

ORDINARY, PRINTED.

Public DEPARTMENT.
G.O., DATED 12-9-92
No. 643.

INDEXED.

First copy sent to Press. 14-9-92.

Returned for signature. 22-9-92

Despatched in print. 23-9-92



[Despatch Abstract.]

M. A. V. Karnsinga
And he request

Accepting with certain
modifications the grant
of one lakh of rupees
~~from the Govt.~~ to
establish a college
in the town of Kargu-
pattin. He knows
as the "M. A. V. Karn-
singa Varkala Kar-
singa Prow college"

HEAD OFFICE, CHIEF OF GOVERNMENT, MADRAS
5 13 No.

RECEIVED, No.

3444

OF 93

5/11/93

ENCLOSURES

CURRENT No.

CLASS, No., or GOVERNMENT, A.

Particulars of order of issue for distribution to officers to (not beyond)

Order complete. 80
Order complete with Letter.

A - Print in full.
B - Not to be printed.
C - Print in full only.
D - Print heading only.
E - Print, but not for assembly volume.

CURRENT

No. 1900

VIZAGAPATAM

28 June 1892

From

W. A. Willock Esq.
Collector

Vizagapatam District.

To

The Honorable J. F. Price

CHIEF SECRETARY TO GOVERNMENT,

DEPARTMENT,

MADRAS.

SIR,

I regret to have to report the death on the 18th instant of Mr. A. V. Sarsingarow, the husband of the proprietress of the Shermahomedpuram estate, who was so well known in connection with the observatory here, established by his father-in-law the late Mr. G. V. Jaggarow. He had been residing for some years but the immediate cause of death was a carbuncle.

2. Mr. Sarsingarow has left a large sum in Government promissory notes and a will in which he has appointed me as executor in conjunction with his son Mr. Jaggarow and Mr. P. J. Srinivasa Iyengar, Principal

12/9/92

of the Hindu college here, and I have the honor to ask for the orders of Government regarding my acceptance of the appointment.

I enclose a copy of the will which explains how I came to be mentioned. He has bequeathed Rs 1,00,000 for the foundation of a college in Vizagapatnam and Rs 15,000 for the construction of the necessary building, and I or the collector for the time being have been appointed one of the executors with the object of securing that the testator's wishes on this subject ^{are} should be judiciously carried out.

* The will says
"at the time of
my demise"
so it must be
the will of all
J.B.

3 The money left by the late Mr. Narsinga-
row was, I understand, derived from a sum
of Rs 1,00,000 which was paid to him by his
wife's family on his resigning his appoint-
ment of Dy. Collector to take up the manage-
ment of his wife's estate. Almost the whole
of the interest on this sum has been accumu-
lating ever since. It was entirely at his dis-
posal and there seems to be no doubt of the
validity of the bequest. The terms of the will
are also very simple and there should be
but little trouble in administering it, though
I understand that it has caused much
discontent on the part of the widow and her
daughters.

The

4. The will together with Government Promissory
notes for Rs 2,17,000 and a treasury receipt
for another note for Rs 10,000 sent for renewal
were handed to me by Mr. Srinivasa
Iyengar, and as there were reasons why it
was not advisable that they should remain
in private custody I have deposited them
in my treasury pending receipt of the orders
of Government as to whether I should
accept the appointment of executor.

I have the honor to be
Sir,

Your most obedient servant

M. Srinivasa

Dy. Collector.

Mint

On the 8th May 1892, I, Sri
Aukitham Venkata Kinsing Row Gam
(Son of Sri Aukitham Sree Ramulu Gam)
residing in the Daba Gardens, Visaga-
pattam - gentleman - being through the
blessing of God, in a sound state of
mind and memory but calling to mind
the frail tenure of this life and that
it is appointed to all men once to die,
do make and ordain this my last
will and testament that is to say I
give and bequeath and dispose of the
property marginally noted to which
I am entitled in the manner and
proportions here following: - viz.

Government Securities.

4 Percent Loan 1854/55
Rs 65000 No 051114.
" 50000 No 051115
4 Percent Loan 1842/43
Rs 28000 No 151957
4 Percent Loan 1879.
Rs 8000 No A030349
" 2000 " A037262
4 1/2 Percent Loan 1878.
Rs 8000 No 014052
4 Percent Loan 1865
Rs 41000 No 211411
5000 " 289315
5000 " 289316

Rs 5000 No 304795
5000 " 304796.

Total 2,22,000 Rupees
Also Deposits in Messrs.
Arbutnot & Co's account
and Savings Bank.

First
I give
and
bequeath
to my
beloved

daughters 1. Sri Aukitham
Bengaramma Gam
and 2 Sri Landavarapu
Ratnayyammamma
both joint Laminarnes
of the Estate Ma Inapalei

in the District of Viragapatam which was purchased by me and my wife Sri Aukitham Achayyamma gam for our said daughters, and which is now under my management, the sum of sixty seven thousand and five hundred Rupees that is, thirty three thousand and seven hundred and fifty rupees each daughter to be paid by my son A. V. Jagga Row after my demise and within a month after he inherits the large Zemindaries and property left by Mrs A. V. Kuringarow, to them (the Daughters) if they were not held by the Collector of Viragapatam incapacitated by sex or other infirmities and causes from managing a Zemindari and the Zemindari of Maddanapalem has been accordingly placed under their management on my demise; otherwise, to the Court of Wards under whose trust and management the said Maddanapalem Estate may be.

Here I define that until he inherits the said large Zemindaries and property left by my wife Sri Aukitham Achayyamma

Achayamma Gam Zemin dani of
Shermahomedpuram in the District
of Vizagapatam and of Yambaram in
the District of Ganjam, the interest
that may fall due from time to time
of the Government Securities of the
value of the said bequeathed amount
Sixty Seven thousand five hundred
Rupees, my son the said A. G. Jagga:
-Row Esq. shall be entitled to draw
and receive the same in payments
of the allowance I have been paying
him from my Estate at two hundred
and twenty five Rupees monthly which
shall cease on the date the right of
the said large Zemin daries devolve
upon him.

I also give to my daughter the said
Sri Ankitham Bungaramma Gam,
the house at Waltair called "Mansin"
which was purchased by me and my
wife the said Sri Ankitham Achayya:
-mma Gam in the name of our said
daughter and I give to my daughter
the said Sri Chandavarapu Ratnayya:
-mma Gam the house belonging to me

in the Town of Visagapatam.

On the death of the said daughters without issue, the property I bequeathed to them should revert to the Charitable Institution founded by the late G. V. Jaggabow Esq. called under the designation "G. V. Jaggabow Observatory" at the Daba Gardens, Visagapatam.

I also give and bequeath a lac of Rupees to the care of Government to be paid within a month after my demise for Charitable purpose — namely to establish a College in the Town of Visagapatam for education under the designation of "Mrs. Ankitham Venkata Narsingabow College" I further give and bequeath fifteen thousand Rupees to the care of Government towards the expenses for creating the said College House.

I give and bequeath to my dear son A. V. Jaggabow Esq. twenty thousand Rupees to be paid to him within a month after my demise, together with a house belonging to me opposite the Walter's Church.

My

My son A. V. Jagganow Esq^r,
also P. T. Srinivasa Iyengar Esq^r and
W. A. Arleack Esq^r, Collector of the District
of Visagapatnam or any other gentlemen
holding the office of Collector of Visaga-
patnam at the time of my demise,
I make Executors of this my last
will and testament for the payment
of the said bequests, and the Collector
specifically for the establishment of the
said College under the designation of
"Mrs Anki thamm Venkata Karsingah
College" ensuring its establishment
on the lines & principles of permanent
footing for public benefit in the
care of Government in consultation
with the Madras Government or the
Government of India and in consultation
with the other Executors.

My son suggested to build the said
College on the spacious open grounds
your Cottapeta Town House.. I trust
that the Executors will accept the suggestion
as a kind and munificent gift of
my son the said Jagganow Esq^r for
to

1892

DEPARTMENT.

Enclosure in a letter from the Collector
of Vizagapatam to the ~~Secretary to the~~
~~Commissioner of~~

Chief Secretary to Govt
Public Department
No dated June 1892

Subject.

Copy of the will executed
by the late Mr. A. V.
Raisingarow now deceased
disposing of his personal
property

1892
Public
1767

CURRENT 1767

3/2/50 8000 10000

Public DEPARTMENT.

6. No. 1767.

189
Public DEPARTMENT.

FROM THE COLLECTOR,
VIZAGAPATAM

TO THE CHIEF SECRETARY
TO GOVERNMENT.

Public Department

Dated 28 June 1892
Rego 6th July/92

No. 1900

Enclosure. One Copy of Will
Subject.

Submitting copy of the will
executed by the late Mr
A. V. Narsingarao who died
on the 16 instant bequeathing
his property with the collector
as one of the Executors and
Requesting sanction for the
acceptance of the appointment

From The Collector of Vizagapatam.

Dated 28th June 1892

FOR ORDERS.

The bequests to A. V.
Jugga Row are appar-
ently void under section
54, act X of 1865, the Indian
Succession act, as he
attested the will - but,
under section 55, he is
not disqualified from
proving the will in favor
of the other beneficiaries.

May the S. P. I. be
asked for his remarks
regarding the proposed
College? The lac 25,000/
is bequeathed to "the care
of Govt", and is not vested
in the collector by the will.

It seems clear that no will can
personally be appointed executor
I see no reason why he should
not accept the office. But the
effect of the appointment of the collector
- whether the collector at the time of
the demise or any collector - to prove
the will specially for the establishment
of the College seems doubtful.

I think we must refer to the
provision whether the W. & W. or the
collector at the time being is executor
I understand the will can then be proved to his
satisfaction. I think the money bequeathed for the
College is vested in Govt. and cannot
be then vested in trustees for the manage-
ment of it. Whether Jugga Rao can
take anything under the will, and
generally providing as to the course
which should be adopted in the matter

Very well. Let the A. F. I. be
specifically asked whether
the terms of the will do not
constitute the collector as the
trustee of the A. V. Rao's estate, inasmuch
as the special form of compounding
the Govt. to carry out the terms
of the will as regards building a
college for 15000 N. Also whether

8 July
in the event of Mr. Wilcock's
death a request to act as
executor, may other hold. or act
in his place. The will is
so ambiguously worded that the
liability of Govt. is limited to
providing 15000 on a building for
a college & taking 1 lakh as trust
for maintaining it. A term which
the A. F. I. be asked to explain
for maintaining may also include
"building" 28/7/92

NOTE FOR THE CHIEF SECRETARY.

There is no authority in the notes for the last paragraph of the draft order. It was put in as a suggestion only for your orders and the draft was also marked to H. M. so that if you approved of the addition it might be passed by a member of Govt. The words "from orders" slid: perhaps he omitted.

F. B.

30/8

122
236

The late Mr. ...
... bequeathed ...

How is a late allocated

and to me at ...
hence

Wm
10 Aug.

again to the

How is a late allocated

See

Wm
25 Aug.

Current 1767.

Public Dept

Reference N^o 1249, 26/7/71

note

The collector's letter with copy of the will, ^{and} ~~is~~ forwarded to the Govt. solicitor for an expression of the Advocate General's opinion on the following points:-

1. Whether Mr. Willock or the Collector of the dist. for the time being is the Executor.
2. Whether the terms of the will ^{do not} constitute the collector at the time of Mr. Narsinga Rao's death the Executor with the special power of compelling the Govt. to carry out the terms of the will as regards building a college for Rs. 15,000.
3. Whether in the event of Mr. Willock's death or his refusal to act as Executor any other Collector can act in his place.
4. Whether in any case there is any objection to Mr. Willock being allowed to accept the appt. of Executor.
5. Whether the money bequeathed for the college is vested in Govt. and can be by Govt. vested in Trustees for the management of it.

Whether, as he appears to have witnessed the will A. V. Jugga Row ^{with reference to Section 54 of Act X of 1865} can take anything under it.

2. The Advocate General is also requested to ~~offer~~ ^{in if he can} his explanation of the term "to establish a college" used in the will, and generally to advise for as to the course which should be adopted in the matter.

2013.
26/11

26 July

The Govt. Solicitor
with C. 1767 & Encl.
(return requested)

26/11

Mr. A. V. Jugga Row
Dated 26/11

Reference

Some check
made in
18/11

In the matter of the Will of Mr A. V. Narasinga Row deceased.

Opinion.

1. The Collector for the time being is one of the Executors. The words "Collector of the District of Vizagapatam" which follow Mr Willock's name were not meant by the testator to be descriptive. The words which follow, and the object of the appointment show that the testator intended to appoint the Collector for the time being.
2. The Collector is bound, if he accept the office of Executor, to see that the intentions of the testator are carried out; that the Rs 15,000 are spent on the College building; and that the lac of Rupees are properly secured as an endowment for the college.
3. Only the Collector of the District for the time being can act as an Executor. In the event of Mr Willock's death, his successor in office can act in his stead; but, if Mr Willock refuse to act, no Collector of any District can do so. In such a case the two remaining Executors if they undertake the duties of executorship, must see that the intentions of the testator are properly carried out.
4. I see no legal objection to the Collector accepting the appointment of Executor.
5. I think the testator intended to vest the money in Government in trust for the College. If Government accept the trust, they cannot appoint trustees and vest the funds in them; but they can appoint an Agent to manage on their own behalf.
6. Section 54 of Act X of 1865 has not been extended to -

Hindus. Mr A. V. Jugga Row's rights under the Will are unaffected by his attesting it.

7 The phrase "to establish a College" has no special legal or technical meaning.

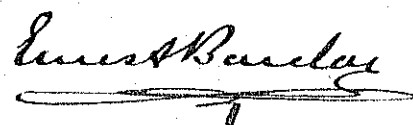
8. If Government accept the trust, and instruct the Collector to accept the appointment of Executor, a scheme should be drawn up for the foundation of the School, its management, maintenance, &c, and such scheme, when approved of by all the Executors, should be embodied in or annexed to a deed vesting the funds in Government in trust for the purposes set forth in such deed.

(Signed) J. H. Spring Branson,
Advocate General.

M a d r a s

6th August 1892

(True Copy)



Government Solicitor.

Public (1892) Department

From Ernest Barclay
Government Solicitor
Madras

To The Chief Secretary
to Government
Ootacamund

CHIEF SECRETARY
11 AUG 92
No 326
MADRAS

Dated 10 August 1892
Recd 11th }
Regd 12th } D.R.

Encls 2 C.M. 1767 (with enc. 1767)

Forwarded with enclosures
with reference to the order
of Government dated 26
July 1892. No 1249. Public
Department.

Ernest Barclay
Government Solicitor

In the Matter of the Will of Mr. A. V. Narasinga Row deceased.

OPINION.

The Collector for the time being is one of the Executors. The words "Collector of the District of Vizagapatam," which follow Mr. Willock's name, were not meant by the testator to be descriptive. The words which follow and the object of the appointment show that the testator intended to appoint the Collector for the time being.

2. The Collector is bound, if he accept the office of Executor, to see that the intentions of the testator are carried out; that the Rs. 15,000 are spent on the College building; and that the lakh of rupees are properly secured as an endowment for the College.

3. Only the Collector of the District for the time being can act as an Executor. In the event of Mr. Willock's death, his successor in office can act in his stead; but, if Mr. Willock refuse to act, no Collector of any other district can do so. In such a case the two remaining Executors, if they undertake the duties of executorship, must see that the intentions of the testator are properly carried out.

4. I see no legal objection to the Collector accepting the appointment of Executor.

5. I think the testator intended to vest the money in Government in trust for the College. If Government accept the trust, they cannot appoint trustees and vest the funds in them; but they can appoint an agent to manage on their own behalf.

6. Section 54 of Act X. of 1865 has not been extended to Hindus. Mr. A. V. Jugga Row's rights under the Will are unaffected by his attesting it.

7. The phrase "to establish a College" has no special legal or technical meaning.

8. If Government accept the trust, and instruct the Collector to accept the appointment of Executor, a scheme should be drawn up for the foundation of the school, its management, maintenance, &c., and such scheme, when approved of by all the Executors, should be embodied in or annexed to a deed vesting the funds in Government in trust for the purposes set forth in such deed.

MADRAS,
6th August 1892.

(Signed) J. H. SPRING-BRANSON,
Advocate-General.

Public

From

To
M

Public DEPARTMENT.

C. No. 2112.

From The Govt. Solicitor

Dated 10 August 1892

FOR ORDERS.

The Advocate Genl. submits his opinion on the various points noted by Hon'ble Members in reference to Narasinga Row's will.

It does not appear from Mr. Willock's letter that he is averse to accepting the appointment of Executor.

With reference to para: 8. of the opinion orders are requested whether

1. The Trust may be accepted.
2. The Colla: may be permitted to accept the appt: of Executor.
3. The D.P. I. may be instructed to draw up & submit a scheme for the foundation of the school College.
4. The Govt. Solicitor may be directed to draft a Trust deed to which

Under the Advocate General's opinion I would propose all these questions in the affirmative & issue orders accordingly.

Approved
24/8/92
And I.
W
25 Aug.

5. The D.P. I. may be appointed to manage the Trust on behalf of Govt.

With refce to (5) it is pointed out that the money was to be paid within a month of the testator's demise, and that it is actually in Mr. Willock's possession

70B.
13/VIII

Marasinga Row's request
Govt. for esty. a college.

Hon. Sir H. E. Stokes, K.C.S.?

Howell: Garrison, C. S. I.

H. E. the Governor.

Pub 643-12-852

C 15/8
B 15/8

Public Dept.

Current 1767.

Refce: CV^o 1249, dy 26.7.92

Current 2112.

Order, d 12th Sept 192. No. 643

The Govt: is pleased
to accept the ^{donation by the late Mr} trust of one
lakh of rupees ^{for} to estab.
^{M. Narayana Reddy}
lish a College in the town
of Vizagapatnam to be
known as the "Mrs. Anki-
thamma Venkata Nursinga
Row College". The Director
of Public Instruction for
the time being is ^{authorizing}
^{and directing} ~~appointed to~~ manage
the Trust on behalf of
Govt. That officer will
prepare and submit
at an early date a scheme
for the foundation, main-
tenance &c of the college,
& and The Govt: Solicitor
will draft a deed vesting
the funds in Govt: in
trust for the purposes to
be set forth therein,
and the scheme referred
to in para ^{which} ~~it~~ will be
annexed to the deed
when both shall have

been approved by all the parties concerned.

3. The Collector of the District of Vizagapatam is permitted to accept the appointment of executor. He should see that the intentions of the testator are carried out, that the Rs. 15,000/- referred to in the will are spent on the college building, and that the lakh of rupees is properly secured as an endowment for the college.

4. The Collector will convey to the family of the late Mr. A. V. Nursinga Row, through whose generosity the Govt. hopes to supply a long felt want in the Northern Districts.

(from orders)

26/8.
Mr. of Vizagapatam
with a copy of the order
the Adv. Secy.
Govt. Secy.
Adv. Secy.

The Nursinga Row.
Trust.

Hon. Sir H. E. Stokes, K.C.S.I.

* Acting of the...
omit
The Secy to Govt. Rev. Secy
for favor of counterinitial.

12TH SEPTEMBER 1892, No. 643, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From W. A. WILLOCK, Esq., Collector, Vizagapatam District, to the Chief Secretary to Government, dated Vizagapatam, 23rd June 1892, No. 1900.

I regret to have to report the death, on the 18th instant, of Mr. A. V. Nursinga Row, the husband of the proprietrix of the Shermahomedpuram Estate, who was so well known in connection with the observatory here established by his father-in-law, the late Mr. G. V. Jagga Row. He had been ailing for some years, but the immediate cause of death was a carbuncle.

2. Mr. Nursinga Row has left a large sum in Government promissory notes and a will in which he has appointed me as executor in conjunction with his son, Mr. Jagga Row, and Mr. P. T. Srinivasa Iyengar, Principal of the Hindu College here, and I have the honour to ask for the orders of Government regarding my acceptance of the appointment. I enclose a copy of the will which explains how I came to be mentioned. He has bequeathed Rs. 1,00,000 for the foundation of a college in Vizagapatam and Rs. 15,000 for the construction of the necessary building, and I or the Collector for the time being have been appointed one of the executors with the object of securing that the testator's wishes on this subject are judiciously carried out.

3. The money left by the late Mr. Nursinga Row was, I understand, derived from a sum of Rs. 1,00,000 which was paid to him by his wife's family on his resigning his appointment of Deputy Collector to take up the management of his wife's estate. Almost the whole of the interest on this sum has been accumulating ever since. It was entirely at his disposal, and there seems to be no doubt of the validity of the bequest. The terms of the will are also very simple and there should be but little trouble in administering it, though I understand that it has caused much discontent on the part of the widow and her daughters.

4. The will, together with Government promissory notes for Rs. 2,17,000 and a treasury receipt for another note for Rs. 10,000 sent for renewal, were handed to me by Mr. Srinivasa Iyengar, and, as there were reasons why it was not advisable that they should remain in private custody, I have deposited them in my treasury pending receipt of the orders of Government as to whether I should accept the appointment of executor.

Enclosure.

Copy of Will.

On the 8th May 1892, I, Sri Ankitham Venkata Nursinga Row Garu (Son of Sri Ankitham Sree Ramulu Garu), residing in the Daba Gardens, Vizagapatam — gentleman —, being, through the blessing of God, in a sound state of mind and memory, but calling to mind the frail tenure of this life and that it is appointed to all men once to die, do make and ordain this

my last will and testament, that is to say, I give and bequeath and dispose of the property

Government Securities.				
4 per cent. Loan, 1854-56—	ns.			
No. 051114	65,000			
" 051115	50,000			
4 per cent. Loan, 1842-43—				
No. 151057	28,000			
4 per cent. Loan, 1879—				
No. A 030349	8,000			
" A 037262	2,000			
4½ per cent. Loan, 1878—				
No. 014052	8,000			
4 per cent. Loan, 1865—				
No. 211411	41,000			
" 289315	5,000			
" 289316	5,000			
" 304795	5,000			
" 304796	5,000			
Total	2,22,000			

also deposits in Messrs. Arbuthnot & Co.'s account and Savings Bank.

Collector of Vizagapatam incapacitated by sex or other infirmities and causes from managing a zemindari, and the zemindari of Maddinapalem has been accordingly placed under their management on my demise; otherwise, to the Court of Wards, under whose trust and management the said Maddinapalem Estate may be.

Here I define that, until he inherits the said large zemindaries and property left by my wife, Sri Ankitham Achayamma Garu, Zemindari of Shermahomedpuram, in the district of Vizagapatam, and of Yembaram in the district of Ganjam, the interest that may fall due from time to time of the Government securities of the value of the said bequeathed amount sixty-seven thousand five hundred rupees, my son, the said A. V. Jagga Row, Esq., shall be entitled to draw and receive the same in payment of the allowance I have been paying him from my estate at two hundred and twenty-five rupees monthly, which shall cease on the date the right of the said large zemindaries devolve upon him.

I also give to my daughter, the said Sri Ankitham Bungaramma Garu, the house at Waltair called "Mansion," which was purchased by me and my wife, the said Sri Ankitham Achayamma Garu, in the name of our said daughter, and I give to my daughter, the said Sri Nandavarapu Ratnayamma Garu, the house belonging to me in the town of Vizagapatam.

On the death of the said daughters without issue, the property I bequeathed to them should revert to the charitable institution founded by the late G. V. Jagga Row, Esq., called under the designation "G.V. Jagga Row Observatory" at the Daba Gardens, Vizagapatam.

I also give and bequeath a lakh of rupees to the care of Government to be paid within a month after my demise for charitable purpose, namely, to establish a college in the town of Vizagapatam for education under the designation of "Mrs. Ankitham Venkata Nursinga Row College." I further give and bequeath fifteen thousand rupees to the care of Government towards the expenses for erecting the said college house.

I give and bequeath to my dear son, A. V. Jagga Row, Esq., twenty thousand rupees, to be paid to him within a month after my demise, together with a house belonging to me opposite the Waltair church.

My son, A. V. Jagga Row, Esq., also P. T. Srinivasa Iyengar, M.A., and W. A. Willock, Esq., Collector of the district of Vizagapatam, or any other gentleman holding the office of Collector of Vizagapatam at the time of my demise, I make executors of this my last will and testament for the payment of the said bequests, and the Collector specially for the establishment of the said college under the designation of "Mrs. Ankitham Venkata Nursinga Row College," ensuring its establishment on the lines and principles of permanent footing for public benefit in the care of Government, in consultation with the Madras Government or the Government of India and in consultation with the other executors.

My son suggested to build the said college on the spacious open grounds of our Cottapeta town house. I trust that the executors will accept the suggestion as a kind and munificent gift of my son, the said Jagga Row, Esq., for the said college, because no better place than that can be got anywhere else in the town of Vizagapatam, and if to be secured by purchase, a place of its accommodation will cost considerable money, and that they will build the said college house there.

As my son inherits the large estates and the property left by Mrs. A. V. Nursinga Row, I recommend the daughters to my son's special notice.

I do hereby utterly disallow and revoke all and every other testaments, will, legacies and bequests made before this will.

In witness whereof I have hereunto set my hand the day and year above written.

(Signed) A. V. NURSINGA ROW.

Signed and declared by the said Sri Ankitham Venkata Nursinga Row Garu as his last will and testament in the presence of us the subscribers.

(Signed) A. V. JAGGA ROW.
(") B. PAUPIAH.

Signed by Sri Ankitham Venkata Narasimha Rao as his last will in my presence.

(Signed) V. VENKATARAMAYYA.

Reference, dated 26th July 1892, No. 1249.

From the Government Solicitor, dated 10th August 1892, No. 326.

ORDER—dated 12th September 1892, No. 643, Public.

The Government is pleased to accept the Trust of one lakh of rupees devised by the late Mr. A. V. Nursinga Row to establish a college in the town of Vizagapatam, to be known as the "Mrs. Ankitham Venkata Nursinga Row College." The Director of Public Instruction, for the time being, will manage the Trust on behalf of Government. That officer will prepare and submit at an early date a scheme for the foundation, maintenance, &c., of the college, and the Government Solicitor will draft a deed vesting the funds in Government in trust for the purposes to be set forth in the scheme which will be annexed to the deed when both shall have been approved by all the parties concerned.

2. The Collector of Vizagapatam is permitted to accept the appointment of Executor. He should see that the intentions of the testator are carried out; that the Rs. 15,000 referred to in the will are spent on the college building; and that the lakh of rupees devised in the same is properly secured as an endowment for the college.

(True Extract.)

Chief Secretary.

To the Collector of Vizagapatam,
" Director of Public Instruction
" (through the Educational Department),
" Government Solicitor,
" Accountant-General.

} with a copy of the Advocate-General's opinion.

Exd. A. Raitt.

Gobt. of {1892} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 12th September 1892, No. 643.

SEPTEMBER.

Mr. A. V. Nursinga Row's Bequest.

Accepting, with certain instructions, the Trust of one lakh of rupees to establish a college in the town of Vizagapatam to be known as the "Mrs. Ankitham Venkata Nursinga Row College."

12/9/92
Written out
of case

In the Matter of the Will of Mr. A. V. Narasinga Row deceased.

OPINION.

The Collector for the time being is one of the Executors. The words "Collector of the District of Vizagapatam," which follow Mr. Willock's name, were not meant by the testator to be descriptive. The words which follow and the object of the appointment show that the testator intended to appoint the Collector for the time being.

2. The Collector is bound, if he accept the office of Executor, to see that the intentions of the testator are carried out; that the Rs. 15,000 are spent on the College building; and that the lakh of rupees are properly secured as an endowment for the College.

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6. Section 54 of Act X. of 1865 has not been extended to Hindus. Mr. A. V. Jugga Row's rights under the Will are unaffected by his attesting it.

7. The phrase "to establish a College" has no special legal or technical meaning.

8. If Government accept the trust, and instruct the Collector to accept the appointment of Executor, a scheme should be drawn up for the foundation of the school, its management, maintenance, &c., and such scheme, when approved of by all the Executors, should be embodied in or annexed to a deed vesting the funds in Government in trust for the purposes set forth in such deed.

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6th August 1892.

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Advocate-General.

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3. Only the Collector of the District for the time being can act as an Executor. In the event of Mr. Willock's death, his successor in office can act in his stead; but, if Mr. Willock refuse to act, no Collector of any other district can do so. In such a case the two remaining Executors, if they undertake the duties of executorship, must see that the intentions of the testator are properly carried out.

4. I see no legal objection to the Collector accepting the appointment of Executor.

5. I think the testator intended to vest the money in Government in trust for the College. If Government accept the trust, they cannot appoint trustees and vest the funds in them; but they can appoint an agent to manage on their own behalf.

6. Section 54 of Act X. of 1865 has not been extended to Hindus. Mr. A. V. Jugga Row's rights under the Will are unaffected by his attesting it.

7. The phrase "to establish a College" has no special legal or technical meaning.

8. If Government accept the trust, and instruct the Collector to accept the appointment of Executor, a scheme should be drawn up for the foundation of the school, its management, maintenance, &c., and such scheme, when approved of by all the Executors, should be embodied in or annexed to a deed vesting the funds in Government in trust for the purposes set forth in such deed.

MADRAS,
6th August 1892.

(Signed) J. H. SPRING-BRANSON,
Advocate-General.

In the Matter of the Will of Mr. A. V. Narasinga Row deceased.

OPINION.

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MADRAS,
6th August 1892.

(Signed) J. H. SPRING-BRANSON,
Advocate-General.

In regard to the first class of cases, Her Majesty's Government have no intention of interfering with the course which has been hitherto followed. In the disposal of property which has come into the possession of Government under an award, or under orders of confiscation, you will, as heretofore, act at your own discretion, your Proceedings being subject to the general control vested in the Home Government over the acts of the authorities in India. The grants in such cases will continue to be made under the authority of the Governor General in Council, or of the Local Government as the case may be.

6. The second class of cases, in which a surrender is made of a portion of the Revenue of India, ought to be subjected to the same check as is applicable to the grant of pensions or other charges on the Revenue of India. There should be no relinquishment of any portion of the Government Revenue, without previous communication with the Home Government, nor should grants which involve any loss of Revenue, whether for a limited term or in perpetuity, be made, except with the consent and approval of the Secretary of State in Council, to whose control the expenditure of the Revenues of India, both in India and elsewhere, has expressly been made subject to enactments of the Imperial Legislature.

7. I have, therefore, to request that you will not initiate any grants involving loss of Revenue, or hold out expectations of such grants being made, without obtaining the previous sanction of Her Majesty's Government.

(A true Extract)

/sd/ A.A. MONTGOMERY,

Under Secretary to the Govt. of India

No. 186. Order thereon, 12th September 1862, No. 1945.

Ordered to be communicated to the several Departments of the Secretariat and to the Board of Revenue.

(sd) P.P. HUTCHINS,

Ac. Dy. Secy. to Govt.

Proceedings of the Madras Government, Revenue Department
12th September 1862.

No. 185. Read the following letter from A.M. MONTERATH, Esq.,
Under Secretary to the Government of India (Home Department,
Legislative), to J.D. SIM, Esq., Secretary to the Government of
Port Saint George, dated Port William the 22nd August 1862,
No. 4444:-

Sir,

I am directed to transmit to you for the information and
guidance of the Government of Port Saint George the accompanying
Extract paragraphs 4 to 7 from a Despatch from the Secretary of
State, No. 21 dated the 9th ultimo, in regard to the practice
of giving grants of lands in reward for services rendered to
the State.

Extract from a Despatch from the Secretary of State for India,
Legislative No. 21 under date the 9th July 1862.

4. I must, however, observe that the practice of giving
grants of land in reward for services rendered to the State,
has come into very extensive operation since the Mutinies of
1857-58. These grants have, for the most part, ^{Consisted} ~~consisted~~ with
of property in land confiscated by Order of the Government for
the misconduct of its proprietors, and made over to the grantees
upon the same terms in regard to the payment of Revenue to the
Government as those on which they were held by their former
owners, or of lands previously held under temporary or permanent
settlement but granted to their new proprietors with a partial
abatement or entire abandonment of the Government dues. In the
one class of cases there was a mere transfer of the proprietary
right, and the Government Treasury was not affected. In the
other, the transfer of the proprietary right was accompanied by
a relinquishment of a portion of the Revenue heretofore paid to
the Government, which suffered a corresponding loss.

