that he was so, and no inducement could persuade one of them or all of them together, to go near him. As, therefore, Captain Orr had not adopted the plan I suggested of tying his bull up, I had in self defence no other alternative than to avail myself of the permission granted me in the postscript to his note. Accordingly, on the same day, when the bull as usual presented himself at my verandah, I had him driven off to a distance sufficient for "law," and fired at him with snipe shot. The result appears in three following notes.

"My dear Miller,

"As you have cruelly wounded my young bull I must withdraw the permission which I "gave you to fire at him under the impression that you intended more to frighten than hurt the "animal. You are at liberty to use all legal means to protect your garden from his depredations, "but I beg you will not molest him as he walks along the channel bank.

1*st May.* (Signed) CHARLES A. ORR."

"My dear Orr,

"I think you could not have seen the bull, and that you must have been very much misin-"formed, when you wrote me last night I had "cruelly wounded" him. It is scarcely possible "that he could have been much hurt considering the distance he was off, that my gun was "loaded with snipe shot, and that the animal made scarcely any signs of being even hit. I fired "at him twice in rapid succession. He winced at the first charge, but at the second he was

"quite out of range and was not touched. I have just fired the same charge at a newspaper "placed at the exact spot where the bull was when I fired at him first (the spot being deter-"mined by the concurrent testimony of all the persons who were present on the occasion) and I "have measured the distance. I send you the newspaper to show you how scattered the shot, "and how few the pellets are; and the distance was over 76 yards.

"I would have expected you to have communicated with me regarding the circumstances "of the case before you formed your conclusions, instead of at once crediting the proverbial "exaggerations of native reports; and I do not think you had any cause to assume that I fired "at the animal with the intention of hurting him. That I had no such intention you must "admit after reading the foregoing details.

"I really do not know what "legal means" I can take against a brute that wont' allow any "one to go near him. I would not have complained about him unless he had really become not "only troublesome but dangerous. He yesterday charged my wife when she was visiting her "poultry, and if he is to be permitted (to the exclusion of all other cattle*) to walk unmolested "on the channel bank I must change my residence.

"I think you might easily have ordered the bull to be tied up or taken charge of when "I requested you to do so and shewed cause why it ought to be done.

2d May. (Signed) J. MILLER."

"My dear Miller,

"My note was sent after I had examined the bull, and seen that he had numerous pellet "marks all over his flanks and one serious looking wound as large a pistol bullet would make. "The animal from being teased by boys, who after pelting him with stones run on his turning "upon them, has got into the way of making as if he would charge, but I have never known him "do it and I think nothing of going up to him. He is not yet dangerous, but as he may "become so if ill-treated, and as he seems to cause annoyance I shall have him tied up or dis-"posed of.

2d May. (Signed) CHARLES A. ORR."

10. Here it will be observed, Captain Orr takes no notice of my wife's fright of which I had informed him in my last note, nor does he exonerate me from the charge of intentionally wounding his bull cruelly, which I had disproved. He, however, at last promises me immunity from further annoyance, and I now thought it my duty, in consideration of my subordinate position and in order to obviate all future unpleasantness, to apologise for having hurt the bull, which, with Captain Orr's assurance to the fact, I could no longer doubt that I had really done. I therefore wrote as follows.

"My dear Orr,

"Of course, as you have seen the injuries, the bull must be hurt, and I am very sorry I unintentionally was the cause of it.

2d May. (Signed) J. MILLER."

11. Matters thus favourably adjusted so continued for about a month. Then the bull was observed to be again at large as before; but as he was not so troublesome as formerly I did not at first think it worth while to remind Captain Orr of his promise to have him "tied up or disposed off." One evening, however, as my wife and I were seated in front of the house in the open air as usual after dinner, we observed a large animal prowling up the bank on which my house is situated. It was very dark, and we had just made out that the trespasser was Captain Orr's bull, when the beast, as if suddenly terrified or maddened, but without the slightest ap-

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* Captain Orr had a short time previously issued an Official Circular Memorandum prohibiting every one from sending cattle to graze on the channel bank.

parent provocation, wheeled round, and at a furious pace made for the spot where we were seated, my wife unfortunately being next to the direction of his attack. In one moment he was on us, and he must have all but touched my wife with his head when, scared apparently by my shout and my wife's scream, he bounded to one side, and broke away, as furiously as he came. My wife was at this time pregnant. She was thrown into a state of the most violent nervous agitation and an illness supervened which confined her to bed for two days, and from which she did not recover for some time. On the following morning the ground was examined by myself and others. The bulls nearest foot mark was found deeply impressed on the gravel *within one yard* of the leg of the chair on which my wife sat, the garden ground close by was torn up in such a manner as showed how furious the attack must have been, and it was the universal opinion of those who saw the place and heard the story that my wife had made an almost miraculous escape. I then wrote the following note.

"My dear Orr,

"I twice represented to you that your bull was troublesome, and once that he was danger-
"ous; and you assured me that he should either be tied up or disposed of. Nevertheless, he
"has again been at large for some time, and last night he very nearly killed my wife. After
"this, you cannot be surprised if I resort to some ultra measure for securing that protection
"which you will not afford me."

9th June.

(Signed) J. MILLER."

12. I happened to be present, as were other officers, when this note was delivered to Captain Orr at the public swimming bath. On reading it, he flung it down, and addressed to me in a peculiar tone this remark. "Humph, my bull seems to have a strange attraction for you *and your belongings.*" I underline these last words because of their singularity, and because they were emphasised by the speaker. To Captain Orr's remark I made no reply, remembering fortunately that I had no right to call in question the propriety of his expressions, and never doubting that he would afterwards take some other notice of my note. For this I waited, but in vain, for three days. Never in conversation or in writing did he allude to the breach of his promise, to the danger my wife had incurred in consequence, or to the manner in which he had spoken of her in the above remark; and it was at this stage that my irritated feelings caused me to forget the respect due to my superior officer. I "cut" him. But by doing so I never at the time concerned I was committing any impropriety. Captain Orr himself did not indicate to me in any way, not even by his manner after the first few days, that he expected to be saluted, for he ever afterwards passed me with head averted or inclined. And where we were all supposed to be serving in a civil capacity, I never imagined that he could take official exception to the manner in which I thus silently expressed my wounded feelings. I indeed, that he himself did not then consider my conduct in this respect a breach of Military discipline appears probable from the fact that for *two months* he did not point to me the impropriety of my having discontinued my salutations to him; and it was not until other circumstances had occurred that he did so. That is to say, it was on or about the 12th of June that I "cut" him, and it was not until on or about the 13th August that he first ordered me to salute him. But this is anticipatory and will appear fully in the sequel see para 22 page. 37.

13. It was about this time that, profiting by my late experiences of roving animals, (for Captain Orr's bull had not been the only trespasser) I resolved to enclose my house and garden by a fence. Previous to doing so it was necessary to obtain the sanction of the owners of the ground. These were at one place, a holder of Enam land, and, at another, the proprietors of a Mahomedan grave yard. The former gave his consent in consideration of being paid the sum of eight annas per annum for the small piece of ground that would be enclosed; and the latter voluntarily ceded the still smaller portion of their grave yard, free of charge, but on the understanding that they were at all times to have free access to any graves that might be enclosed. Never anticipating any interference or opposition, I unfortunately did not ratify these terms by written agreements, but that I had come to a satisfactory understanding with the owners of the ground contiguous to my house and garden, that I had gone to considerable expense in procuring

materials for making a fence, and that I had agreed on and marked out the boundaries, in conjunction with Lieut. Way who occupied the house next to mine and who also intended inclosing his premises, these are facts which were at the time well known to the community generally, and particularly so to Mr. J. H. Blair (the recently appointed Sub-Collectors) as will presently appear. Under these circumstances, it will not, I trust, be thought strange that I felt very much surprised and hurt on discovering that Mr. Blair, in co-operation with Captain Orr and Lieut. Way, had, without intimating to me his intention or consulting my wishes, resolved on the construction of a new road, and had actually marked it out with pegs, which was to shut my house within a few yards, and to run right through and absorb my intended enclosures. Hereupon ensued the following correspondence.

"My dear Blair,

"I discovered yesterday for the first time a new road laid out close to my house, which I
"was told was about to be constructed by your orders. I am sorry you did not consider it ne-
"cessary to let me know about it because the proposed road comes so *very* near our house that
"we must be supposed to have an interest in it. I must say that your new road which runs
"within ten yards of the windows of our house is disagreeably near; and my objection to it on
"this score cannot be thought unreasonable, considering that I have been longer resident here than
"any of the parties interested in this road except the Orrs, and that there never was a thorough-
"fare past my house before.

"There is another reason why I think the subject of this new road might have been mention-
"ed to me before it was all arranged. I long ago intended to enclose a piece of ground next to
"my house. The boundary had been marked out, I had made an arrangement through the Tahsildar
"to pay an annual rent to the proprietors of the ground, and I had procured all the materials neces-
"sary for making a fence. This was before you came: still, I thought you had been aware of it.
"But you surely could not have been so, as I find your new road is intended to be carried right
"through the piece of ground which had already been transferred to me by its owners.

7th July 1856. (Signed) J. MILLER.

"My dear Miller,

"The Tahsildar informed me that the present road through the corner of the burial ground
"has been used since the channel was dug; and my intention is only to put the *old* line
"into proper order, by laying down stones and gravel, he told me that you were going to enclose
"a piece at the foot of the bank, as Way has done, and I told you at Farewell's, the people
"would not give you the ground at all, except on conditions, when you said, you only wanted
"it to put up a fence and keep out cattle.

"I never thought of consulting you about it, as it will not be of much use to your house,
"until we have drivable roads in Bezoarah, which will I hope soon be the case.

"I am sorry if my not consulting you in the matter has annoyed you in any way, but I had
"no idea you would object to an old road being repaired or even to a new one being made (sup-
"posing it was one,) which will be so useful to 4 other houses.

"*Monday July 7th* 1856. (Signed) "J. HUNTER BLAIR."

My dear Blair,

"I have been here much longer than the Tahsildar, and *I know* that until my house was
"built there *never* was a road through the corner of the burial ground. There couldn't have
"been a road there, for there was no place to which it could by any possibility lead until my
"house and the one now occupied by the Ways were built. It is, therefore, entirely a new road
"you propose to make in a place where there is no previous "right of way," and I object to the
"privacy of my house being destroyed by it without my consent. Place yourself in my posi-
"tion for a moment, and imagine how *you* would like a public road to be carried right up to
"your wife's bed room-windows without your sanction, nay, without your ever having been con-
"sulted at all in the matter.

"I claim, moreover, a prior right to the piece of ground through which you wish to make
"the road; and as you seem to have known all along that I had made an arrangement with the

" proprietors, I do think it would have been more courteous if you had consulted me before in-
" terfering with it, you merely said at Farewell's on Saturday night that the Mussulmans wished
" to perform poojah at their graves once a year, and I replied I would be happy to see them.
" I did not then know what your line of road was to be; but I now see that the sweep of it cuts
" off from my premises every grave and almost every bit of ground belonging to the Mussul-
" mans, and I therefore cannot imagine what meaning you intended to attach to the remark you
" made at Farewell's.

" As you *must* interfere with *some* graves, why not carry it outside of my boundary?
" *7th July* 1856. (Signed) " J. MILLER."

" MY DEAR MILLER,

" The Tahsildar says he has been to you and told you exactly what he told me, which is
" what he was informed by the *villagers*, of course he could know nothing from his own expe-
" rience, he also told me on Saturday that the ground you were to have would only be *as*
" *far as* the road which of course cannot be included in any ones compound.

" I have already told you that I only considered the convenience to the other householders
" and had no idea you would be annoyed by a road which previously existed, being repaired,
" and that I was sorry if you were annoyed by not being consulted; after having written thus,
" I was rather astonished by your remarks on the courteousness of my conduct in the matter.

" As far as "rights" go *you* have *none* no agreement ever having been finally made between
" you and the owners of the burying ground *which extends* to within *one* or *two yards* of the
" foot of the bank.

" I asked them on Saturday evening if they would let us alter the road and make it further West, as the ground was drier, but they objected.

"Two men, one a Havildar who has the ground below Way's house, the other a Mussulman
" village officer, have just come here; they corroborate the Tahsildar's statement that the road
" formerly was, where the channel is now, and when the channel was dug the present road came
" into use, 3 years ago: it leads to several villages on the North East side of the channel.

" I must say I cannot understand why you object to a road (which has certainly been used
" at all events from about the time your house must have been built) being repaired, for the
" convenience of 4 other houses, and persons going to them; and its privacy will not be more
" destroyed than it was before; and if I was in your position, as you ask me the question, I
" should not have made *any objection whatever* to what is going to be done.

July 7th 1856. (Signed) " J. HUNTER BLAIR."

14. At this stage of the correspondence I met Mr. Blair on the disputed ground, and suggested to him that the road for which he maintained the necessity should be carried by a very slight divergence round the *other* side of the grave yard. I advocated this proposition on the grounds that all interference with Mahomedan graves would thus be avoided (for the Mussulmans were by this time loudly opposing the unconditional appropriation of their burial ground for a road); that the proposed road would be shorter and therefore cheaper, (which I thought might be a consideration seeing it was to be constructed with public money); and that, all purposes would be served, as well as the convenience of all parties consulted. After a long conversation in which Lieutenant Way and the Mussulmans joined, Mr. Blair was persuaded; and when we parted that evening there was a distinct and general understanding that the new road was to skirt the western side of the Mahomedan grave yard instead of the base of the bank close to my house. I was therefore very much surprised on the following morning to receive from Mr. Blair the following communication so totally, and inexplicably at variance with the settled arrangement of the previous evening. I must premise that, hitherto while the matter was under discussion, and as long as Mr. Blair abstained from active measures, I had delayed erecting my fence; but having observed on this morning that Mr. Blair was commencing his road in the direction *originally marked out* in defiance of the change to which he had agreed but a few hours before, I also began to mark out my fence. I placed it, however 1½ yards further back (that is, nearer my house) than had been previously arranged between myself, Mr. Way

and the Mussulmans, in order to leave ample room for a foot path, and so obviate all cause of Cavil on that score.

" MY DEAR MILLER,

" On thinking over again what you said last night it seems you wish to shut up the road
" past your house altogether. This I cannot agree to as there is no doubt there has been a right
" of way at least since the channel was dug, and the interests of many cannot be sacrificed to
" your personal convenience. You have no right to prevent people or bandies going along it,
" *as the ground does not belong to you* and I therefore recommend you in future not to attempt to
" stop them, as you render yourself liable to a Civil action at least, by committing an undeniably
" unlawful act, you having no right or title whatever to the road.

" On reading over your notes it seems to me the principal cause of your opposition to the
" road being repaired is your not having been consulted in the matter, I never thought of it at
" first and apparently if I had you would have objected, so that would leave the matter as it
" now stands.

" As I was coming home just now I saw you have commenced marking the ground you
" wish to obtain. I beg you will remember you cannot enclose the road and that you have no
" right to any enclosure there at all until you make an agreement with the Mussulmen of this
" place. All that has been yet done, is, the Tahsildar has spoken to them on the subject.

" I hope that you will not think that I have any personal feeling in the matter, but if your
" house is in a public place with public roads and paths nearly *all round* it you must be the suf-
" ferer, not the public.

" *July 8th* 1856. (Signed) " J. HUNTER BLAIR.

MY DEAR BLAIR,

" There is no use in writing chits. We disagree totally; and if you persist in thrusting a
" road close to my house I shall appeal to Government to know whether public funds are to be
" applied to private purposes, and to the serious inconvenience and detriment of individuals.

" *8th July* 1856. (Signed) " J. MILLER.

" P. S. I shall be glad to talk it over, but nothing can be got by writing letters."

MY DEAR MILLER,

" The matter is a very simple one, I wish to repair an old road past your house: you object
" to my doing so, and wish to prevent any one going along it. This you have *no right* to do,
" even if you owned the ground on one or both sides of it, *which you do not*; and I therefore ask
" you *privately first* not to attempt to enclose it, as if you do, I shall have to take up the mat-
" ter officially which I have no wish to do.

" I cannot see any use in talking the facts being so plain, nor do I think it any use corres-
" ponding any further. I shall repair the road against which act of mine you can appeal and
state *whatever* you please.

" I stand on the ground, that the road through the Mussulman burying ground has been a
" thoroughfare with their consent ever since the channel was dug, besides their being *ample*
" *proof* of the same by the testimony of other parties.

BEZOARAH,
July 8th 1856. } (Signed) " J. HUNTER BLAIR.

MY DEAR MILLER,

" As I wrote yesterday, I am now obliged to write to you officially, and I strongly recom-
" mend you to take care what you do, or the matter may be much *more serious* than you perhaps
" think.

" *9th July* 1856. (Signed) " J. H. BLAIR.

15. Here ends my private correspondence with Mr. Blair, and it is now time that I should inform Government what this road really was. I shall do so lest by noticing the three averments on its behalf which Mr. Blair in both the private and the public correspondence constantly reiterates as if they were incontrovertible truths. These are 1st, that there existed a previous right way for the road he contemplated making; 2nd, that I had no right or title whatever to erect any fence; and 3rd, that his contemplated road was a public one and necessary to the public convenience. 1st, on this subject I have only to refer to the Acting Magistrate's official letter to Mr. Blair No. 220 dated 9th August (see page 31) where the question is fully discussed, and where it is emphatically decided that no right of way can be claimed and that the so called public thoroughfare is in the strictest sense a private way. 2nd, from information given above (see page 13) Government will be already partially able to judge of my right to erect a fence and of Mr. Blair's right to prevent my doing so. In my supplementary evidence I beg to refer to the Acting Magistrate's letter to me No. 231 dated 18th August see page 39) written after I ratified my agreement with the Mussulmans in writing and then completed my fence,—in which Mr. Fraser says. "The course you have taken in the re-erection of your fence is in exact accordance with the spirit and intention of my letter to Mr. Blair," and again "his (Mr. Blair's) proceedings in the present instance have been clearly illegal." 3rd, with regard to the road being required for the public convenience I can only say that the same number of houses that are in Bezoarah now had existed for three years, and during that time the necessity for such a road had never been discovered. It is true that Mr. Blair wrote and acted from first to last on the assumption that the road was public. He proceeded against me in his official capacity for obstructing what he called "a public road." He took for its site a piece of ground from a holder of Enam land, proposing to compensate him in the same way as those had been compensated whose lands had been taken for channel &c. viz., by giving Government land in exchange, and finally Mr. Blair constructed this new road with public money, as he himself assured me when I offered to contribute towards its cost if it would not be brought so near my house. Whether he was justified in these proceedings it is not for me to say; but on this point I beg to refer to passages in the official correspondence, hereafter given, where the Acting Magistrate insists on the road being considered as a private one; and to state the facts (being authorized to do so) that at an early stage of these proceedings Mr. Fraser pointed out to Mr. Blair that any land taken for the road must be arranged about (i. e. as to compensation) privately; and that on his (Mr. Fraser's) discovering that nevertheless Enam land had been appropriated for the road purposes with the intention of giving Government land instead, he officially interdicted the arrangement and ordered that, as land taken for private purposes could not be restored out of Government land, the owner of the Enam land was to be compensated privately by the constructors of the road..

16. Having now I hope clearly established that the contemplated road was entirely a private project, I proceed with the official correspondence regarding it.

"From J. H. BLAIR, Esq., Acting Joint Magistrate of Masulipatam; to J. MILLER, Esq., Assistant Surgeon; dated Bezoarah 9th July 1856, No. 55."

"Sir,

"As I see you are putting up a fence across a public road against doing which I warned "you privately yesterday, I have the honor to inform you that (such an act on your part being "illegal) if the fence be not removed within twenty-four hours, I must take measures for having "it done at your expense.

"From J. H. BLAIR, Esq., Acting Joint Magistrate of Masulipatam; to J. MILLER, Esq., Assistant Surgeon; dated Bezoarah 15th July 1856, No. 60.

Sir,

"I have the honor to inform you that a complaint has been made against you by several of "the Mussulmen of Bezoarah, that you have enclosed with a fence part of their burying "ground without their permission.

"2. If such be the case, I beg you will order it to be removed.

"3. If you require it, I can send you a translation of the complaint.

NOTICE.

"Whereas you, Assistant Surgeon J. Miller, have obstructed a public road by commencing "to make a fence on the line thereof, you are hereby required to remove the same within "twenty-four hours under the provision of Act XXI. of 1841. On your failure to do so, the "penalties of the said Act will be enforced against you.

Masulipatam Joint Magistrate's Court at Bezoarah, 15th *July* 1856.

(Signed) J. BLAIR,
Acting Joint Magistrate.

From J. MILLER, Esq., M. D. Assistant Surgeon; to J. H. BLAIR, Esq., Acting Assistant Magistrate of Masulipatam; dated Bezoarah, 16th July 1856.

Sir,

"With reference to two official documents bearing your signature which I received last "night, I have the honor to request that you will furnish me with a copy of the complaint said "to have been preferred against me by several of the Mussulman's of Bezoarah, and that you "will make me acquainted with the terms of the "Act XXI. of 1841," which I am assumed to "have infringed, and with the penalties of which I am threatened.

From J. H. BLAIR, Esq., Acting Joint Magistrate of Masulipatam; to J. MILLER, Esq., Assistant Surgeon, dated Bezoarah; 16th July 1856, No. 61.

Sir,

"As requested by you I have the honor to send copy of the complaint made against you "by the Mussulmen of Bezoarah, and also a copy of the Regulations in which you will find "Act XXI. of 1841.

Translation of Mussulman Petition.

J. H. Blair Esq., Sub-Collector Masulipatam.

"The humble representation of the under-
"signed Mussulman's of Bezoarah.

"Ever since this town had been created, we have been residing in this town from our "ancestors, and agreeably to the instruction of the then authorities, our ancestors have built a "Mosque on the east side of the town and occupied the ground around it as a burial place "according to our law. We also have been in the habit of so doing and praising there up to "this time.

"As the Doctor is now fixing pegs in, with an intention of enclosing a part of this ground "as garden and as it is contrary to our law to dig or otherwise meddle with the burial mounds. "We beg that you will take steps to prevent his so doing.

"11*th July* 1856. "Signed by 19 Mussulmans.

"(True copy in Telugu.)

(Signed) J. BLAIR,
Acting Sub-Collector.

From J. MILLER, Esq., M. D. Asst. Surgeon; to the Acting Joint Magistrate of Masulipatam, dated Bezoarah 17th July 1856.

Sir,

"I have the the honor to acknowledge the receipt from you of two official documents, a "letter and a "notice," of the same date, in both of which I am required to remove a "fence" "from a piece of ground which with strange inconsistency, you designated in one of these com-"munications a "public road" and in the other a "Mussulman burial ground."

"In your letter you inform me that several "Mussulmen" have complained that I have "enclosed with a fence part of their burying ground without their permission." I beg to refer "you to the Mussulmans' original petition in which you will find that the real cause of com- "plaint is not such as you have represented it; but that I am about to "make a garden and to "dig and meddle with burial mounds," than which you are yourself aware there is nothing "further from my intention. All I had in view was to erect a slight bamboo fence for the pur- "pose of excluding cattle from my garden which is on the top of the channel bank. "The pro- "posed fence was to skirt the Mussulmans' burial ground; but it was carefully laid out so that "no grave should be touched, and I had the full permission of the Mussulmans, before you came "to Bezoarah, to erect it. I did not unfortunately think it then necessary to obtain this per- "mission in writing, as I did not anticipate your interference; but that such permission had "been freely given is well known; and that you yourself were perfectly familiar with the cir- "cumstances is sufficiently proved by the fact that you very lately, before several European "witnesses, volunteered to me the information, (of which I was in no need) that the Mussulmans "had no objection to my erecting a fence, but that they merely stipulated for permission once "a year to come inside to any graves that might be enclosed by it. I have only to add that I "disclaim all wish to interfere with the prejudices of the natives or to oppose any fair objection "they may advance to the making of my fence round my house; but in this instance my inten- "tions have been grossly misrepresented to them, and they have become needlessly alarmed. "The fence I proposed to put up surely is less desecrating to a burial ground than the public "road, nineteen feet wide, which you yourself, regardless of native prejudices, have proposed to "construct there, and which at this moment is marked out to run right across a corner of the "Mussulmans' burial ground at the very spot where you now say the Mussulmans object to a "fence.

"With regard to the "notice" although it is framed on the gratuitous assumption that I "have obstructed a public road by commencing a fence, which I am prepared to prove is not the "case, it is sufficient for me to point out that it nullifies itself by containing a perversion of the "Act XXI. of 1841 you have yourself cited, by none of the provisions of which have you any "authority to threaten me with its penalties on my failure to remove a fence within twenty four "hours.*

From J. H. BLAIR, Esq., Acting Joint Magistrate Masulipatam; to J. MILLER Esq. Assistant Surgeon; dated Bezoarah 17th July 1856, No. 63.

SIR,

"With reference to part of your letter of this date, I have the honor to inform you that, "as the obstruction created by you is not of old standing, but was raised by you, after I had "privately warned you against making it, I consider it my duty to see that it is removed, and "I therefore again call upon you to take it down within 24 hours, or under the authority vested "in me by act XXI. of 1841, I must proceed to remove it at your expense, as the delay of 10 "days allowed by Section III. cannot possibly apply to this case.

From J. H. BLAIR, Esq., Acting Joint Magistrate Masulipatam; to J. MILLER Esq., Assistant Surgeon; dated Bezoarah, 17th July 1856, No. 64.

SIR,

"With reference to your letter of this date, I have the honor to state that, as a complaint "has been made to me by the Mussulmen of Bezoarah that you are enclosing with a fence a "part of their burial ground without their permission, it is my duty, without reference to your "interpretation of their petition, to see that the enclosure, which you have commenced, is remov- "ed and therefore I call upon you to do so immediately."

2. "If you consider you have any legal right to the ground you can file a suit against the "present owners in a Civil Court.

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*The act clearly specifies a delay of ten days.

From J. MILLER, Esq., M. D. Assistant Surgeon; to the Acting Joint Magistrate of Masulipatam, dated Bezoarah 18th July 1856, No. 65.

SIR,

"I have the honor to acknowledge the receipt, yesterday evening of two letters of that date. "In neither of these do you attempt to meet my objections to your proceedings; but you merely "reiterate your threats of legal penalties. It is therefore necessary for me to appeal to higher "authority; as is provided in Section IV. of Act XXI. of 1841; and, pending such appeal, I "protest against your interference. You yourself cited Act XXI. of 1841 as applicable to the "matter in dispute, and you are bound to regulate your proceedings by it.

"As this matter is now under reference I decline to continue this correspondence with you.

"From J. MILLER M. D., Assistant Surgeon to the Acting Collector and Magistrate of Masulipatam," dated Bezcarah 18th July 1856.

SIR,

"I have the honor to bring to your notice an instance of attempted coercion by the Joint "Magistrate at this place, which appears to me arbitrary, unjust and illegal, and to request that "you will either yourself grant me redress, or forward this my complaint and the accompanying "correspondence for the consideration of Government with such remarks as you may deem fit. "The Official correspondence which has taken place between the Acting Joint Magistrate and "myself, a copy of which I have the honor to forward, will sufficiently explain to you all the "circumstances. I will take leave merely to recapitulate that the grounds of my complaints are "1st, that the Acting Joint Magistrate is threatening me with legal proceedings for a fictitious of- "fence, since it is not the case that I have erected a fence on a public road has he asserts but has "never attempted to prove; 2d, that he has cited as applicable to the matter under dispute Act "XXI. of 1841 by which I am content to abide, but which he himself perverts and sets aside, in- "asmuch as he says Section III. cannot possibly apply to this "case," and "you are hereby "required to remove the same (fence) within twenty four hours under the provisions of Act "XXI. of 1841. On your failure to do so the penalties of the said Act will be enforced against "you" a threat which he has repeated twice, notwithstanding that the Act distinctly provides in "Section III. for a delay of at least ten days, before any further proceedings take place; neither "does the Act authorize him to remove any fence, at my expense as he threatens to do; and "3d, that he has called on me to remove immediately the so called fence on the strength of his "having received a Mussulmans petition, the meaning of which he has misrepresented, inasmuch "as he states without reference to the context that the Mussulmans object to my enclosing a part "of their grave yard; whereas the real objection, as distinctly detailed in the petition is to my "enclosing the ground as a garden," and to "digging and interfering with grave mounds" which I "have no wish or intention to do. I beg to add in corroboration of the correctness of what the "Acting Joint Magistrate calls my "interpretation" of the Mussulman petition, and in proof of "his misrepresentation of it, that I was to-day informed by Guffar Beg, the principal Mussul- "man of this place, that the petition was got up under the impression that I was about to make "a garden among their graves, and that as it was not my wish to do so, there could be no objec- "tion on the part of the Mussulmans to my erecting a fence to exclude cattle. Guffar Beg fur- "ther volunteered to me the information that the real and fundamental cause of the Mussulmans' "petition was that the Acting Joint Magistrate had himself resolved to construct, and had already "marked out with pegs, a public road which was to cross their burial ground at the exact "spot where I wish to make a fence; and that their object was to enhance the sacredness of the "ground in order to strengthen their objections to the public road, the proposal to make which "over their graves they regard with much dislike."

17 I must here state that on the following morning (19th July) the Mussulman owners of the grave yard came to me of their own accord and stated that as they had been misinformed regarding my intentions they regreted having petitioned against me, and had now no objections to my fence. It was easy to discover their purpose in coming forward in this way. They regarded with the greatest horror and aversion the prospect of the graves of their ancestors being levelled in order to make a road for Christians; they had watched for the last ten days with a jealous eye the progress of Mr. Blairs' road operations which were now being carried on close

to the grave yard, with the obvious intention of proceeding right across it; and they foresaw that the erection of my fence would effectually prevent the contemplated desecration of their graves. I proposed to them to transact with me an agreement in writing, to which they readily, even eagerly assented; and in the space of an hour I had in my possession a document granting me permission to erect my fence and signed, with two exceptions, by the very same men who had a few days before petitioned against me. But at this moment Mr. Blair rode up at the head of a party of peons who by his orders began to remove the commencement of my fence. I went out to him and protested against his proceedings, informing him that I had but just obtained the *written* consent of the Mussulmans to make a fence in their grave yard, and that he was therefore acting illegally. He affected to disbelieve what I said, and merely ordered the continuance of the work of demolition. I then retired and wrote the following letter to the Acting Magistrate.

From J. MILLER Esq., M. D. Assistant Surgeon to the Acting Collector and Magistrate of Masulipatam dated Bezoarah 19th July 1856.

SIR,

"With reference to my letter of yesterday's date, and in continuation of it, I have the "honor to inform you that I this morning obtained the written consent of the Mussulmans of "Bezoarah to my making a fence along their burial ground; the signatures attached to the do- "cument being those of the same men who petitioned against it when under the erroneous im- "pression that I was about to make a garden there. Although I informed the Acting Joint Ma- "gistrate of the above written consent having been given, and notwithstanding my appeal from "his threatened proceedings, and in contravention of Act XXI. of 1841, and in the face of my "protest, the Acting Joint Magistrate has this morning caused to be forcibly removed the vast "sums that marked the commencement of my fence, in order to make way for the line of his "road over the Mussulmans grave yard, to the construction of which the Mussulmans have never "given their consent, and which in fact they are vehemently opposed.

"As the Acting Joint Magistrate has in this manner taken advantage of his official position "to advance his purposes by an illegal and tyrannical Act, I have the honor to request that you "will either cause him to desist from further proceedings and to make such reparation to me as "you may think proper, or forward this letter with my former one and the official correspon- "dence for the consideration of Government. In the event of your considering it necessary to "refer the matter to Government I have the honor to request to be informed whether I may not "now proceed to fence in my house and garden, having obtained the written permission of the "Mussulmans to whom the ground belongs to do so.

From J. FRASER Esq., Acting Magistrate of Masulipatam dated Masulipatam 21st July 1856, No. 192.

SIR,

1. "I have the honor to acknowledge the receipt, yesterday, of your two official letters of "the 18th and 19th instant. Another letter dated 19th instant and addressed by you to the Head "Assistant Magistrate has been forwarded by that officer to me.

2. "Before passing any decision in the matter of the road, I must as a preliminary, as- "certain what the *exact* boundaries of the Mussulman burying ground are, and in particulars, "whether it extends quite up to the foot of the Bank whereupon your house is built, or whe- "ther any width of waste ground intervenes.

3. "Till I have conclusive evidence on these points, I shall not be in position to pro- "nounce on your claims and Mr. Blair's objections. I shall lose no time in procuring this in- "formation; and as it will not be necessary to refer this matter for the orders of Government, "and as I have already (yesterday) officially requested Mr. Blair to suspend immediately the "making of the road to which you object, pending further instructions from me, I shall feel "obliged by your not renewing your fence at present.

4. "I request that you will send me the original written agreement with the Mussulman, "permitting you to put up a fence round part of their burial ground. It shall be carefully "returned.

5. "Regarding the complaint against your gardener, which is now officially before me, he "can have copies of any or all of the proceedings, on his application, either in person or by "Vakeel authorized *in writing* to represent him. I beg, however, to inform you that you can- "not *as a consequence of the man being your servant*, interfere in any way on his behalf, though "you might, if you pleased, as his Vakeel or Attorney.*

(Signed) "J. FRASER,
"*Acting Magistrate.*"

From J. MILLER, Esq., M. D., Assistant Surgeon; to J. FRASER, Esq., Acting Magistrate of Masulipatam, dated Bezoarah 22d July 1856.

SIR,

"I have the honor to acknowledge the receipt of your official letter dated the 21st instant and "to forward agreeably to your request the original written agreement† by
† Copy Appended. "which I am empowered by the Mussulman owners of the burial ground "to erect a fence round my house and garden. I have also the honor to
‡ Copy Appended. "forward for your information a copy (in original) of a written agreement‡ "which I, in my turn, gave to the Mussulmans, satisfying them that I "would not interfere with their burial ground in any way further than by erecting the fence to "which they have no objections.

18. Agreeably to Mr. Fraser's request, and pending his decision, both road and fence operations remained in statu quo for a fortnight. But at the end of that time I observed the former vigorously resumed, and actually encroaching on the grave yard; whereupon I wrote to the Acting Magistrate as follows.

From J. MILLER, Esq., M. D. Assistant Surgeon; to the Acting Magistrate Masulipatam, dated Bezoarah 8th August 1856.

SIR,

"I have the honor to bring to your notice that the making of the road which you had
§ See para. 3 of your letter to me, No. 192, dated 21st July 1856. "ordered to be suspended pending your further instructions,§ was re- "commended three days ago. Wishing to avoid even the appearance "of captiousness, and in daily expectation of receiving your decision "on the matter in dispute, I have hitherto refrained from reporting this circumstance to you; "but I think it necessary to do so now as the road has been again marked out in almost exactly "the same line as before, and the ground is this morning being cleared of bushes in front of my "house, while the road operations are rapidly approaching the very spot which is at present "under reference to you. I cannot believe that this proceeding on the part of the Acting Joint "Magistrate has been sanctioned by you in anticipation of your decision, and I have the honor to "request to be informed whether I am not therefore now absolved from the restriction against "the construction of a fence round my house and garden, for which I have the sanction of the "owners of the ground, and the want of which is the cause of great inconvenience on account of "the inroads of the village cattle.

From J. FRASER, Esq., Acting Magistrate Masulipatam; to Assistant Surgeon J. MILLER, M. D. Bezoarah, dated Masulipatam.

"I have the honor to acknowledge the receipt of your letter of yesterday and in reply beg "to send you copy of one which I have this day addressed to Mr. Blair and which contains my "decision in the matter of the road.

2. "You will also find indicated in it the course which I conceive you ought to pursue in "order to have a legal title to the ground which you wish to enclose.

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* This paragraph has reference to Mr. Blair having about this time arrested and imprisoned my gardener for the so called Criminal offence of having accidentally killed his dog.

From J. FRASER, Esq., Acting Magistrate of Masulipatam; to J. H. BLAIR, Esq., Acting Joint Magistrate Bezoarah, dated Masulipatam; 9th August 1856, No. 220.

SIR,

Para. "1. I have the honor to acknowledge the receipt of your letter No. 85 of the 5th "Instant and its enclosures. I have also received a plan of the burial ground and the vicinity, "in illustration of the points in dispute between you and Dr. Miller.

"2. I am now therefore in a position to decide the question of the right of way through "the burial ground and of Dr. Miller to enclose a part of the same. The first thing to be "decided is whether the road which you desire to repair is a public or a private one. That it "cannot be called a thoroughfare at all in the legal sense after it passes Lieut. Way's house, "is patent from the fact of its having been obliterated beyond that point, every year since it has "been used, by cultivation, and without any objection on the part of the public. It has been "used as a road over the fields when there has been no crop on them; and as no harm has been "done by this usage, it has been worth no ones while to challenge this right for a few months "in the year. It follows therefore that as the road, properly so called, leads only to Lieut. "Way's house and no further, it is, in the strictest sense, and according to the legal definition "of the term, a private way.

"3. According to English law, "a private way may be claimed by grant, prescription, "reservation, or as of necessity." There being no grant in the case of this road, it remains to "be seen what length of uninterrupted use will stand in lieu of it, or give a prescriptive right "of passage. I cannot find that in any regulations or Act of the Government of India, there is "any particular time specified, but by English law 20 years is what is required; and in this "case the house to which it leads and even the road itself have been in existence about 3 years; "use during that time will not establish any right to its continuance when the right is chal-"lenged by any competent person.

"4. A right of way by reservation cannot be contended for as that pre-supposes a written "agreement; nor as of necessity, for Lieut. Way's house could be approached by a road inside "the channel bank between it and the edge of the channel or by one leading round the northern "boundary of the burial ground. I have gone into this detail to show that parole evidence as "to use in this case is superfluous; the road being only a private one, and the length of time "which it has been used being insufficient to establish a prescriptive right to its continuance "as such if that use be legally objected to. It follows, as a necessary corallary that Act XXI. "of 1841 having reference only to public thoroughfares, you cannot under it take any proceed-"ings in regard to this road to Lieut. Way's house.

"5. I consider the Mussulman population of Bezoarah *as a body* to be those who alone "can grant a continuous further right of way through or to an enclosure of, part of their burial "ground. Part of them, it seems have given their consent either actual or implied, to the "present road through the burial ground being repaired by you part of them also have given "Dr. Miller their written consent to his simply enclosing a portion. I do not look on the consent "in either case as sufficient for the purpose required. All the Mussulmen have a general right "to the whole ground and therefore the consent of the whole body is requisite to give validity "to the alienation of any part of it. In the present state of things, any one individual among "them, could legally object either to your road or Dr. Miller's enclosure; and I therefore "consider that to enable either project to proceed, that you must obtain the written consent of "every Mussulman of mature age or at least the head of every family at Bezoarah for the repair "of the road in the mode proposed, or that Dr. Miller procure a similar sanction for the erection "of his fence. Whoever first obtains this consent, will be the person who has the right to the "part of the burial ground required by him; and until this be set at rest, I must request that "you will not in any way repair or interfere with the part of the proposed road which passes "through it. I also consider that the Mussulmen have if they please to exert it, the right to "interdict right of passage through their burial ground to any one.

"6. The road in question being a private one only, the whole matter must be *entirely* a "matter of private arrangement between yourself or Dr. Miller, and the parties chiefly "concerned viz. the owners of the burial ground, whose interests have not hitherto been suffi-

"ciently kept in view. The question of approach to the houses at Bezoarah, should have been "provided for when the sites were selected. It will not do to insist on a right of a way in a "particular direction simply because the houses happen to be where they now stand.

"7. In conclusion I must express my regret that the question should have proceeded so "far as to render my official interference necessary, when it might have been advantageously "settled by carrying the line of road round the western angle of the burial ground, and to that "point by a slight curve from the corner of Guffar Beg's garden. I have sent a copy of this "letter to Dr. Miller for his information.

(A true Copy.)

(Signed) J. FRASER,
Acting Magistrate.

From J. MILLER, Esq., M. D. Assistant Surgeon; to J. FRASER, Esq., Acting Magistrate of Masulipatam; dated Bezoarah 12th August 1856.

SIR,

"I have the honor to acknowledge the receipt of your letter No. 221 dated 9th August, "accompanied by a copy of your letter No. 220 of the same date to Mr. Blair.

"The only condition you consider necessary before I proceed with my fence is the consent "of all the Mussulmen proprietors of the grave yard. I have the honor to inform you that I "am already in possession of that consent. The document granted me by the Mussulmans of "Bezoarah authorising me to erect a fence has attached to it seventeen names. These are the "names of all the heads of families who have any connection whatever with the grave yard, "except two. These two, although for reasons affecting their own interest they do not choose "to attach their names to the written sanction have no objection whatever to my fence. There "are of course other Mussulman heads of families in Bezoarah, but they have no connection "with or interest in this grave yard. Guffar Beg, for instance, and some others have a private "burial ground near the former's house, while another party have another grave yard in the "village. I therefore consider that I have the unanimous consent of all the Mussulman "proprietors of the grave yard to erect a fence, and as you think it entirely a private matter "between them and me, I shall now proceed to do so.

"Mr. Blair on the other hand does not possess the written consent of a single Mussulman "to his road; on the contrary, the Mussulmans are in a body opposed to it.

19. Before proceeding with the portion of narrative which I have now to insert, I must pause to remark that hitherto Mr. Blair has been ostensibly the prime and active mover in this matter: but at this stage he retires, and Captain Orr comes forward in his place.

20. As I was in a position to comply with all the provisions of the Acting Magistrate's decision, and as I therefore conceived it to be virtually in my favor, I lost no time in acting on it. It will afterwards appear that the Acting Magistrate considered me perfectly justified in so doing. Having dispatched the letter, last quoted, to the Acting Magistrate, informing him of my intention, I commenced the re-erection of my fence. Presently Captain Orr rode up. He appeared very angry, but made no remark to me; and, suddenly wheeling his horse round, he pressed him up the bank on which my house is situated, and rode him right across my garden and over the vegetable beds. I was quite taken aback by this proceeding, and did or said nothing. In a few minutes he returned followed by a number of coolies whom he had summoned from a neighbouring work, and by bandies laiden with stones. These latter, the coolies, by his orders, proceeded to lay down in the Mussulman grave yard along the route of road which had been marked out by Mr. Blair. This necessarily prevented my coolies continuing my fence, and I therefore went down and told Captain Orr that I was acting in conformity with the Acting Magistrate's decision, having obtained the consent of all the owners of the grave yard to my fence. He replied that he did not believe my statement; but, adding, in a little, that he "would see about that afterwards," he ordered the stones to be placed *outside* the line of my fence, I then could not help remonstrating with him about his riding through and injuring my garden. Upon which he said, as nearly as I can recollect, "Sir I'll ride wherever I choose upon the channel bank, your house is there without my permission, I forbid you on your peril to place any thing on the

channel banks, and if you don't take care what you are about I'll take your house down too." I replied "of course by virtue of your official position you can do any thing you choose, but," "yes," he interrupted, "and I'll thank you to recollect my official position." To this I made no reply, but returned to my house; and he, too, shortly after went away. At this juncture, the Mussulmans, having heard what was going on, came pouring out of the village, and seeing their graves were being covered with stones, they in a very excited state and in a violent manner caused Captain Orr's coolies to desist and drove the bandies out of their grave yard. They then came up to my house and, with altered manner gently requested me to suspend for a little my operations also; which of course I did. Presently Captain Orr re-appeared upon the scene, pacifying the Mussulmans and endeavouring to persuade them to allow him to go on with his road. But to no purpose. They would listen to no terms, and after a long conference Captain Orr, his coolies, and his bandies disappeared; and I, with the renewed consent of the Mussulmans, resumed and completed the construction of my fence.

21. On the same day (13th August) and immediately after the above occurrances, Captain Orr sent a native boy to Hospital with orders to discharge two Hospital servants, a Leechman and a Totie. This was done without my being consulted on the subject, or even informed of the fact; and I knew nothing of it until the day after at my usual visit to Hospital. A correspondence ensued on this subject, copies of which I beg to append, merely stating here that the reason assigned by the Civil Engineer for discharging the two men in question held at least equally good any time during the previous ten months when the average number of sick was nearly the same as that of the month in which the men were discharged.

22. On the following day (14th) Captain Orr happening to meet me, addressed me, as follows, "Dr. Miller when you meet me on the works, you'll salute me, you'll salute me, Sir," I replied I should be happy to do so, and saluting him, passed on.

23. On the same day, Captain Orr prohibited my servants from carting away refuse from the quarry, although they had been doing so for some days previously for the purpose of making a road down my garden, and although at the very same moment his own and another's servants were carting away the same refuse from the place for precisely the same purpose. Next day I was carting road material from a Hill some distance off, when my bandies were taken away for annicut works by Captain Orr's maistry; and from that day to this I have never been able to get a bandyman to work for me, the reason alleged being that Captain Orr has issued orders forbidding all the bandymen to work for the Doctor under penalty of never again being employed on the annicut."

24. On the 15th August, I received the following letter from Mr. Blair.

From J. H. BLAIR, Esq., Acting Joint Magistrate Masulipatam to J. MILLER, Esq., M. D.; dated Bezoarah 15th August 1856, No. 87.

SIR,

"I have the honor to draw your attention to para. 5 of the Acting Magistrate's letter to me "No. 220 of the 9th Instant, of which a copy was sent to you, in which it is ordered that "you "must obtain the written consent of every Mussulmen of mature age, or at least the head of "every family in Bezoarah for the repair of the road in the mode proposed; or that Doctor "Miller procure a similar sanction for the erection of his fence."

2. "I am aware that you have not obtained the written sanction of *every* Mussulman of "mature age or of the head of every family in Bazoarah, and I have therefore to request that "you will immediately remove that part of the fence raised by you since the receipt of the letter above referred to, as it is my duty to see that the orders of the Acting Magistrate are obeyed.

25. This letter had not been in my possession one hour before Captain Orr and Mr. Blair accompanied by coolies, peons, and a few Mussulmans, assembled near my house; and by Captain Orr's orders the portion of my lately erected fence nearest my house was torn up and obliterated, and a road was marked out by a small trench, 20 feet nearer my house than it had been before. Captain Orr was also heard to give orders to have a hundred men at the work on the morrow. Here follow a letter I wrote next morning to the Acting Magistrate, and his reply.

Fort Saint George, Public Works Consultation of 24th March 1857.

From J. MILLER, Esq., M. D. Assistant Surgeon; to J. FRASER, Esq., Acting Collector and Magistrate of Masulipatam dated Bezoarah 16th August 1856.

SIR,

"I have the honor to enclose for your information a copy of a letter, I received yesterday "afternoon from the Acting Joint Magistrate, in which with the alleged object of carrying out "your orders, he directs me to remove my fence. I have also to inform you that within one "hour after the receipt of the aforesaid letter, before I could possibly either reply to it or comply with its behest (if I had been so inclined) Mr. Blair and Captain Orr, accompanied by a "mass of coolies, forcibly caused to be removed part of my fence, and again marked out a line "of road twenty feet nearer my house than it had ever been before.

"In my letter to you dated the 12th Instant I trust I satisfied you that I had fully com"plied with the spirit, if not the strict letter, of your decision in regard to my disputed right to "erect a fence. It is not possible for either me or Mr. Blair to obtain the written consent of "every Mussulman of mature age, or at least of the head of every family at Bezoarah," because "all the Mussulman population have not an interest in the grave yard a portion of which is the "subject of dispute. There are in Bezoarah three Mahomedan grave yards the proprietorship "and management of which are divided among the Mahomedan inhabitants; and it was with the "full and free consent of all the owners of the grave yard near my house, and with the written "consent of all except two (who however did not object) that I erected a fence across a part of it.

"I had occasion once before (see my letter dated 19th July 1856) to complain to you of a "violent and illegal act on the part of the Acting Joint Magistrate. Against the more recent "illegal and outrageous conduct of Mr. Blair and Captain Orr I now again appeal to you for "protection and redress. It is impossible for me longer to endure the repeated instances of "annoyance, amounting to persecution, which I have lately experienced from these Officers and "which can only be ascribed to motives of personal animosity, since, as you justly remark in "your letter to Mr. Blair," the matter might have been advantageously settled by carrying the "line of road round the western angle of the burial ground."

"I have only further to request of you the favour to interfere with as little delay as possi"ble, as Captain Orr has ordered a hundred men to completely remove my fence and proceed "with the construction of the road.

From J. FRASER, Esq., Acting Magistrate of Masulipatam; to J. MILLER, Esq., Assistant Surgeon Bezoarah, dated Masulipatam; 18th August 1856, No. 234.

SIR,

1. "I have the honor to acknowledge the receipt this morning, of your letter of the 16th "instant, in which you complain afresh of Mr. Blair's proceedings.

2 "The course, which you have taken in the re-erection of your fence, is in exact accord"ance with the spirit and intention of my letter to Mr. Blair, copy of which was furnished to "you. In it, I, in several places, alluded to the *owners* of the burial ground as those who alone "had the right of sanctioning any encroachment on it, I was also under the belief that *all* the "Mussulmen at Bezoarah were owners. This not being the case, those who are not, have, in "virtue of their creeds residence at Bezoarah no more claim to be consulted than the Maho"medan population of Masulipatam or Ellore. As to the two individuals whose written consent "you have not obtained, their silence, in the absence of other proof must be taken to imply "consent.

3. "I have by this day's post, written to Mr. Blair desiring that he will refrain from any "further hindrance to your erecting a fence; and as his proceedings in the present instance, "have been clearly illegal, suggested to him the propriety of his replacing the fence in the con"dition in which he found it.

26. On the 20th August, I received the followiug Official Memorandum.

MEMO.

No. 203.

" As Assistant Surgeon J. Miller M. D. when meeting the Civil Engineer on the public " roads or elsewhere, continues to neglect the customary salutation, which is due as a mark of " respect from a subordinate to his superior Officer, the Civil Engineer calls the attention of the " Assistant Surgeon to this impropriety, and trusts that the omission of so plain a duty may not " occur again.

BEZOARAH, *20th August* 1856. (Signed) CHARLES A. ORR, Captain, *Civil Engineer in charge Kistnah Division.*

To Assistant Surgeon J. MILLER, M. D. in Medical Charge &c., Bezoarah.

27. In explanation of the words " continues to neglect the customary salutation" in this memorandum almost state that I am not aware of having met Captain Orr, more than twice in the interval of six days that occurred between his verbal order to salute him and the receipt of the above memorandum, except at the swimming bath (to which I did not understand his words to refer when, he said on the 14th. " When you meet me on the works you'll salute me.") On both of these occasions I unfortunately did not salute him on the first, because he was at such a distance that I did not think he would expect me to do so ; and on the second because being on horse back, and my pony shying and running away, I believed Captain Orr would himself see that it was quite impossible for me to raise either hand. It is just possible that I may have passed Captain Orr on other occasions besides these ; but to the best of my recollection and knowledge I did not ; and it was not my intention to disregard or evade his verbal order. And I can aver most positively that after the receipt of his written order, just quoted, I was particularly careful to obey it whenever I had an opportunity of doing so.

28. On the 24th August I received the following letter from the Acting Magistrate. It is succeeded by the correspondence between myself and Captain Orr to which it gave rise.

From J. FRASER, Esq., Acting Magistrate of Masulipatam ; to J. MILLER, Esq., M. D. Bezoarah, dated Masulipatam 22d August 1856, No. 247.

SIR,

" In a letter received to-day from Mr. Blair, he informs that whatever fence was removed " on the 16th Instant, was so by the Mussulmen owners conjointly with Captain Orr and not " by himself.

2. " I have to-day written to both these gentlemen to inform them, that such removal by " either, on whatever pretext, was illegal : and requested Mr. Blair to interfere officially to pre- " vent such doings in future. I have also informed Captain Orr that his act on the occasion, " renders him liable to an action for trespass at your hands.

3. " Should the Mussulmen owners now come forward, on any pretext, to insist on the " removal of your fence summarily, after formally granting you permission, I have informed " Mr. Blair, as I now state for your guidance, that they cannot effect their purpose. Having " once surrendered the ground by a formal act, they must, if they wish to oust you, do so by " a civil action ; they cannot do so otherwise.

From J. MILLER, Esq., M. D. Assistant Surgeon ; in Medical charge Civil Engineer's Department Kristnah Division; to Captain C. A. ORR, Civil Engineer, in charge Kistna Division, dated Bezoarah, 25th August 1856.

SIR,

" I have the honor to inform you that I have been advised by the Acting Collector of " Masulipatam that your conduct on the evening of the 15th Instant in forcibly removing part of " my fence was illegal and rendered you liable to an action for trespass.

" It would be unbecoming in my present position, and disagreeable to me, to have recourse " to legal proceedings against you ; but I trust you will see the propriety of rendering the least " reparation in your power for what you must on reflection yourself consider an illegal and vio- " lent act. I have therefore the honor to request that you will be so good as cause to be restor- " ed that part of my fence which you destroyed on the evening of the 15th Instant, and so ob- " viate all necessity for further proceedings.

From Captain C. A. ORR, Civil Engineer in charge Kristnah Division ; to Assistant Surgeon J. MILLER, M. D. in Medical charge Civil Engineer's Department dated Bezoarah 25th August 1856, No. 218.

SIR,

" As I imagine you do not believe that I personally removed any portion of the fence you " have thought proper to put up across a road used by the public, and as you must be aware that " I passed through it by the invitation of, and accompanied by nearly all the respectable Mus- " sulmen of Bezoarah, (who are the sole owners of the spot) to mark out in conjunction with " them the boundary of the space they had agreed to give up for the purpose of a road being " made on it, for their own and the public accommodation, I pass over in silence the threat con- " veyed in your letter of this day. But having no wish that you should suffer any injury, I " should without reference to the question of your right to the fence, have no objection to give " orders for the repair of any slight damage it may have sustained on the occasion " you allude to, did I not know that, in order to carry out their purpose, as above stated, " of giving up a part of their burial ground for a road, the Mussulmen owners of the " ground intend shortly to call upon you to remove the fence entirely, according to the terms of " the permission you received from four of them to put it up.

" 2. If any portion of the fence beyond the limits of the ground belonging to the Mussel- " men was displaced by them, when pointing out the ground, or by my people in marking it " out, I shall be happy to have it repaired on your showing the place.

From J. MILLER, Esq., M. D. Assistant Surgeon ; to Captain C. A. ORR, Civil Engineer in charge Kistnah Division, dated Bezoarah 27th August 1856.

SIR,

" Your letter of yesterday's date would not require a reply, did it not contain certain " statements which are at variance with the real circumstances of the case, and which seem to " reflect unfavorably on my conduct. As I trust these statements were made by you while " under imperfect information, and as it is probable that this correspondence will be laid before " Government, I believe that I will render you a favor, while I am doing myself justice, in " correcting them.

" 1. I have not as you assert, " thought proper to put up a fence across a road used by " the public." It is true that an attempt has lately been made to construct a new road, across a " portion of the Mussulman grave yard, and that a right of way has been claimed in the direction " of my fence ; but the Acting Magistrate of Masulipatam, to whom the whole matter was refer- " red in detail, has decided that there exists no previous right of way, that any one passing there " does so merely by sufferance, and that the objection of one individual Mussulman proprietor " is sufficient to prevent the ground being converted into a road or even temporarily used " by any one as such. On the other hand I erected my fence with the full and free consent of " all the Mussulmen proprietors of the grave yard, and in what Mr. Fraser considers " exact ac- " cordance with the spirit and intention of his letter to Mr. Blair."

" 2. It matters little whether you " personally removed any portion of the fence" or not. " The destruction was effected by your orders ; in proof of which I have (independently of other " evidence) the authority of Mr. Blair who in correspondence with the Acting Magistrate disa- " vows all connection with the Proceedings of the 15th Instant, and throws the responsibility of " them on you.

"3. Your statement that you passed through my fence invited and accompanied by "Mussulmans, is irrelevant to the matter at issue, for it is not of your passing through or com- "ing inside my fence that I complain, but of your having broken it down. The presence of the "Mussulmans, and their invitation to mark out a road do not, I imagine, confer on you a right "to tear down a fence lawfully erected: neither can you rightfully urge, as you seem to do by "inference, a necessity for so violent a proceeding; for a gateway had been left in the fence on "each side of, and not far from, the place which you destroyed, either of which would have "been of very easy access to yourself and your people. However, I was not, and could not be "aware of your connection with the Mussulmans. But Mr. Blair who first entertained this "project, and you who, now that he has abandoned it, carry it on, have all along carefully "ignored my right to have an opinion or a wish on the subject, and have kept me in the dark "regarding it, although I am perhaps the most interested party of the three whom alone it con- "cerns; and, in the absence of information, I could not imagine a more unlikely thing than "that you should obtain the co-operation of the Mussulmans whom, but a few days before, I "had seen vehemently resisting your attempt to put stones over their graves and compelling "you to desist.

4. "Your next statement that my permission to erect a fence was given only by four "persons is so directly at variance with fact that is only necessary for me to inform you of what "you could not possibly have been before aware viz., that the document giving me permission "to erect a fence was signed by seventeen persons, these being all the Mussulmen proprietors of "the grave yard except two who, however, did not object, and whose silence "Mr. Fraser "considers" must be taken to imply consent."

5. "Lastly my letter does not, as you allege contain a threat. On the contrary I ex- "pressly stated that a resort to legal proceedings against my superior officer would place me "in an unbecoming and disagreeable position, and I now repeat to you the assurance that I "have neither intention or desire to avail myself of the means afforded me by law of disturbing "you in the possession of whatever satisfaction you may have derived from the destruction of "my fence.

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29. It was in the beginning of October (but I cannot specify the exact date) that a return of British born subjects was circulated from the Civil Engineer's Office, and required to be filled up with the religious persuasion of each person. In this return there was an unusual change in the order in which the names were arranged. Both in the body of the return itself, and on the outside cover, my name was not as usual among those of the officers, but had interposed between it and them the names of two uncovenanted servants of Government; so that it was in fact among the names of the non-commissioned and Overseers. On observing this I hastily resolved to point out the mistake to Captain Orr; and, pending such a representaton, I obliterated the word "seen" which in the first instance I had placed opposite my name on the *cover* only. But on reflection, it appeared to me that the circumstance was but a trifle after all, and might prove an element of discord; and I abandoned my intention to notice it. When, therefore, the return was sent me a few days afterwards by Captain Orr with a memorandum ordering me to fill it up, I entered opposite my name what I should have entered in the first or any other instance, because it is the truth, "of no particular denomination." In justification of this act of which Captain Orr complains, I believe Government will not expect me to enter upon a statement of my religious views, but that it will suffice to state that I could not conscientiously declare myself to be a member of any of the christian denominations which were specified at the head of the columns of that return. And being under the Civil Engineer's special order to fill up the blank opposite my name, which I considered myself bound to obey, I most respectfully submit that I had no alternative but to insert the words which have unhappily been considered objectionable. It is, I believe, a fact that others have filled up these returns in a similar manner and for a similar reason; and were it necessary I could quote an instance of an officer high in Government service who used precisely the same words as I did; yet, he has not been arraigned for "insubordination" and "cross grained temper." In concluding this subject I have only to disclaim most emphatically the intention to refuse information to Government and act subordinately, which Captain Orr, ascribes to me; and to regret that my error, if such is was, was not pointed out to me at the time when I should have gladly repaired it.

30. The last in chronological order, and the first and principal count of Captain Orr's complaint, is my correspondence with Lieutenant Way. Here again I am sorry to discover for the first time that I had in this matter incurred the disapprobation of my commanding officer, and I cannot refrain from expressing my regret, (on account of all that happened subsequently, ending in this painful reference) that an opportunity was not given me at the time of regulating my conduct according to Captain Orr's mediation or official interference. Being, however, now called upon for explanation, I consider myself singularly fortunate in being able to place before Government the opinion of the Major General Commanding the Division to whom the matter was referred by Lieutenant Way himself, and who after all the circumstances had been laid before him, arrived at a conclusion not so condemnatory of my conduct as that now expressed by Captain Orr. In the statement which I made for the information of the Major General these circumstances are all fully narrated: and I trust it will be satisfactory to Government and not imputed to indifference or disrespect, if, instead of repeating the narrative again, I merely request Government to peruse the statement referred to, which I now proceed to transcribe. It is preceded by Lieutenant Way's letter of complaint which has such a singular resemblance to para. 2 of Captain Orr's letter and followed by that in which the Major General communicated to me his decision.

From Lieutenant T. H. WAY; to the Acting Adjutant, Sappers and Minors, dated Bezoarah; 9th October 1856, No. 158.

SIR,

"Sometime ago I requested Assistant Surgeon J. Miller M. D. to vaccinate my child "at the earliest opportunity, and he promised to do so as soon as vaccine matter was procurable.

"A misunderstanding having in the meanwhile arisen between us, on private matters, he "yesterday morning sent a Dresser, instead of calling for the purpose himself, which I thought "an extraordinary proceeding, as he could not have known the state of my child's health, not "having visited my family for many weeks, and I therefore requested the man to wait till Mrs. "Way was ready to see him, and proceeded myself to mention the circumstance to Captain Orr. "He was of opinion, that it was Assistant Surgeon Miller's duty to vaccinate the child himself, "as he could do so without any inconvenience, and ought moreover to satisfy himself that the child "was in a fit state for the operation, but that as the thing was so simple and the child appeared "in good health, it was not worth while to make any objection.

"I accordingly returned home with the intention of having my child vaccinated by the Dres- "ser, but finding him gone, and not seeing or hearing from Assistant Surgeon Miller during the "rest of the day, I this morning addressed to him the note of which I annex a copy, and received "in reply the letter which I now have the honor to forward for the information of the Officer "Commanding the Corps, with a view to his laying the same before higher authority as its whole "tone is offensive to me as the Officer in Command of the detachment of which Assistant Surgeon "Miller has Medical charge, and highly objectionable from any Medical man, for whatever his "sentiments may be towards me individually I consider that he cannot be justified in allowing "them to influence his conduct in the performance of his duties, or authorized by them in neg- "lecting his personal attendance on my family.

From J. MILLER, Esq., M. D. Assistant Surgeon; to Captain F. MASON, Deputy Assistant Adjutant General Northern Division, dated 5th November 1856, No. 80.

SIR,

1. "I have the honor to acknowledge receipt of your letter No. 282 dated 30th October "1856, with its enclosures (herewith returned); and agreeably to instructions therein contained "I forward for submission to the Officer Commanding the Division my explanation relative to "Lieutenant Way's complaint against me.

2. "It will be necessary for me to enter somewhat minutely into all the circumstances of "the case; and I crave indulgence if, while attempting to confine myself to what is important "and essential, I should be betrayed into any thing that may appear trivial or irrelevant.

3. "About five months ago Lieutenant Way's first and only child was born. In accord-
"ance with usage, I, at the usual time, took measures to have it vaccinated. The first attempts
"to get good vaccine matter were unsuccessful; but having at last procured some, I caused se-
"veral native children to be vaccinated with it, in order that a greater chance of success might
"attend the operation when afterwards performed on Lieutenant Way's child with perfectly
"fresh matter from a healthy subject. On the eighth day (8th October) only one of these
"children was found to have pustules suitable for the transmission of the arms; and I desired
"the Dresser to take this child to Lieutenant Way's house and to say that he had been sent by
"me to vaccinate his child. It was as much in consideration of Lieutenant Way's feel-
"ings as of my own, that I sent the Dresser instead of going myself; for recent circum-
"stances had interrupted our friendly intercourse, and I gave him credit for wishing, as
"I did, to avoid any rencounter which might be disagreeable, and which was not neces-
"sary. The Dresser accordingly proceeded to Lieut. Way's house; and on delivering
"his message was ordered by him to go away, as his services were not required. He did
"so; but when some distance off Lieut. Way recalled him, desired him to wait, and then,
"mounting his horse, rode off. After waiting fully half an hour, the Dresser came to me report-
"ing these circumstances, and asking further instructions. I told him to return to the house
"and politely request permission to vaccinate the child at once, as he was the only Medical sub-
"ordinate, and his time was precious. To this it was merely replied that he must wait till
"Lieut. Way's return but the greater part of the morning had by this time been taken up,
"Lieut. Way's return appeared quite indefinite, and the Dresser (my only subordinate of any
"kind) had other and more important duties to attend to. I therefore considered that Lieut.
"Way had failed to avail himself of an ample opportunity of having his child vaccinated, and
"that at least my duty in this matter had been fully discharged. I accordingly now desired the
"dresser to return to Hospital and his other duties, and to proceed with the vaccination of
"other children whose parents were waiting for the purpose. This was done from the pustules
"of the child that I had reserved for Lieut. Way, as there was not another from whom the virus
"could be propogated, and because the delay of another day would render re-vaccination from
"it uncertain, if not impossible.

4. "On the following morning (9th October) I received from Lieut. Way a note of which
"there is a correct copy in the returned correspondence. I felt (and the above details will I
"trust justify my feeling) that after what I had done this was an uncalled for and unbecoming
"communication for this officer to address to me. Although he was perfectly aware that I had
"busied myself with considerable trouble to procure for his child the means of vaccination, and
"had taken especial pains to ensure its success; and although I had placed it in his power to have
"the operation performed under advantageous circumstances by a competent person, Lieut.
"Way informs me in the opening sentence of his note that "it has been brought to his knowledge
"by one of my subordinates that vaccination matter is now procurable in this place." He thus,
"while contemptuously ignoring all my previous efforts to serve him, and omitting mention of the
"hindrance to my doing so, which he himself created, makes it appear that I had hitherto taken
"no steps whatever towards vaccinating his child, and appropriates to himself the initiative in the
"matter. And when he requests me, as he does in the conclusion of his note, to vaccinate his child
"without delay," I think he assumes a position of superiority to which he is not entitled, and
"uses an expression for which there is no cause or excuse. My reply was written under feelings
"naturally arising from the circumstances, and while I submit that the tone and expression of
"my letter were only such as had been rendered necessary by Lieut. Way's own conduct and
"mode of addressing me, I hope I shall be allowed credit for forbearance in having again, not-
"withstanding all that had occurred, offered him another opportunity of having his child vaccinated
"with a choice of modes in which it might be done. Lieut. Way made no reply.

5. "Next day (10th October) Lieut. Way sent for the same child so often above men-
"tioned (which was that of one of the sepoys under his command) and caused it to be
"taken to the house of Mr. Blair, Acting Sub-Collector whither the dresser attached to the latter
"Officers establishment had been previously summoned. Mr. Blair there ordered his Dresser to
"vaccinate from it some other children in the village; and upon the latter representing that he could
"not do so because the pustules were too old and had been already used, Mr. Blair asked if it
"could have been possible to vaccinate from the child the day before. The Dresser replied

"that even then, had the pustules not been broken, they were too far advanced and that re-vac-
"cination would have been very uncertain. These significant facts, for the correctness of which
"I am ready to vouch, I leave without remark.

"6. Such being a faithful, though perhaps tedious, narrative of all the facts of the case,
"I beg to make a few remarks which appear necessary to complete my vindication on Lieut.
"Way's letter of complaint to his Commanding Officer.

"7. He designates "*an extraordinary proceeding*" my sending a Dresser to vaccinate his
"child instead of calling myself for the purpose. I have already explained that I did so simply
"in consideration of what I imagined would be agreeable to both him and me; and it certainly
"never occurred to me as possible that he would take exception to it. Whatever his opinion
"may be, it is a fact that Medical subordinates are continually in the habit of vaccinating the
"children of Officers whose dignity stands in no danger from so ordinary and understood a pro-
"ceeding; and it cannot be called in question that they are as competent (if not more so, by rea-
"son of more extensive practice) as their European Superiors to perform the minor operation of
"vaccination with success, and to judge correctly of the circumstances under which a child
"ought or ought not to be submitted to it. In illustration of this, I may mention that, of the
"two only other Officers' children in this place, one was vaccinated by a native vaccinator (a
"Subordinate of still lower grade than a Dresser) with success, and to the perfect satisfaction of
"the parents, although my own services were available at the time.

"8. But Lieut. Way considers that I "could not have known the state of his child's health."
"Seeing, as I did, the child taken out in the open air morning and evening as usual, and not having
"been consulted on its account, as Lieut. Way truly says, "for many weeks" "I consider that I
"had ample reason to be satisfied that there could not have been any thing the matter with it of
"sufficient importance to render unadvisable its subjection to what Lieut. Way himself calls
"so simple a thing" as vaccination. Had there been so, however, it would have been an easy
"matter to point it out to the Dresser, who, as before stated, was quite competent for all that
"might be required; and if Lieut. Way had any reasons to doubt the capacity or judgment
"of the Dresser, or to prefer that I should myself vaccinate his child, it would surely have been
"a more natural and a much more efficacious proceeding to write to or send for me (my
"house being only one hundred yards from his) instead of hurrying, as it appears from his letter
"of complaint he did, to consult Captain Orr. But Lieut. Way himself, admits that his "child
"appeared in good health"—and it is therefore difficult to conceive what his object could have
"been in raising so futile an objection.

"9. Lieut. Way states, as if incidentally, that I have "not visited his family for many
"weeks," but he omits to add, as he ought in fairness to have done, that the reason of this was
"simply that I had never been called on by him to do so during that time. Takn in con-
"nection, therefore, with his charges against me, this statement of his leaves the un-
"avoidable inference that I abstained for many weeks from visiting his family profession-
"ally and neglected my duty in order to gratify my private feelings! I could scarcely have con-
"ceived it possible that an insinuation so groundless and so unworthy, could have come from
"Lieut. Way, towards whom I have at all times acted in my professional capacity conscientious-
"ly and efficiently, and to whom on the recent occasion of his wife's confinement I rendered ser-
"vices far in excess of those which are usually required of a Medical man.

"10. I have now to notice that Lieut. Way calls my conduct in question in his capacity
"of "Officer in Command of the Detachment." This young Officer is my junior in years, in
"period of service, and in date of rank. He happens to receive Medical aid from me, because
"he is attached to the Civil Engineer's Establishment of which Captain Orr is the head and of
"which I have Medical charge, but I have no further official connection with him whatsoever.
"When, therefore, he assumes the attitude and language of my Commanding Officer, he arro-
"gates to himself that to which, I submit, he has no claim.

"11. Lieut. Way in the conclusion of his letter charges me with "allowing my private
"sentiments to influence my conduct in the performance of my duty, and of neglecting my per-
"sonal professional attendance on his family." I can scarcely conceive graver imputations than
"these on the character of a Medical Officer; but I now confidently leave it to the decision of
"the Officer Commanding the Division whether Lieut. Way has had any grounds or just cause

"for these injurious expressions, and whether he is at liberty to make assertions so damaging to "the integrity of the private and professional character of another Officer.

"12. In conclusion I beg to express the hope that I have succeeded in making it as "obvious as it is true that I have throughout this matter been actuated only by a desire to do "my duty; and to regret that it should have been necessary for me to occupy so much of the "time and attention of my superior officers with a matter so personal and so comparatively "unimportant.

From Captain F. MASON, Deputy Assistant Adjutant General; to Assistant Surgeon J. MILLER, M. D. dated Waltair, 19th November 1856, No. 295.

SIR,

"The explanation received with your letter No. has been submitted to the Major "General Commanding the Division, who desires me to say that he is of opinion that you should "have written to Lieut. Way informing him of your intention to send the Dresser to vaccinate "his child, as verbal messages are at all times objectionable; he certainly considers that the "expression used by Lieut. Way in his official letter was uncalled for, and the Major General "has informed that officer that such is his opinion. He desires me to add, that he trusts that "any misunderstanding there may have arisen between yourself and Lieut. Way may be forgotten, "and that harmony and friendly feeling may be re-established between you.

31. Having explained, I trust satisfactorily to Government, all the special instances of culpability of which I am accused, I might perhaps be expected here to conclude. But there yet remain expressions in Captain Orr's letter of complaint which, taken by themselves and coming from so high an authority, cannot fail to convey an idea most prejudicial to my *general* character and conduct. Of these it does not become me to speak, but I trust I may be permitted to produce the testimony of others regarding their appropriateness. If so, the only pleasure yet afforded me in this matter will be to point to the favorable opinion which my brother officers have so kindly and promptly come forward to express in my behalf on this critical occasion. To them I addressed the following circular letter.

MY DEAR ———,

"My conduct has been brought to the notice of Government in the following terms" un- "becoming spirit in which he thinks fit to conduct his professional intercourse with the families "under his medical charge;" "quarrelsome bad feeling:" "marked disrespect" (to my superiors) "allows himself to be so misguided in the discharge of his duties, and in his professional inter- "course with those under his charge, by his private sentiments towards them" "how eagerly "Assistant Surgeon Miller seizes upon the slightest opportunity for displaying the cross grained "temper, by which he is guided, and the insubordinate lengths to which he is prepared to go."

"You will observe that my disposition and contact are here described as generally offen- "sive to those with whom I am brought into professional contact. I therefore ask you, in "common with all the other officers who have served in this division or resided in Bezoarah, to "be so good as state, for my assistance in preparing the explanation I have been called upon to "make, your opinion generally of the manner in which I have conducted and do now conduct "myself, as an individual and as a medical man towards yourself and other officers and families "under my medical charge; and in particular whether you have ever observed or heard of, dur "ing the time you have been in this division any thing in my private or professional intercourse "with you, your family or others, of which the description corresponds to the above quoted ex- "pressions.

30th December 1856.

(Signed) J. MILLER.

"P. S. Kindly let me have a reply *as soon as* possible as I am ordered to forward my expla- "nation without delay."

(Signed) J. MILLER.

I take the liberty of appending the replies which I have received from the following Officers.

Now in the Division.
1. J. Fraser, Esq., Acting Collector and Magistrate of Masulipatam.
2. Capt. D. G. Pollard 47th Regt. N. I. Actg. 1st Asst. Civl. Eng. K. D.
3. Lieut. W. F. Farewell 3d M. E. Regt. 1st Asst. Civil Engineer K. D.
4. Lieut. J. Vertue, Engineers, 2d Assistant Civil Engineer K. D.
5. Lieut. J. Beattie, Engineers 2d Assistant Civil Engineer K. D.

Formerly in the Division.
6. William Holloway, Esq., late Sub-Collector of Masulipatam.
7. Capt. W. Crewe, 32d Regt. N. I. late 2d Asst. Civil Engineer K. D.
8. Capt. H. W. Rawlins, 30th Regt. N. I. late Comg. Dett. Sap. and Minors at Bezoarah.
9. Capt. H. T. Campbell, 13th Regt. N. I. late 2d Asst. Civil Eng. K. D.
10. Lieut. C. Scott, Engineers late 2d Asst. Civil Engineer K. D.
11. Lieut. F. Moberly, Engineers, late 1st Asst. Civil Engineer K. D.
12. Lieut. T. G. M. Lane, 40th Regt. N. I., late 2d Asst. Civil Engineer K. D.

This list comprehends *every officer* within reasonable reach of correspondence, who is now, or ever has been, in this division in my time, and with whom I have had any professional intercourse, excepting Captain Orr, Lieutenant Way, and Mr. J. H. Blair and to show that even Mr. J. H. Blair may not properly be classed among the exceptions, I trust there is no impropriety in my quoting the following paragraph from a note I received from him shortly before he left this station, which will perhaps be taken as no unimportant testimony considering that it was given *unasked* and, at a time when we were not on terms of friendship. He says, "Far from considering your visits to Mrs. Blair as intrusive I am very much obliged to you for having been so attentive to her." To these replies I most respectfully ask Government to give an attentive perusal, especially to that of Mr. J. Fraser who by reason of his high position and his official cognizance of some of the matters relating to the unhappy difference between myself and Captain Orr, will doubtless be believed to hold an accurate, impartial, and therefore valuable opinion. After this evidence, I need offer no further explanation of Captain Orr's remark that the "obnoxious line of conduct and the quarrelsome bad feeling which it evinces have not been displayed towards Lieutenant Way alone but likewise towards others, and more especially towards myself."

32. My task is completed. I have only to express my great regret that my desire to give the fullest information and explanation regarding my arraigned conduct should have caused me to occupy so much of the valuable time of Government.

(Signed) C. C. LINTON,
Senior Surgeon in charge Superintending Surgeon's office M. D.

BEZOARAH, *22d January* 1857

(Signed) J. MILLER,
Assistant Surgeon.

Literal Translations of Telugoo agreements between Dr. Miller and the owners of the Mussulman grave yard.

To prevent Cattle &c. coming too near my Bungalow built on the embankment of the Boodamair channel and too near the garden so as to destroy it, I wished to build a fence on the west side of the embankment along the east side of the burial place without touching the place, but you (all) thinking that I would occupy the place for a garden or road &c. prevented my building a fence on the above place, I satisfied you by explaining that, I did not intend at all to make a garden or road or any thing of the kind on that place, but I only wanted to make a fence to keep out Cattle &c. and as that place will be given to you again when you require it and as there will be no hindrance to your using the ground as a burial place I hope you all will agree to my building a fence and give me a written agreement with the signatures of you, (those) who are the owners of the place.

You may observe that there is no danger by my putting a fence there.

(Signed) J. MILLER, M. D.

With reference to your request regarding a piece of ground (which is from the eastern side of our burial ground close to the west side of your Bungalow on the bank of the Boodamair channel) to be granted to you to make a fence in order to prevent the Cattle from grazing and the promise you made you will not occupy more ground than limited for garden, and deliver us the ground at our request when necessary. We do hereby consent to accede to the arrangements you propose. We also request you will be kind enough not to prevent our people from burying in the ground and not put the road or any thing across the tombs. This agreement was written with our own accord.

(Signed) by 17 Mussulmans.

Correspondence between Captain C. A. Orr and Assistant Surgeon J. MILLER, M. D. relative to the dismissal by the former of two Hospital Servants.

From J. MILLER, Esq., M. D. Assistant Surgeon; to Captain C. A. ORR, Civil Engineer, in charge Kristna Division, dated Bezoarah 14th August 1856, No. 49.

SIR,

A Native boy came to Hospital yesterday saying that he had been sent from your office to discharge both the Annicut Hospital servants. I have the honor to request to be informed whether this extraordinary communication was made by your orders, and if so, I request that you will be so good as make me acquainted with your reasons for discharging the Hospital Leechman and Toty.

MEMO.

From Capt. C. A. ORR, Civil Engineer; to Assistant Surgeon J. MILLER, M. D. dated Bezoarah 14th August 1856, No. 187.

In reply to his letter of this date No. 49. Assistant Surgeon J. Miller M. D. is informed that the two persons he refers to were discharged yesterday by order of the Civil Engineer, who considers that the establishment maintained by Government for the Hospital is under present circumstances amply sufficient.

From J. MILLER, Esq., M. D. Assistant Surgeon; to Captain C. A. ORR, Civil Engineer Kristna Division, dated Bezoarah 15th August 1856, No. 50.

SIR,

In your official Memorandum No. 187 of yesterday's date you informed me that the Civil Engineer considers the establishment maintained by Government for the Hospital amply sufficient. As the Civil Engineer has never consulted the Medical officer on the subject he cannot be in a position to pronounce on the requirements of the Hospital. I beg to inform you that by discharging Chintaloo, Leechman, you deprive me of a most useful Hospital servant, without whose services, I cannot efficiently afford Medical assistance to your Department here; and whose services are absolutely indispensable when Medical assistance is acquired out in the District. I have therefore the honor to request that Chintaloo may be re-entertained on the Hospital establishment.

MEMO.

From CHARLES A. ORR, Captain, Civil Engineer in charge Kristna Division; to Assistant Surgeon J. MILLER. M. D. Bezoarah; dated 15th October 1856, No. 188.

In reply to his letter of this date No. 50, Assistant Surgeon J. Miller M. D. is informed that the Civil Engineer sees no reason to change his opinion that the services of the man named

Chintaloo are unnecessary at the Hospital, and the Civil Engineer therefore declines incurring the expense of re-entertaining him at present.

MEMO.

From CHARLES A. ORR, Captain, Civil Engineer in charge Kristna Division; to Assistant Surgeon J. MILLER M. D. in Medical Charge Bezoarah; dated 8th October 1856, No. 367.

As a good deal of fever prevails among the workmen employed at Doogeralah, Assistant Surgeon J. Miller M. D. is requested to send out a Dresser to that place with Medicines, or if a Dresser cannot be spared, to furnish Mr. Sage with a supply of Medicines.

From J. MILLER Esq., M. D. Assistant Surgeon; to Captain C. A. ORR, Civil Engineer Bezoarah dated 9th August 1856, No. 70.

SIR,

In reply to your Official Memo. No. 367 dated yesterday, I have the honor to inform you that the only Medical Subordinate attached to my establishment at present is a second Dresser who of course cannot be spared to go to Doogeralah. Had you not dismissed the man Chintaloo who was called "Leechman," but whose great usefulness consisted in his being competent to perform almost all the duties of dresser, I could have complied with your requisition; but as predicted to you in my letter No. 50 dated 15th August 1856, the consequence of my being deprived of his services has been that I have been hampered in the present and in other instances in the discharge of my duties.

In immediate compliance with your request I yesterday caused to be made up a packet of Medicines suitable for treatment of fever and sent it to your office for transmission to Doogeralah; but for no reason assigned and with no explanation it was there twice refused by your subordinates. I beg to bring this to your notice as, apart from the disrespect to myself, such conduct obstructs public business.

I have the honor to forward herewith the packet of Medicines alluded to.

MY DEAR MILLER,

I have received your letter of the 30th Ultimo; and I am very sorry indeed to learn, that expressions have been used in describing your conduct both professional, and private, which I believe to be quite fallacious, and which, so far as I myself and my family are concerned, have not even a shadow of truth in them.

Professionally, your conduct in attendance on my family and self, has always been characterized by the greatest attention and kindness. In any official intercourse we have had, you have always been courteous and obliging; and in particular, in that which was passed regarding the late matter of the road and enclosure of part of the Mussulman burial ground, you behaved with the greatest moderation and discretion. Indeed, you are the only one of the parties concerned in the dispute, who in my opinion, from the commencement of our at first private and subsequently official correspondence on the subject, was *entirely* in the right.

All I know and have heard of you, both professionally and as a member of society, since the commencement of our acquaintance in February 1855, but confirms my deliberate opinion, that the expressions you quote in your letter to me of the 30th Ultimo, give a totally false impression of your character whether public professional or private.

MASULIPATAM,
2d January 1857.

(Signed) J. FRASER.

MY DEAR MILLER,

In reply to your letter of the 30th I beg to say that in all my intercourse with you, whether in your professional capacity or as a private individual, your conduct and demeanor have always been such as to secure my warmest esteem.

I have much to be thankful to you for as the Medical attendant of my family during a severe sickness, and feel deeply indebted for your unremitting kindness on that and every occasion when it was possible to shew it.

From what I know, it would appear to me an impossibility that your conduct could be in any way obnoxious to the terms which you quote as having been applied to it.

PEDDARAOOR,
31*st December* 1856.

(Signed) D. G. PALLARD.

MY DEAR MILLER,

I am very sorry to hear you spoken of in such strong terms, in reply to your request all I have to say is that I have known you for upwards of four years during the whole of which time with the exception of a couple of months or so you have attended myself and family professionally and have been on intimate terms of friendship with us, your kindness and attention to us as a medical man has been everything that could be desired and I have often heard you highly spoken of for your attention and professional talents by many of the families who have resided with us at this station.

BEZOARAH,
30*th December* 1856.

(Signed) W. FAREWELL.

MY DEAR MILLER,

I have duly received yours of 30th December, in which you amaze me by the information, that your conduct has been brought to the notice of Government in the following manner—"unbecoming spirit in which he thinks fit to conduct his professional intercourse with "the families under his medical charge, quarrelsome, bad feeling; allows himself to be so "misguided in the discharge of his duties, and in his professional intercourse with those under "his charge, by his private sentiments towards them; how eagerly Assistant Surgeon Miller "seizes upon the slightest opportunity for displaying the cross-grained temper by which he is "guided, and the insubordinate length to which he is prepared to go" you ask me to give you my opinion of your character, both as an individual, and as a medical man; and also to state my opinion with regard to the justness of the above quoted expressions: and I have much pleasure in complying with your request, I have known you intimately ever since I came to the District—now upwards of three years ago—and I have had frequent opportunities of observing your conduct—both as a medical man and as a gentleman—and I have no hesitation in saying that I consider the expression which have been used to characterize your conduct—and which are quoted in the first page of this, As one and all unmerited and unjust in the extreme. As a private individual your conduct towards myself and others has always been most gentlemanly,

friendly, and calculated to inspire esteem and good will; while in your medical capacity your attention and kindness have been unwearying, and bestowed without regard to trouble and personal inconvenience; and in short you have always to my knowledge proved yourself to possess those qualities, which must gain you, as a medical man, success in your profession; and command for you, as a private individual, esteem and respect. I will only add, that in regard of the epithet "quarrelsome" applied to you I have seen you placed in circumstances, more calculated to try the temper of the coolest, and that even then you preserved the most perfect command of temper. I need scarcely say, that you are at liberty to make any use you please of this communication.

GOODEWADAH,
7th January 1856.

(Signed) J. VERTUE.

MY DEAR MILLER,

In reply to your letter of the 30th Instant in which you inform me that your conduct has been brought to the notice of Government and mention some of the complaints or charges which have been made against you, I have very great pleasure in stating my belief that those charges are totally groundless. Towards myself and all others with whom you have been brought into professional contact, I believe you have ever acted with the greatest kindness consideration, and care. Your friendship I value highly, and I have never yet heard any one, who had had the slightest acquaintance with you speak of you otherwise than in terms of the greatest confidence, respect, and esteem. During the time that I have been in this Division I have never either observed or heard of any thing in your private or professional intercourse with myself or others of which the description in any way corresponds to the expressions which you have quoted.

BUTLAPENAMURROO,
31*st December* 1856.

(Signed) J. BEATTIE.

MY DEAR MILLER,

I have read with much surprise your letter dated 30th December just received which is mainly composed of extracts of a complaint addressed to Government by some person whom you do not mention and request me as a servant of Government to express my opinion as to the correspondence of this virulent language as to your character both professional and private, and the fact.

I can have no hesitation whatever in saying that during the 8 months of my residence at Bezoarah, I had the great satisfaction of enjoying your intimate acquaintance, that I have constantly had occasion to admire your great professional skill and the unwearied assiduity and kindness with which that skill was directed to the welfare of your patients whether rich or poor. After saying how greatly, I appreciate your friendship, I need hardly say that so far as I have observed nothing can, in my opinion be more calumnious than the expressions quoted which attribute to your "unbecoming spirit in the conduct of your professional intercourse with families" it was only last night that my wife was passing a eulogy well deserved in your great skill, kindness and attention.

If by disrespectful conduct is meant the absence of a wretched system of tradyism which appeared to be expected and was certainly practised, I dare say your conduct may be open to

the imputation, of course disrespect is a strong word and can apply only to the petulant disregard of lawful commands or defiance of lawful authority. I reply immediately and shall be prepared at any time and in any way to rectify that in my judgment, the language of which you quote specimens is as far as can be from the truth as to your conduct both professional and private.

CALICUT,
9th January 1857.

(Signed) D. G. POLLARD.

MY DEAR MILLER,

I received your letter of the 31st Ultimo by this days post and lose no time in replying to it On the few occasions on which I, whilst attached to the Kistnah Division, consulted you professionally for myself, as also for my family (which I did immediately after my arrival at Bezoarah,) your advice was readily given, and you were attentive and kind in manner.

My period of service in the Kistnah Division having been passed in the Guntoor District, my opportunities of observing your intercourse with others was necessarily very limited: [illegible] from such as I had and from what I heard being in your favor, I conceived you gave general satisfaction, I am therefore much surprised to learn the nature of the terms in which your conduct has been represented, and which I trust you will have little difficulty in satisfactorily refuting.

TRICHINOPOLY,
7th January 1857.

(Signed) W. CREWE.

Dr. Miller was in medical charge of a Detachment of Sappers and Miners at Bezoarah under my command for about a year; during which time cholera and small-pox were very prevalent; and I declare that it is impossible to speak too highly of his great kindness, courtesy and attention to us all; or of the confidence with which we looked up to him as a most skilful and excellent Medical Officer.

I invariably heard him spoken of by the men of my Company, as well as by the Superintendents and work people, in terms of the greatest esteem and praise; and as regards myself personally, I shall always feel grateful for the extreme kindness my family experienced from him during several months of severe illness.

14th January 1857.

(Signed) H. W. RAWLINS, Captain,
Late Comt. Degt. Sappers and Miners at Bezoarah.

MY DEAR MILLER,

I have just received your note of the 30th December and in answer thereto have much pleasure in bearing testimony to the universal kindness and attention I experienced from you myself privately and professionally for nearly 2 years I was at Bezoarah and to Mrs. Campbell also. Your long rides to see her at Masaram when she was ill, in bad weather, and over execrable roads in the most I can say, unprofessionally, of your *exertions* as a Medical man. The character you held, whilst I remained at Bazoarah, from all the families there during that time, was that of a "*skilful and very attentive doctor*," with such a wretched travellers bungalow, many officers must look back with pleasure to your *hospitable* board and the welcome you gave

them. In fact no one thought of going any where but to "Miller," your attention to Humfrays before he went away on S. C. to Europe a child who lived with you for a long time when very sick with Condapilly fever and others I might name are I will think sufficient to prove the kindness your nature and disposition to oblige. I do not think I can add much more, believe me as ever.

KIMEDY,
January 5th 1857.

(Signed) H. T. CAMPBELL.

MY DEAR MILLER,

Your letter of the 30th December only reached me to-day. I lose no time in assuring you of my perfect satisfaction with your attention as a medical officer, and of the confidence with which I should have entrusted the care of my family to you, had I been obliged to reside in Bezoarah. With the certain knowledge that they would have received the utmost kindness and attention from you both in your private and your professional position.

From our intimacy too I can confidently say that your private feelings did not interfere in any way with your medical attendance which I have always heard most highly and thankfully spoken of by all whom I have ever met, of your patients.

GUINDY,
January 11th 1857.

(Signed) FRANK J. MOBERLY.

MY DEAR MILLER,

I have just received your letter of the 30th ultimo, and am no less surprized, than sorry, to hear of the disagreeable circumstances that you are placed in. As you are about the last man in the world against whom I should have expected to hear charges of the kind you mention made. I was for several months living at the same station, and on terms of intimacy with you, and I never saw, or heard of from others any indication of a "cross grained temper" about you or the least disposition on your part to take causeless offence.

And I can certainly say that among all Medical Officers that I have met in India, I never knew one more uniformly kind and attentive to his patients, and I have always believed you much too fond of your profession, and interested in it, to let any other consideration than that of bringing his case to a successful influence your conduct towards a patient in the smallest degree.

All unprejudiced persons who know you will I doubt not repeat their sentiments and I have no doubt that you will be able to come out of your troubles with flying colours.

DINDIGUL,
January 8th 1857.

(Signed) C. SCOTT.

MY DEAR MILLER,

I have received your letter of the 30th December and in reply have much pleasure in being able to say, that during the period we were together at Bezwadah (about 8 months) I always found you attentive and kind; at that time I had under my charge between 5 and 6 thousand coolies amongst whom cholera broke out, and it was often my duty, to send persons attacked by that disease, to you for treatment I in variably found, that you paid immediate attention to these cases, and did all in your power to save the unfortunate individuals. I had once or twice occasion

to ask your advice for myself, which you gave most readily; and not only myself, but all my fellow assistants in the District lived with you on the most friendly terms, and were the best of good friends.

MADRAS,
6th January 1857.

(Signed) T. G. M. LANE.

No. 60.

ORDER THEREON, No. 523; dated 21st March 1857.

In Minutes of Consultation dated 13th December 1856, No. 2310, the Medical Board were requested to obtain from Assistant Surgeon Miller any explanation which he might have to offer in regard to certain charges preferred against him by the Civil Engineer of the Kistnah Division. This explanation the Board now submit with their Secretary's letter above recorded.

2. The charges preferred against Assistant Surgeon Miller were intemperance of language in a letter to Lieutenant Way, and the manifestation of an unbecoming spirit in his professional intercourse with the Officers and families under his Medical charge.

3. Assistant Surgeon Miller forwards a letter from the Head Quarters of the Division, in which the Major General commanding, acquits him of all fault, excepting that he sent a verbal message to Lieutenant Way instead of addressing him by letter, while on the other hand Lieutenant Way is blamed for uncourteous and uncalled for expressions; and in regard to the alleged unsatisfactory discharge of his professional duties, Dr. Miller submits testimonials from several Officers who are now, or have lately been, in the division, to shew that the general estimation in which his professional conduct is held is very opposite to that which Captain Orr's report would have led the Government to suppose. Dr. Miller finally gives a full narrative of the circumstances which unhappily produced discord between himself and Captain Orr and Mr. Blair.

4. The Right Honorable the Governor in Council has carefully considered all the papers now submitted, and is of opinion that, though they shew faults on both sides, there has been a degree of oppression on the part of Captain Orr, the Civil Engineer, and Mr. Blair, the Acting Joint Magistrate towards Dr. Miller, which was wholly unjustifiable.

5. Dr. Miller has however fully met the charges preferred by Captain Orr, and has satisfactorily shown that he is undeserving of the character which that Officer has given of him. It would appear that he has been subjected to much petty annoyance, and the Government view with disapprobation the course pursued towards him by both Captain Orr and Mr. Blair, considering the irritation which such conduct must have caused, the Government think it creditable to Dr. Miller that he preserved his temper so well.

6. The Government think it would be advisable that Dr. Miller should now leave Bezwadah, and they will take an early opportunity of transferring him to another station, but he will be informed that his removal will be made for his comfort and convenience, and for the advantage of the public service, and is not intended by Government to shew in any respect their displeasure at his conduct in the matter referred to in the correspondence quoted above.

(Signed) H. FORBES,
Acting Secretary to Government.

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Memo -

Copy of correspondence connected with the matter regarding Dr. Miller & the Minute is herewith transmitted as requested - The original was submitted to Govt under date 26th February 1857 - to be returned when no longer required -

F. W. Carstairs
Bezwada

Med. Board Office
21 April 1857.

The Registrar Govt Office
Pub Works Dept

120

351

P.W. v. 523 [illegible]

This appears [illegible] to be a
Codex of [illegible] Homilies - which [illegible]
[illegible] Homilii in [illegible]
[illegible] - [illegible]
[illegible] - [illegible]
[illegible] - [illegible]

[illegible] - [illegible] - [illegible]
[illegible] - [illegible] - [illegible]
[illegible] - [illegible] - [illegible]

Record of a date

[illegible] Church Explained
that the Faulkes
Entirely on his part

[illegible]

To my mind Dr Bullen
has fully met the
complaints of Cabbin
and has also fortunately
shown that he is
quite undeserving of

The character that
Southammon has given
of his conduct - is
warranted when that
he has been objected
to made among me
and considering the re-
=turn of Brother Bullen
from Bath to the re-
=becoming Attention
of his Ministers &
=ions I think it not
[illegible] that the Brethren

: distinctly stated that
such removal is not
intended as a mark of
the disapprobation of
Govt. I think Colston
or might be told that
Govt. expects to pursue
the same course. He adopted
at once Dr. Miller's
testimonials from
& Dr. Miller are highly
respectable & [illegible]
26/2/57 [illegible]

Decision in the case taken by
Lord Harris. There appear
to have been faults on both
sides but the difference
in both cases. But the difference

Receive the date

subsequent proceedings of the Acts of His Majesty's Govt. were altogether unprecedented & unjustifiable. The system of seizing persons & sending them off to England without any specific charge or examination of the Inhabitants of Canada

I consider that Dr Smith has been subjected to most unjustifiable persecution by both the Civil & Military Authorities & that he deserves great credit for the tender care & attention he has paid the sick & wounded Soldiers committed to his charge during the late Campaign

Dr Smith has also been of the greatest service to the Troops in the Field, by his unremitting exertions in procuring Provisions & Forage, which he has frequently done at the risque of his life, from the Disaffected Canadians, who have threatened to shoot him if he should be found in the Country after a certain day, which he has always disregarded, from a conviction that his presence was necessary to the Troops, & that he could render more service by remaining with them, than by retiring to a place of safety.

Head Quarters Montreal

Headquarters
2nd January
1857

My dear Lucille

I have received your letter of the 20th ultimo, and I sincerely regret that so many professional, & private duties should be quite sufficient, to occupy and interest my family are concerned, have absorbed every thought in them.

Professionally, your conduct in attendance on my family has always been characterized by the greatest attention & kindness. Since my special intercourse we have

had. You have always been cautious, hitherto, in this particular, in that which has passed regarding the late matter of the road enclosure of Frank Pettis' Quicksilver claim ground, you behaved with the greatest moderation & discretion. Indeed, you are the only one of the parties concerned in the dispute, who, in my opinion, from the commencement of your A. first private & subsequently official correspondence on the subject, worn entirely within the right.

I all I should have heard of you, both privately & publicly has increased my esteem

ment of our acquaintance in February 1855, but confirms my deliberate opinion, that the expressions you made in your letter to me of the 30th ultimo, give a totally false impression of your character whether public or private—

I remain.

Yours very truly

J. Teschemacher

Maj Gen Miller

In reply to yrs letter of the 30th I beg to say that in all my intercourse with yrs, whether in yrs professional capacity or as a private individual, yrs conduct and demeanor has always been such as to secure my warmest esteem.

I have much to be thankful to yrs for

as the Medical attendant of my Family during a severe sickness, and feel deeply indebted for your unremitting kindness on this and every occasion when it has possibly been in my power to do anything.

I am sure I trust, it would appear to me an impossibility that your conduct could be in any way obnoxious to the terms which Jn Quote as Lawyer applied to it.

I remain

Dear Sir

Yours truly

D. J. Pedderwick

Pedderwick

31st Dec 56

3)

517

My dear Miller

I am very sorry to hear you have been in such strong terms, in reply to your request as I have to say it that I have known you for upwards of four years during the whole of which time with the exception of a couple of months or so you have attended myself and family professionally and have been on intimate terms of friendship with us, your kindness and attention to us as a medical man has been everything that could be desired and I have often heard you highly spoken of for your attention and professional talent by many of the families who have resided with us at this station.

I am dear Miller
Yours truly
Wardrop

Bizzard
December 30 1856

Gravesend
6 Feb 1857 5th January 185[illegible]

My dear Miller

I have duly received yours of
30th December, in which you amuse me by
the representation, that your conduct has
been brought to the notice of Government in
the following manner — "unbecoming Spirit
"in which the Knights fit to conduct his pro-
"fessional intercourse with the families under
"his medical charge; quarrelsome; bad feeling
"always himself to be so misguided in the decisions
"of his duties; and in his professional intercourse
"with those under his charge, by his private study
"and bad manners; how expedy dust-hunters
"Miller differs upon the slightest opportunity for
"displaying the cross-grained temper by which
"he is guided, and the unbecoming language
"in which he is prepared to go". You ask me to
give you my opinion upon character, both
as an individual, and as a medical man;
and also to state my opinion with regard to
the fitness of the above quoted expressions
and I have much pleasure in complying

with great regret. Since I received yours of intimation that Lord Grenville was minded to [illegible] more friendly opportunities of showing some kindness — both as a medical man, and as a gentleman — and I have no hesitation in saying, that I consider the expressions which have been used by Chancellor Pole and which are referred to in the first page of yours — to me and all concerned and injurious to my reputation as a private individual gentleman and honorable surgeon and other high things [illegible] must gentlemanly, friendly, and [illegible] to notice [illegible] with [illegible] while in your service expressly your absence and sickness have been unnecessary in, and declined without regard to [illegible] and personal [illegible] and in short you have always to my knowledge proved yourself to possess [illegible] which must join you to a medical man, sincere in your profession: and unmanned for you, in

friendly indignation, [illegible] and resent — I will only add, that in regard to the spirit & [illegible] expressed by the Chancellor & have done you justice in circumstances, and calculated to lay the temper of the Council, and that I have [illegible] your [illegible] the most perfect command of temper. I need scarcely say that you are at liberty to make any use you please of this communication

Yours very sincerely
[illegible]

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My dear Miller.

In reply to your letter of the 30th inst. in which you inform me that your conduct has been brought to the notice of Government and mention some of the complaints & charges which have been made against you, I have very great pleasure in stating my belief that those charges are totally groundless. Towards myself & all others with whom you have been brought into professional contact, I believe you have ever acted with the greatest kindness, consideration, & care - Your friendship I value highly, and I have never yet heard any one, who had had the slightest acquaintance with you speak of you otherwise than in terms of the greatest confidence, respect, & esteem - During the time that I have been in this Division I have never either

observed or heard of anything 613
your private or professional
intercourse with myself or
others of which the description
in any way corresponds to the
expressions which you have
quoted —

I am
most sincerely yrs
J. Beatty —

Butlapenamuroo —
31st December, 1856 —

great satisfaction of enjoying your intimate
acquaintance, whilst I have on many occasion
had occasion to admire your great professional
skill & the unwearied assiduities bestowed
and which were still more directed to the
welfare of the patient whether rich or
poor. — After staying some time I need hardly
repeat the pleasure as I have shared nothing
of that so far as I can, in my opinion, be
the expressions quoted which attribute to
your unbecoming spirit & the contempt of
professional calumnies with families
It was of last night that my wife was
passing a eulogy well deserved on your
great skill kindness & attention

If by disrespectful conduct is meant
the absence of a wretched system of
tradyism which appears to be expected
& prosecutors practised, I dare say
your conduct may be open to the
imputation — If cause disrespect is
a thing and I can apply only to the
petulant disregard of lawful commands
a defiance of lawful authority —
Reply immediately I shall be prepared at
any time & in any way to testify that
in my judgment, the language of which
you quote specimens is as far as can be
from the truth as to your conduct both
professional & private.

Believe me to be

Dr. Muller was in medical charge of a Detachment of Sappers and Miners at Bezoarah under my command for about a year, during which time Cholera and Small pox were very prevalent, and I declare that it is impossible to speak too highly of his great kindness, courtesy and attention to us all; or of the confidence with which we looked up to him as a most skilful and excellent medical officer - I invariably heard him spoken of by the men of my Company,

as well as by the Superintendents and workpeople, in terms of the greatest esteem and praise; and as regards myself personally, I shall always feel grateful for the extreme kindness my family & self experienced from him during several months of severe illness.

A. W. Rawstorne Captain late Corps. Det. Sappers Wks. at Bezoarah

14th January 1857

2) My dear Mills I have just rec'd your note of the 30th ult. & am in answer thereto have much pleasure in bearing testimony to the universal kindness and attention I experienced from you myself privately & professionally for nearly 2 years I was at Bezoarah and at Mooltan & Mrs Campbell also. Your long rides to me here when I was ill in bad weather, and over execrable roads, in the most dear way improfessionally, of your exertion as a medical man. The character you held, whilst I remained at Bezoarah, from all the families there, during that time, was that of a "skilful and very attentive doctor." With such a wretched travelling bungalow many officers must look back with pleasure to your hospitable board, and the welcome you gave them. I feel no one thought of going any where but to "Mills." Your attention to Hunt rapt before he went away on S.C. to Europe to Child who lived with you for a long time when very sick with bad ague fever, and others I might name, are returns sufficient to prove the kindness of your disposition nature, and disposition to oblige. I do not think I can add much more. Believe me, Ever yours

Kinsey - January 5th 1857

Yours sincerely A. T. Campbell

15 — 1 — 3

Mr Butler
Baizwara

730

My dear Butler

Your letter of the 30th Dec. only reached me to-day. I lose no time in assuring you of my perfect satisfaction with your attention as a medical officer and of the confidence with which I should have entrusted the care of my family to you, had I been obliged to reside in Baizwara. With the certain knowledge that they would have received the utmost kindness and attention from you both in your private & your professional position.

From our intimacy too I can confidently say that your private feelings did not interfere with any way with

your medical attendance.
which I have always heard most highly and thankfully spoken of by all whom I have ever met of your patients.

Yours very truly
Frank J. Moberly.

Quincy
Jan. 11th 1857.

Quincy
Jan 8th 57

My dear Miller

I have just received
Your letter of the 3d Inst.
and am in the deepest perplexity
How to reply, to those of the
disagreeable circumstances
that you are placed —
In, as you can almost the
Count-man in the world

against whom I should
have expected to hear charges
of the kind you mention
made — I was in search
of truths bearing on the
Same Statute, & on terms of
intimacy with you, C. Salom
Saw, a record of such charges
any indication of a "corrupt
ground tempter" about you
or the Court-disposition of
you Part. to take Counsel of
Them —

And I am entirely
Sorry that among all
the Distinct effects
that I have produced in India,
I have given any
uniformity Pain & attention
to his Statements, that I
have always believed you
made two Grand of your Position
& Interest in it, & Certainly
any State consideration
that of bringing his
Case to a successful issue

Bermuda
6th Jany 57

My dear Miller

I have received your letter of the 30th Dec and in reply have much pleasure in being able to say that during the period we were together at Bermudah (about 8 months) I always found you attentive and kind; at that time I had under my charge between 5 and 6 thousand coolies amongst whom Cholera broke out; and it was

Implicitum your confidence
towards patients to the
smallest degree
Collin Ironfingered Jews
& the knave you tell Islam
to speak their Pantins
And I think we doubt that
You will be able to cure
Out of your troubles with
Flying colours

Believe me
Yours truly
Scott

often my duty to visit persons attacked by that disease, to give directions for treatment & in- variably found that your kind attention paid the friendless & These cases and did all in your power to save the unfortunate individuals & on one or two occasions took your advice for, & acted upon which gave me most readily, and not only myself, but all my fellow assistants in the

District lived with you on the most friendly terms, and were the best of good friends —

Yours Sincerely

I G M Lane

(83)

No 623

Extract from the Minutes of Consultation
Under date the 2d March 1857

Read the following
letter from the Secretary
Medical Board.

Rec'd enter'd 24 Feby/57 No 47

In Minutes of
Consultation dated 13th
December 1856 No 2310,
the Medical Board were
requested to obtain from
Assistant Surgeon Miller
any explanation which
he might have to offer
in regard to certain charges
preferred against him by
the Civil Engineer of
the Madras Division.
This explanation the
Board now submit
with

with their Secretary's
letter above recorded.

2. The charges pre-
-ferred against Assistant
Surgeon Miller were in-
-temperance of language
in a letter to Lieut. Way,
and the manifestation
of an unbecoming spirit
in his professional inter-
-course with the officers
and families under his
Medical charge.

3. Assistant Surgeon
Miller forwards a letter
from the Head quarters
of the Division, in which
the Major General com-
-manding) acquits him
of all fault excepting
that he sent a verbal
message to Lieut. Way
instead of addressing
him by letter, while on
the

the other hand Lieut.
Way is blamed for un-
-courteous and uncalled
for expressions, and in
regard to the alleged
unsatisfactory discharge
of his professional
duties, Dr. Miller
submits testimonials
from several officers
who are now, or have
lately been, in the
division, to shew that
the general estimation
in which his profes-
-sional conduct is
held is very opposite
to that which Captain
Orr's report would have
led the Government
to suppose. Dr. Miller
finally gives a full
narrative of the cir-
-cumstances which
unhappily produced
discord

discord between himself and Captain Orr and Mr. Blair.

4. The Right Honor-able the Governor in Council has carefully considered all the pa-pers now submitted, and is of opinion — that, though they shew faults on both sides, there has been a degree of oppression on the part of Captain Orr, the Civil Engineer, and Mr. Blair the Acting Joint Magistrate towards Dr. Miller, which was wholly unjustifiable.

5. Dr. Miller has however fully met the charges preferred by Captain Orr, and has satisfactorily shown that

that he is undeserving of the character which that Officer has given of him. It would appear that he has been sub-jected to much petty annoyance, and the Govt. view with disapprobation the course pursued towards him by both Captain Orr and Mr. Blair consider-ing the irritation — which such conduct must have caused, the Govt. think it creditable to Dr. Miller that he preserved his temper-so well.

6 The Govt. think it would be advisable that Dr. Miller should now leave Bezwada, and they will take an early opportunity of transferring him to another

another station, but he will be informed that his removal will be made for his comfort and convenience, and for the advantage of the public service, and is not intended by Govt to shew in any respect their displeasure at his conduct in the matter referred to in the cor= respondence enclosed above

Respectfully

J. Lloyd

Copies to the Medical Sd Engr 21/2

Do Chief Engr 23d

1st Cons. 16th Dec/56 No 5305/54.

Public Works 1857 Dep.t.
P.to Cons 24 March.

No 523.

Extract Minute of Cons.
Dd 21st March/57.
From Sub Judge Rajahmundry
From R. Blair Esqr. Civil Engr. 6th Dist.
67 Cons. No 760 in Cons. 19 May
From Chief Engr. 17 April/57. Cons. 19 May

Directing the transfer of Dr. Millie from Bezwada to another station, and observing that his removal will be made for his comfort and convenience and for the advantage of the Public Service, and not any displeasure at his conduct on the part of Government in regard to certain charges preferred against him by the Civil Engineer of the Kistnah Division.

No 590 60.

From the Sub Judge of Rajahmundry dd 12 Oct.r/57
Cons. 20th Jan.y

Cons. 21st Jan.y 1858