CONFIDENTIAL.

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 1764
Confidential nº 59
also D.O. to Mr Willcock nº 104 confdl nº 61
Dated 15th May 1899

[Despatch Abstract.]

Recording with remarks letter from the Collr and ~~Dpt~~ Guardian, Vizianagram Zamindari regarding his attitude in the matter of the Suit against Mr Turner.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O	No.	Department.	Date.

Confidential

Waltair
30 March 1899

To
The Hon'ble Mr G S Forbes CS
Revenue Secretary

Sir

Before leaving India I have the honor, in continuation of my letter dy 10th Jany 1899, disposed of in Government Order No 439, Rev, Mis, dy 30 Jany 1899, to report what has occurred since that date in connection with the action against Mr H G Turner on behalf of the Vizianagram Estate

Mr Turner left Madras for Waltair in the latter part of Jany and remained in the Vizagapatam District until the end of Feby During this time he appears to have been busy with matters connected with the mines and the preparation of his defence. I believe that he interviewed most of the witnesses whom I propose to call – a proceeding which I consider improper. Finding that he was going out to Vizianagram to ~~interview~~ see Mr Ry V Ananthu Row Garu Dewan Bahadur – the Manager of the Estate; I in Mr Fillbrooks absence at Benares, directed him to decline an interview. I do not think that Mr Turner has gained much by this procedure but I cannot be certain

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3 Early on July a most important offer was made to the Maharani (then at Benares) regarding the settlement of the case. She very probably declined to do anything without my advice. If I might make the suggestion it would strengthen my hands a good deal if some recognition of the favourable manner in which the Maharajah's overtures were received by her

4 Finding that Mr Turner was making a grievance of not having been allowed to give me an explanation before proceedings were instituted, I took steps to remove any misapprehension on his part on that point, so as to open a door for negotiations if he wished to begin them. The result was a letter suggesting that we should confide our case into the hands of Mr Harold Stuart C.S and Mr Gilman respectively. I replied that there could be no thing to discuss but the terms of a compromise and that if he would express a desire that I should formulate them I would do so on receipt of the statement of claim, but I could allow no discretion to any one but myself in discussing them with his friend Mr Gilman who should

5 Meanwhile the usual legal preliminaries are being pursued with all speed. The Statements of claim were filed, I believe on the 27th July. I enclose a copy. I am sorry to say that I have been unable to do so sooner as only two copies were sent out to me at first and I found it necessary to take a third one. The Vegiranagram Mining Company has filed its reply, which is merely a formal one. Mr A W Turner obtained time for a month within which to file his and has been granted it. Mr H J Turner obtained time until the 21st inst. This we obtained as he left home knowing that the suit was coming on, but the solicitor was not

formal than anything else and time has been granted. Messrs Fothergill and Williams inform me that if I leave India by the mail of the 22nd April I shall be home in time to render any assistance they may want and this I propose to do

6. I regret to have to conclude my report by informing Government that Mr Gilman and I are not as thoroughly in accord on the question of the future conduct of the action as is to be desired. He seems to think that Mr Turner is being somewhat hardly dealt with, but I must say that I am unable to see what grounds he has for this opinion beyond statements made by Mr Turner which conflict with those made by him on the prosecution of the Company. He has given me a letter which is all that I can desire in the way of expressing his approval of Government's action in leaving placed the case in my hands. I thought it necessary to ask for this to provide against the possibility of Mr Turner's counsel stating that the action was being brought contrary to the wishes of the guardian. I believe that Mr Gilman's letter will enable me to meet any suggestion of that sort, but at the same time I think that I would err in leaving India without informing Government that Mr Gilman and I do not take the same view of the manner in which Mr Turner treated the late Maharajah. The fact may influence the conduct of the case considerably

I have the honor to be
your most obedient servant
W A Wilcocks

Confidential 15

From Mr. Willock
d. Waltair 30th March
1889

Hon Secy

For perusal.
As Mr. Gillman's attitude, Mr. Willock will probably speak to the Hon.; & the consideration of the matter may be deferred till then.

J.B.
8/4/89

I have talked the matter over with Mr. Willock & have asked him to see the Hon. Mr. Winterbotham also on the subject. I think a suggestion of Mr. Willock's should be acted on, viz. that as Mr. Gillman does not seem to be quite in accord with Mr. Willock about the suit, the former should be asked to state his views in writing without delay & forward them thro' Mr. Willock to Govt. for Mr. Willock may receive Mr. Gillman's note in time to forward it to Govt. by the 15th. 8-4-89

I agree with the Hon. Mr. Arundel —
Willock has telephoned to enquire Buttery H.E. wishes to see him on the subject —
If reply is in negative I propose to despatch following telegram to Gillman: —

Willock's letter 30th March to Madras Revenue about Manganese suit —
Please forward your views thereon to Govt: through Willock so as to reach Willock 15th inst at latest

H.S. —
8-4-89 —

Dear Majoribanks,

I think Forbes is at a Committee Meeting at the Adyar this afternoon —

Please despatch the following telegram to Gillman, Vizianagram

---

State_deferred —

Despd 11/3/19

billoch's letter 30th March to Madras Revenue about Manganese Suit — Please forward your views thereon to Government through billoch so as to reach billoch 15th instant at latest —

HPS

8-4-19 —

Telegram despd today 8/4/19
Submitted to Secy for placing with Hon'ble Mr

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Private

Waltair
3d Oct 1849

My dear Forbes

I have just posted a letter to you reporting progress in the Vizianagram Turkey Suit - and write to call your attention to the last para. I cannot - you doubt but there is no doubt - but that Jellicoe is more than passively hostile to the cause. I think he should be called on to give his views before I leave India. I can't get - any thing definite - out of him - could like him take a very benevolent view of Turkey dealings with the late Maharajah and will speak to you about the matter

yours truly
W D Wilson

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Walker.

Madras
April 12th 99.

My dear Forbes,

Will you please circulate the enclosed to H.E. and H.de -

I hope to reach Ooty on Saturday afternoon -

Yrs sincerely
H.de. Cuthbertson

The Hon.ble G.S. Forbes

Also the expressions disbarred of the many combinations that arise in this view. I may be wrong but I think that I spoke of myself personally and not of "the guardian".

yours truly
W Walker

20

21

H.W. 12-4-79

Walden
10 Apl 1888

My dear Winterbotham

I have been thinking over what passed between us on Saturday about the control exercised by Government over the management of the Virgamapam Estate and think it well to disclaim any responsibility for the echa thing - practically no control should be exercised. I believe that my letter on the subject (I say I think it was) did amount to something of the sort; but I was then writing about myself and as a member of the Court of Wards and a collector with unusual experience of the management of the estates of Minors and practical knowledge of Virgamapam affairs. I had also the expectation disposal of the many combinations then existing then in view. I may be wrong but I think that I spoke of myself personally and not of "the Government".

yours truly
W A Welsh

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Madras 12
April 12-99

GOVERNMENT OF MADRAS

Orders regarding the
Management of the
Vizianagram Estate
were passed before my
time, and I have never
seen them -
I asked Mr. Willock whether
his proceedings were in
any way superseded when
he was Manager, & he
replied in the negative -
We had some talk
as to whether it was void

that the same freedom
from supervision &
control should continue.

I have today
received from him the
enclosed letter, which
I suppose he intends me
to circulate —
I don't know Mr.
Gillman; but he has
only ten years' service,
and if, as I understand,
he is in uncontrolled
management of the Estate

I venture to suggest
whether it is not desirable
that his proceedings should
be supervised at least
as closely as those of a
Collector under the
Court of Wards —
For aught I know he
may be acting with the
utmost wisdom & discretion
but unless he is very
unlike most of the rest of
us Civilians, complete
freedom from control can
hardly be salutary —

H.S —
12-4-89.

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H.M.

Please see accompanying
do. correspondence

S.H. 19/4/15

Mr Silkman ought
certainly to be under some
control or supervision.
The question is whose?
I should like to see
the papers & note by the
Secy. with indication the
position.

H.M. 20.4.15.

I also should like to see these papers and some Office
Note. Probably some degree of supervision and control
may be advisable, but I think they should be as
slight, as may be consistent with safety. I have
some recollection that the Chairman strongly
objected to the Exhibition being in any way placed under
the Board of Works, and that we only agreed that it
should only be so placed. Pitch, I cannot be aware
of them, without these papers. It is merely
important that we should deal fairly with the
Chairman

Vizianagram
14 April 1899

Confidential.

To the Hon'ble Mr G. S. Forbes.
Secretary to Government, Revenue Dept.

Thro' Mr W. A. Willock.

Sir.

I have the honour to acknowledge receipt of your telegram of the 8th inst, requiring my views on Mr Willock's letter to Government, dated 30th March, regarding the manganese suit. I regret that I did not keep a copy of that letter, anticipating that it would be forwarded to me by Government for my remarks. To the best of my recollection, however, Mr Willock concluded by saying that I was not in accord with him as to the conduct of the suit, & that he thought that the difference of opinion ought to be brought to the notice of Government.

2. The suit has only just begun.

The writ has been issued and the statement of claim put in. Mr Turner's defence has not yet been filed and no explanation or accounts have up to date been obtained from him: consequently we are in possession of only half the evidence with which the Court will ~~eacn~~ finally have to deal. Under the circumstances I do not see that anything is to be gained by repeating the criticisms of the statement of claim that I have expressed in conversation to Mr Willock as, in the very incomplete nature of our evidence, I could not support my opinions with proof & Government could take no action thereon. I believe the claim is overstated (I am told by Mr Willock that it is customary in England to overstate in such documents) and to be inaccurate in several particulars: but the proper time

for Mr Willock to make any modifications will be after receipt of Mr Turner's defence & of the answers to the interrogatories that may be addressed to him, & then on the advice of Counsel.

3. I quite agree, therefore, with the opinion expressed by Mr Willock in a letter to me dated the 22nd March, that matters should take their present course until Mr Turner's defence is in.

4. Mr Willock goes on to say in the letter "I think that my one should be to take no responsibility in urging Counsel to proceed to extremities, but that I might do so in the direction of an amicable settlement." I think that this is a proper spirit in which to view the suit and I feel sure that Mr Willock will not involve the State in needless & probably unsavoury litigation

This is pretty strong. I am not aware that there is anything unsavoury on the Plaintiff's side? J.S.

Possibly Mr Coleman speaks quia Chairman & is thinking that evidence of improper

In my letter of the 28th March to which Mr Willock refers in his letter of the 30th, I have expressed myself as content that the conduct of the suit should be left in his hands.

5th. In conclusion I beg to state that I have never lost sight of the fact that the suit has been entrusted by Government to Mr Willock & I have always done my best to assist him. He has kept me posted in the progress of the suit, & will, I expect, continue to do so.

I have the honour to be
Sir,
Your most obedient Servant
A W Freeman
Collector & Guardian
Vizianagram Zamindari

Forwarded. Mr Gillman has not complied with the instructions which I believe he received from Government. He acknowledges that he has formed opinions regarding the case but excuses himself from stating what they are on the ground that the very incomplete nature of our evidence renders it impossible for him to "subtract them with proof." Our evidence is in the opinion of counsel very complete unless something unexpected turns up in Mr Turners defence and I am much surprised at Mr Gillmans readiness in speaking of it as the reverse. If his knowledge of the case is so incomplete he would have been well advised in forming no opinions one way or the other, or at least in keeping them to himself, but his opinions really are based on explanations which he received directly or indirectly from Mr Turner and not on absence of evidence on our side.

Mr Gillman suggests that no explanation was obtained from Mr Turner as a defect, apparently in the cases taken. The facts will be found in my letter dy 16 Jany 1889 para 2. and Mr Gillman is fully aware of them. He also knows that Mr Turner sent Mr Macfadyen a long explanation in March 1888 which the latter read to me and which dealt with all the important points at issue and that I have also received explanations from him through Mr C F MacCarter. The course which Mr Turners Solicitor took last August in referring me to a civil suit rendered consideration of explanations or accounts afterwards impossible. It is not likely however that the examination of Mr Turners accounts

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would materially alter the views of counsel as the prospectus which he issued when getting at the Money Company gives details about the points on which the accounts would throw most light. could not in one instance. Mr Gillman might have referred to the prospectus before forming his opinions with advantage as others were available at Vizianagram

Mr Gillman appears to take exception to the Statement of claim as being overstated. I can only say that it was drawn up by Mr F Carroll, one of the most rising conveyancing barristers, in consultation with Mr Latham QC, that every point which I was instructed to prove fully was discussed personally with them and recorded in writing and that Mr Gillman is fully cognizant of this. I must also take exception to Mr Gillman suggestion that his hostile criticism dealt with the Statement of claim. It first formed expression upon the Statement of claim marked India and has not been materially added to or altered since

As Mr Gillman declines to express his views I can only conclude that he finds that they will not bear examination. It is however very much to be regretted that he did not give them such as they are and state more so that he has allowed an impression to grow up that he does not regard the suit with any friendly interest. The fact does not at all simplify my position or strengthen my hands in dealing with a delicate and intricate piece of business of unusual pecuniary importance

W H Wallock

Wallan. 16 Feb 1899

D 1,000—8-4-97.

35 REVENUE DEPARTMENT.

No.

From Mr Gillman, Collr of Vizianagram
D. 14th Feb. 1899. with an enclosure
Note from Mr Wallock Dated Wallan 16th Feb 1899.

H H & Cert

slip I

FOR ORDERS.

Mr Gillman forwards his views on Mr Wallock's letter W/pt. of the 30th March regarding the legal proceedings between the Zamindari & H.G. Turner.

I think that Mr Gillman's attitude cannot be regarded as altogether satisfactory. In the first place his knowledge of the case & the accts is incomplete. In what particulars it is especially so, Mr Wallock indicates in his forwarding endt.
In the second place the conduct of the litigation has been entrusted by Govt to Mr Wallock; & certain action has been consequently taken, & it was Mr Gillman's duty to presume that Govt approved the line of

I don't understand Mr G. to admit that his knowledge is incomplete - He says the case is incomplete H.S.

He knows it because he has not been allowed to see it

action pursued, & found good sufficient grounds for so doing. It was therefore improper for Mr. Gillman to assume an attitude of more or less apparent dissatisfaction. If he kept this within his own breast, well & good, but I gather that his attitude was made to some extent obvious: & if he went so far as to indicate it, directly or indirectly to Mr Turner his conduct was highly improper. It is not stated that he went so far as this; but he had long conversations with Mr Turner & it may have been difficult for a man of his youth & inexperience to conceal entirely the conclusions which Mr Turner, who does not lack astuteness, influenced him in forming. It is not unfair to conjecture that his attitude is due to Mr. Turner's influence, direct or indirect.

In the third place Mr Gillman ought not to have had any reference with Mr Turner except with the previous approval of Govt & under its instructions.

I do not find Chapter & Verse for this? HS.

Mr. Silloch told me that this was the case within his knowledge. We know how Mr Turner endeavoured to bring his personal influence to bear in Madras.

AR.

I agree, but I can't find any statement that such a conference took place - Where is it? HS.

Only Mr Silloch's statements I fancy. AR

Mr. Gillman has now been put on his guard, and it is unlikely that he will intentionally do anything to thwart Mr. Silloch -

Perhaps it will suffice to tell him that Govt notes para 5 of his letter with approval, and relies on him to act up to it

HS. 8-5-99.

I agree -
AR
9.5.99

Yes.
A.H.
10.5.99

Ship A

With regard to the control to be exercised over Mr Gillman, the intention of the appt of a Guardian under the Guardians Act was that Estate work directly under the Supervision of Govt. In G.O. 876/15.10.97 the Govt decided that (para 4)

"the most satisfactory
"course will be to take action
"under the Guardians and
"Wards Act VIII of 1890 as such
"a course will enable the
"Govt itself to control the
"Special Officer who may be
"appointed under Sec 4 (6) for
"the management of the estate"

This course was adopted as the Dowager Maharani was very averse from the placing of the estate under the superintendence of the

Court of Wards. In the same G.O. it was further laid down as condition viii para 5:- that the Maharani may appeal the Guardian to forward her representations in any matter in wh- she disagrees with him for the orders of Govt.

When the arrangement was made it was no doubt in view that Mr. Wilkes was to occupy the position of Guardian; & it cd be before the mind of the Govt that he might be entrusted with a latitude of action without reference to Govt, which it wd not with the same confidence allow to a junior & less experienced officer.

Without any disparagement of Mr Gillman it is plain that Govt cannot give him the same confidence that it could Mr. Wilkes enjoyed. At the same time the arrangement with the Maharani precludes it difficult to impose his subordination directly to the Board of Revenue

H.E. is averse to delegating control to the C. of W-, and I think that Mr. Gillman should be instructed that, for the purposes of the control to be exercised by Govt under Sec 23 of Act VIII of 1890, he should act as if Govt were the C. of Wards and he the Agent of an estate under management -

It is perhaps not easy to define precisely what an agent's powers are, but in practice difficulty seldom arises -

I have always found the C. of Wards give me almost a free hand -

To the Rev -

Sec. the increase of work will be serious, but I don't see how it can be avoided with propriety -

Mds -
8-5-89-

I agree that the direct control over Mr. Gillman should continue to be exercised by Govt -

P.T.O.

Such subordination wd be legal under sec. 23 of the Guardians Act, wh. empowers the Local Govt to delegate their control over the Guardian to "such authority as that Govt by notification in the Official Gazette appoints in this behalf."

If Govt is to continue the direct control, Mr Gillman may be required to report his proceedings more fully & frequently to Govt. At present all he does is to submit an annual report with his budget. Perhaps it wd be enough if he is required to take no important action without reference to Govt. A monthly diary wd be onerous & contain a multitude of transactions that need not come before Govt, but it is the only other substitute I can think of, if a general caution is not deemed enough

S.V.T. 6/5/89

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When the arrangement was made it was no doubt in view that Mr. Wilson was to occupy the position of Guardian; & it must be before the mind of the Govt that he might be entrusted with a latitude of action without reference to Govt, which it wd not with the same confidence allow to a junior & less experienced officer.

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S.M.P. 6/5/89

and think he should be told to take no important steps without reference to Govt. and that he should communicate fully & freely with Govt either officially or by d.o. to the Rev. Secy. as occasion may require.

AA 9.5.99.

I send the Hon. M. Arundel's enclosure.

A.S.H
10.5.00

To under Secy

Two draft G.O. and a D.O. to Mr Willock are submitted for approval.

Brm 12.V.99

Secy 12-V-99

Time as revised

BB 13/5/9

Confidential

Deps

Read letter from H.F.W. Gillman Esq: I.C.S Coll.r and Guardian Vizianagram Zamindari dy 14. IV. 99 and Endt thereon by W.A. Willock Esq: I.C.S (retd)

(C no 1764 / Confdl no 59 dy 15. V. 99

Order Misc

Recorded

H.E the Govr. has perused. 2. ~~The Govt order with~~ para 5 of Mr Gillman's letter dy 14th February last ~~Statements~~ ~~expressed~~ and relies upon his ~~made by Mr Gillman in~~ maintaining this attitude in the para 5 of his letter ~~as to~~ future ~~Govt that they~~ ~~clause and relies on him~~ ~~will continue to guide his acts~~ ~~to act up to them for the~~ ~~conduct in the future~~ ~~future also~~.

HWL 12.V.99

BB 13/5/9

To H.F.W. Gillman Esq: I.C.S Coll.r and Guardian Vizianagram Zamindari

Copy to W.A. Willock Esq: I.C.S (retired)

Desptd 15/5/99

Brm 12.V.99

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Confidential

D.O. no 104
4/15 " 39
confer no 61

43

My dear Willock

I enclose for your information copies of two G.O.s issued this day on the subject of the future management of the Nizamanagram estate and the conduct of the Suit with Turner and am to state that these orders will, it is believed, sufficiently meet the case. ~~purposes which you and the Board had~~ in view.

Jaspe 15/5/99

Willm 12.V.99

Willm 12.V.99

SH 13/5/99

When given for copying ——
When copied ——
When examined ——
When signed ——
} 189 .

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ER OF GOVERNMENT	A	A	A	A	A	A	A	
ER OF GOVERNMENT.								
RRENT WITH DITTO.								
S NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.