

Financial (1895) Department.

ORDINARY MS.

G.O., No. 100

DATED 1st Feby 1895.

INDEXED. 7/8

[Despatch Abstract.]

EXCHANGE COMPENSATION ALLOWANCE.-

Requesting the Advocate-General to give his opinion as to the domicile of Mr. Tillard, Assistant Inspector in the Krishnapatam Circle.

CB.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	387		1895				

CURRENT NO. 65



Proceedings of the Board of Revenue

(Separate Revenue.)

Dated 9th January 1895.

No. 33. Mis.

Read again Proceedings of the Board of Revenue, (Separate Revenue) dated 8th December 1894, No 3353, Routine, requesting Colonel Tillard to be so good as to furnish the Board with information on certain points relative to his son's claim to Exchange Compensation allowance.

Read also the following letter from Major General J. A. Tillard, C.B. Royal Artillery dated Cochin, 14th December 1894,

With reference to Resolution of the Board of Revenue, (Separate Revenue) dated 8th December 1894, No 3353, Routine, I have the honor to reply as follows to the three points on which

which the Board desires information from me:—

(1) I returned to England from India on medical certificate in 1862, and did not serve again in India till 1870.

(2) I was transferred from the Indian army by a Commission under Her Majesty's sign manual appointing me to be a Lieutenant in the Royal Regiment of Artillery (from Bengal Artillery) from 27th August 1858.

(3) The nature of the Commission held by me in the Company of Gentlemen Cadets in 1866 was that as stated in the Resolution under reference. I was a Lieutenant of that Company; I was commissioned to it by the Queen.

II. Perhaps I may be permitted to bring to the notice of the Board that all Officers of the Indian Armies received Royal Commissions in, I think, 1862 in substitution for those which they held from the Government of

of India and from the Commanders-in-Chief. These Commissions did not appoint the Officers holding them to any particular Corps or arm of the service, but conferred on them rank and Command in Her Majesty's Army in any part of the world (See Military Despatches Nos 29 and 31, dated India Office 18th January 1861).

III. If an Officer acquired domicile in India by the grant of a Commission, signed by the Commander-in-Chief in India, appointing him to hold a rank in the Queen's Army in the East Indies, he must have acquired another domicile which was not Indian by the grant of a Commission, signed by the Queen, conferring upon him rank and Command in Her Majesty's Army in any part of the world. And thus it is that I and very many other Officers who were formerly in the East India Company's Service

Service do now receive Exchange Compensation allowance, and that those of our sons who are Officers of Government are entitled to that allowance.

iv. It may tend to elucidate this matter if I forward herewith for the consideration of the Board the first three Commissions which I received. The return of them is requested.

Resolution.

In December 1893, Assistant Inspector Mr. Tillard, son of Major-General Tillard, Royal Artillery claimed Exchange Compensation allowance on the ground that he was born and educated in England, that at the time of his birth his father was not domiciled in India, and that he has no intention of settling permanently in India. His claim was admitted by the Board. Subsequently, however,

however, on receipt of Government Order dated 5th June 1894, No 433, Financial Department, his claim was disallowed on the ground that at the time of his birth his father had acquired an Indian domicile by reason of his service under the Honorable East India Company. He submits his case for reconsideration on the following

Grounds:—

- (i) His father, who entered the service of the Honorable East India Company as a subaltern in the Bengal Artillery in January 1858, was permitted to volunteer for general service after the Government of India had been transferred to the Crown (1st November 1858.)
- (ii) His father received a Commission in the Royal Regiment of Artillery and as an Officer in that Regiment served for many years in several

is acquired
Indian domicile
Wanching v.
Wanching

this not with
about domicile

this not do

Several appointments in England -

(iii) He was born at Woolwich in 1866, while his father was serving under a Commission as Lieutenant of a Company of Gentlemen cadets at the Royal Military Academy there, and his domicile of origin is therefore England -

(iv) His father is now drawing exchange compensation allowance.

2. Major General Tillard was requested by the Board to furnish information on certain points. In the letter read above, he states (i) that he returned to England from India on medical certificate in 1862, and did not serve again in India till 1870; (ii) that he was transferred from the Indian Army by a Commission under Her Majesty's

Majesty's sign - manual appointing him to be a Lieutenant in the Royal Regiment of Artillery with retrospective effect (from the 27th August 1858); and

(iii) that he received another Commission from Her Majesty the Queen on the 29th February 1864 appointing him as a Lieutenant of a Company of Gentlemen Cadets attached to the Royal Military Academy at Woolwich

3. The question for decision is what was Major General Tillard's domicile in 1866 (the year of his son's birth) - He states that, by virtue of his Commission dated 1st April 1862 appointing him a Lieutenant in the Royal Regiment of Artillery, he should be considered to have re-acquired an English

English domicile - This, however, would not appear to be the case - He himself admits that in the year 1862 all officers of the Indian Armies received royal Commissions in place of those granted by the Commander-in-Chief of the Company's forces in India. In the ruling of the Calcutta High Court at pages 106-115, Volume IV of the Indian Law Reports, it is laid down that the transference of the Government of India from the Honorable East India Company to the Crown did not effect any change in the domicile of the Officers who had entered the Company's service - The Board, however, considers that the Commission received by Major-General Tillard in 1864 may have effected a change of domicile -

He

He remained in England till 1870. If his domicile in 1866 (the year in which his son was born) was English, his son's domicile of origin (following that of his father) is also English under section 7 of Act X of 1865 (The Indian Succession Act.) The case is submitted for the orders of Government.

4. The 3 Commissions received with the letter read above, are herewith submitted for reference and return.

(True Copy and Extracts)

Commissioner
Assistant Secretary

To the Chief Secretary to Government
Financial Department.

(with 3 Enclosures to be returned.)

E. H.
11/1/95
W. H.

1895.

Board of Revenue.

(Separate Revenue)

Madras

To

The Chief Secretary
to Government.

Financial Department.

Dated 9th January 1895

Recd 11.1.95

No. 33. Misc.

encs 3



Submitting to Government,
for orders, the claim to
Exchange Compensation &
allowance of Mr. Tillard,
Assistant Inspector in the
Tiruchinapatnam Circle.

R O
for papers
11/1

S.O. 1028: 26. 11. 94 Fint

S.O. 433: 5. 6. 94 Fint

S.O. 27/28: 12.1.94 Fint

[G.
25.]

00-26-11-94.

Fint

DEPARTMENT

C. No. 65

FOR ORDERS.

MS
23/1/95

S 12511

Genl. Tillard was much
amused at the terms of this
S.O. & I am bound to say that
it seems to me rather abrupt

MS

Submitted that the Advocate
General may be requested to favour
Govt. with his opinion as to the
domicile of Mr. Tillard

Genl. Tillard's previous appli-
cation on behalf of his son was
disposed of in S.O. of 26.11.94, No
1028.

CS.
18/1

MS
19/1

ORDER 10th Jan 1895 No 100

The Advocate General will
be requested to favour Govt. with
his opinion as to the domicile of
Mr. Tillard

/From Orders/

CS.
29.1.95

MS
31/1/95

For. Solicitor

(with Ct in original &

C. No. 2944 in S.O. 1028 of
26.11.94

DESPATCHED

5 FEB 1895

W.S.

Exchange Copy

FOR ORDERS.

Int. Tickers

4/11/19

From 11/1/19

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

189 .

READ AGAIN G.O., No.
189 ,

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTQ.

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

N.B. -

A = Copy in full.
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