[F/24]
1,000—25-7-9

Financial (1895) Department.

ORDINARY MS.

G.O., No. 21.

DATED 10th Jany 1895

13/14

[Despatch Abstract.]

EXCHANGE COMPENSATION ALLOWANCE.-

Considering Surgeon- Major J.L. VanGeyzel to have satisfactorily proved that his domicile is not in Ceylon, granting him---and cancelling paragraph 2 of G.O., dated 30th October 1894, No. 913..

BACK PAPERS.

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

FURTHER PAPERS.

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

SECRETARIAT OF SURGEON-GENERAL
11 DEC. 94
WITH GOVT. OF MADRAS.

To

His Excellency the Governor of Madras
in Council.

The humble memorial of
John Laurence Van Geyzel,
a Surgeon Major in the
Indian Medical Service,
serving in Madras,

Humbly Sheweth

That your memorialist has hitherto been granted (under Rule 41. A. Civil Account Code) the Exchange Compensation allowance; & that in July last he was asked to fill up, and submitted, duly filled up, a form of statement of the grounds of his claim to the allowance.

2. Your Excellency's Government in para 3 of its Order No. 648 dated 27th August 1894 ruled that a "reference "will be made to the Government

"of India as to whether Ceylon
"is to be considered to be out of
"India for the purposes of the
"Exchange Compensation Rules".
A reference having been made,
the Government of India, in
their letter, Finance and
Commerce Department No. 5173
dated 13th October 1894 directed
that "A European or Eurasian
"officer of Government whose
"domicile is in Ceylon is not
"entitled to the allowance". Your
Excellency's Government then
in para 2 of its Order No. 913
dated 30th October 1894, directed
that "Under the above ruling
"of the Government of India
"Surgeon Major J. Le. Van Geyzel
"is not entitled to the Exchange
"Compensation allowance".

3. In consequence
of this, your memorialist has
been deprived of the allowance,
and he has been caused
grave

grave anxiety as to ways and means for maintaining and educating his children in England.

4 That your memorialist now regrets that he did not at first state his case more fully; but he felt no doubt whatever that his claim to the Exchange Compensation allowance would be admitted, since to establish a claim it was only necessary to show "non-domicile in India", and this he thought he had done conclusively. Even had he known that his domicile would be held to be in Ceylon, it was impossible for him to preconceive that Ceylon would be ruled to be in India; and so your memorialist did not do more than indicate by answers to the questions set

set him that his domicile was not Indian.

5 That your memorialist begs leave to state that his case is, however, unaffected by the above ruling of the Government of India, inasmuch as his domicile is not in Ceylon, but in England. Admitting that your memorialist's father's domicile may be held to be in Ceylon, your memorialist's domicile of origin would be Ceylon, according to Act X. 1865, unless, as provided therein and in the Exchange Compensation Allowance Rules, he has acquired a new domicile: and this he begs to submit he has clearly done.

6. That your memorialist left Ceylon at an early age for Great Britain, and took up a fixed habitation there. He was educated there, and was

was trained there for his profession which he entered there. The intention to remain there existed then, for had he wished to return to Ceylon he could easily have done so, at the end of his professional training, by accepting a nomination to an appointment in the Ceylon Medical Service. On the contrary he continued to reside and practice his profession in Great Britain and he married there.

7. In this way your memorialist had, during an absence of nearly eight years from Ceylon, acquired a new domicile from which he was not emancipated by accepting service under the Crown in India. All these acts and intentions were sanctioned by his father although the consent of the parent was, he

he believes, not necessary, since
even a minor married is
treated as Sui Juris in respect of
his domicile, and may acquire
a domicile wherever he
chooses to found an
establishment separate from
the parental home. Before
deciding to seek service in
India, and at the time of his
marriage, it was agreed that
visits to England should be
as frequent as circumstances
might permit, that the
children should be brought
up and educated in England,
and that he should finally
resettle there at the earliest
opportunity. Accordingly, his
long leave has all been spent
in England, and he has
further consolidated his
domicile there by taking a
house and furnishing it
and by residing there during

the

the whole of his furlough.

8. Your memorialists youngest child was born in England and his children are now located and being educated there. He has ever since maintained this habitation, at considerable expense by remittances from India, with the object of having a fixed habitation where he may reside whenever he can get leave from India, and to which he may ultimately retire after completing his service. Further, he has now been permanently absent from Ceylon for over 20 years, he has no property or vested interests of any sort in Ceylon, and there is no inducement for him to ever reside or return there again, neither has he any intention whatever of doing so. His wife's

wife's domicile of origin is England, and all her interests and his are there.

9. That your memorialist had occasion some time ago to seek legal advice on the question of his domicile for another purpose and he was then advised that, whatever his domicile of origin might be, he had acquired a new domicile. Not wishing to trouble Government with this fact without assuring himself of its accuracy he has again obtained advice from an independent source and he is still advised that under Part ii Act X. 1865 he has acquired a new domicile in England. Your memorialist mentions this not with the intention of emphasising his claim

but

but because he feels encouraged by it to beg that, in deciding his title to the Exchange Compensation allowance, his domicile for this purpose also may be defined in the same way.

10. That your memorialist has been, and is still obliged to remit to England monthly out of his Indian Salary over £400 per annum for the education of his children and the maintenance of his house and establishment there. The provision which he has made for his family has also to be maintained in Sterling. Unless your memorialist is granted the Exchange Compensation allowance his salary will not at the present rate of exchange permit of his continuing to fulfil these obligations.

11 That by Rule 3 of Appendix

appendix B.B. to the Exchange Compensation allowance Rules, the local Government is empowered to decide whether any officer is or is not domiciled in India for the purposes of these rules. Your memorialist believes that the decision on his claim rests entirely in the hands of the Local Government, and he therefore most earnestly begs that your Excellency in Council will be pleased to reconsider his case in the light of the facts now stated, and restore to him the Exchange Compensation allowance with effect from the date from which it was stopped, and as in duty bound, your memorialist will ever pray.

Madras
7th December 1894

Surgeon-Major. I.M.S.

CHEMICAL EXAMINER'S OFFICE,

No.

Madras, 7th December 1896.

From *Surgeon-Major J. Lo. Vaughton. M.B.C.M. F.C.S.*
CHEMICAL EXAMINER, *F.I.C.*

Madras,

To

THE *Surgeon General*
with the Government of
Madras

SURGEON-GENERAL
8 DEC 91
WITH GOVT. OF MADRAS.

SIR,

I have the honor to request the favour of your forwarding the accompanying memorial to Government, through the usual channel, with your recommendation.

I have the honor to be,
Sir,
Your most obedient Servant,

J. Lo. Vaughton.
Surgeon-Major
Chemical Examiner.

10720 1896

Surg

From

Surgeon-Major J. Le. VanGeyzel.

To

The Surgeon General
with the Government
of Madras

Dated 7th December 1896,
Received

Enclosure - 1.

Subject

Requesting the favor
of his forwarding the
accompanying memorial
to Government through the
usual channel.

No 8139

Please submit this memorial in
duplicate - vide para 249 of Regulations
Vol II part II.

(By Order)
N. Thomson Surgeon Capt
Secy to Govt in Madras

1384
Volume 2
Year 3319
13 Dec 96

No. 640

OFFICE OF SURGEON-GENERAL
11 DEC. 91
WITH GOVT. OF MADRAS.

CHEMICAL EXAMINER'S OFFICE,

No.

Madras, 11th December 1896

From Surgeon-Major J. Le Van Geyzel. M.B. C.M. M.C.S.
CHEMICAL EXAMINER,
Madras,

To

THE Surgeon General
with the Government of Madras.

SIR,

With reference to your No. 8139 dated 10th December 1896, I have the honor to attach hereto a duplicate copy of my memorial.

I have the honor to be,
Sir,
Your most obedient Servant,

J. VanGeyzel
Surgeon-Major
Chemical Examiner

10420 1894

Dec

...

Surgeon-Major J. Le. Vaulgeyzel.

To Surgeon General

with the Government of Madras.

SECRETARIAT
13 DEC 1894
GOVERNMENT OF MADRAS

No. 7 } December 1894

Enclosure 2.

Subject

Submitting duplicate copy of memorial.

4 Fwd 3 3319

No. 670
Encl.

OFFICE OF SURGEON-GENERAL
WITH THE GOVERNMENT OF MADRAS,
Madras, 12th December 1894.

From

SURGEON MAJOR-GENERAL C. SIBTHORPE, F.R.C.P.I.
SURGEON-GENERAL WITH THE
GOVERNMENT OF MADRAS,

To Madras,

THE Honble the Chief Secy: to Government
Financial Department

SIR,

With reference to G.O. no: 913 Finl: dated the 30th October 1894 I have the honor to forward and recommend for the favorable consideration of Government the enclosed memorial in duplicate from Surgeon major J.L. Vaulgeyzel regarding his claim for Exchange compensation allowance.

I have the honour to be,
Sir,
Your most obedient Servant,
C Sibthorpe
Surgeon-General with the Govt in Madras.

10 S.G.—1,000-5-94

10420 1894

3319

fo. 913: 30.10.94.
fo. 648: 649: 27-8-94 Encl
fo. 434: 5-6 94 Encl
E.C-a Ltr -

Financial (1894) Department.

From

Surgeon Major-General C. Sibthorpe, I.Reg
Surgeon-General with the
Government of Madras,
Madras,

No. 670
Enclosure.

Dated 12 Decr 1894
Received 13
Regd 14
Encls 2 1 Encl
No.

Subject.

Forwarding the enclosed memorial from Surgeon Major J.L. van Geyzel &c. his claim for Exchange & non pensation allowance

[G. 25.]
500 00-26-11-94.

Financial Department.

C. No. 3319

FOR ORDERS.

Yes - I think he may be said to have divested himself of his Ceylon domicile & to have acquired one in England.

22/12/94

W
6 Jan

Surgeon Major Van Geyzel's replies to the Sec's questions, on which his claim to Exchange Compensation Allowance was rejected, are marked with a slip ni G.O. 87 27.8.94 No. 648/9.

He was born on the 19th June 1857 joined the service on the 2nd October 1880 & arrived in India on the 6th April 1881 (History of Services page 520). He spent eight years in England before joining Govt. service & so, apparently, went there about the end of 1872 when he was 15 years old. He married in 1881. probably just before he came out to India. After qualifying for his profession he continued to reside in England and practised there.

There can be no doubt that his father's domicile was Ceylon but Surgn.-Major Van. Geyzel seems to have divested himself of his Ceylon domicile of origin and has no interests of any sort

1896

10420

20.10.96

Exchange Compens.

Surg.-Major Van-Geyzel

FOR ORDERS.

Jun

-nore. It cannot be said that he has acquired an Indian domicile

From

C.S. 17.x.11

L.S. 21/12/94

C.S. Mis

Order 10th Jany/95 p. 21

The Govt. considers that Surgeon-Major T. L. Van-Geyzel has satisfactorily proved that his domicile is not in Ceylon He will accordingly be granted Exchange Compens: Allowance & para 2 of G.O. of 30.10.94, No. 913, will be cancelled.

(From Orders)

C.S. 8/1/95

L.S. 9/1.

S.G. (Q) DESPATCHED
A.G. (P) 15 JAN 95
IN M.S.

WITH ORDER

21/12 C.S/1

[F 24]
1,000—25-7-96

When sent for copying ____
When copied ____
When examined ____
When signed ____
} 189.

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

URRENT No.

ENCLOSURES TO C. 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.							

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