

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2903

Confidential 1042

Dated 11th July 1898

[Despatch Abstract.]

Referring to the Advocate General for opinion
the question of the advisability of the Govt.
guaranteeing interest on certain capital raised
to improve the Vizagapatam harbour on behalf
of the Vizianagram State

BACK PAPERS.

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

FURTHER PAPERS.

CSO	No.	Department.	Date.	G.O.	No.	Department.	Date.
5170/98 G.O.	3160 C no 1047	Rev	28-7-98				

Rev: (1898) Dept

From

W. A. Wilcock Esq.

Collector & Guardian

Vizianagarum

Zemindary.

Current Number 4392

To/

Confidential No 42

The Chief Secretary

Government of

Madras.

Letter No 16 dated 15th June 1898.

Recd 21st June 1898

Registered 28

Encl 2

Subject.

Asking that the Advocate
General's opinion may be
obtained on a certain
point connected with the
Vizianagarum Estate.

15 Jan 1896

Enclosures 2

Confidential

FROM,

W. A. WILLOCK Esqr.

Collector & Guardian

Vizianagram Samastanam.

TO

G S Forbes Esq.

Revenue Secretary

Madras Government

SIR,

With reference to the question of the
guarantee of the interest on the capital
cost of the Vizianagaram Harbour, as promised
by the late Maharajah of Vizianagaram,
I have the honor to ask that the opinion
of the Advocate-General may be obtained
on the following point

I have not taken out letters of
Administration to the late Maharajah's
will. The stock duty would probably be
between two and three lakhs of rupees and,
according to the acting Advocate-General's
opinion communicated with G.O. No. 1404 of
dated 21 March 1894, it is not absolutely
necessary that I should do so. Under Sec 112
of the Probate and Administration Act however
the assent of the Executor or Administrator
of a will is necessary to complete a legal
title to a legacy. Consequently if I do not
take out letters of Administration the minor
title to the Zemindary remains defective during
his minority as he is the sole executor. The
defect appears to be of no practical importance
as far as every thing except the Harbour guarantee
but from a opinion which I have just received
from Mr Bhaskaran Iyengar it seems questionable

* Enclosed

whether a guarantee of interest on its cost
would not be of doubtful validity. I
have the honor to ask that the opinion of
the Advocate General may be obtained on
this point, as if the proposed arrangements
about the Harbour is to be carried out the
most economical course would be for
Government to guarantee the interest and
the estate to underwrite the guarantee. The
question for the Advocate General to consider
would therefore be whether Government
would be safe in exhibiting any guarantee
without letters of administration having
been taken out.

The first portion of Mr Bhaskaran
Sengun's opinion deals with the question
of whether any person can be restricted by the
provisions against alienation or mortgaging
the property in the will.

I have the honor to be
your most obedient servant
W A W Mook
Collector and Guardian
Vizianagaram Zamindari

0
18 4,000-12-7-97.

urgent
Revenue (1898) Department.

CURRENT No. 113

From W. A. W. Mook Esq: JCS
Collector and Guardian
Vizianagaram Zamindari

Order

No.

Dated 28th June
Received 4th July
Registered 4th July } 1898

Enclosures

Spare copies.

SUBJECT.

Requesting that a copy
of the Advocate General's
opinion re: the Vizianagaram
harbour referred to in his letter
no 16 of 15.6.98 may be sent
to him at an early date.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



FORT VIJEANAGRAM.

22. 6. 02

My dear Forbes

I shall be greatly

obliged if you will ask the Advocate-
General to send a copy of his opinion
on the point raised in my letter
No. 16 of 15 June. to the secret
and to expedite it. I think that
if I can get the question of the
Harbour guaranteed I shall be
in a position to ask for my furlough
from the 30th July and I am anxious
to get home before the summer
give-over if possible.

I expect to hear the paper about
arbitration with India by the next
mail and if I can dispose of them
the harbour and passenger railway
will be all that my services are
specially required for.

Yours truly
W. A. Woodcock



Revenue Secretariat,

1st July 1898.

My dear sir,

Mrs. Willock proposes to obtain an opinion from the Advocate-General in connection with the guarantee given by the late Maharaja^{na} of Visianagaram for the proposed Visagapatnam harbour. We sent a requisition for any papers which you may have on the subject; but have got no reply yet.

As Mrs. Willock is pressing for an early reply,

Will you kindly let me have the papers, or, if they are not available, ^{give me} some information as to the proposals ^{made} by the Maharaja?

Yours sincerely

V. K. Ramamurti

P. T. O.

Read letter from the collector
of Vixianagaram 2216 dt
15-6-98 (C.O. 4392 of 98)
and D.O. from the same
officer dt 28th idem (D.O.
C.O. 113 of 98).

To Secretary.

In connection
with a scheme for the
improvement of the
Vixagapattam harbour
with money to be raised
in the London mar-
ket, the late Mahaseph
of Vixianagaram ap-
pears to have promised
a guarantee in respect
of the interest on the
loan in consideration
of certain concessions
to be obtained from
Govt. There are no
papers in this office
on the subject, and
a requisition sent
to the Marine Dept
has met with no response
the papers being, it is
understood, in circulation.

As Mr Willock has sent in a reminder, the information given above was obtained from the chief assistant P.W.D. (vide D.O. reply below).

2. The minor Zamindar being unable for the present to take any action himself, the question is whether Mr Willock, as his guardian, may alienate temporarily any interest in the Zamindari as a security for the performance of the late Zamindar's undertaking by the minor. The latter being the sole executor of the late Mahasaph's will, his assent is necessary to his own agency (i.e. to the Zamindar) to complete his testate. He

Sec 115 of India
act V of 1881.

cannot express his assent himself and Mr Willock may not supply the defect under Section 95 of the act until he takes out probate of the will with letters of administration ^{with the will annexed}. This will, however, cost between two and three lakhs of rupees and Mr Willock being unwilling to incur this expenditure, suggests that the guarantee should be given by Govt. the estate underwriting it. The question on which he desires to have the Advocate General's opinion is whether Govt may accept Mr Willock's guarantee without letters of administration.

3. A draft order is put up below for approval

Hm

I have not seen the
H. about the Harbour
and do not know how the
matter stands. But the
Adm. General's opinion may
be obtained as requested
Please see draft below.

9/7/98

2nd draft

8/9/98

(1) Hm

(2) Hm Sir T. H. Hm

I have no objection
to ask the Adm. Gen's opinion,
but it is quite another
matter to say Govt. should
pledge its self - whereas
the opinion is favorable.

At 7.7.98

At 7.7.98

BS
9/7/98

Read in the
M. C. on 11-7-98

2nd "Loan" "Capital of the Company"
formed to carry out the project
BS

Read letter from the
Coll. of Virianagar
10.16.15-6-98 (C.O. 4392).

G.P. Mis. No. 2908 of 11. VII. 98

Communicated
to the Hon'ble the Advocate
General for favour of
a very early opinion.

2. In connection with
a scheme for the im-
provement of the
Viragapattam harbour
with money raised in
the London Market,
the late Maharajah
of Virianagar
appears to have pro-
mised to guarantee
the interest on the
~~loan~~ ^{but} fund to have
died before the neces-
sary documents
were executed. He
has left the whole
Laminidasi to a minor
by a will, (a copy of
which forms a
enclosure to the
letter), and a

him the sole executor.
~~officer appointed to be~~
The collector of Oranagar under I.3(6) of the Guardian Revenue
Act 1890,
who has been appointed
under Chapter II of the same Act
his guardian by the
District Court, does not propose
to take out probate of
the will with letters
of administration ^{with} the will annexed, and
as he cannot therefore
give a complete title
to any interest which
he may have to alienate
in giving the guarantee,
he suggests that the interest
should be guaranteed
by Govt and that he
on behalf of the estate
should underwrite the
guarantee. The point
on which an opinion
is required is whether
the Govt may accept
the collector's guarantee
on behalf of the estate.

3. It is requested that
a copy of the opinion
may be forwarded to
collector direct.

S/S

Under the Guardian Revenue
Act 1890

To the Govt Solicitor
with two enclosures in 2 desps
original to be returned 11/7/98

When given for copying _____
When copied _____
When examined _____
When signed _____

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

S.B.—

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